

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

SENATE BILL NO. 2198
(Senators Cook, Wardner)
(Representatives Glasheim, Timm)

AN ACT to amend and reenact sections 40-05.1-05 and 40-05.1-07 of the North Dakota Century Code, relating to the filing of copies of a new home rule charter and amendment or repeal of city home rule charters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-05.1-05 of the North Dakota Century Code is amended and reenacted as follows:

40-05.1-05. Ratification by majority vote - Supersession of existing charter and state laws in conflict therewith - Filing of copies of new charter. If a majority of the qualified voters voting on the charter at the election ~~shall~~ vote in favor of the home rule charter ~~it shall be deemed to be, the charter is~~ ratified and ~~shall become~~ is the organic law of ~~such the~~ city, and ~~extend extends~~ to all its local and city matters. ~~Such The~~ The charter and the ordinances made pursuant ~~thereto to the charter~~ in such matters ~~shall~~ supersede within the territorial limits and other jurisdiction of the city any law of the state in conflict ~~therewith with the charter and ordinances~~, and ~~shall must~~ must be liberally construed for such purposes. One copy of the charter ~~se~~ ratified and approved ~~shall must~~ must be filed with the secretary of state, ~~one with the clerk of district court for the county in which the city is located~~, and one with the auditor of the city to remain as a part of its permanent records. Thereupon the courts shall take judicial notice of the new charter.

SECTION 2. AMENDMENT. Section 40-05.1-07 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-05.1-07. Amendment or repeal. The home rule charter adopted by any city may be amended or repealed by proposals submitted to and ratified by the qualified electors of the city in the same general manner provided in section 40-05.1-02 and section 40-05.1-04 for the adoption of ~~such the~~ charter. Amendments may be proposed by the governing body of the city or by petition of the number of electors provided in section 40-05.1-02 and submitted to the voters at the same election. The voters may at their option accept or reject any or all of ~~such the~~ amendments by a majority vote of qualified electors voting on the question at the election. A proposal to repeal a home rule charter that has been adopted ~~shall must~~ must likewise be submitted to the electors of the city as set forth in this section. One copy of a ratified amendment or a repeal of a home rule charter must be filed with the secretary of state and one with the city auditor. Upon proper filing of the amendment or repeal, the courts shall take judicial notice of the amendment or repeal.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2198.

Senate Vote: Yeas 46 Nays 0 Absent 3

House Vote: Yeas 95 Nays 0 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State