

**HOUSE BILL NO. 1307**

Introduced by

Representatives Kasper, Headland, Kempenich, Koppelman, Louser, D. Ruby, Steiner,  
Motschenbacher

Senators Hogue, Myrdal, Paulson

1 A BILL for an Act to amend and reenact sections 11-09.1-04 and 40-05.1-05 of the North Dakota  
2 Century Code, relating to supersession of state laws in home rule counties and cities.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 11-09.1-04 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **11-09.1-04. Ratification by majority vote - ~~Supersession of existing charter and~~**  
7 **~~conflicting~~Ordinances in conflict with state laws void - Filing of copies of new charter.**

8 If a majority of the qualified electors voting on the charter at the election vote in favor of the  
9 home rule charter, it is ratified and becomes the organic law of the county on the first day of  
10 January or July next following the election, and extends to all its county matters. ~~The charter~~  
11 ~~and the ordinances made pursuant to the charter in county matters must be liberally construed~~  
12 ~~to supersede within the territorial limits and jurisdiction of the county any conflicting state law~~  
13 ~~except for any state law as it applies to cities or any power of a city to govern its own affairs,~~  
14 ~~without the consent of the governing body of the city~~Any ordinance enacted or adopted by a  
15 county under a home rule charter in conflict with state law is void. The charter may not authorize  
16 the enactment of ordinances to diminish the authority of a board of supervisors of a township or  
17 to change the structure of township government in any organized civil township, without the  
18 consent of the board of supervisors of the township. ~~NeAn~~ ordinance of a home rule county  
19 ~~shall~~may not supersede sections 49-22-16 and 49-22.1-13. One copy of the charter as ratified  
20 and approved must be filed with the secretary of state; one with the recorder for the county,  
21 unless the board of county commissioners designates a different official; and one with the  
22 auditor of the county to remain as a part of its permanent records. Courts shall take judicial  
23 notice of the charter.

1       **SECTION 2. AMENDMENT.** Section 40-05.1-05 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **40-05.1-05. Ratification by majority vote - ~~Supersession of existing charter~~**  
4 **~~and Ordinances in conflict with state laws in conflict therewith void~~ - Filing of copies of**  
5 **new charter.**

6       If a majority of the qualified voters voting on the charter at the election vote in favor of the  
7 home rule charter, the charter is ratified and is the organic law of the city, and extends to all its  
8 local and city matters. ~~The charter and the ordinances made pursuant to the charter in such~~  
9 ~~matters supersede within the territorial limits and other jurisdiction of the city any law of the~~  
10 ~~state in conflict with the charter and ordinances and must be liberally construed for such~~  
11 ~~purposes~~Any ordinance enacted or adopted by a city under a home rule charter in conflict with  
12 state law is void. One copy of the charter ratified and approved must be filed with the secretary  
13 of state and one with the auditor of the city to remain as a part of its permanent records.  
14 ~~Thereupon the~~The courts shall take judicial notice of the new charter upon its filing.