

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2324

Introduced by

Senators Bekkedahl, Davison, Lee, Patten

Representatives Bosch, Grindberg

1 A BILL for an Act to create and enact a new section to chapter 11-09.1 and a new section to
2 chapter 40-05.1 of the North Dakota Century Code, relating to a county home rule charter and
3 city home rule charter conforming with statute or court order; and to amend and reenact
4 ~~section~~sections 11-09.1-06 and 40-05.1-07 of the North Dakota Century Code, relating to the
5 amendment or repeal of a county and city home rule charter.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 **SECTION 1. AMENDMENT.** Section 11-09.1-06 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **11-09.1-06. Amendment or repeal.**

10 ~~The~~Except as provided in section 2 of this Act, the home rule charter adopted by any
11 county may be amended or repealed by a proposal by the governing body of the county or by
12 petition of the number of electors provided in section 11-09.1-01, submitted to and ratified by the
13 qualified electors of the county. A petition to amend or repeal a home rule charter must be
14 submitted to the governing body of the county. Within thirty days of receipt of a valid petition or
15 approval of a proposal to amend or repeal a home rule charter, the governing body of the
16 county shall publish any proposed amendment or repeal of a home rule charter once in the
17 official newspaper of the county. At least sixty days after publication, the proposed amendment
18 or repeal must be submitted to a vote of the qualified electors of the county at the next primary
19 or general election. The electors may accept or reject any amendment or a repeal by a majority
20 vote of qualified electors voting on the question at the election.

1 **SECTION 2.** A new section to chapter 11-09.1 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Conformance with statute or court order - Amendment.**

- 4 1. When a portion of a home rule charter, ~~or an ordinance or act of a governing body of a~~
5 ~~home rule county passed under a home rule charter, does not conform to the~~
6 ~~requirements of section 11-09.1-05, is preempted, superseded, or invalidated by a~~
7 ~~legislative act or a court order, the county may amend these non-conforming~~ portions
8 ~~of the home rule charter~~ by a resolution adopted by the governing body of the county.
9 The resolution must reference the authority supporting the amendment.
- 10 2. A resolution passed under subsection 1 is effective after adoption by the governing
11 body of the county. A petition, approval, or vote by the electors of the county is not
12 required to amend a county's home rule charter under this section. Within thirty days
13 after adoption of the resolution, the county shall publish the resolution once in the
14 official newspaper of the county or on the official county website.
- 15 3. An amendment to a charter of a home rule county intended to add any power
16 enumerated in section 11-09.1-05, which was not included in the county's original
17 home rule charter, may not be amended under this section and ~~may~~ must be amended
18 ~~only under the provisions of~~ under section 11-09.1-06. The county auditor shall file a
19 copy of an amendment to a charter of a home rule county with the secretary of state.

20 **SECTION 3. AMENDMENT.** Section 40-05.1-07 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **40-05.1-07. Amendment or repeal.**

23 ~~The~~ Except as provided in section 4 of this Act, the home rule charter adopted by any city
24 may be amended or repealed by proposals submitted to and ratified by the qualified electors of
25 the city in the same general manner provided in sections 40-05.1-02 and 40-05.1-04 for the
26 adoption of the charter. Amendments may be proposed by the governing body of the city or by
27 petition of the number of electors provided in section 40-05.1-02 and submitted to the voters at
28 the same election. The voters may at their option accept or reject any or all of the amendments
29 by a majority vote of qualified electors voting on the question at the election. A proposal to
30 repeal a home rule charter that has been adopted must likewise be submitted to the electors of
31 the city as set forth in this section. One copy of a ratified amendment or a repeal of a home rule

1 charter must be filed with the secretary of state and one with the city auditor. Upon proper filing
2 of the amendment or repeal, the courts shall take judicial notice of the amendment or repeal.

3 **SECTION 4.** A new section to chapter 40-05.1 of the North Dakota Century Code is created
4 and enacted as follows:

5 **Conformance with statute or court order - Amendment.**

6 1. When a portion of a home rule charter is preempted, superseded, or invalidated by a
7 legislative act or a court order, the city may amend portions of the home rule charter
8 by a resolution adopted by the governing body of the city. The resolution must
9 reference the authority supporting the amendment.

10 2. A resolution passed under subsection 1 is effective after adoption by the governing
11 body of the city. A petition, approval, or vote by the electors of the city is not required
12 to amend a city's home rule charter under this section. Within thirty days after adoption
13 of the resolution, the city shall publish the resolution once in the official newspaper of
14 the city or on the website of the city.

15 3. An amendment to a charter of a home rule city intended to add any power enumerated
16 in section 40-05.1-06, which was not included in the county's original home rule
17 charter, may not be amended under this section and must be amended under section
18 40-05.1-07. The city auditor shall file a copy of an amendment to a charter of a home
19 rule city with the secretary of state.