

2025 SENATE STATE AND LOCAL GOVERNMENT

SB 2324

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Peace Garden Room , State Capitol

SB 2324
1/30/2025

Relating to a county home rule charter conforming with statute; and to the amendment or repeal of a county home rule charter.

9:30 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Language changes
- Flexibility in governance

9:30 a.m. Senator Bekkedahl, District 1, testified in favor and submitted testimony #32603 and 32932.

9:34 a.m. Stephanie Dassinger Engebretson, ND League of Cities, testified in favor and submitted testimony #32921.

9:44 a.m. Lindsey Harriman, Community Engagement Coordinator William County, testified in favor and submitted testimony #32786.

9:48 a.m. Allyson Hicks, ND Assistant Attorney General, testified neutral.

9:52 a.m. Senator Lee moved to adopt amendment #25.0991.01002.

9:52 a.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

9:53 a.m. Senator Lee moved a Do Pass as Amended.

9:53 a.m. Senator Braunberger seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

Senator Lee will carry the bill.

9:54 a.m. Committee discussion

9:57 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

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~~a
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.

2013

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

Conformance with statute or court order - Amendment.

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rule county passed under a home rule charter, does not conform to the requirements of section 11-09.1-05, is preempted, superseded, or invalidated by a legislative act or a court order, the county may amend these non-conforming portions of the home rule charter by a resolution adopted by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

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

40-05.1-07. Amendment or repeal.

The Except as provided in section 4 of this Act, 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 sections 40-05.1-02 and 40-05.1-04 for the adoption of 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 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 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

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.

**REPORT OF STANDING COMMITTEE
SB 2324**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.0991.01002](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2324 was placed on the Sixth order on the calendar. This bill does not affect workforce development.



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Brad Bekkedahl

District 1
P.O. Box 2443
Williston, ND 58802-2443
bbekkedahl@ndlegis.gov

COMMITTEES:
Appropriations (Chair)

January 30, 2025

Senate Bill 2324 Testimony

Senate State And Local Government Committee

Hon. Senator Kristen Roers, Chair

Chair Roers and Committee Members,

Thank you Chair Roers. For the record, I am Senator Brad Bekkedahl from District 1 in Williston. I am here today to introduce SB 2324, a bill requested by Williams County to remove conflicts in Home Rule charters by resolution of the Commission. The substance of the bill is in Section 2. The conflicts addressed in the bill are conflicts in language that are present due to North Dakota Century Code changes or revisions over the years since the voter passage of the home rule charters. As it was explained to me, under current law, to bring the language into compliance in these conflict areas requires a vote by the public to change. Since these are housekeeping language revisions to amend non-conforming portions, it makes sense to me that the revisions can occur by Commission resolution. There is also a public reporting requirement in the official newspaper of the county in the bill. And Section 2.3 of the bill spells out clearly that any language that intends to add any powers not included in the county's original home rule charter, may not be amended under this section and may be amended only under the provisions of section 11-9.1-06. I appreciate your attention to this bill request and respectfully request a Do Pass recommendation.



Senate Bill 2324 Testimony: In Favor – DO PASS
January 30, 2025 | 9:30 am | Senate State and Local Government Committee

January 30, 2025

Chairman Roers and members of the Committee,

My name is Lindsey Harriman, and I am the Community Engagement Coordinator for Williams County. I am here today on behalf of Williams County, as we conferred with Senator Bekkedahl in the drafting of Senate Bill 2324.

A Home Rule Charter (HRC) enables a county government to exercise flexibility in governance and operations, including the collection of sales tax and implementation of ordinances. North Dakota Century Code (NDCC) Chapter 11-09.1 defines the process in which counties may establish an HRC; a simple majority of the public must vote in favor of the HRC for it to go into effect. A simple majority vote is also required to amend the HRC.

If SB 2324 were to pass, County Commissions could make language changes to the sections of a HRC that do not conform or comply with the powers of a HRC as enumerated currently in NDCC Section 11-09.1-05, or as amended by the State Legislature from time to time, by passing a resolution. The resolution would be required to be published once in the official county newspaper within 30 days of Commission adoption. This change would be a much more efficient means of bringing an HRC into compliance with state law.

Additionally, when there is conflict between NDCC and an HRC, it is the County's understanding that NDCC prevails. SB 2324 would expedite the process in which a County would follow to ensure the language of their HRC conformed to NDCC Section 11-09.1-05.

It is important to note that SB 2324 **does not** grant authority to a Commission to add new powers or change the purpose of the HRC; that process, leveraging a public vote, would remain the same.

The Williams County HRC was approved by voters in June 2006, with 63% of voters voting 'yes,' and 37% voting 'no.' At the time, the County was initially looking to exercise HRC authority to collect a ½ cent sales and use tax, with revenue going towards the improvement and expansion of the Williams County Law Enforcement Center and Correctional Center. The language of the HRC that was approved by voters also included all of the other powers that were enumerated in NDCC Section 11-09.1-05 at that time. Since then, the language of the Williams County HRC has remained unchanged.

In 2020, we sought the public's approval for updating the language of the Williams County HRC to reflect amendments the State Legislature had made to NDCC Section 11-09.1-05, to align with present-day human resources practices, and to transition the offices of Auditor and Treasurer/Recorder from being elected offices to appointed positions. Voters did not approve of the changes; the HRC-related ballot measures were voted down at both the Primary Election and the General Election.

Lindsey Harriman | Community Engagement Coordinator

PO Box 2047 | 206 E. Broadway | Williston, ND 58802-2047 | Office 701.577.4547 | Cell 701.609.1160 | lindseyh@co.williams.nd.us

Below are two examples demonstrating the types of changes that could be made if SB 2324 were to pass. These examples were compiled in consultation with our Assistant State's Attorney:

- Removal of outdated taxes that can no longer be imposed by a County Commission (e.g. motor vehicle fuels and special fuels taxes)
- Specific language changes to align with NDCC. This example is an excerpt from the Williams County HRC. The text in blue would be added based on updates to NDCC Section 11-09.1-05 and the red text is what has been removed.

Provide for the adoption, amendment, repeal, initiative, referral, enforcement, and **civil and criminal penalties** for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare. However, this subsection does not confer any authority to regulate any industry or activity which is ~~exclusively~~ regulated by state ~~or federal~~ law or by rules adopted by a state ~~or federal~~ agency. ~~This subsection does not confer the authority to regulate the private use of agricultural chemicals.~~ This section is subject to the provisions of NDCC Section 62.1-01-03.

Thank you for your consideration of SB 2324 and ask for a DO PASS. I am happy to stand for any questions.

Lindsey Harriman | Community Engagement Coordinator

PO Box 2047 | 206 E. Broadway | Williston, ND 58802-2047 | Office 701.577.4547 | Cell 701.609.1160 | lindseyh@co.williams.nd.us



January 30, 2025

Senate State and Local Government

SB 2324

Senator Kristin Roers, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the North Dakota League of Cities, in support of an amended version of SB 2324. I am the deputy director and attorney for the North Dakota League of Cities.

SB 2324 creates a process for cities and counties to update their home rule charters when a legislative change or a court ruling makes language in their home rule charter obsolete. Currently, language in a home rule charter can only be changed through a public vote. This creates a potentially awkward situation if a city or county seeks to update the language in their home rule charter to conform with the law but the public votes to keep the language in the charter.

Under the proposed amendments to SB 2324, a city or county governing board can change the language in their home rule charter through a resolution when the language is preempted, superseded or invalidated by legislative act or court order. The resolution must specifically refer to the legislative act or court order and must be published either in the city or county's official newspaper or on the city or county's website within 30 days of adopting the resolution. The bill specifically provides that the city or county governing body cannot use this authority to add any powers to the home rule charter.

SB 2324 provides a necessary tool for city and county governing bodies to amend their home rule charters with a resolution to ensure the language stays in compliance with state law. The NDLC respectfully requests a Do Pass recommendation on SB 2324.

25.0991.01001
Title.

Prepared by the Legislative Council
staff for Senator Bekkedahl
January 23, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2324

Introduced by

Senators Bekkedahl, Davison, Lee, Patten

Representatives Bosch, Grindberg

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

11-09.1-06. Amendment or repeal.

~~The~~Except as provided in section 2 of this Act, the home rule charter adopted by ~~any~~a county may be amended or repealed by a proposal by the governing body of the county or by petition of the number of electors provided in section 11-09.1-01, submitted to and ratified by the qualified electors of the county. A petition to amend or repeal a home rule charter must be submitted to the governing body of the county. Within thirty days of receipt of a valid petition or approval of a proposal to amend or repeal a home rule charter, the governing body of the county shall publish any proposed amendment or repeal of a home rule charter once in the official newspaper of the county. At least sixty days after publication, the proposed amendment or repeal must be submitted to a vote of the qualified electors of the county at the next primary or general election. The electors may accept or reject any amendment or a repeal by a majority 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 those ~~non-conforming~~ portions
8 ~~of the home rule charter~~ by a resolution adopted by the governing body of the county
9 ~~specifically referencing the authority being used to support 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 website of the county.
- 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 be amended only
18 under the provisions of section 11-09.1-06.

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

21 **40-05.1-07. Amendment or repeal.**

22 ~~The~~Except as provided in section 4 of this Act, the home rule charter adopted by any city
23 may be amended or repealed by proposals submitted to and ratified by the qualified electors of
24 the city in the same general manner provided in sections 40-05.1-02 and 40-05.1-04 for the
25 adoption of the charter. Amendments may be proposed by the governing body of the city or by
26 petition of the number of electors provided in section 40-05.1-02 and submitted to the voters at
27 the same election. The voters may at their option accept or reject any or all of the amendments
28 by a majority vote of qualified electors voting on the question at the election. A proposal to
29 repeal a home rule charter that has been adopted must likewise be submitted to the electors of
30 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 those portions of the home rule
8 charter by a resolution adopted by the governing body of the city specifically
9 referencing the authority being used to support 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 may be amended only under the
18 provisions of section 40-05.1-07.

2025 HOUSE POLITICAL SUBDIVISIONS

SB 2324

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2324
3/6/2025

Relating to the amendment or repeal of a county and city home rule charter.

3:29 p.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Warrey

Members Absent: Representatives Davis, Toman

Discussion Topics:

- North Dakota home rule charter exclusion clauses
- Home rule authority within the North Dakota constitution
- Uses of home rule authority

3:30 p.m. Senator Brad Bekkedahl, North Dakota Senator for District 1, introduced the bill and provided testimony #38809.

3:33 p.m. Sephanie Engebretson, Deputy Director and Attorney for North Dakota League of Cities, testified in favor and provided testimony #39164.

3:52 p.m. Representative Ostlie moved to Amend and replace "county's" with "city's" on page 3 line 12.

3:52 p.m. Representative Klemin seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	Y

3:53 p.m. Motion passed 11-0-2

4:00 p.m. Representative Motschenbacher moved a Do Pass as Amended.

4:00 p.m. Representative Ostlie seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	A
Representative LaurieBeth Hager	N
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	Y

4:00 p.m. Motion passed 10-1-2

4:01 p.m. Representative Heilman will carry the bill.

Additional written testimony:

Lindsey Harriman, Community Engagement Coordinator for Williams County, submitted testimony in favor #39093.

4:01 p.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

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

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

20 **40-05.1-07. Amendment or repeal.**

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

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

Conformance with statute or court order - Amendment.

1. When a portion of a home rule charter is preempted, superseded, or invalidated by a legislative act or a court order, the city may amend portions of the home rule charter by a resolution adopted by the governing body of the city. The resolution must reference the authority supporting the amendment.
2. A resolution passed under subsection 1 is effective after adoption by the governing body of the city. A petition, approval, or vote by the electors of the city is not required to amend a city's home rule charter under this section. Within thirty days after adoption of the resolution, the city shall publish the resolution once in the official newspaper of the city or on the website of the city.
3. An amendment to a charter of a home rule city intended to add any power enumerated in section 40-05.1-06, which was not included in the ~~county's~~city's original home rule charter, may not be amended under this section and must be amended under section 40-05.1-07. The city auditor shall file a copy of an amendment to a charter of a home rule city with the secretary of state.

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2324**

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **AMENDMENTS (25.0991.03001)** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT OR EXCUSED AND NOT VOTING). SB 2324 was placed on the Sixth order on the calendar.



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Brad Bekkedahl

District 1
P.O. Box 2443
Williston, ND 58802-2443
bbekkedahl@ndlegis.gov

COMMITTEES:
Appropriations (Chair)

March 6, 2025

Senate Bill 2324 Testimony

House Political Subdivisions Committee

Hon. Donald Longmuir, Chairman

Chairman Longmuir and Committee Members,

Thank you, Chairman Longmuir. For the record, I am Senator Brad Bekkedahl from District 1 in Williston. I am here today to introduce SB 2324, a bill requested by Williams County to remove conflicts in Home Rule charters by resolution of City or County Commissions. The substance of the bill is in Section 2. The conflicts addressed in the bill are conflicts in language that are present due to North Dakota Century Code changes or revisions over the years since the voter passage of the home rule charters. As it was explained to me, under current law, to bring the language into compliance in these conflict areas requires a vote by the public to change. Since these are housekeeping language revisions to amend non-conforming portions, it makes sense to me that the revisions can occur by Commission resolution. There is also a public reporting requirement in the official newspaper of the county in the bill. And Section 2.3 of the bill spells out clearly that any language that intends to add any powers not included in the county's original home rule charter, may not be amended under this section and may be amended only under the provisions of section 11-9.1-06. I appreciate your attention to this bill request and respectfully request a Do Pass recommendation.



Senate Bill 2324 Testimony: In Favor – DO PASS
March 6, 2025 | 3:30 pm | House Political Subdivisions Committee

March 6, 2025

Chairman Longmuir and members of the Committee,

My name is Lindsey Harriman, and I am the Community Engagement Coordinator for Williams County. I am here today on behalf of Williams County, as we conferred with Senator Bekkedahl in the drafting of Senate Bill 2324.

A Home Rule Charter (HRC) enables a county or city government to exercise flexibility in governance and operations, including the collection of sales tax and implementation of ordinances. North Dakota Century Code (NDCC) Chapter 11-09.1 defines the process in which counties may establish an HRC; a simple majority of the public must vote in favor of the HRC for it to go into effect. A simple majority vote is also required to amend the HRC.

If SB 2324 were to pass, County and City Commissions could make language changes to the sections of a HRC that do not conform or comply with the powers of a HRC as enumerated currently in NDCC Section 11-09.1-05, or as amended by the State Legislature from time to time, by passing a resolution. The resolution would be required to be published once in the official county newspaper or on the County website within 30 days of Commission adoption. This change would be a much more efficient means of bringing an HRC into compliance with state law.

Additionally, when there is conflict between NDCC and an HRC, it is the County's understanding that NDCC prevails. SB 2324 would expedite the process in which a County would follow to ensure the language of their HRC conformed to NDCC Section 11-09.1-05.

It is important to note that SB 2324 **does not** grant authority to a Commission to add new powers or change the purpose of the HRC; that process, leveraging a public vote, would remain the same.

The Williams County HRC was approved by voters in June 2006, with 63% of voters voting 'yes,' and 37% voting 'no.' At the time, the County was initially looking to exercise HRC authority to collect a ½ cent sales and use tax, with revenue going towards the improvement and expansion of the Williams County Law Enforcement Center and Correctional Center. The language of the HRC that was approved by voters also included all of the other powers that were enumerated in NDCC Section 11-09.1-05 at that time. Since then, the language of the Williams County HRC has remained unchanged.

In 2020, we sought the public's approval for updating the language of the Williams County HRC to reflect amendments the State Legislature had made to NDCC Section 11-09.1-05, to align with present-day human resources practices, and to transition the offices of Auditor and Treasurer/Recorder from being elected offices to appointed positions. Voters did not approve of the changes; the HRC-related ballot measures were voted down at both the Primary Election and the General Election.

Lindsey Harriman | Community Engagement Coordinator

PO Box 2047 | 206 E. Broadway | Williston, ND 58802-2047 | Office 701.577.4547 | Cell 701.609.1160 | lindseyh@co.williams.nd.us

Below are two examples demonstrating the types of changes that could be made if SB 2324 were to pass. These examples were compiled in consultation with our Assistant State's Attorney:

- Removal of outdated taxes that can no longer be imposed by a County Commission (e.g. motor vehicle fuels and special fuels taxes)
- Specific language changes to align with NDCC. This example is an excerpt from the Williams County HRC. The text in blue would be added based on updates to NDCC Section 11-09.1-05 and the red text is what has been removed.

Provide for the adoption, amendment, repeal, initiative, referral, enforcement, and **civil and criminal penalties** for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare. However, this subsection does not confer any authority to regulate any industry or activity which is ~~exclusively~~ regulated by state ~~or federal~~ law or by rules adopted by a state ~~or federal~~ agency. ~~This subsection does not confer the authority to regulate the private use of agricultural chemicals.~~
This section is subject to the provisions of NDCC Section 62.1-01-03.

Thank you for your consideration of SB 2324 and ask for a DO PASS. I am happy to stand for any questions.

Lindsey Harriman | Community Engagement Coordinator

PO Box 2047 | 206 E. Broadway | Williston, ND 58802-2047 | Office 701.577.4547 | Cell 701.609.1160 | lindseyh@co.williams.nd.us



March 6, 2025

House Political Subdivisions

SB 2324

Representative Longmuir, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the North Dakota League of Cities, in support of SB 2324. I am the deputy director and attorney for the North Dakota League of Cities.

SB 2324 creates a tool for cities and counties to update their home rule charters when a legislative change or a court ruling makes language in their home rule charter obsolete. Currently, language in a home rule charter can only be changed through a public vote. This creates a potentially awkward situation if a city or county seeks to update the language in their home rule charter to conform with the law but the public votes to keep the language in the charter. It also creates confusion when the public reads a home rule charter that has a power that has been invalidated in it and a member of the public does not have the legal background to understand that the authority no longer exists.

Under SB 2324, a city or county governing board can change the language in their home rule charter through a resolution when the language is preempted, superseded or invalidated by legislative act or court order. The resolution must specifically refer to the legislative act or court order and must be published either in the city or county's official newspaper or on the city or county's website within 30 days of adopting the resolution. The bill specifically provides that the city or county governing body cannot use this authority to add any powers to the home rule charter. Once the process is complete, the updated home rule charter must be filed in the North Dakota Secretary of State's office. This requirement is the same for newly adopted or amended home rule charters.

SB 2324 adds a necessary tool for city and county governing bodies to amend their home rule charters with a resolution to ensure the language stays in compliance with state law. The NDLC respectfully requests a Do Pass recommendation on SB 2324.