

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1156
(Representatives Klemin, Frantsvog, Schmidt)
(Senators Andrist, Carlisle, Dotzenrod)

AN ACT to amend and reenact sections 11-09.1-03 and 11-09.1-04 and subsection 6 of section 11-09.1-04.1 of the North Dakota Century Code, relating to county home rule.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-09.1-03 of the North Dakota Century Code is amended and reenacted as follows:

11-09.1-03. Submission of charter to electors.

At least sixty days, but no more than two years, after submission of the charter to the board of county commissioners, the board of county commissioners shall submit the proposed charter ~~must be submitted~~ to a vote of the qualified electors of the county at a special election called by the board or at a primary or general election. If the proposed charter has been submitted to a vote of the qualified electors of the county, the board of county commissioners may call a special election to resubmit the proposed charter to a vote of the qualified electors of the county, and the special election must take place at least sixty days after the call for the special election. The board may amend the proposed charter prior to its resubmission to the electors.

SECTION 2. AMENDMENT. Section 11-09.1-04 of the North Dakota Century Code is amended and reenacted as follows:

11-09.1-04. Ratification by majority vote - Supersession of existing charter and conflicting state laws - Filing of copies of new charter.

If a majority of the qualified electors voting on the charter at the election vote in favor of the home rule charter, it is ratified and becomes the organic law of the county on the first day of January or July next following the election effective date specified in the charter or sixty days after the election, whichever is later, and extends to all its county matters. The charter and the ordinances made pursuant to the charter in county matters must be liberally construed to supersede within the territorial limits and jurisdiction of the county any conflicting state law except for any state law as it applies to cities or any power of a city to govern its own affairs, without the consent of the governing body of the city. The charter may not authorize the enactment of ordinances to diminish the authority of a board of supervisors of a township or to change the structure of township government in any organized civil township, without the consent of the board of supervisors of the township. No ordinance of a home rule county shall supersede section 49-22-16. One copy of the charter as ratified and approved must be filed with the secretary of state; one with the recorder for the county, unless the board of county commissioners designates a different official; and one with the auditor of the county to remain as a part of its permanent records. Courts shall take judicial notice of the charter.

SECTION 3. AMENDMENT. Subsection 6 of section 11-09.1-04.1 of the North Dakota Century Code is amended and reenacted as follows:

6. If a majority of the qualified electors voting in each county on the charter votes in favor of the multicounty home rule charter, it is ratified and becomes the organic law of the multicounty area on the first day of January following the election or other effective date specified in the charter or sixty days after the election, whichever is later.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1156.

House Vote: Yeas 52 Nays 37 Absent 5

Senate Vote: Yeas 37 Nays 9 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State

Date of Action: April 19, 2013

Honorable Alvin A. Jaeger
Secretary of State
Bismarck, North Dakota

I certify this Act, House Bill No. 1156, together with the objections of Governor Jack Dalrymple, was returned to the House, being the body in which it originated, on April 3, 2013, at 4:55 p.m.; that the objections of the Governor were read at length on April 4, 2013, and entered upon the Journal; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed on April 19, 2013; and the roll was called and the Bill failed to pass, with less than two-thirds of the members-elect voting in the affirmative.

Vote:	Yeas	48
	Nays	44
	Absent and not voting	2

Speaker of the House

Chief Clerk of the House