

**HOUSE BILL NO. 1245**

Introduced by

Representatives Dockter, Rick C. Becker

Senator Poolman

1 A BILL for an Act to amend and reenact section 40-11-05 of the North Dakota Century Code,  
2 relating to the power of a city council to override the veto of a mayor.

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

4 **SECTION 1. AMENDMENT.** Section 40-11-05 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **40-11-05. Ordinances and resolutions adopted in council cities - Mayor's veto power -**  
7 **Reconsideration after veto.**

8 An ordinance or resolution adopted by the city council of a city operating under the council  
9 form of government is not enacted until ~~it~~the ordinance or resolution is approved by the mayor  
10 or passed over the mayor's veto. An ordinance or resolution passed by the governing body of a  
11 city operating under the council form of government ~~shall~~must be deposited in the office of the  
12 city auditor for the approval of the mayor. If the mayor approves ~~such~~the ordinance or  
13 resolution, the mayor shall sign the ~~same~~ordinance or resolution. An ordinance or resolution not  
14 approved by the mayor ~~shall~~must be returned by the mayor with the mayor's objections in  
15 writing to the next regular or special meeting of the council occurring not less than five days  
16 after the passage ~~thereof~~of the ordinance or resolution. The veto may extend to an entire  
17 ordinance or resolution or to any one or more items or appropriations contained in any  
18 ordinance or resolution making an appropriation. If a veto extends to only a part ~~only~~ of an  
19 ordinance or resolution, the residue ~~shall take~~takes effect ~~and be in force~~. If the mayor fails to  
20 return any ordinance or resolution with the mayor's objections within the time specified in this  
21 section, the mayor ~~shall be~~is deemed to have approved the ~~same~~ordinance or resolution. Any  
22 ordinance or resolution which has been vetoed in whole or in part may be reconsidered by the  
23 city council, and if two-thirds of its members ~~shall~~ pass ~~such~~the ordinance or resolution, ~~it shall~~  
24 ~~be~~the ordinance or resolution is effective notwithstanding the veto. The vote to pass an

Sixty-fourth  
Legislative Assembly

- 1 ordinance or resolution over the mayor's veto ~~shall~~must be taken by yeas and nays and entered
- 2 in the journal.