

**Sixty-fourth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2015**

HOUSE BILL NO. 1245  
(Representatives Dockter, Rick C. Becker)  
(Senator Poolman)

AN ACT to amend and reenact sections 40-08-24, 40-08-26, and 40-11-05 of the North Dakota Century Code, relating to the enforcement of city ordinances and the power of a city council to override the veto of a mayor.

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

**SECTION 1. AMENDMENT.** Section 40-08-24 of the North Dakota Century Code is amended and reenacted as follows:

**40-08-24. Ordinance or resolution signed or vetoed by mayor.**

The mayor shall sign or veto each ordinance or resolution passed by the council. Any action vetoed by the mayor may be overridden by the city council as provided under section 40-11-05.

**SECTION 2. AMENDMENT.** Section 40-08-26 of the North Dakota Century Code is amended and reenacted as follows:

**40-08-26. Mayor may call on ~~male inhabitants~~residents to aid in enforcing ordinances.**

When necessary, the mayor may call on each ~~male inhabitant~~resident of the city over the age of eighteen years to aid in enforcing the laws and ordinances of the city.

**SECTION 3. AMENDMENT.** Section 40-11-05 of the North Dakota Century Code is amended and reenacted as follows:

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

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

\_\_\_\_\_  
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-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1245.

House Vote:    Yeas 90            Nays 1            Absent 3

Senate Vote:    Yeas 45            Nays 0            Absent 2

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2015.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2015,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State