

**Fifty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE BILL NO. 1353  
(Representatives Meier, DeKrey, Delmore, Haas, Weisz)  
(Senator Lee)

AN ACT to create and enact a new section to chapter 44-01 of the North Dakota Century Code, relating to filing of oaths of office; and to amend and reenact sections 44-01-05, 44-05-04, and 54-09-04 of the North Dakota Century Code, relating to oaths of civil officers and fees imposed by the secretary of state.

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

**SECTION 1.** A new section to chapter 44-01 of the North Dakota Century Code is created and enacted as follows:

**Failure to file oath.** The appointment of any civil officer may be rescinded by the appointing authority if the appointed civil officer fails to file an oath of office at the place of filing required by section 44-05-04.

**SECTION 2. AMENDMENT.** Section 44-01-05 of the North Dakota Century Code is amended and reenacted as follows:

**44-01-05. Oath of civil officers.** Each civil officer in this state before entering upon the duties of ~~his~~ that individual's office shall take and subscribe the oath prescribed in section 4 of article XI of the Constitution of North Dakota. ~~Such~~ The oath must be endorsed upon the back of, or attached to, the commission, appointment, or certificate of election. The term civil officer includes every elected official; any individual appointed by the governor; appointed member of any state authority, board, bureau, commission, and council; and the appointed head of any state agency and agency division, whether the individual serves with or without compensation. Except for an individual appointed to fill a vacancy existing in the legislative assembly, the term does not include any individual receiving a legislative appointment. For purposes of this chapter and chapter 44-05, the term civil officer has the same meaning as public officer.

**SECTION 3. AMENDMENT.** Section 44-05-04 of the North Dakota Century Code is amended and reenacted as follows:

**44-05-04. Place of filing oath of office.** Unless otherwise provided by law, any civil or public officer required by section 44-01-05 or any other provision of law to take an oath of office must file the oath as follows:

1. If a state official or member of a state board, with the secretary of state.
2. If a county official or member of a county board, with the county auditor.
3. If a city official or member of a city board, with the city auditor.
4. If a member of a district or political subdivision that is larger than a county, with the secretary of state.

**SECTION 4. AMENDMENT.** Section 54-09-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-09-04. Fees.** The secretary of state, unless otherwise provided by law, shall charge and collect the following fees:

1. For a copy of any law, resolution, record, or other document or paper on file in the secretary of state's office, one dollar for every four pages or fraction thereof.

2. For affixing the signature of the secretary of state, certificate, or seal, or combination thereof to any document, ten dollars.
3. For filing a certificate of appointment of attorney, five dollars.
4. ~~For any other document signed by the governor, except a commission, and attested by the secretary of state, five dollars.~~
5. For searching records and archives of the state, five dollars. For the purposes of this section, a search of records conducted by the secretary of state for which a fee must be collected includes the following:
  - a. A search of a filed document that is active or archived, an archived index, or an index of business name changes to identify specific information to satisfy a request;
  - b. A search of any record for which written verification of the facts of the search is required; and
  - c. For every search of records when the request for the search is contained in a list compiled by the requester.

The secretary of state may provide, at no charge, information from publications or reference materials published or maintained by the secretary of state and verbal confirmation of any element of information maintained in a computer data base.

- ~~6.~~ 5. For filing any paper not otherwise provided for, ten dollars.
- ~~7.~~ 6. For filing utility property transfers, five dollars, and issuing a certificate of filing, five dollars.
- ~~8.~~ 7. For sending a copy of a document by electronic transmission, one dollar for each page.
- ~~9.~~ 8. For filing any process, notice, or demand for service, twenty dollars.
- ~~10.~~ 9. For preparing any listing or compilation of any information recorded or filed in the office of the secretary of state, thirty-five dollars plus the actual cost for assembling and providing the information on the medium requested.

A member of the legislative assembly or a state or county officer may not be charged for any search relative to matters appertaining to duties of office, any fee for a certified copy of any law or resolution passed by the legislative assembly relative to the ~~person's~~ individual's official duties, or for filing any process, notice, or demand for service. An individual required to file an oath of office with the secretary of state may not be charged for filing the oath of office, nor may a state or county officer be charged for filing any document with the secretary of state when acting in the officer's official capacity. All fees when collected must be paid by the secretary of state into the state treasury at the end of each month and placed to the credit of the state. Unless otherwise provided by law, the secretary of state shall retain a handling charge from filing fees tendered when a document submitted to the secretary of state under any law is rejected and not perfected. The handling charge is five dollars or fifty percent of the filing fee, whichever is greater, but may not exceed one hundred dollars. This section does not apply to fees submitted for filing in, or information obtained from, the computerized central notice system, to the computerized Uniform Commercial Code central filing data base, or to the computerized statutory liens data base.

\_\_\_\_\_  
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 Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1353.

House Vote:      Yeas    92      Nays    0      Absent    6

Senate Vote:    Yeas    42      Nays    5      Absent    2

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

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2001.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2001.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2001,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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