

June 2009

TITLE 44

Offices and Officers

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 44. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to offices and officers may be classified in these subject areas: public officers, open meetings and open records, and notaries.

PUBLIC OFFICERS

House Bill No. 1530 requires any individual appointed by an elected official and any individual who is appointed by the Governor and required to file a statement of interests to take the civil oath required by the Constitution of North Dakota before undertaking the duties of the office to which that individual was appointed.

Senate Bill No. 2353 increases the in-state lodging reimbursement for state officers and employees from \$55 per night plus taxes to an amount established by policy by the director of the Office of Management and Budget plus applicable taxes. The bill requires the director of the Office of Management and Budget to establish a policy to set lodging reimbursement at an amount not to exceed 90 percent of the rate established by the United States General Services Administration for lodging reimbursement in this state.

Senate Bill No. 2064 increases the in-state lodging reimbursement for state officers and employees from \$55 per night plus taxes to an amount established by policy by the director of the Office of Management and Budget plus applicable taxes. The bill requires the director of the Office of Management and Budget to establish a policy to set lodging reimbursement at an amount not to exceed 90 percent of the rate established by the United States General Services Administration for lodging reimbursement in this state.

House Bill No. 1369 authorizes the governing body of a political subdivision to remove from office any individual the governing body has appointed to any office, board, or commission for misconduct, malfeasance, crime in office, or neglect of duty or for habitual drunkenness or gross incompetence after notice and opportunity for hearing. The bill was declared to be an emergency measure and became effective upon filing with the Secretary of State on March 13, 2009.

House Bill No. 1162 prohibits a state entity or a political subdivision from purchasing a flag of the United States of America unless the flag was manufactured in the United States of America.

OPEN MEETINGS AND OPEN RECORDS

House Bill No. 1220 exempts from the definition of a meeting emergency operations during a declared disaster if a quorum of the members of the governing body are present but are not discussing public business as the full governing body or as a task force or working group.

Senate Bill No. 2172 provides that any record containing the work schedule of employees of a law enforcement agency is an exempt record. The bill also provides that a request for public records by a party to an arbitration must comply with applicable discovery rules or orders.

Senate Bill No. 2259 authorizes a political subdivision to establish procedures for providing access from an outside location to any computer database or electronically filed or stored information maintained by the political subdivision.

House Bill No. 1127 repeals a provision addressing the public access of records relating to year 2000 processing information.

House Bill No. 1436 revises references with respect to the access to certain legislative and Legislative Council records to reflect the name change of the 17-member Legislative Council to Legislative Management.

NOTARIES

Senate Bill No. 2322 prohibits a notary public from notarizing a document if the name of the notary or the spouse of the notary appears on the document as a signatory to a petition filed with the state or a political subdivision. The bill also prohibits a notary public from notarizing a document if the notary did not obtain satisfactory evidence of the identity of the signer of the document, unless the signer is personally known to the notary. The bill authorizes the Secretary of State to deny, revoke, or suspend a notary commission if the notary violates any provision of law relating to the regulation of notaries.