

OFFICES AND OFFICERS

CHAPTER 409

SENATE BILL NO. 2259

(Senators Lee, Cleary, Meyer)
(Representatives Grindberg, Louser, Mitskog)

AN ACT to repeal section 44-04-16 of the North Dakota Century Code, relating to the provision of blanks and records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 44-04-16 of the North Dakota Century Code is repealed.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 410

SENATE BILL NO. 2083

(Judiciary Committee)
(At the request of the Highway Patrol)

AN ACT to create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to the designation of a sensitive image as an exempt record; and to amend and reenact section 44-04-17.1 of the North Dakota Century Code, relating to the definition of a sensitive image.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-04-17.1 of the North Dakota Century Code is amended and reenacted as follows:

44-04-17.1. Definitions.

As used in this section through section 44-04-32:

1. "Closed meeting" means all or part of an exempt meeting that a public entity in its discretion has not opened to the public, although any person necessary to carry out or further the purposes of a closed meeting may be admitted.
2. "Closed record" means all or part of an exempt record that a public entity in its discretion has not opened to the public.
3. "Confidential meeting" or "confidential record" means all or part of a record or meeting that is either expressly declared confidential or is prohibited from being open to the public.
4. "Executive session" means all or part of a meeting that is closed or confidential.
5. "Exempt meeting" or "exempt record" means all or part of a record or meeting that is neither required by law to be open to the public, nor is confidential, but may be open in the discretion of the public entity.
6. "Governing body" means the multimember body responsible for making a collective decision on behalf of a public entity. "Governing body" also includes any group of persons, regardless of membership, acting collectively pursuant to authority delegated to that group by the governing body.
7. "Information technology resources" includes data processing hardware and software or technology support services necessary to facilitate a response to a request for electronic records.
8. "Law" includes federal statutes, applicable federal regulations, and state statutes.
9. a. "Meeting" means a formal or informal gathering or a work session, whether in person or through any electronic means, of:

- (1) A quorum of the members of the governing body of a public entity regarding public business; or
 - (2) Less than a quorum of the members of the governing body of a public entity regarding public business, if the members attending one or more of the smaller gatherings collectively constitute a quorum and if the members hold the gathering for the purpose of avoiding the requirements of section 44-04-19.
 - b. "Meeting" does not include:
 - (1) A chance or social gathering at which public business is not considered;
 - (2) Emergency operations during a disaster or emergency declared under section 37-17.1-10 or an equivalent ordinance 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;
 - (3) The attendance of members of a governing body at meetings of any national, regional, or state association to which the public entity, the governing body, or individual members belong;
 - (4) Training seminars at which no other public business is considered or discussed; and
 - (5) Administration of examinations by a regulatory board when no other public business is considered or discussed.
 - c. Notwithstanding subdivisions a and b, as applied to the legislative assembly, "meeting" means any gathering subject to section 14 of article IV of the Constitution of North Dakota.
 - d. Notwithstanding subdivisions a and b, "meeting" does not include any meeting of the judicial branch or a committee or workgroup of the judicial branch. Such meetings are governed by section 5 of article XI of the Constitution of North Dakota.
10. "Organization or agency supported in whole or in part by public funds" means an organization or agency in any form which has received public funds exceeding the fair market value of any goods or services given in exchange for the public funds, whether through grants, membership dues, fees, or any other payment. An exchange must be conclusively presumed to be for fair market value, and does not constitute support by public funds, when an organization or agency receives a benefit under any authorized economic development program.
 11. "Political subdivision" includes any county or city, regardless of the adoption of any home rule charter, and any airport authority, township, school district, park district, rural fire protection district, water resource district, solid waste management authority, rural ambulance service district, irrigation district, hospital district, soil conservation district, recreation service district, railroad authority, or district health unit.

12. "Public business" means all matters that relate or may foreseeably relate in any way to:
 - a. The performance of the public entity's governmental functions, including any matter over which the public entity has supervision, control, jurisdiction, or advisory power; or
 - b. The public entity's use of public funds.
13. "Public entity" means all:
 - a. Public or governmental bodies, boards, bureaus, commissions, or agencies of the state, including any entity created or recognized by the Constitution of North Dakota, state statute, or executive order of the governor or any task force or working group created by the individual in charge of a state agency or institution, to exercise public authority or perform a governmental function;
 - b. Public or governmental bodies, boards, bureaus, commissions, or agencies of any political subdivision of the state and any entity created or recognized by the Constitution of North Dakota, state statute, executive order of the governor, resolution, ordinance, rule, bylaw, or executive order of the chief executive authority of a political subdivision of the state to exercise public authority or perform a governmental function; and
 - c. Organizations or agencies supported in whole or in part by public funds, or expending public funds.
14. "Public funds" means cash and other assets with more than minimal value received from the state or any political subdivision of the state.
15. "Quorum" means one-half or more of the members of the governing body, or any smaller number if sufficient for a governing body to transact business on behalf of the public entity.
16. "Record" means recorded information of any kind, regardless of the physical form or characteristic by which the information is stored, recorded, or reproduced, which is in the possession or custody of a public entity or its agent and which has been received or prepared for use in connection with public business or contains information relating to public business. "Record" does not include unrecorded thought processes or mental impressions, but does include preliminary drafts and working papers. "Record" also does not include records in the possession of a court of this state.
17. "Sensitive image" means an image depicting an exposed intimate part, gruesome injury, deceased individual, or a minor.
18. "Task force or working group" means a group of individuals who have been formally appointed and delegated to meet as a group to assist, advise, or act on behalf of the individual in charge of a state agency or institution when a majority of the members of the group are not employees of the agency or institution.

SECTION 2. A new subsection to section 44-04-18.7 of the North Dakota Century Code is created and enacted as follows:

Unless otherwise provided by law, a sensitive image as defined by section 44-04-17.1 is an exempt record.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 411

HOUSE BILL NO. 1415

(Representatives O'Brien, Mitskog)
(Senator Cleary)

AN ACT to amend and reenact subsection 3 of section 44-04-18.3 of the North Dakota Century Code, relating to the exempt status of department of corrections and rehabilitation work schedule records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁷⁸ **SECTION 1. AMENDMENT.** Subsection 3 of section 44-04-18.3 of the North Dakota Century Code is amended and reenacted as follows:

3. Any record containing the work schedule of employees of a law enforcement agency or the department of corrections and rehabilitation is exempt.

Approved March 26, 2025

Filed March 27, 2025

¹⁷⁸ Section 44-04-18.3 was also amended by section 1 of House Bill No. 1499, chapter 412.

CHAPTER 412

HOUSE BILL NO. 1499

(Representative Klemin)
(Senator Larson)

AN ACT to amend and reenact subsection 1 of section 44-04-18.3 of the North Dakota Century Code, relating to confidential records related to a justice of the United States, federal judge, or magistrate judge.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁷⁹ **SECTION 1. AMENDMENT.** Subsection 1 of section 44-04-18.3 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as provided in subsection 5, a telephone number and the home address of a prosecutor, justice of the United States, federal judge, magistrate judge, supreme court justice, district court judge, judicial referee, juvenile court director or probation officer, an employee of a law enforcement agency, employee of a state or local correctional facility, and an employee of the department of corrections and rehabilitation are confidential. Information contained in a personnel record of an employee of the department of corrections and rehabilitation may not be disclosed to an inmate in the legal custody of the department of corrections and rehabilitation confined in a jail, prison, or other correctional facility unless authorized by the director of the department of corrections and rehabilitation. Information contained in a personnel record of a law enforcement officer of a state or local law enforcement agency or in the personnel record of a correctional employee of a correctional facility subject to chapter 12-44.1 may not be disclosed to an inmate confined in a state correctional facility or correctional facility subject to chapter 12-44.1 unless authorized by the employing agency.

Approved April 16, 2025

Filed April 16, 2025

¹⁷⁹ Section 44-04-18.3 was also amended by section 1 of House Bill No. 1415, chapter 411.

CHAPTER 413

HOUSE BILL NO. 1158

(Representatives Stemen, Berg, Dockter, Hagert, Louser, Pyle)
(Senators Klein, Meyer, Roers)

AN ACT to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the exempt status of records related to petitions in possession of the secretary of state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Secretary of state - Petition records - Exempt.

A record received by the secretary of state, which is related to a request for approval of a petition to initiate or refer a measure, is an exempt record until the secretary of state has passed upon the sufficiency of the petition under section 16.1-01-10, or thirty-five days have passed since the secretary of state received the record, whichever occurs first.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 414

HOUSE BILL NO. 1542

(Representatives Hendrix, Heilman, Heinert, Marschall, Murphy, Novak, Schreiber-Beck)
(Senators Cory, Wobbema)

AN ACT to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to designating student applications for admission to an institution of higher education as exempt records; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Admissions applications to institutions of higher education - Exempt.

A record related to an individual's application for admission to an institution of higher education under the administration of the state board of higher education is exempt, except as otherwise provided by law. Subject to the retention requirements under section 15-10-44, the record must be destroyed upon request of the applicant or the parent or guardian of an applicant who was under eighteen years of age at the time the application was submitted. An individual may not access or disclose an exempt record under this section for a reason other than carrying out regular duties as an employee of an institution of higher education, except as otherwise provided under this chapter.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 415

SENATE BILL NO. 2180

(Senators Paulson, Luick, Weston)
(Representatives Louser, D. Ruby, D. Johnston)

AN ACT to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the opportunity to provide public comment at a meeting of a public entity.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Public comment - Regular meetings of a public entity.

1. Every regular meeting of a governing body of a city, county, township, school district, park district, or water resource district must include an opportunity for an individual to provide public comment.
2. An individual providing comment at a meeting shall provide to the governing body in writing the individual's name and address. The individual's address is an exempt record.
3. A governing body of a city, county, township, school district, park district, or water resource district:
 - a. May limit a public comment only as follows, except as provided in subdivision b:
 - (1) By time per speaker, total time for public comment, or both.
 - (2) By agenda topic, to the agendas of the current and at least one preceding meeting.
 - b. Shall develop a policy regarding public comment rules for regular meetings. The policy may provide a public comment:
 - (1) Must be pertinent to the public entity.
 - (2) May not interfere with the orderly conduct of the regular meeting.
 - (3) May not be defamatory, abusive, harassing, or unlawful.
 - (4) May be prohibited if an alternative procedure exists to bring that particular type of public comment before the public entity, the public comment includes confidential or exempt information, or the public comment is otherwise prohibited by law.

Approved April 30, 2025

Filed May 1, 2025

CHAPTER 416

SENATE BILL NO. 2144

(Senators Klein, Barta, Roers)
(Representatives Schauer, Warrey)

AN ACT to amend and reenact subsection 2 of section 43-55-03, section 43-55-09, subsection 8 of section 44-06.1-20, and sections 44-06.1-28, 47-25-04, 47-25-07, and 54-09-04 of the North Dakota Century Code, relating to information required in applications for professional employer services licensure, confidential records maintained by the secretary of state, notification provided to and fees charged by a notary public, notification provided to the registrant of a trade name, and fees charged by the secretary of state; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 43-55-03 of the North Dakota Century Code is amended and reenacted as follows:

2. Each applicant for licensure shall provide the secretary of state with the following information:
 - a. The name of the professional employer organization and any name under which the professional employer organization intends to conduct business in this state.
 - b. The designation of organization of the applicant whether domestic or foreign; a corporation, limited liability company, general partnership, limited partnership, limited liability partnership, limited liability limited partnership, sole proprietor, or any other person subject to a governing statute; and the jurisdiction of origin of the organization.
 - c. The address of the principal place of business of the professional employer organization and the address of each office it maintains in this state.
 - d. ~~The professional employer organization's taxpayer or employer identification number.~~
 - e. The date of the end of the applicant's fiscal year.
 - ~~f.e.~~ A list of jurisdictions in which the professional employer organization has operated in the preceding five years, including any alternative names, names of predecessors, and, if known, successor business entities.
 - ~~g.f.~~ A statement of ownership, which must include the name and address of any person that owns or controls twenty-five percent or more of the equity interests of the professional employer organization.
 - ~~h.g.~~ A statement of management, which must include the name and address of any individual who serves as president, chief executive officer, or otherwise has the authority to act as a senior executive officer of the professional employer organization.

i.h. A bond as provided under section 43-55-05.

j.i. A copy of the employer's quarterly contribution and wage report to job service North Dakota for the quarter ending immediately before the date submitted to the secretary of state. A professional employer organization that has not filed an employer's quarterly contribution and wage report with job service North Dakota shall submit a bond in the amount as provided under section 43-55-05.

SECTION 2. AMENDMENT. Section 43-55-09 of the North Dakota Century Code is amended and reenacted as follows:

43-55-09. Confidential records.

1. ~~The social security number or federal tax identification number disclosed or contained in an application filed with the secretary of state under this chapter is confidential. The secretary of state shall delete or obscure any social security number or federal tax identification number before a copy of an application is released to the public.~~

2. All audited financial reports and the employers' quarterly contribution and wage report to job service North Dakota are confidential except to the extent necessary for the proper administration of this chapter by the secretary of state or the attorney general.

SECTION 3. AMENDMENT. Subsection 8 of section 44-06.1-20 of the North Dakota Century Code is amended and reenacted as follows:

8. The secretary of state shall notify each notary public, in a manner as prescribed by the secretary of state, at least thirty days before the expiration of the notary public's term of the date ~~upon~~ on which the notary public's commission will expire. ~~The notice must be addressed to the notary public at the last known place of residence.~~

SECTION 4. AMENDMENT. Section 44-06.1-28 of the North Dakota Century Code is amended and reenacted as follows:

44-06.1-28. Fees to be charged for notarial acts - Penalty.

1. A notary public is entitled to charge and receive not more than five dollars per notarial act. A notary who charges a fee exceeding that amount is guilty of an infraction. It is an infraction for any person other than the notary public to impose or collect any monetary fee, charge, or commission in connection with the notarization of any document.

2. A notary may charge a travel fee when traveling to perform a notarial act if:

4. a. The notary and the person requesting the notarial act agree upon the travel fee in advance of the travel; and

2. b. The notary explains to the person requesting the notarial act that the travel fee is both separate from the notarial fee and neither specified nor mandated by law.

3. A notary may charge a technology fee when performing a notarial act under section 44-06.1-13.1 or 44-06.1-18 if:

- a. The notary incurred fees for using technology to perform the notarial act;
- b. The notary and the person requesting the notarial act agree upon the technology fee in advance; and
- c. The notary explains to the person requesting the notarial act the technology fee is separate from the notarial act fee.

SECTION 5. AMENDMENT. Section 47-25-04 of the North Dakota Century Code is amended and reenacted as follows:

47-25-04. Trade names - Registration - Fees - Renewal - Notice.

1. For the registration of a trade name under this chapter, the registrant shall pay to the secretary of state a fee of twenty-five dollars for an original registration, a fee of twenty-five dollars for an assignment, and a fee of ten dollars for a consent to use of a similar name or any other change in the original registration under this chapter. A registration remains in force for a period of five years from the date of the original registration and may be renewed within ninety days before its expiration date by reregistering in the same manner as an original registration. The secretary of state shall notify the registrant by mail in a manner as prescribed by the secretary of state at least ninety days before the expiration of the registration.
2. The secretary of state may destroy all registrations or renewals one year after expiration.

SECTION 6. AMENDMENT. Section 47-25-07 of the North Dakota Century Code is amended and reenacted as follows:

47-25-07. Cancellation.

The secretary of state shall cancel from the register:

1. ~~Any~~ Any registration ~~concerning~~ for which the secretary of state receives a voluntary request for cancellation from the registrant or the assignee of record on forms prescribed by the secretary of state. In the case of a registrant who is a deceased individual, the request for cancellation may be made by the personal representative of the registrant's estate.
2. ~~Any~~ Any registration ~~concerning~~ for which a state district court finds any of the following:
 - a. That the registered trade name has been abandoned.
 - b. That the registrant is not the owner of the trade name.
 - c. That the registration was granted improperly.
 - d. That the registration was obtained fraudulently.
 - e. That the trade name registered is so similar to a trade name registered by another person as to be likely to cause confusion or mistake or to deceive.
3. ~~Any~~ Any registration a district court orders canceled on any grounds.

4. ~~Any~~A trade name when the registrant is a corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership that has ceased to exist for six months.
5. A trade name in which a misrepresentation has been made of any material matter. The secretary of state may not cancel a trade name under this subsection unless the secretary of state has given notice of not less than thirty days to the registrant and any parties that may be misrepresented at the address or electronic address on file with the secretary of state.

SECTION 7. AMENDMENT. Section 54-09-04 of the North Dakota Century Code is amended and reenacted as follows:

54-09-04. Fees.

1. The secretary of state shall charge and collect the following fees:
4. ~~For a copy of any law, resolution, record, or other document or paper on file in the secretary of state's office, fifty cents per page.~~
2. a. Unless otherwise provided by law, 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. b. 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. (1) 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. (2) A search of any record for which written verification of the facts of the search is required; and
 - c. (3) 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 database.

5. c. For filing any ~~paper~~paper transaction not otherwise provided for, ten dollars.
6. d. For filing any process, notice, or demand for service, the fee provided in section 10-01.1-03.
7. e. For preparing any listing or compilation of any information recorded or filed in the office of the secretary of state, forty dollars for each record type requested. Unless otherwise agreed to by the secretary of state, the information must be provided in an electronic format. If provided in a paper format, an additional fee of fifty cents per page may be charged.

2. 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.
3. If, upon due presentment, any check, draft, money order, or other form of lawful payment provisionally accepted in payment of any filing fee authorized to be charged and collected by the secretary of state, is not honored or paid, or if no lawful form of payment accompanies the filing, any record of credit or payment must be canceled or reversed as though no credit had been given or payment attempted and the filing or action is void. The secretary of state may return to the last-known address of the filer any record or document that was attempted to be filed or may retain as unfiled the record or document for a reasonable time to permit proper payment and filing.
4. 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 database, or to the computerized statutory liens database.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 417

SENATE BILL NO. 2084

(State and Local Government Committee)
(At the request of the Office of Management and Budget)

AN ACT to amend and reenact subsections 2 and 6 of section 44-08-04, subsection 2 of section 54-03-20, and subsection 5 of section 54-06-09 of the North Dakota Century Code, relating to authorized travel expense and lodging reimbursement rates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸⁰ **SECTION 1. AMENDMENT.** Subsection 2 of section 44-08-04 of the North Dakota Century Code is amended and reenacted as follows:

2. For travel within the state, the following rates for each quarter of any twenty-four-hour period must be used:
 - a. First quarter is from six a.m. to twelve noon and the sum must be nine dollars. First quarter reimbursement may not be made if travel began after seven a.m.
 - b. Second quarter is from twelve noon to six p.m. and the sum must be fourteen dollars.
 - c. Third quarter is from six p.m. to twelve midnight and the sum must be twenty-two dollars.
 - d. Fourth quarter is from twelve midnight to six a.m. ~~and the sum must be the actual lodging expenses not to exceed an amount established by policy by the director of the office of management and budget plus any additional applicable state or local taxes. The director shall establish a policy to set the lodging reimbursement at an amount equal to ninety percent of the rate established by the United States general services administration for lodging reimbursement in this state. A political subdivision may reimburse an elective or appointive officer, employee, representative, or agent for actual lodging expenses.~~

¹⁸¹ **SECTION 2. AMENDMENT.** Subsection 6 of section 44-08-04 of the North Dakota Century Code is amended and reenacted as follows:

6. The allowance for in-state lodging must be equal to the United States general services administration lodging rate for the North Dakota city for which the lodging claim is made, plus any additional applicable state or local taxes. The director shall establish a policy to set the lodging allowance in instances when

¹⁸⁰ Section 44-08-04 was also amended by section 2 of Senate Bill No. 2084, chapter 417.

¹⁸¹ Section 44-08-04 was also amended by section 1 of Senate Bill No. 2084, chapter 417.

the United States general services administration lodging rate is not available.
The allowance for lodging outside the state must be the actual lodging expense.

¹⁸² **SECTION 3. AMENDMENT.** Subsection 2 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

2. a. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed per calendar month the amount established under this subdivision by the director of the office of management and budget for lodging in state and which may not exceed the rate provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. On August first of each even-numbered year, the director of the office of management and budget shall set the maximum monthly reimbursement for the subsequent two-year period at an amount equal to thirty times seventy-five percent of the daily lodging reimbursement in effect on that date as provided under ~~subdivision d of subsection 26~~ of section 44-08-04.
- b. Notwithstanding subdivision a:
 - (1) A member of the legislative assembly may elect to be reimbursed for less than the amount to which the legislator is entitled under this subsection by claiming the lesser amount on a voucher submitted with the receipt required by section 44-08-04.
 - (2) The legislative management may establish guidelines that may result in a reduced maximum reimbursement for a single dwelling in which two or more legislators share lodging and the total rent for that dwelling exceeds the amount to which a legislator is entitled under subdivision a.

SECTION 4. AMENDMENT. Subsection 5 of section 54-06-09 of the North Dakota Century Code is amended and reenacted as follows:

5. Notwithstanding the other provisions of this section, state employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding at least thirty consecutive days, must be allowed and paid ~~forty-five cents~~ United States general services administration mileage rate per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, and the three-hundred-mile [482.80-kilometer] restriction imposed by subsection 3 does not apply.

Approved March 25, 2025

Filed March 26, 2025

¹⁸² Section 54-03-20 was also amended by section 8 of Senate Bill No. 2001, chapter 34.

CHAPTER 418

SENATE BILL NO. 2269

(Senators Roers, Rummel)
(Representatives Christy, Stemen)

AN ACT to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to recall elections for members of a governing body of a city; and to amend and reenact section 16.1-01-09.1 and subsection 1 of section 44-08-21 of the North Dakota Century Code, relating to recall petitions and recall elections for political subdivision officials.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-09.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-09.1. Recall petitions - Signature - Form - Circulation.

1. A request of the secretary of state for approval of a petition to recall an elected official or appointed official of a vacated elected office may be presented over the signatures of the sponsoring committee on individual signature forms that have been notarized. The secretary of state shall prepare a signature form that includes provisions for identification of the recall; the printed name, signature, and address of the committee member; and notarization of the signature. The filed signature forms must be originals. The secretary of state shall complete the review of the form of a recall petition in not less than five, nor more than seven, business days, excluding Saturdays.
2. An individual may not sign a recall petition circulated pursuant to article III of the Constitution of North Dakota ~~or, section 44-08-21,~~ or section 3 of this Act unless the individual is a qualified elector. An individual may not sign a petition more than once, and each signer shall also legibly print the signer's name, complete residential, rural route, or general delivery address, and the date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition. A petition must be in substantially the following form:

RECALL PETITION

We, the undersigned, being qualified electors request that
 _____ (name of the individual
 being recalled) the _____ (office of individual being
 recalled) be recalled for the reason or reasons
 of _____.

RECALL SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota and the political subdivision who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

Name	Complete Residential, Rural Route, or General Delivery Address
1. _____ (Chairperson)	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota for thirty days, and you are a United States citizen. All signers shall also legibly print their name, complete residential, rural route, or general delivery address, and date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

QUALIFIED ELECTORS

Month, Day, Year	Signed Name of Qualified Elector	Printed Name of Qualified Elector	Complete Residential, Rural Route, or General Delivery Address	City State, Zip Code
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____

The number of signature lines on each page of a printed petition may vary if necessary to accommodate other required textual matter.

3. Each copy of a petition provided for in this section, before being filed, must have attached an affidavit executed by the circulator in substantially the following form:

State of North Dakota

)

) ss.

County of _____)

(county where signed)

I, _____, being sworn, say that I am a qualified elector; that I
(circulator's name)

reside at _____;

(address)

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each individual whose signature appears on the attached petition is a qualified elector; and that each signature contained on the attached petition is the genuine signature of the individual whose name it purports to be.

(signature of circulator)

Subscribed and sworn to before me on _____, _____, at
_____, North Dakota.

(city)

(Notary Seal)

(signature of notary)

Notary Public

My commission expires _____

4. A petition for recall must include, before the signature lines for the qualified electors as provided in subsection 2, the name of the individual being recalled, the office from which that individual is being recalled, and a list of the names and addresses of not less than five qualified electors of the state, political subdivision, or district in which the official is to be recalled who are sponsoring the recall.
5. For the recall of an elected official under article III of the Constitution of North Dakota, circulators have one year to gather the required number of signatures of qualified electors on the recall petition from the date the secretary of state approves the recall petition for circulation. For the recall of an elected official under section 44-08-21 or section 3 of this Act, circulators have ninety days from the date the secretary of state approves the recall petition for circulation to submit the recall petition to the appropriate filing officer.
6. A petition may not be circulated under the authority of article III of the Constitution of North Dakota ~~or~~ section 44-08-21, or section 3 of this Act by an individual who is less than eighteen years of age, nor may the affidavit called for by subsection 3 be executed by an individual who is less than eighteen years of age at the time of signing. All petitions circulated under the authority of the constitution and of this section must be circulated in their entirety.
7. When recall petitions are delivered to the secretary of state or other filing officer with whom a petition for nomination to the office in question is filed, the chairman of the sponsoring committee shall submit to the secretary of state or other filing officer an affidavit stating that to the best of that individual's knowledge, the petitions contain at least the required number of signatures. The chairperson also shall submit a complete list of petition circulators which must include each circulator's full name and residential address. The residential address must be in this state and identify the circulator's street

address, city, and zip code. Upon submission of the petitions to the appropriate filing officer, the petitions are considered filed and may not be returned to the chairman of the sponsoring committee for the purpose of continuing the circulation process or resubmitting the petitions at a later time. An elector's name may not be removed by the elector from a recall petition that has been submitted to and received by the appropriate filing officer.

8. The filing officer has a reasonable period, not to exceed thirty days, in which to pass upon the sufficiency of a recall petition. The filing officer may conduct a representative random sampling of the signatures contained in the petitions by the use of questionnaires, postcards, telephone calls, personal interviews, or other accepted information-gathering techniques, or any combinations thereof, to determine the validity of the signatures. Signatures determined by the filing officer to be invalid may not be counted and all violations of law discovered by the filing officer must be reported to the state's attorney for possible prosecution.
9. The filing officer shall call a special recall election to be held no sooner than ninety-five days nor later than one hundred five days following the date the filing officer certifies the petition valid and sufficient. No special recall election may be called if that date would be within ninety-five days of the next scheduled election.
10. A notice of the recall election must be posted in the official newspaper thirty days before the candidate filing deadline, which is by four p.m. on the sixty-fourth day before the election. The official notice must include the necessary information for a candidate to file and have the candidate's name included on the ballot.
11. A special recall election may not be held if candidate filings are not received by the filing officer before the candidate filing deadline. The filing officer shall declare the recall petition ineffective, and the elected or appointed official may continue to serve the remainder of their term. A notice of cancellation of the recall election due to no candidate filing received must be posted in the official newspaper within fifteen days following the candidate filing deadline.
12. An official may not be recalled if the recall special election would occur within one year of the next regularly scheduled election in which the official could be re-elected.

SECTION 2. AMENDMENT. Subsection 1 of section 44-08-21 of the North Dakota Century Code is amended and reenacted as follows:

1. An elected official of a political subdivision, except a township officer, an individual serving as a member of a governing body of a city, park district, or as a member of a school board subject to recall under section 3 of this Act, or an official subject to recall under section 10 of article III of the Constitution of North Dakota, is subject to recall by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the official sought to be recalled was on the ballot, not including other recall elections. An official who was appointed to fill a vacancy is subject to recall by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the office of the official sought to be recalled was on the ballot, not including other recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to petitions under this section.

SECTION 3. A new section to chapter 44-08 of the North Dakota Century Code is created and enacted as follows:

Recall of elected members of a governing body of a city, park district, or school board.

1. An individual serving as a member of a governing body of a city, park district, or school board is subject to recall by petition of electors equal in number to thirty-five percent of the voters who voted in the most recent election that the member sought to be recalled was on the ballot, not including other recall elections. A member who was appointed to fill a vacancy is subject to recall by petition of electors equal in number to thirty-five percent of the voters who voted in the most recent election that the office of the member sought to be recalled was on the ballot, not including other recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to petitions under this section, except petitions circulated under this section must have fifteen petition sponsors if the city population is greater than two hundred fifty or the school district has a fall enrollment of greater than two hundred fifty. Each petition sponsor shall provide on the petition the sponsor's name and address. Each petition sponsor must be a qualified elector of the city, park district, or the school district in which the member subject to the recall is serving.
2. A recall petition must include a stated reason for the recall and be approved as to form before circulation by the secretary of state. The secretary of state shall complete the review of the form of a recall petition in not less than five, nor more than seven, business days, excluding Saturdays. To be effective, a recall petition must be submitted to the filing officer within ninety days after the date the recall petition is approved for circulation by the secretary of state.
3. Once circulated, the recall petition must be filed with the filing officer with whom a petition for nomination to the office in question is filed. The filing officer shall pass on the sufficiency of a petition by reviewing every signature affixed to the petition. Except as otherwise provided in this section, the filing officer shall call a special election to be held not sooner than ninety-five days nor later than one hundred five days following the date the filing officer certifies the petition valid and sufficient. A special election may not be called if that date would be within ninety-five days of the next scheduled election. An elector's name may not be removed from a recall petition that has been submitted to and received by the filing officer.
4. The name of the member to be recalled must be placed on the ballot unless the member resigns within ten days after the filing officer certifies the petition is valid and sufficient. Other candidates for the office may be nominated in a manner provided by law and shall file nominating papers with the appropriate filing officer by the sixty-fourth day before the scheduled recall election. A special recall election may not be held if candidate filings are not received by the filing officer before the candidate filing deadline. The filing officer shall declare the recall petition ineffective, and the member may continue to serve the remainder of the member's term. A notice of cancellation of the recall election due to no candidate filing received must be posted in the official newspaper within fifteen days following the candidate filing deadline.
5. If the member resigns, the filing officer may call a special election or appoint an individual to complete the unexpired term of the office. When the election results have been officially declared, the candidate receiving the highest number of votes is elected for the remainder of the term.

6. A member is not subject to recall twice during the term for which the member was elected. A member whose office is on the ballot at a regularly scheduled election occurring within one year is not subject to recall if the recall special election would occur within one year of the next regularly scheduled election in which the member could be re-elected.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 419

HOUSE BILL NO. 1303

(Representatives Kasper, Headland, Hendrix, Koppelman, Louser, Motschenbacher,
S. Olson)
(Senator Castaneda)

AN ACT to amend and reenact section 44-08-25 of the North Dakota Century Code, relating to the prohibition of sanctuary city policies and to create the sanctuary compliance fund; to provide a penalty; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-08-25 of the North Dakota Century Code is amended and reenacted as follows:

44-08-25. Prohibition - Sanctuary - Immigration - Void - Fund - Continuing appropriation.

1. Notwithstanding any other provision of law, the state, a political subdivision, or institution of higher education under the supervision of the state board of higher education or any agent or employee of the state, a political subdivision, or the institution of higher education may not adopt or implement, whether formally or informally, a sanctuary policy, including a policy, order, or ordinance that:
 - a. Limits or prohibits an individual from communicating or cooperating with federal agencies or officials to verify or report the immigration status of an individual; ~~or~~
 - b. Grants a noncitizen unlawfully present in the United States the right to lawful presence or status within the state, a political subdivision, or the institution of higher education;
 - c. Violates a provision of chapter 1373 of United States Code title 8 [8 U.S.C. 1373];
 - d. Restricts or imposes a condition upon the cooperation or compliance of a state agency, department, or office or political subdivision with United States immigration and customs enforcement to maintain custody of or to transfer an illegal alien to the custody of United States immigration and customs enforcement; or
 - e. Prevents a law enforcement officer of a political subdivision from asking an individual in custody the individual's citizenship or immigration status.
2. The attorney general, upon receiving a complaint from an individual regarding a violation of this section, may investigate as necessary. If the attorney general finds a political subdivision is in violation of this section, the attorney general shall issue an opinion to the political subdivision, including findings of fact describing with specificity the sanctuary policy.

3. Within thirty days of receiving an opinion under subsection 2, a political subdivision may appeal the opinion to the district court or provide the attorney general with evidence to demonstrate a sanctuary policy is no longer in effect.
4. If a political subdivision provides the attorney general with sufficient evidence to demonstrate a sanctuary policy is no longer in effect, the attorney general shall:
 - a. Issue a second opinion to the political subdivision declaring the political subdivision no longer has a sanctuary policy; and
 - b. If applicable, direct the state treasurer to cease withholding the political subdivision's funding under subsection 5.
5. Within thirty days after the political subdivision receives an opinion under subsection 2, the attorney general shall direct the state treasurer to withhold the political subdivision's allocation from the state aid distribution fund under section 57-39.2-26.1 and deposit the withheld funds into the sanctuary compliance fund. Funds will be distributed to the political subdivision upon compliance with this section as determined by the attorney general.
6. There is created a special fund in the state treasury called the sanctuary compliance fund. The fund consists of all moneys deposited under this section. Moneys in the fund are appropriated on a continuing basis to the state treasurer and may be distributed back to the political subdivision upon compliance with this section, or to political subdivisions that are in compliance with this section, using existing formulas or distribution methods.
7. Any policy, order, or ordinance adopted in violation of this section is void.

Approved April 16, 2025

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