

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2185

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Deanna Hall
Operator's Signature

10/17/03
Date

2003 SENATE JUDICIARY

SB 2185

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Deanna Hall
Operator's Signature

10/17/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2185

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 01/29/03

Tape Number	Side A	Side B	Meter #
1	X		30.0 - 38.1
Committee Clerk Signature <i>Maria L Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony Support of SB 2185

Al Jaeger, Secretary of State (Attachment #1) Read (meter 30)

Senator John T. Traynor, Chairman discussed locations of bonds and Notary bonds. Discussed the history bonding statute.

Testimony in opposition of SB 2185

none

Testimony Neutral to SB 2185

none

Motion Made to DO PASS SB 2185 by Senator Thomas L. Trenbeath and seconded by Senator Dennis Bercier.

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Dennis Bercier
Operator's Signature

10/17/03
Date

Page 2
Senate Judiciary Committee
Bill/Resolution Number SB 2185
Hearing Date 01/29/03

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion Passed

Floor Assignment: Senator Thomas L. Trenbeath

Senator John T. Traynor, Chairman closed the hearing.

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Deanne Hall
Operator's Signature

01/17/03
Date

Date: January 29, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2185

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Senator Thomas L. Trenbeath Seconded By Senator Dennis Bercier

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley. Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent Zero (0)

Floor Assignment Senator Thomas L. Trenbeath

If the vote is on an amendment, briefly indicate intent:

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Deanna Hall
Operator's Signature

10/17/03
Date

REPORT OF STANDING COMMITTEE (410)
January 29, 2003 1:12 p.m.

Module No: SR-17-1256
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2185: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-17-1256

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Deanne Hall SRB
Operator's Signature

10/17/03
Date

2003 HOUSE JUDICIARY

SD 2185

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Deanna Hall
Operator's Signature

10/17/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2185

House Judiciary Committee

☐ Conference Committee

Hearing Date 3-12-03

Tape Number	Side A	Side B	Meter #
1	xx		16.5-20
Committee Clerk Signature <i>APenrose</i>			

Minutes: 13 members present.

Chairman DeKrey: We will open the hearing on SB 2185.

Al Jaeger, Secretary of State: Support (see attached testimony).

Chairman DeKrey: Thank you.

Sen. Wardner: Support.

Chairman DeKrey: Thank you. Further testimony in support/opposition? We will close the hearing. What are the committee's wishes in regard to SB 2185.

Rep. Maragos: I move a Do Pass.

Rep. Delmore: Seconded.

13 YES 0 NO 0 ABSENT DO PASS CARRIER: Rep. Maragos

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Deanne Hollister
Operator's Signature

10/17/03
Date

Date: 3/12/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2185

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Maragos

If the vote is on an amendment, briefly indicate intent:

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

3/17/03
Date

REPORT OF STANDING COMMITTEE (410)
March 12, 2003 11:33 a.m.

Module No: HR-44-4549
Carrier: Maragos
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2185: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-44-4549

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Deanne Hall
Operator's Signature

10/17/03
Date

2003 TESTIMONY

SB 2185

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Deanna Hall
Operator's Signature

10/17/03
Date

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.state.nd.us/sec



SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 29, 2003

PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@state.nd.us

TO: Senator Traynor, Chairman, and Members of the Senate Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2185 - Bonds of Public Officers

The introduction of this bill to repeal three sections of the Century Code (bottom of page) was prompted by the discovery of a filing requirement with the Secretary of State's office in N.D.C.C. § 44-01-09. When I checked with my staff, I learned that no one could recall ever filing a bond under that section of law nor does the office maintain a "bond record" book as is also required.

Then, I conducted a survey of the state's 53 County Recorders to which 21 of them responded. The latest bond filing date that anyone could find was back in the 1930's.

Finally, I checked with Jeff Blitz, the administrator for the State Bonding Fund in the Office of the Commissioner of Insurance. He agreed that these three sections of law (unchanged since 1943) could be repealed because there are other laws currently in the Century Code pertaining to the bonding of public officials. Therefore, these three sections of law are obsolete.

////////////////////////////////////
44-01-08. Approval of bonds. Whenever any public officer gives a bond other than one furnished by the state bonding fund, such bond must be approved as follows:

1. If such bond is given by a state officer, it must be approved by the governor as to sufficiency and by the attorney general as to form.
2. If such bond is given by an officer of a county or other political subdivision, it must be approved as to sufficiency by the board of county commissioners or other governing body and as to form by the state's attorney.

44-01-09. Filing of bonds. Whenever any public officer gives a bond other than one furnished by the state bonding fund, such bond must be filed as follows:

1. The bond of any state or district officer must be filed with the secretary of state, who shall record the same in a book to be known as the "bond record" and then shall deposit the same with the state treasurer, except that the bond of the state treasurer must be deposited with the state auditor.
2. The bond of any other officer, unless otherwise provided by law, must be filed with the recorder, to be recorded and then deposited with the county auditor.

44-01-10. Approval of bond - Signature of officer approving. The approval of a bond must be endorsed upon the bond and signed by the officer approving the same. In case the board of county commissioners or the board of township supervisors shall decide that a bond presented is insufficient, a reasonable time of not more than five days must be allowed the officer to supply a sufficient bond. Such board may take three days to consider the approval of any bond. If such board refuses or neglects to approve a bond of any county or township officer elect, the officer elect, upon three days' notice to such board, may present the same to the judge of the district court, who, unless good cause for delay is shown, shall proceed to hear and determine the sufficiency of such bond and may approve or disapprove the same as the facts warrant.

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Operator's Signature

Date

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.state.nd.us/sos



PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@state.nd.us

SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 12, 2003

TO: Rep. DeKrey, Chairman, and Members of the House Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2185 - Bonds of Public Officers

This bill repeals three sections of the Century Code (listed at the bottom of page) because they are obsolete.

According to the provisions of N.D.C.C. § 44-01-09, certain bonds are to be filed with the Secretary of State's office. However, the Secretary of State's office has no "bond record" book and long-time employees do not recall ever filing such bonds.

In addition, a survey was conducted of the state's 53 County Recorders to learn if any of them had filed any bonds. Of the 21 Recorders that responded, only one of them found evidence of a bond filing and that filing occurred in the 1930's.

Before the legislation was drafted, I consulted Jeff Blitz, Administrator of the State Bonding Fund, Office of the Commissioner of Insurance. He agreed that these three sections of law (unchanged since 1943) could be repealed because there are other laws currently in the Century Code pertaining to the bonding of public officials.

////////////////////////////////////
44-01-08. Approval of bonds. Whenever any public officer gives a bond other than one furnished by the state bonding fund, such bond must be approved as follows:

1. If such bond is given by a state officer, it must be approved by the governor as to sufficiency and by the attorney general as to form.
2. If such bond is given by an officer of a county or other political subdivision, it must be approved as to sufficiency by the board of county commissioners or other governing body and as to form by the state's attorney.

44-01-09. Filing of bonds. Whenever any public officer gives a bond other than one furnished by the state bonding fund, such bond must be filed as follows:

1. The bond of any state or district officer must be filed with the secretary of state, who shall record the same in a book to be known as the "bond record" and then shall deposit the same with the state treasurer, except that the bond of the state treasurer must be deposited with the state auditor.
2. The bond of any other officer, unless otherwise provided by law, must be filed with the recorder, to be recorded and then deposited with the county auditor.

44-01-10. Approval of bond - Signature of officer approving. The approval of a bond must be endorsed upon the bond and signed by the officer approving the same. In case the board of county commissioners or the board of township supervisors shall decide that a bond presented is insufficient, a reasonable time of not more than five days must be allowed the officer to supply a sufficient bond. Such board may take three days to consider the approval of any bond. If such board refuses or neglects to approve a bond of any county or township officer elect, the officer elect, upon three days' notice to such board, may present the same to the judge of the district court, who, unless good cause for delay is shown, shall proceed to hear and determine the sufficiency of such bond and may approve or disapprove the same as the facts warrant.

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Deanne Hall
Operator's Signature

10/17/03
Date

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2185

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Deanna Hall
Operator's Signature

10/17/03
Date

2003 SENATE JUDICIARY

SB 2185

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Deanna Hall
Operator's Signature

10/17/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2185

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 01/29/03

Tape Number	Side A	Side B	Meter #
1	X		30.0 - 38.1
Committee Clerk Signature <i>Maria L Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony Support of SB 2185

Al Jaeger, Secretary of State (Attachment #1) Read (meter 30)

Senator John T. Traynor, Chairman discussed locations of bonds and Notary bonds. Discussed the history bonding statute.

Testimony in opposition of SB 2185

none

Testimony Neutral to SB 2185

none

Motion Made to DO PASS SB 2185 by Senator Thomas L. Trenbeath and seconded by Senator Dennis Bercier.

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Dennis Bercier
Operator's Signature

10/17/03
Date

Page 2
Senate Judiciary Committee
Bill/Resolution Number SB 2185
Hearing Date 01/29/03

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion Passed

Floor Assignment: Senator Thomas L. Trenbeath

Senator John T. Traynor, Chairman closed the hearing.

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Deanne Hall
Operator's Signature

01/17/03
Date

Date: January 29, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2185

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Senator Thomas L. Trenbeath Seconded By Senator Dennis Bercier

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley. Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent Zero (0)

Floor Assignment Senator Thomas L. Trenbeath

If the vote is on an amendment, briefly indicate intent:

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Deanna Hall
Operator's Signature

10/17/03
Date

REPORT OF STANDING COMMITTEE (410)
January 29, 2003 1:12 p.m.

Module No: SR-17-1256
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2185: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-17-1256

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Deanne Hall
Operator's Signature

1/17/03
Date

2003 HOUSE JUDICIARY

SD 2185

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Deanna Hall
Operator's Signature

10/17/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2185

House Judiciary Committee

☐ Conference Committee

Hearing Date 3-12-03

Tape Number	Side A	Side B	Meter #
1	xx		16.5-20
Committee Clerk Signature <i>APenrose</i>			

Minutes: 13 members present.

Chairman DeKrey: We will open the hearing on SB 2185.

Al Jaeger, Secretary of State: Support (see attached testimony).

Chairman DeKrey: Thank you.

Sen. Wardner: Support.

Chairman DeKrey: Thank you. Further testimony in support/opposition? We will close the hearing. What are the committee's wishes in regard to SB 2185.

Rep. Maragos: I move a Do Pass.

Rep. Delmore: Seconded.

13 YES 0 NO 0 ABSENT DO PASS CARRIER: Rep. Maragos

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Deanne Hollister
Operator's Signature

10/17/03
Date

Date: 3/12/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2185

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Maragos

If the vote is on an amendment, briefly indicate intent:

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Deanne Hall
Operator's Signature

3/17/03
Date

REPORT OF STANDING COMMITTEE (410)
March 12, 2003 11:33 a.m.

Module No: HR-44-4549
Carrier: Maragos
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2185: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-44-4549

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Deanne Hall
Operator's Signature

10/17/03
Date

2003 TESTIMONY

SB 2185

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Deanna Hall
Operator's Signature

10/17/03
Date

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.state.nd.us/sec



SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 29, 2003

PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@state.nd.us

TO: Senator Traynor, Chairman, and Members of the Senate Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2185 - Bonds of Public Officers

The introduction of this bill to repeal three sections of the Century Code (bottom of page) was prompted by the discovery of a filing requirement with the Secretary of State's office in N.D.C.C. § 44-01-09. When I checked with my staff, I learned that no one could recall ever filing a bond under that section of law nor does the office maintain a "bond record" book as is also required.

Then, I conducted a survey of the state's 53 County Recorders to which 21 of them responded. The latest bond filing date that anyone could find was back in the 1930's.

Finally, I checked with Jeff Blitz, the administrator for the State Bonding Fund in the Office of the Commissioner of Insurance. He agreed that these three sections of law (unchanged since 1943) could be repealed because there are other laws currently in the Century Code pertaining to the bonding of public officials. Therefore, these three sections of law are obsolete.

////////////////////////////////////
44-01-08. Approval of bonds. Whenever any public officer gives a bond other than one furnished by the state bonding fund, such bond must be approved as follows:

1. If such bond is given by a state officer, it must be approved by the governor as to sufficiency and by the attorney general as to form.
2. If such bond is given by an officer of a county or other political subdivision, it must be approved as to sufficiency by the board of county commissioners or other governing body and as to form by the state's attorney.

44-01-09. Filing of bonds. Whenever any public officer gives a bond other than one furnished by the state bonding fund, such bond must be filed as follows:

1. The bond of any state or district officer must be filed with the secretary of state, who shall record the same in a book to be known as the "bond record" and then shall deposit the same with the state treasurer, except that the bond of the state treasurer must be deposited with the state auditor.
2. The bond of any other officer, unless otherwise provided by law, must be filed with the recorder, to be recorded and then deposited with the county auditor.

44-01-10. Approval of bond - Signature of officer approving. The approval of a bond must be endorsed upon the bond and signed by the officer approving the same. In case the board of county commissioners or the board of township supervisors shall decide that a bond presented is insufficient, a reasonable time of not more than five days must be allowed the officer to supply a sufficient bond. Such board may take three days to consider the approval of any bond. If such board refuses or neglects to approve a bond of any county or township officer elect, the officer elect, upon three days' notice to such board, may present the same to the judge of the district court, who, unless good cause for delay is shown, shall proceed to hear and determine the sufficiency of such bond and may approve or disapprove the same as the facts warrant.

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Operator's Signature

Date

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.state.nd.us/sos



PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@state.nd.us

SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 12, 2003

TO: Rep. DeKrey, Chairman, and Members of the House Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2185 - Bonds of Public Officers

This bill repeals three sections of the Century Code (listed at the bottom of page) because they are obsolete.

According to the provisions of N.D.C.C. § 44-01-09, certain bonds are to be filed with the Secretary of State's office. However, the Secretary of State's office has no "bond record" book and long-time employees do not recall ever filing such bonds.

In addition, a survey was conducted of the state's 53 County Recorders to learn if any of them had filed any bonds. Of the 21 Recorders that responded, only one of them found evidence of a bond filing and that filing occurred in the 1930's.

Before the legislation was drafted, I consulted Jeff Blitz, Administrator of the State Bonding Fund, Office of the Commissioner of Insurance. He agreed that these three sections of law (unchanged since 1943) could be repealed because there are other laws currently in the Century Code pertaining to the bonding of public officials.

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44-01-08. Approval of bonds. Whenever any public officer gives a bond other than one furnished by the state bonding fund, such bond must be approved as follows:

1. If such bond is given by a state officer, it must be approved by the governor as to sufficiency and by the attorney general as to form.
2. If such bond is given by an officer of a county or other political subdivision, it must be approved as to sufficiency by the board of county commissioners or other governing body and as to form by the state's attorney.

44-01-09. Filing of bonds. Whenever any public officer gives a bond other than one furnished by the state bonding fund, such bond must be filed as follows:

1. The bond of any state or district officer must be filed with the secretary of state, who shall record the same in a book to be known as the "bond record" and then shall deposit the same with the state treasurer, except that the bond of the state treasurer must be deposited with the state auditor.
2. The bond of any other officer, unless otherwise provided by law, must be filed with the recorder, to be recorded and then deposited with the county auditor.

44-01-10. Approval of bond - Signature of officer approving. The approval of a bond must be endorsed upon the bond and signed by the officer approving the same. In case the board of county commissioners or the board of township supervisors shall decide that a bond presented is insufficient, a reasonable time of not more than five days must be allowed the officer to supply a sufficient bond. Such board may take three days to consider the approval of any bond. If such board refuses or neglects to approve a bond of any county or township officer elect, the officer elect, upon three days' notice to such board, may present the same to the Judge of the district court, who, unless good cause for delay is shown, shall proceed to hear and determine the sufficiency of such bond and may approve or disapprove the same as the facts warrant.

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Deanne Hall
Operator's Signature

10/17/03
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