

OFFICES AND OFFICERS

CHAPTER 381

HOUSE BILL NO. 1530

(Representative L. Meier)

(Senator Nodland)

AN ACT to amend and reenact section 44-01-05 of the North Dakota Century Code, relating to oaths of civil officers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. 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 that individual's office shall take and subscribe the oath prescribed in section 4 of article XI of the Constitution of North Dakota. 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 and any individual appointed by such elected official; any individual appointed by the governor and required by section 16.1-09-02 to file a statement of interests with the secretary of state; 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.

Approved April 21, 2009

Filed April 22, 2009

CHAPTER 382**HOUSE BILL NO. 1220**

(Representatives Nathe, Porter, Thoreson)
(Senator Stenehjem)

AN ACT to amend and reenact subsection 8 of section 44-04-17.1 of the North Dakota Century Code, relating to the definition of a meeting.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 8 of section 44-04-17.1 of the North Dakota Century Code is amended and reenacted as follows:

8. a. "Meeting" means a formal or informal gathering or a work session, whether in person or through electronic means such as telephone or videoconference, 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 such 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" ~~includes work sessions~~, but does not include:
- (1) A chance or social gathering where gathering at which public business is not considered and does not include the;
 - (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; and
 - (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.
- 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.

Approved March 19, 2009
Filed March 24, 2009

CHAPTER 383

SENATE BILL NO. 2259

(Senators Nething, Fiebiger)
(Representatives Dahl, Delmore)

AN ACT to amend and reenact subsection 5 of section 44-04-18 of the North Dakota Century Code, relating to authority to establish procedures for providing access from an outside location to computer databases or electronically stored information.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁵³ **SECTION 1. AMENDMENT.** Subsection 5 of section 44-04-18 of the North Dakota Century Code is amended and reenacted as follows:

5. A state-level public entity as defined in subdivision a of subsection 12 of section 44-04-17.1 or a political subdivision as defined in subsection 10 or section 44-04-17.1, may establish procedures for providing access from an outside location to any computer data base or electronically filed or stored information maintained by that entity. The procedures must address the measures that are necessary to maintain the confidentiality of information protected by federal or state law. Except for access provided to another state-level public entity or political subdivision, the ~~entity~~ state or political subdivision may charge a reasonable fee for providing that outside access. If the original information is keyed, entered, provided, compiled, or submitted by any political subdivision, the fees must be shared by the state and the political subdivision based on their proportional costs to make the data available.

Approved April 8, 2009
Filed April 9, 2009

¹⁵³ Section 44-04-18 was also amended by section 1 of Senate Bill No. 2172, chapter 384.

CHAPTER 384

SENATE BILL NO. 2172

(Senators J. Lee, Dever, Lyson)
(Representatives DeKrey, Grande, Gruchalla)

AN ACT to amend and reenact subsection 6 of section 44-04-18 and section 44-04-18.3 of the North Dakota Century Code, relating to access to public records in arbitration proceedings and to exempting law enforcement work schedules from open records requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁵⁴ **SECTION 1. AMENDMENT.** Subsection 6 of section 44-04-18 of the North Dakota Century Code is amended and reenacted as follows:

6. Any request under this section for records in the possession of a public entity by a party to a criminal or civil action or arbitration in which the public entity is a party, or by an agent of the party, must comply with applicable discovery rules or orders and be made to the attorney representing that entity in the criminal or civil action or arbitration. The public entity may deny a request from a party or an agent of a party under this subsection if the request seeks records that are privileged under applicable discovery rules.

SECTION 2. AMENDMENT. Section 44-04-18.3 of the North Dakota Century Code is amended and reenacted as follows:

44-04-18.3. Records of juvenile court supervisors and probation officers and law enforcement and correctional employees - Law enforcement work schedules - Confidential informants.

1. Any telephone number and the home address of a juvenile court supervisor 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. A record containing information relating to an employee of the department of corrections and rehabilitation may be disclosed to an appropriate authority under policy established by the department of corrections and rehabilitation.
2. Records or other information that would reveal the identity, or endanger the life or physical well-being, of an undercover law enforcement officer is confidential. For purposes of this subsection, an "undercover law enforcement officer" means a full-time, salaried employee of a local or state law enforcement agency who acts surreptitiously or poses as

¹⁵⁴ Section 44-04-18 was also amended by section 1 of Senate Bill No. 2259, chapter 383.

someone other than a law enforcement officer while engaging in the investigation of a violation of law.

3. Any record containing the work schedule of employees of a law enforcement agency is exempt.
4. A law enforcement officer or prosecutor, within the scope of the employment of the officer or prosecutor, may provide assurances of confidentiality to a person providing information regarding violations of the law. Any information that would identify or provide a means of identifying a confidential informant, if the identity of the informant is not otherwise publicly known, is confidential and may be disclosed only as permitted by law.

Approved April 30, 2009
Filed May 1, 2009

CHAPTER 385

SENATE BILL NO. 2322

(Senators Miller, Nelson, Nodland)

(Representatives Dahl, Kingsbury, Kretschmar)

AN ACT to amend and reenact section 1-08-12, subsection 1 of section 44-06-13.1, and subsection 1 of section 44-06-13.2 of the North Dakota Century Code, relating to electronic signatures and discipline of notaries public.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 1-08-12 of the North Dakota Century Code is amended and reenacted as follows:

1-08-12. Alternative methods of signing, subscribing, or verifying documents filed by electronic means. A state agency, as defined in section 44-08-04.2, charged by law with the duty of receiving signed, subscribed, or verified documents may accept such documents filed by electronic means, including telecommunications. The secretary of state ~~shall~~ may adopt rules in the manner provided in chapter 28-32 to govern methods for signing, subscribing, or verifying documents filed by electronic means, except documents filed with the tax commissioner. A signature on a document filed by electronic means which is accepted by the state agency and complies with the rules of the secretary of state has the same validity and consequence as the actual signature and written declaration for a paper document.

SECTION 2. AMENDMENT. Subsection 1 of section 44-06-13.1 of the North Dakota Century Code is amended and reenacted as follows:

1. A notary public may not notarize a signature on a document if:
 - a. The document was not first signed or re-signed in the presence of the notary public, in the case of a jurat, or in the case of a certificate of acknowledgment, was not acknowledged in the presence of the notary public.
 - b. The name of the notary public or the spouse of the notary public appears on the document as a party to the transaction or as a signatory to a petition within the meaning of section 1-01-50.
 - c. The signature is that of the notary public or the spouse of the notary public.
 - d. Except as otherwise provided by law, the notary public uses a name or initial in notarizing the document other than as it appears on the notary's commission. However, such an act by a notary by itself does not affect the validity of the document.
 - e. The date of the jurat or certificate of acknowledgment is not the actual date the document is to be notarized or the jurat or certificate of acknowledgement is undated.

- f. The signature on the document or the notarial certificate is not an original signature, except as otherwise provided by law.
- g. The notary is falsely or fraudulently signing or notarizing a document, jurat, or certificate of acknowledgement or in any other way is impersonating or assuming the identity of another notary.
- h. The signature is on a blank or incomplete document.
- i. In the case of a document drafted in a language other than English, the document is not accompanied by a permanently affixed and accurate written English translation.
- j. Except as otherwise provided by law:
 - (1) The document is a copy or certified copy of any vital record authorized or required by law to be registered or filed;
 - (2) The document is a copy or certified copy of an instrument entitled by law to be recorded; or
 - (3) The document is a copy or certified copy of a public record containing an official seal.
- k. The notary did not obtain satisfactory evidence of the identity of the signer, unless the signer is personally known to the notary.

SECTION 3. AMENDMENT. Subsection 1 of section 44-06-13.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The secretary of state may deny, revoke, or suspend a commission granted under this chapter on the following grounds:
 - a. Conviction by a court of competent jurisdiction of an offense related to the honesty, integrity, or trustworthiness of the notary which the secretary of state determines would render the notary or notary applicant unfit to serve the public as a notary.
 - b. Fraud, misrepresentation, or false statement in obtaining or renewing a commission.
 - c. Failure by a commissioned notary to report in writing to the secretary of state the notary's conviction by a court of competent jurisdiction of a felony within ninety days of the date of the conviction.
 - d. Engaging in any act prohibited under section 44-06-13.1.
 - e. Violating any other provision of this chapter.

Approved April 8, 2009
Filed April 9, 2009

CHAPTER 386**SENATE BILL NO. 2064**
(Legislative Compensation Commission)

AN ACT to amend and reenact subdivision d of subsection 2 of section 44-08-04, subsections 1, 2, 3, and 7 of section 54-03-20, subsection 1 of section 54-06-09, and section 54-35-10 of the North Dakota Century Code, relating to legislative compensation and state officer and employee lodging and mileage reimbursement; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁵⁵ **SECTION 1. AMENDMENT.** Subdivision d of subsection 2 of section 44-08-04 of the North Dakota Century Code is amended and reenacted as follows:

- d. Fourth quarter is from twelve midnight to six a.m. and the sum must be the actual lodging expenses not to exceed ~~fifty five dollars~~ 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.

¹⁵⁶ **SECTION 2. AMENDMENT.** Subsection 1 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

1. Each member of the legislative assembly is entitled to receive as compensation for services the sum of one hundred ~~thirty five~~ forty-one dollars for each calendar day during any organizational, special, or regular legislative session and for each day that member attends a meeting of a legislative committee between the organizational session and the regular session as authorized by legislative rule.

¹⁵⁵ Section 44-08-04 was also amended by section 1 of Senate Bill No. 2353, chapter 387.

¹⁵⁶ Section 54-03-20 was also amended by section 40 of House Bill No. 1436, chapter 482, section 97 of House Bill No. 1436, chapter 482, section 9 of Senate Bill No. 2001, chapter 29, section 10 of Senate Bill No. 2001, chapter 29, section 3 of Senate Bill No. 2064, chapter 386, section 4 of Senate Bill No. 2064, chapter 386, section 5 of Senate Bill No. 2064, chapter 386, and section 6 of Senate Bill No. 2064, chapter 386.

¹⁵⁷ **SECTION 3. AMENDMENT.** Subsection 1 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

1. Each member of the legislative assembly is entitled to receive as compensation for services the sum of one hundred ~~forty-one~~ forty-eight dollars for each calendar day during any organizational, special, or regular legislative session and for each day that member attends a meeting of a legislative committee between the organizational session and the regular session as authorized by legislative rule.

¹⁵⁸ **SECTION 4. AMENDMENT.** Subsections 2 and 3 of section 54-03-20 of the North Dakota Century Code are amended and reenacted as follows:

2. a. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a ~~maximum of nine hundred dollars~~ per calendar month the amount established under this subdivision by the director of the office of management and budget for lodging in state, at the rates and in the manner 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 fifty-five percent of the daily lodging reimbursement in effect on that date as provided under subdivision d of subsection 2 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 council 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.

¹⁵⁷ Section 54-03-20 was also amended by section 40 of House Bill No. 1436, chapter 482, section 97 of House Bill No. 1436, chapter 482, section 9 of Senate Bill No. 2001, chapter 29, section 10 of Senate Bill No. 2001, chapter 29, section 2 of Senate Bill No. 2064, chapter 386, section 4 of Senate Bill No. 2064, chapter 386, section 5 of Senate Bill No. 2064, chapter 386, and section 6 of Senate Bill No. 2064, chapter 386.

¹⁵⁸ Section 54-03-20 was also amended by section 40 of House Bill No. 1436, chapter 482, section 97 of House Bill No. 1436, chapter 482, section 9 of Senate Bill No. 2001, chapter 29, section 10 of Senate Bill No. 2001, chapter 29, section 2 of Senate Bill No. 2064, chapter 386, section 3 of Senate Bill No. 2064, chapter 386, section 5 of Senate Bill No. 2064, chapter 386, and section 6 of Senate Bill No. 2064, chapter 386.

3. a. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may be only at the cost of coach fare and may not exceed one and one-half times the amount the member would be entitled to receive as mileage reimbursement for travel by motor vehicle.
- b. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed ~~nine hundred dollars per month~~ the maximum monthly reimbursement allowed under subdivision a of subsection 2.

¹⁵⁹ **SECTION 5. AMENDMENT.** Subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

7. a. In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of three hundred ~~seventy-eight ninety-six~~ dollars a month, ~~which is payable every six months or~~ paid monthly; at the member's option.
- b. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.
- c. The majority and minority leaders of the house and senate and the chairman of the legislative council, if the chairman is not a majority or minority leader, are each entitled to receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of two hundred seventy dollars per month during the biennium for their execution of public duties.

¹⁵⁹ Section 54-03-20 was also amended by section 40 of House Bill No. 1436, chapter 482, section 97 of House Bill No. 1436, chapter 482, section 9 of Senate Bill No. 2001, chapter 29, section 10 of Senate Bill No. 2001, chapter 29, section 2 of Senate Bill No. 2064, chapter 386, section 3 of Senate Bill No. 2064, chapter 386, section 4 of Senate Bill No. 2064, chapter 386, and section 6 of Senate Bill No. 2064, chapter 386.

¹⁶⁰ **SECTION 6. AMENDMENT.** Subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

7. a. In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of ~~three~~ four hundred ~~ninety-six~~ fifteen dollars a month, ~~which is payable every six months or~~ paid monthly; ~~at the member's option.~~
- b. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.
- c. The majority and minority leaders of the house and senate and the chairman of the legislative council, if the chairman is not a majority or minority leader, are each entitled to receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of two hundred seventy dollars per month during the biennium for their execution of public duties.

SECTION 7. AMENDMENT. Subsection 1 of section 54-06-09 of the North Dakota Century Code is amended and reenacted as follows:

1. State officials, whether elective or appointive, and their deputies, assistants, and clerks, or other state employees, entitled by law to be reimbursed for mileage or travel expense, must be allowed and paid for mileage and travel expense ~~the following amounts:~~
 - a. ~~The sum of forty-five cents per mile [1.64 kilometers] for each mile [1.64 kilometers] actually and necessarily traveled in the performance of official duty when the travel is by motor vehicle, the use of which is required by the employing entity. The sum of seventy cents per mile [1.64 kilometers] for~~ For each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when the travel is by private airplane, the individual is entitled to a sum equal to one and one-half times the mileage reimbursement amount established under subdivision c for travel by motor vehicle. Mileage by private aircraft must be computed by actual air mileage when only one state employee or official is traveling; if two or more state employees or officials are traveling by private aircraft, the actual mileage must be based on the road mileage between the geographical points. Reimbursement for private airplane travel must be calculated as follows:

¹⁶⁰ Section 54-03-20 was also amended by section 40 of House Bill No. 1436, chapter 482, section 97 of House Bill No. 1436, chapter 482, section 9 of Senate Bill No. 2001, chapter 29, section 10 of Senate Bill No. 2001, chapter 29, section 2 of Senate Bill No. 2064, chapter 386, section 3 of Senate Bill No. 2064, chapter 386, section 4 of Senate Bill No. 2064, chapter 386, and section 5 of Senate Bill No. 2064, chapter 386.

- (1) If reimbursement is for one properly authorized and reimbursable passenger, reimbursement must be paid on a per mile basis as provided in this subsection.
 - (2) If reimbursement is claimed for a chartered private aircraft, reimbursement may not exceed the cost of regular coach fare on a commercial flight, if one is scheduled between the point of departure, point of destination, and return, for each properly authorized and reimbursable passenger on the charter flight; or, where there is no such regularly scheduled commercial flight, the actual cost of the charter.
- b. Except as provided in subdivision a, when travel is by rail or certificated air taxi commercial operator or other common carrier, including regularly scheduled flights by airlines, the individual is entitled to reimbursement for the amount actually and necessarily expended therefor in the performance of official duties.
- c. The director of the office of management and budget shall adopt rules establishing mileage reimbursement for actual and necessary travel in the performance of official duty when the travel is by motor vehicle, the use of which is required by the employing entity. The director shall amend the rules when necessary to set reimbursement at the same rate as established by the United States general services administration for privately owned vehicles.

¹⁶¹ **SECTION 8. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

54-35-10. (Effective through June 30, 2009) Compensation of members and leadership.

1. The members of the council and the members of any committee of the council are entitled to be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of one hundred eight dollars per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.
2. In addition to the compensation provided in subsection 1, the chairman of the council shall receive an additional five dollars for each day spent in attendance at sessions of the council and of its committees, and the chairman of each of the council's committees shall receive five dollars for each day spent in attendance at sessions of the council or of the committee which the person chairs.

(Effective after June 30, 2009) Compensation of members and leadership.

¹⁶¹ Section 54-35-10 was also amended by section 65 of House Bill No. 1436, chapter 482, and section 9 of Senate Bill No. 2064, chapter 386.

1. The members of the council and the members of any committee of the council are entitled to be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of one hundred ~~thirty-five~~ forty-one dollars per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.
2. In addition to the compensation provided in subsection 1, the chairman of the council shall receive an additional five dollars for each day spent in attendance at sessions of the council and of its committees, and the chairman of each of the council's committees shall receive five dollars for each day spent in attendance at sessions of the council or of the committee which the person chairs.

¹⁶² **SECTION 9. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

54-35-10. Compensation of members and leadership.

1. The members of the council and the members of any committee of the council are entitled to be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of one hundred ~~forty-one~~ forty-eight dollars per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.
2. In addition to the compensation provided in subsection 1, the chairman of the council shall receive an additional five dollars for each day spent in attendance at sessions of the council and of its committees, and the chairman of each of the council's committees shall receive five dollars for each day spent in attendance at sessions of the council or of the committee which the person chairs.

SECTION 10. EFFECTIVE DATE. Sections 2, 5, and 8 of this Act become effective July 1, 2009, section 1 of this Act becomes effective on August 1, 2009, and sections 3, 6, and 9 of this Act become effective on July 1, 2010.

Approved May 1, 2009
Filed May 5, 2009

¹⁶² Section 54-35-10 was also amended by section 65 of House Bill No. 1436, chapter 482, and section 8 of Senate Bill No. 2064, chapter 386.

CHAPTER 387**SENATE BILL NO. 2353**

(Senators Krebsbach, Wardner)

(Representatives Boehning, D. Johnson, S. Kelsh)

AN ACT to amend and reenact subdivision d of subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to state officer and employee lodging reimbursement.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁶³ **SECTION 1. AMENDMENT.** Subdivision d of subsection 2 of section 44-08-04 of the North Dakota Century Code is amended and reenacted as follows:

- d. Fourth quarter is from twelve midnight to six a.m. and the sum must be the actual lodging expenses not to exceed ~~fifty five dollars~~ an amount established by policy by the director of the office of management and budget. The director shall establish a policy to set the lodging reimbursement at an amount not to exceed ninety percent of the rate established by the United States general services administration for lodging reimbursement in this state plus any additional applicable state or local taxes. A political subdivision may reimburse an elective or appointive officer, employee, representative, or agent for actual lodging expenses.

Approved April 22, 2009

Filed April 23, 2009

¹⁶³ Section 44-08-04 was also amended by section 1 of Senate Bill No. 2064, chapter 386.

CHAPTER 388**HOUSE BILL NO. 1162**

(Representatives Clark, Thoreson, Amerman)
(Senators Flakoll, Cook, Dever)

AN ACT to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to restrictions on the purchase of flags of the United States of America.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-08 of the North Dakota Century Code is created and enacted as follows:

Purchase of flags of the United States. A state entity or any political subdivision of this state may not purchase a flag of the United States of America unless the flag was manufactured in the United States of America. This section does not apply to the purchase of an item that is not a flag but which portrays a likeness of a flag of the United States of America, such as food, clothing, a lapel pin, a paper product, or other non-flag item.

Approved April 24, 2009
Filed April 29, 2009

CHAPTER 389**HOUSE BILL NO. 1369**

(Representatives Skarphol, Wall, Williams)
(Senator Anderson)

AN ACT to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to the removal of appointed political subdivision officers; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-08 of the North Dakota Century Code is created and enacted as follows:

Removal of political subdivision officer. Notwithstanding any other provision of law, the governing body of a political subdivision may 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 a hearing.

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

Approved March 13, 2009
Filed March 13, 2009