

**SENATE BILL NO. 2264**

Introduced by

Senators Unruh, Klein, Schaible

Representatives Howe, Nathe, Porter

1 A BILL ~~for an Act to amend and reenact section 15-01-03 and subsection 2 of section 28-32-01~~  
2 ~~of the North Dakota Century Code, relating to meetings and policy approval process of the~~  
3 ~~board of university and school lands and exempt administrative agencies.~~for an Act to amend  
4 and reenact subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to the  
5 board of university and school lands and exempt administrative agencies.

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

7 ~~**SECTION 1. AMENDMENT.** Section 15-01-03 of the North Dakota Century Code is~~  
8 ~~amended and reenacted as follows:~~

9 ~~**15-01-03. Meetings of board - Quorum - Policy approval process.**~~

10 ~~1. The board shall meet on the last Thursday of each month. If it appears a quorum will~~  
11 ~~not be present for any meeting of the board, the meeting may be rescheduled by the~~  
12 ~~commissioner upon reasonable notice to all members. Special meetings of the board~~  
13 ~~may be held at any time at the written call of the chairman, the commissioner, or any~~  
14 ~~two members of the board. Three members of the board constitute a quorum.~~

15 ~~2. At a meeting of the board, the commissioner may propose new policies or~~  
16 ~~amendments to existing policies and place the proposal on the agenda of the board.~~

17 ~~The board shall act on agenda items in the following order:~~

18 ~~a. The board shall receive the commissioner's presentation, including an~~  
19 ~~explanation or summary of the proposed new policy or amendment. If the board~~  
20 ~~approves the new policy or amendment upon the first reading, the new policy or~~  
21 ~~amendment is placed on the agenda for a second reading at the next scheduled~~  
22 ~~meeting of the board;~~

23 ~~b. Prior to the next scheduled meeting of the board, the new policy or amendment~~  
24 ~~must be made available to the public for a review and comment period. The~~

1 ~~review and comment period must include an opportunity for members of the~~  
2 ~~public to submit written comments to the commissioner regarding the new policy,~~  
3 ~~or amendment. The commissioner shall submit the written comments to the~~  
4 ~~board at the next scheduled meeting of the board;~~

5 ~~c. At the next scheduled meeting of the board, the new policy or amendment must~~  
6 ~~receive a second reading, including a brief explanation or summary. The board~~  
7 ~~may adopt, reject, or grant an extension of the new policy or amendment at the~~  
8 ~~meeting.~~

9 ~~3. A new policy or amendment takes effect immediately upon adoption by the board,~~  
10 ~~unless the board approves a different effective date. The board may consider~~  
11 ~~amendments to a proposed new policy at any time before adoption. If the board~~  
12 ~~determines the adoption of an amendment to a proposed new policy or to an~~  
13 ~~amendment would result in a substantive change to the proposed new policy or~~  
14 ~~amendment, the board may extend consideration of the new policy or amendment to~~  
15 ~~the next scheduled meeting of the board and grant additional public review and~~  
16 ~~comment.~~

17 ~~4. The board may waive the requirement of a second reading and approve a proposed~~  
18 ~~new policy or amendment after a first reading if the board determines the action to be~~  
19 ~~an emergency requiring immediate action.~~

20 ~~**SECTION 2. AMENDMENT.** Subsection 2 of section 28-32-01 of the North Dakota Century~~  
21 ~~Code is amended and reenacted as follows:~~

22 ~~2. "Administrative agency" or "agency" means each board, bureau, commission,~~  
23 ~~department, or other administrative unit of the executive branch of state government,~~  
24 ~~including one or more officers, employees, or other persons directly or indirectly~~  
25 ~~purporting to act on behalf or under authority of the agency. An administrative unit~~  
26 ~~located within or subordinate to an administrative agency must be treated as part of~~  
27 ~~that agency to the extent it purports to exercise authority subject to this chapter. The~~  
28 ~~term administrative agency does not include:~~

29 ~~a. The office of management and budget except with respect to rules made under~~  
30 ~~section 32-12.2-14, rules relating to conduct on the capitol grounds and in~~  
31 ~~buildings located on the capitol grounds under section 54-21-18, rules relating to~~

- 1                   the classified service as authorized under section 54-44.3-07, and rules relating-
- 2                   to state purchasing practices as required under section 54-44.4-04.
- 3           ~~b. The adjutant general with respect to the department of emergency services.~~
- 4           ~~c. The council on the arts.~~
- 5           ~~d. The state auditor.~~
- 6           ~~e. The department of commerce with respect to the division of economic-~~
- 7                   development and finance.
- 8           ~~f. The dairy promotion commission.~~
- 9           ~~g. The education factfinding commission.~~
- 10          ~~h. The educational technology council.~~
- 11          ~~i. The board of equalization.~~
- 12          ~~j. The board of higher education.~~
- 13          ~~k. The Indian affairs commission.~~
- 14          ~~l. The industrial commission with respect to the activities of the Bank of North-~~
- 15                   Dakota, North Dakota housing finance agency, public finance authority, North-
- 16                   Dakota mill and elevator association, North Dakota farm finance agency, the-
- 17                   North Dakota transmission authority, and the North Dakota pipeline authority.
- 18          ~~m. The department of corrections and rehabilitation except with respect to the-~~
- 19                   activities of the division of adult services under chapter 54-23.4.
- 20          ~~n. The pardon advisory board.~~
- 21          ~~o. The parks and recreation department.~~
- 22          ~~p. The parole board.~~
- 23          ~~q. The state fair association.~~
- 24          ~~r. The attorney general with respect to activities of the state toxicologist and the-~~
- 25                   state crime laboratory.
- 26          ~~s. The administrative committee on veterans' affairs except with respect to rules-~~
- 27                   relating to the supervision and government of the veterans' home and the-
- 28                   implementation of programs or services provided by the veterans' home.
- 29          ~~t. The industrial commission with respect to the lignite research fund except as-~~
- 30                   required under section 57-61-01.5.

- 1 ~~u. The attorney general with respect to guidelines adopted under section 12.1-32-15-~~  
2 ~~for the risk assessment of sexual offenders, the risk level review process, and~~  
3 ~~public disclosure of information under section 12.1-32-15.~~  
4 ~~v. The commission on legal counsel for indigents.~~  
5 ~~w. The attorney general with respect to twenty-four seven sobriety program-~~  
6 ~~guidelines and program fees.~~  
7 ~~x. The industrial commission with respect to approving or setting water rates under~~  
8 ~~chapter 61-40.~~  
9 ~~y. The board of university and school lands except with respect to activities~~  
10 ~~under chapter 47-30.1 or 57-62.~~

11 **SECTION 1. AMENDMENT.** Subsection 2 of section 28-32-01 of the North Dakota Century  
12 Code is amended and reenacted as follows:

- 13 2. "Administrative agency" or "agency" means each board, bureau, commission,  
14 department, or other administrative unit of the executive branch of state government,  
15 including one or more officers, employees, or other persons directly or indirectly  
16 purporting to act on behalf or under authority of the agency. An administrative unit  
17 located within or subordinate to an administrative agency must be treated as part of  
18 that agency to the extent it purports to exercise authority subject to this chapter. The  
19 term administrative agency does not include:
- 20 a. The office of management and budget except with respect to rules made under  
21 section 32-12.2-14, rules relating to conduct on the capitol grounds and in  
22 buildings located on the capitol grounds under section 54-21-18, rules relating to  
23 the classified service as authorized under section 54-44.3-07, and rules relating  
24 to state purchasing practices as required under section 54-44.4-04.
  - 25 b. The adjutant general with respect to the department of emergency services.
  - 26 c. The council on the arts.
  - 27 d. The state auditor.
  - 28 e. The department of commerce with respect to the division of economic  
29 development and finance.
  - 30 f. The dairy promotion commission.
  - 31 g. The education factfinding commission.

- 1 h. The educational technology council.
- 2 i. The board of equalization.
- 3 j. The board of higher education.
- 4 k. The Indian affairs commission.
- 5 l. The industrial commission with respect to the activities of the Bank of North  
6 Dakota, North Dakota housing finance agency, public finance authority, North  
7 Dakota mill and elevator association, North Dakota farm finance agency, the  
8 North Dakota transmission authority, and the North Dakota pipeline authority.
- 9 m. The department of corrections and rehabilitation except with respect to the  
10 activities of the division of adult services under chapter 54-23.4.
- 11 n. The pardon advisory board.
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16 state crime laboratory.
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18 relating to the supervision and government of the veterans' home and the  
19 implementation of programs or services provided by the veterans' home.
- 20 t. The industrial commission with respect to the lignite research fund except as  
21 required under section 57-61-01.5.
- 22 u. The attorney general with respect to guidelines adopted under section 12.1-32-15  
23 for the risk assessment of sexual offenders, the risk level review process, and  
24 public disclosure of information under section 12.1-32-15.
- 25 v. The commission on legal counsel for indigents.
- 26 w. The attorney general with respect to twenty-four seven sobriety program  
27 guidelines and program fees.
- 28 x. The industrial commission with respect to approving or setting water rates under  
29 chapter 61-40.

1           y. The board of university and school lands with respect to the adjudicative  
2           proceeding requirements and procedures under sections 28-32-21 through  
3           28-32-51.