

STATE GOVERNMENT

CHAPTER 461

HOUSE BILL NO. 1398
(Royse, Unhjem)

COMMERCIAL USE OF STATE SEAL

AN ACT to amend and reenact section 54-02-01 of the North Dakota Century Code, relating to the great seal of the state and providing a penalty for its commercial use and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-02-01. GREAT SEAL - PENALTY FOR COMMERCIAL USE.)

1. The great seal of the state shall be that prescribed in section 207 of the North Dakota Constitution. A description in writing of such seal shall be deposited and recorded in the office of the secretary of state and shall remain a public record.
2. It shall be a class B misdemeanor for any person to:
 - a. Place or cause to be placed on the great seal, or any reproduction thereof, any advertisement.
 - b. Expose the great seal, or any reproduction thereof, to public view with any advertisement attached thereto.
 - c. Utilize the great seal, or a copy or reproduction thereof, for any commercial purpose.

As used in this subsection, "advertisement" means any printed matter, device, picture, or symbol, no matter how presented to the senses, which informs the public that a good or service is available; and "commercial purpose" means with intent to produce a pecuniary gain through sale of a good or service.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 10, 1975

CHAPTER 462

HOUSE BILL NO. 1160
(Rau)

STATE MARCH

AN ACT to designate a march as the North Dakota state march which may be played at official state functions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. DESIRABILITY OF ADOPTING STATE MARCH.)

WHEREAS, the state of North Dakota has heretofore had no official band march to be played at gatherings of state residents where such music would be appropriate; and

WHEREAS, the North Dakota band directors' association, having recognized this void, commissioned Mr. James D. Ployhar to compose a march which could be easily played by the average North Dakota high school band and which would be appropriate to be played at official state functions; and

WHEREAS, Mr. Ployhar has composed the march entitled "Spirit of the Land" in accordance with the request of the North Dakota band directors' association, and such association has recommended the adoption of the march "Spirit of the Land" as the North Dakota state march.

SECTION 2. ADOPTION OF NORTH DAKOTA STATE MARCH.) "Spirit of the Land" as composed by Mr. James D. Ployhar is hereby designated as the North Dakota state march. The North Dakota state march shall be played in a manner consistent with the respect and dignity due a state march and may be played at appropriate state functions.

Approved March 6, 1975

CHAPTER 463

SENATE BILL NO. 2497
(Thane)
(Committee on Delayed Bills)

LEGISLATIVE APPORTIONMENT

AN ACT to provide for state legislative apportionment, and to repeal sections 54-03-01, 54-03-01.1, 54-03-01.2, 54-03-01.3, and 54-03-01.4 of the North Dakota Century Code, relating to state legislative apportionment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE FINDINGS AND DECLARATIONS.) The legislative assembly finds and declares that:

1. The senate should be maintained from forty-eight to fifty-two members in order to effectively represent the citizens of the state and to adequately review and study proposed legislation. By providing for such a size senate, a certain population variance is assured due to a combination of factors referred to in this section; however, although a legislative apportionment plan could possibly be formulated with a smaller population variance than the plan provided by this Act, such a plan would necessitate a smaller legislative assembly with geographically large legislative districts which would substantially reduce the personal contact citizens have with their elected legislators. Such geographically large legislative districts would result from the fact that the state has a population density of only 8.9 residents per square mile and, in some instances, portions of the state comprise relatively uninhabited territory of up to 72 square miles.
2. Traditionally and historically, except for court-fashioned legislative apportionment plans, the state legislative assembly has been comprised of single-member senate districts and multi-member house districts.
3. Multi-member senate districts should be avoided in legislative apportionment plans unless a unique combination of factors justifies very limited use of multi-member senate districts. This very limited use of multi-member senate districts is not intended

by the legislative assembly to establish a policy favoring multi-member senate districts. One district in the state, district 5, has a unique combination of factors which justifies a very limited use of a multi-member senate subdistrict. For legislative apportionment purposes, the population of the Minot air force base has been attached to the city of Minot due to the community of interest between residents of the city of Minot and air base personnel; however, the size of the air base is such that singularly it could be entitled to one senator and two representatives. Due to the military policy of discouragement of political activities by military personnel, the prohibition of political campaigning on military establishments, the transitory nature of military personnel, the fact that a large number of military personnel maintain their voting residences in their home state, and the fact that military personnel participation in state elections is minimal, the air base should not be a separate legislative district but should be combined with an urban subdistrict only to the extent necessary to provide for two senators and four representatives to be elected from that urban subdistrict.

4. The state has a policy dating from statehood in 1889 of preserving county boundaries in legislative apportionment plans. This policy was firmly established in section 29 of the state Constitution which provided that "no portion of any county shall be attached to any other county, or part thereof, so as to form a district" and, although the section was amended in 1960, the substance of the amendment was to preserve the legislative districting plan then in effect which recognized county lines in every district. Even though the section, as amended, was found to violate the U. S. Constitution by a federal court, in every court-fashioned apportionment plan efforts have been made to hold violations of county boundaries to a minimum in deference to this strongly established state policy.
5. Voter identification with legislative districts is significant with regard to voter participation, and this identification with legislative districts extends to and includes identification with county boundaries.
6. The natural boundary caused by the Missouri River is very real in that one-third of the state lies west of the river, and of the three hundred fifty-five-mile length of the river only six crossings exist, four of which are located in urban areas. Any legislative district crossing the Missouri River would cause extreme hardship to the residents of the district and to the electoral process.

7. The sparse population of rural areas of the state, combined with the policy of maintenance of political subdivision boundaries and recognition of the natural boundary caused by the Missouri River, justifies deviations from population equality in legislative districts with this unique combination of factors.
8. An overemphasis on raw population figures provided by the 1970 census submerges state policy factors which are taken into account in legislative apportionment and ignore factors that are important to an acceptable apportionment plan for effective representative government.
9. It is extremely difficult to formulate a legislative apportionment plan with a small population variance among legislative districts and subdistricts without including some counties in portions of two or three legislative districts while at the same time realizing that population shifts and fluctuations in military and college student populations already make the 1970 census obsolete. This obsolescence is emphasized and reinforced by comparing the results of the 1970 census with the results of special census enumerations of Pembina County and the cities of Bismarck, Fargo, and Grand Forks.
10. In the northeast portion of the state, where the population of the rural districts is low in comparison to the population of other rural districts, the influx of people from the extensive military activity in the area immediately after the 1970 census has increased the population of those districts. While not represented in the 1970 census figures, this influx is recognized in the legislative apportionment plan and, if current population figures were used, the population deviation of those districts would be substantially lessened.
11. While there has been a general shift in population from rural to urban areas of the state, many of these newly established urban residents maintain close ties with their rural heritage and maintain voting residence in rural districts.
12. Substantial changes in existing legislative districts would cause disruption of district party organizations and would result in a disruption of voter identification with and awareness to legislative district boundaries which were first established in 1972 and have been in effect for one special election, two primary elections, and two general elections.
13. Adoption of a legislative reapportionment plan substantially different from current North Dakota

legislative apportionment would require that all state senators again stand for election in 1976, and additional drastic changes in legislative district boundaries would increase voter disenchantment with the legislative process and reduce the personal relationships many persons have with their elected representatives.

14. The legislative reapportionment plan ordered into effect on May 22, 1972, by the United States district court for the district of North Dakota was intended to have the least disruptive effect in changing legislative districts. In addition, the court-ordered plan recognized the established state policy of preserving political subdivision boundaries to the greatest extent practicable by violating only seven county boundaries in rural legislative districts.
15. Because of the state policies which encourage the minimization of disruption of electoral processes and the preservation of as many county lines as practicable, the present legislative apportionment plan is the best and most reasonable plan for the state until a new census is conducted which includes population figures collected on a township and city block basis which would enhance the ability to reapportion on the basis of equal representation. Present census figures available for the 1970 census show that the census districts do not coincide with established township boundaries and, except for the city of Fargo, provide no accurate block census figures for the five largest cities of the state.
16. The methods and procedures employed by the census bureau in taking the census and the creation of census districts do not coincide with the boundaries of political subdivisions of the state. In an attempt to obtain accurate population data for political subdivisions and for block areas within certain cities, population figures have been interpolated and calculated under methods designed to reflect the population of those areas. Recognition is made of the fact that in fashioning the original legislative reapportionment plan, similar methods and procedures were used by the courts involved.

SECTION 2. STATE LEGISLATIVE APPORTIONMENT.) Each legislative district shall be entitled to one senator and two representatives, except in the case where a legislative district is divided into subdistricts. Where a legislative district is divided into legislative subdistricts, each subdistrict shall be entitled to one senator and two representatives who shall reside in and be elected from the subdistrict they are to represent. Each subdistrict shall be construed to constitute a separate senatorial district for party organization purposes. The

legislative districts and subdistricts of the state shall be formed as follows:

1. The first legislative district shall consist of the city of Williston and Stony Creek and Williston townships in Williams County.
2. The second legislative district shall consist of Divide County and all of Williams County except that portion contained in the first legislative district.
3. The third legislative district shall consist of Renville County and all of Ward County except that portion contained in the fifth legislative district.
4. The fourth legislative district shall consist of Burke and Mountrail Counties.
5. The fifth legislative district shall consist of the following three subdistricts:
 - a. Subdistrict A shall consist of the area of land lying within the boundaries of the Minot air force base (such area being attached to the city of Minot by that land lying within the right-of-way of U.S. Highway 83) and that portion of the city of Minot bound on the north by the city limits; on the east by the center line of U.S. Highway 83; on the south by a line commencing at the intersection of the center line of U.S. Highway 83 and the center line of fourth avenue northwest, then west along the center line of fourth avenue northwest until its intersection with the center line of tenth street northwest, then north along the center line of tenth street northwest until its intersection with the center line of ninth avenue northwest, then west along the center line of ninth avenue northwest until its intersection with the center line of twelfth street northwest, then south along the center line of twelfth street northwest until its intersection with the center line of fifth avenue northwest, then west along the center line of fifth avenue northwest until its intersection with the center line of twentieth street northwest, then south along the center line of twentieth street northwest until its intersection with the center line of fourth avenue northwest, then west along the center line of fourth avenue northwest until its intersection with the center line of twentieth street northwest, then south along the center line of twentieth street northwest until its intersection with the center line of central avenue west, then west along the center line of central avenue west until its intersec-

- tion with the city limits; and on the west by the city limits. Subdistrict A shall also consist of Burlington and Harrison townships in Ward County. Notwithstanding the first paragraph of this section, Subdistrict A shall be entitled to two senators and four representatives.
- b. Subdistrict B shall consist of that part of the city of Minot bound on the north by the city limits; on the east by the city limits; on the south by the city limits to their intersection with the center line of eleventh avenue southeast, then west along the center line of eleventh avenue southeast until its intersection with the center line of fourth street southeast, then north along the center line of fourth street southeast until its intersection with the center line of fourth avenue southeast, then west along the center line of fourth avenue southeast until its intersection with the center line of third street southeast, then north along the center line of third street southeast until its intersection with the center line of third avenue southeast, then east along the center line of third avenue southeast until its intersection with the center line of front street, then north along the center line of front street until its intersection with the center line of the Mouse River, then north along the center line of the Mouse River until its intersection with the center line of third street northeast, then north along the center line of third street northeast until its intersection with the center line of the Burlington Northern Railway right-of-way, then west along the center line of the Burlington Northern Railway right-of-way; and on the west by the center line of U.S. Highway 83. Subdistrict B shall also consist of Afton, Nedrose, Sundre, and Surrey townships in Ward County.
- c. Subdistrict C shall consist of that part of the city of Minot bound on the north by the south boundary of Subdistrict A and the west and south boundaries of Subdistrict B; on the east by the city limits; on the south by the city limits; and on the west by the city limits.
6. The sixth legislative district shall consist of Bottineau County and Willow Creek, Mouse River, Meadow, Deep River, Pratt, Normal, Bantry, Layton, Little Deep, Grilley, Wager, Gilmore, Saline, Deering, Denbeigh, Riga, Egg Creek, Kottke Valley, Granville, and Norwich townships and townships 157-75, 157-76, and 158-76 in McHenry County.

7. The seventh legislative district shall consist of Pierce County and all of McHenry County except that portion contained in the sixth legislative district.
8. The eighth legislative district shall consist of McLean County.
9. The ninth legislative district shall consist of Rolette County.
10. The tenth legislative district shall consist of Cavalier and Towner Counties.
11. The eleventh legislative district shall consist of Pembina County.
12. The twelfth legislative district shall consist of Benson and Eddy Counties.
13. There is no thirteenth legislative district.
14. The fourteenth legislative district shall consist of Foster and Wells Counties.
15. The fifteenth legislative district shall consist of Ramsey County.
16. The sixteenth legislative district shall consist of St. Andrews, Martin, Farmington, Glenwood, Acton, Oakwood, Grafton, Fertile, Kensington, Pulaske, Harriston, Walshville, and Ardoch townships in Walsh County.
17. The seventeenth legislative district shall consist of Nelson County and all of Walsh County except that portion contained in the sixteenth legislative district.
18. The eighteenth legislative district shall consist of the following four subdistricts:
 - a. Subdistrict A shall consist of that area of land lying within the Grand Forks air force base (which is attached to the city of Grand Forks through the land lying within the right-of-way of U.S. Highway 2) and that part of the city of Grand Forks bound on the north by the city limits; on the east by the center line of the Red River; on the south by the center line of U.S. Highway 2; and on the west by the city limits.
 - b. Subdistrict B shall consist of that part of the city of Grand Forks bound on the north by the south boundary of Subdistrict A; on the east by a line commencing at the intersection of the center line of U.S. Highway 2 and the center

- line of washington street, then south along the center line of washington street until its intersection with the center line of the Burlington Northern Railway right-of-way; on the south by the center line of the Burlington Northern Railway right-of-way; and on the west by the city limits.
- c. Subdistrict C shall consist of that part of the city of Grand Forks bound on the north by the south boundary of Subdistrict A; on the east by the center line of the Red River; on the south by the city limits; and on the west by a line commencing at the intersection of the city limits and the center line of cherry street, then north along the center line of cherry street until its intersection with the center line of seventh avenue south, then west along the center line of seventh avenue south until its intersection with the center line of washington street, then north along the center line of washington street until its intersection with the center line of U.S. Highway 2.
 - d. Subdistrict D shall consist of that part of the city of Grand Forks, bound on the north by the south boundary of Subdistrict B; on the east by the west boundary of Subdistrict C; on the south by the city limits; and on the west by the city limits. Subdistrict D shall also consist of Grand Forks township in Grand Forks County.
19. The nineteenth legislative district shall consist of all of Grand Forks County except that portion contained in the eighteenth legislative district.
 20. The twentieth legislative district shall consist of Traill County and Noble, Kinyon, Bell, Hunter, Wiser, Gardner, Gunkel, and Arthur townships in Cass County.
 21. The twenty-first legislative district shall consist of the following five subdistricts:
 - a. Subdistrict A shall consist of the city of West Fargo, the West Fargo industrial park, and those portions of Reed and Barnes townships (all in Cass County) not contained in Subdistricts B, C, and E, and that part of the city of Fargo bound on the north by a line commencing at the intersection of the city limits on the west with the center line of fifth avenue south, then east along the center line of fifth avenue south until its intersection with the center line of seventeenth street south; on the east by a line commencing at the intersection of the center line of fifth avenue south and the cen-

ter line of seventeenth street south, then south along the center line of seventeenth street south until its intersection with the center line of eighth avenue south, then east along the center line of eighth avenue south until its intersection with the center line of sixteenth street south, then south along the center line of sixteenth street south until its intersection with the center line of eleventh avenue south, then west along the center line of eleventh avenue south until its intersection with the center line of sixteenth and one-half street south, then south along the center line of sixteenth and one-half street south until its intersection with the center line of seventeenth avenue south, then east along the center line of seventeenth avenue south until its intersection with the center line of sixteenth street south, then south along the center line of sixteenth street south until its intersection with the center line of Interstate 94; on the south by the center line of Interstate 94; and on the west by the Fargo city limits.

- b. Subdistrict B shall consist of that portion of Reed township bound on the west by the center line of Interstate 29; on the north by the center line of County Road 20; on the east by the center line of university drive; and on the south by the city limits of Fargo. Subdistrict B shall also consist of that part of the city of Fargo bound on the north by the city limits; on the east by the center line of university drive; on the south by a line commencing at the intersection of the center line of university drive and the center line of thirteenth avenue south, then west along the center line of thirteenth avenue south until its intersection with the east boundary of Subdistrict A, and then by the east and north boundaries of Subdistrict A; and on the west by the city limits.
- c. Subdistrict C shall consist of that portion of Reed township bound on the west by the center line of university drive; on the north by the center line of County Road 20; on the east by the center line of the Red River; and on the south by the city limits of Fargo. Subdistrict C shall also consist of Fargo township, and that part of the city of Fargo bound on the north by the city limits; on the east by the center line of the Red River; on the south by a line commencing at the intersection of the center line of the Red River and the center line of fourteenth avenue north, then west along

- the center line of fourteenth avenue north until its intersection with the center line of Broadway, then south along the center line of Broadway until its intersection with the center line of twelfth avenue north, then west along the center line of twelfth avenue north until its intersection with the center line of university drive; and on the west by the east boundary of Subdistrict B.
- d. Subdistrict D shall consist of that part of the city of Fargo bound on the north by the south boundary of Subdistrict C; on the east by the center line of the Red River; on the south by a line commencing at the intersection of the center line of the Red River and the center line of sixth avenue south, then west along the center line of sixth avenue south and continuing along the center line of fifth avenue south (after the merger of sixth and fifth avenues south) until its intersection with the center line of university drive; and on the west by the east boundary of Subdistrict B.
- e. Subdistrict E shall consist of that part of the city of Fargo bound on the north by the south boundary of Subdistrict D; on the east by the center line of the Red River; on the south by the city limits; and on the west by the south and east boundaries of Subdistricts A and B. Subdistrict E shall also consist of that portion of Barnes township bound on the north by the city limits of Fargo; on the east by the center line of the Red River; on the south by the south boundary of section 25; and on the west by the center line of the Chicago-Milwaukee Railway right-of-way.
22. The twenty-second legislative district shall consist of all of Cass County except those portions contained in the twentieth and twenty-first legislative districts.
23. The twenty-third legislative district shall consist of Griggs and Steele Counties and all of Barnes County except that portion contained in the twenty-fourth legislative district.
24. The twenty-fourth legislative district shall consist of Oriska, Alta, Hobart, Springvale, Cuba, Marsh, Green, Hemen, Mansfield, Binghampton, Norma, Nelson, Skandia, Svea, Meadow Lake, Raritan, Thordenskjold, Oakhill, Rosebud, Spring Creek, and Greenland townships and township 140-58 in Barnes County.
25. The twenty-fifth legislative district shall consist of Eagle, Walcott, Colfax, Abercrombie, Nansen, Dwight, Ibsen, Antelope, Center, Mooreton, Barney,

Summit, Brandenburg, Belford, Fairmount, DeVille, Waldo, LaMars, and Greendale townships in Richland County.

26. The twenty-sixth legislative district shall consist of Dickey and Sargent Counties.
27. The twenty-seventh legislative district shall consist of Ransom County and all of Richland County except that portion contained in the twenty-fifth legislative district.
28. The twenty-eighth legislative district shall consist of LaMoure and Logan Counties.
29. The twenty-ninth legislative district shall consist of the following two subdistricts:
 - a. Subdistrict A shall consist of that part of the city of Jamestown bound on the north by the city limits; on the east by the city limits; on the south by the center line of the Burlington Northern Railway right-of-way; and on the west by the city limits. Subdistrict A shall also consist of the city of Cleveland and those townships in Stutsman County not contained in Subdistrict B.
 - b. Subdistrict B shall consist of that part of the city of Jamestown bound on the north by the center line of the Burlington Northern Railway right-of-way; on the east by the city limits; on the south by the city limits; and on the west by the city limits. Subdistrict B shall also consist of the city of Medina, and St. Paul, Chicago, Stirton, Moon Lake, Lippert, Woodbury, Homer, Winfield, Newbury, Bloomenfield, Sinclair, Cusator, Lenton, Sydney, Corwin, Ypsilanti, Streeter, Germania, Griffin, Alexander, Sharlow, Severn, Montpelier, and Manns townships in Stutsman County.
30. The thirtieth legislative district shall consist of Emmons and McIntosh Counties.
31. The thirty-first legislative district shall consist of Kidder and Sheridan Counties and all of Burleigh County except that portion contained in the thirty-second legislative district.
32. The thirty-second legislative district shall consist of the following three subdistricts:
 - a. Subdistrict A shall consist of that part of the city of Bismarck bound on the north by the city limits; on the east by the center line of U.S.

Highway 83 until its intersection with the center line of divide avenue, then west along the center line of divide avenue until its intersection with the center line of washington street, then south along the center line of washington street; on the south by the city limits; and on the west by the center line of the Missouri River. Subdistrict A shall also consist of the unorganized territory designated as Hay Creek precinct (townships 139-80 and 139-81) in Burleigh County.

- b. Subdistrict B shall consist of that part of the city of Bismarck bound on the north by the center line of divide avenue; on the east by a line commencing at the intersection of the center line of divide avenue and the center line of U.S. Highway 83, then south along the center line of U.S. Highway 83 until its intersection with the center line of boulevard, then east along the center line of boulevard until its intersection with the center line of thirteenth street, then south along the center line of thirteenth street until its intersection with the center line of the Burlington Northern Railway right-of-way, then west along the center line of the Burlington Northern Railway right-of-way until its intersection with the center line of twelfth street, then south along the center line of twelfth street; on the south by the city limits; and on the west by the east boundary of Subdistrict A. Subdistrict B shall also consist of the unorganized territory designated as Fort Rice and Lincoln precincts (townships 137-80 and 138-80) in Burleigh County.
 - c. Subdistrict C shall consist of that part of the city of Bismarck bound on the north by the city limits; on the east by the city limits; on the south by the city limits; and on the west by the east boundaries of Subdistricts A and B.
33. The thirty-third legislative district shall consist of Mercer and Oliver Counties and all of Morton County except those portions contained in the thirty-fourth and thirty-fifth legislative districts.
 34. The thirty-fourth legislative district shall consist of the city of Mandan and the unorganized territory designated as Crown Butte, Bindewald, Custer and Highland precincts (townships 138-80, 138-81, 138-82, 139-81, 139-82, 140-81, 140-82, and 140-83) in Morton County.
 35. The thirty-fifth legislative district shall consist of Grant and Sioux Counties, and Harmon township and the unorganized territory designated as Wenger, Rural,

- Sweetbriar, Dettman, Albrecht, Columbia, Sims, Doll, Olin, Faust, Hermes, Buchli, Huff, Little Heart, Fallon, Stone, Fort Rice, Odense, and New Hope precincts (townships 133-82, 134-79, 134-80, 134-81, 134-82, 134-84, 135-79 through 84, 136-79 through 84, 137-79 through 87, 138-83 through 90, 139-83, and 139-84) in Morton County.
36. The thirty-sixth legislative district shall consist of Dunn and McKenzie Counties.
 37. The thirty-seventh legislative district shall consist of the city of Dickinson in Stark County.
 38. The thirty-eighth legislative district shall consist of Adams and Hettinger Counties and all of Stark County except those portions contained in the thirty-seventh and thirty-ninth legislative districts.
 39. The thirty-ninth legislative district shall consist of Slope, Billings, Bowman, and Golden Valley Counties and South Heart, Slope, and Ash Coulee townships and townships 137-96, 137-97, 137-98, 137-99, 138-96, 138-97, 138-98, 138-99, 139-96, 139-99, 140-96, 140-98, and 140-99 in Stark County.

SECTION 3. STAGGERED TERMS - EFFECT OF SUBDISTRICTING.)

Those senators from even-numbered districts elected in 1972 shall hold office until 1976 and those senators from odd-numbered districts, except for districts 5, 21, and 29, shall hold office until 1978. Those senators from districts 5, 21, and 29 shall hold office until 1976, and senators elected from those districts in 1976 shall hold office until 1978. For the 1976 election and thereafter, those senators and representatives in districts consisting of legislative subdistricts shall reside in and be elected from the subdistricts they are to represent.

SECTION 4. REPEAL.) Sections 54-03-01, 54-03-01.1, 54-03-01.2, 54-03-01.3, and 54-03-01.4 of the North Dakota Century Code are hereby repealed.

Not approved or disapproved by the Governor

Filed April 11, 1975

CHAPTER 464

HOUSE BILL NO. 1434
(Strinden, Backes)

ENROLLING AND ENGROSSING

AN ACT to amend and reenact sections 54-04-01, 54-04-03, and 54-04-04 of the North Dakota Century Code, relating to engrossing and enrolling of legislative measures.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-04-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-04-01. ENROLLING AND ENGROSSING BILLS, ARRANGEMENT FOR - ADVERTISEMENTS.) The president of the senate and the majority leaders of the house and senate at the organizational meeting shall constitute a negotiating committee and shall make all necessary arrangements for the engrossing and enrolling of bills and resolutions passed by each house of the legislative assembly. The negotiating committee may negotiate with any person or persons and may enter into and execute contracts to perform the necessary engrossing and enrolling of bills and resolutions, provided that the negotiating committee need not perform any functions under this chapter if the legislative council has established a computer-assisted bill drafting capability. The director of the legislative council shall, unless the legislative council is going to perform the engrossing and enrolling functions, advertise that, on the first day of the legislative organizational meeting in December, the committee will receive written proposals for engrossing and enrolling of bills and resolutions and invite persons who are interested to submit proposals. The advertisement shall be published in a newspaper at the seat of government at least once each week for two successive weeks commencing on the first Wednesday in October of the year preceding the regular sessions of the legislative assembly. The negotiating committee, however, shall not be limited to written proposals received. After examining and reviewing proposals submitted, it may award the contract to any person or persons on a negotiated basis.

SECTION 2. AMENDMENT.) Section 54-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-04-03. SURETY FOR PERFORMANCE - CONTRACT MUST BE WITH RESIDENT.) The negotiating committee shall require a surety bond

for the performance of the work required by the contract for enrolling and engrossing bills and resolutions of the legislative assembly if such contract is let. The amount of the surety bond shall be commensurate with the amount of work to be performed and shall be set by the negotiating committee. Such contract, if let, may be awarded only to a bona fide resident of this state.

SECTION 3. AMENDMENT.) Section 54-04-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-04-04. CONTENTS OF CONTRACT - FORM, STYLE, AND MECHANICS OF ENROLLING AND ENGROSSING.) The legislative council shall determine the form and style of the engrossed and enrolled bills and resolutions and shall determine the mechanical or other methods by which the engrossing or enrolling is to be done. If the legislative council is not going to perform the engrossing and enrolling, the negotiating committee shall: determine the charges to be made, which shall be set forth in the contract; determine the number of employees to be employed by the person with whom it has contracted or will contract to enroll and engross bills and resolutions; and may also require and provide in the contract for specific provisions which will expedite, improve, and facilitate enrolling and engrossing services to the legislative assembly.

Approved March 25, 1975

CHAPTER 465

SENATE BILL NO. 2368
(Holand, Fritzell, Barth)

LEGISLATIVE LOBBYING

AN ACT to provide for registration as a lobbyist; to provide for the reporting by lobbyists; to provide for a penalty; and to repeal chapter 54-05 of the North Dakota Century Code, relating to legislative lobbying.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE INTENT.) It is hereby declared to be the intent of the legislative assembly to require that lobbyists register as such before engaging in lobbying activity and to require certain reporting procedures by lobbyists.

SECTION 2. APPLICABILITY - MEANING OF LOBBYIST.) The provisions of this Act shall apply to any person except a legislator or a private citizen appearing on his own behalf and except employees of the state or its political subdivisions acting in their official capacity who, in any manner whatsoever, directly or indirectly, performs the following activities:

1. Attempts to secure the passage, amendment, or defeat of any legislation by the legislative assembly or the approval or veto of any legislation by the governor of the state; or
2. Attempts to influence decisions made by the legislative council or by an interim committee of the legislative council.

For the purposes of this Act, persons required to register under this Act because of the performance of the aforementioned activities shall be known as "lobbyists".

SECTION 3. REGISTRATION AS A LOBBYIST - FEE - FILING OF INFORMATION - PUBLIC INSPECTION - CERTIFICATE OF REGISTRATION.)

1. Any person who shall engage himself or be engaged by any other person either on a part-time or on a full-time basis for any of the activities listed in section 2, shall, before doing anything in furtherance of such purposes, register with the secretary of state and receive a certificate of registration and a distinctive lobbyist identification badge. The

registrant shall state in writing his full name and business address, the name and address of the person or persons upon whose behalf he appears, all persons, corporations, associations, groups, or organizations in whose interest he appears or works, the duration of such employment or appearances, and by whom he is paid or is to be paid. The registration shall expire on December thirty-first of each calendar year unless an earlier expiration date is requested by the registrant. Lobbyists required to be registered shall file with the secretary of state, within ten days of registration, a written authorization to act as lobbyist. Such authorization shall be signed by the person or official of the corporation, association, group, or organization employing such lobbyist. The secretary of state shall charge a fee of five dollars for registering each lobbyist.

2. Each person so registering shall, on or before December thirty-first in each year registered, file with the secretary of state a detailed report of each expenditure of twenty-five dollars or more expended during the legislative session or the interim, as the case may be, on any individual in carrying out his work. The secretary of state shall provide a prescribed form for reporting pursuant to this chapter.
3. All information required to be filed under the provisions of this section with the secretary of state and that previously filed, shall be compiled by the secretary of state within forty days after the close of the period for which such information is filed, and such files shall be open and accessible for public inspection during the normal working hours.

SECTION 4. GRANTING AND REVOKING OF CERTIFICATES -
REFERRALS AND REPORTS TO THE ATTORNEY GENERAL.)

1. It shall be the duty and responsibility of the secretary of state:
 - a. To grant a certificate of registration and to design and furnish a distinctive lobbyist identification badge to any person registering under section 3 who supplies the information therein required.
 - b. To revoke the certificate of registration of any person who has been convicted of violating any of the provisions of this Act.
 - c. To refer on his own motion or on the verified complaint of any member of the legislative assembly or on the verified complaint of any

- state official, board, commission, department, or agency, or on the verified complaint of any other person, to the attorney general for investigation, the activities of any person who he has reason to believe has been acting as a lobbyist and who may be in violation of the requirements of this Act.
- d. To make available upon request of any citizen expenditures by categories reported by registered lobbyists to have been expended on each individual in carrying out his work.
 - e. To supply a current list of registered lobbyists for each legislator upon request. A current list of lobbyists shall be posted in the legislative chambers during the legislative session.
2. In addition, the secretary of state may revoke the certificate of registration issued pursuant to this Act for failure to file the reports required by this Act when due, but no certificate shall be revoked if, prior to the last day for filing such reports, the secretary of state has been informed in writing of extenuating circumstances justifying such failure.

SECTION 5. INVITATIONS AND GIFTS TO LEGISLATORS.)

1. When any lobbyist invites a legislator to attend a function sponsored in whole or in part by the lobbyist or his principal, the lobbyist shall, upon the request of the legislator, supply the legislator with the true or estimated cost of the gratuity and allow the legislator to attend the function and pay his own share of the expenses.
2. When any lobbyist offers a gift of a noninformation-bearing nature to a legislator, the lobbyist shall, upon the request of the legislator, supply the legislator with the true or estimated cost of the gratuity and allow the legislator to pay the cost of and receive the gift.

SECTION 6. UNLAWFUL MEANS TO INFLUENCE LEGISLATIVE ASSEMBLY.) In addition to the violation of any other provision of this Act, it shall be unlawful for any lobbyist or for any other person:

1. To directly or indirectly give or agree to give any money, property, or valuable thing, or any security therefor, to any person for his service or the service of any other person in procuring the passage or defeat of any measure before the legislative assembly or either house thereof, or before any committee thereof, upon the contingency or condition that any measure will be passed or defeated;

2. To directly or indirectly receive or agree to receive any such money, property, thing of value, or security for such service, upon any such contingency or condition, as set forth in the preceding subsection;
3. To attempt to influence any member of the legislative assembly without first making known to such member the real and true interest he has in such measure, either personally or as agent or attorney.

SECTION 7. PENALTY.) Any person who shall violate any provisions of this Act shall be guilty of a class B misdemeanor.

* SECTION 8. REPEAL.) Chapter 54-05 of the North Dakota Century Code is hereby repealed.

Approved April 8, 1975

*NOTE: Section 54-05-01 was also repealed by section 673 and section 54-05-10 was amended by section 576 of Senate Bill No. 2039, chapter 106.

CHAPTER 466

HOUSE BILL NO. 1137

(Committee on State and Federal Government)

(At the request of the Secretary of State)

BIENNIAL REPORTS

AN ACT to amend and reenact sections 2-05-04, 4-02.1-26, 4-05-10, 4-06-04, 4-13-09, 4-27-11, 6-01-10, 7-05-03, 15-02-08, 15-10-14.1, 15-11-14, 15-20.1-21, 15-21-14, 15-52-28, 18-01-29, subsection 3 of section 20.1-02-04, sections 23-01-06, 24-02-10, subsection 7 of section 26-01-02, sections 26-23-21, 27-15-08, 34-05-01, 34-06-20, 36-01-11, subsection 5 of section 37-03-05, sections 37-14-09, 37-15-19, 43-01-06, 43-02-06, 43-04-19, 43-09-05, 43-10-08, 43-13-09, 43-15-12, 43-17-12, 43-23-02, 43-28-09, subsection 3 of section 46-02-04, sections 47-23-07, 49-01-13, 50-06-13, 52-02-03, 52-10-09, 54-06-03, 54-06-04, 54-06-05, subsection 3 of section 54-10-01, subsection 12 of section 54-11-01, sections 54-12-05, 54-17-06, 54-21-09, 54-36-06, 54-42-05, subsection 15 of section 54-44-04, section 54-46-11, subsection 9 of section 57-01-02, sections 61-03-04 and 65-02-09 of the North Dakota Century Code, relating to biennial reports of executive and administrative agencies and departments; the time when such reports shall be made; and the contents, printing, and binding of such reports.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 2-05-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2-05-04. COMMISSION ORGANIZATION - REPORTS - OFFICES.) The commission shall, within thirty days after its appointment, organize, and make such rules and regulations for its administration as it may deem expedient. The commission shall submit a biennial report to the governor and the department of accounts and purchases in the manner prescribed by section 54-06-04. The commission shall maintain its office in the state capitol.

SECTION 2. AMENDMENT.) Section 4-02.1-26 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-02.1-26. ANNUAL REPORT.) The secretary or other officer

charged with such duty shall compile an annual report of the proceedings of the state fair association and its financial condition for the preceding fiscal year. Such report shall be prepared so as to be available for the annual meeting. A copy of such report shall be filed in the office of the commissioner of agriculture and labor, who shall include it, in whole or in part, in his biennial report to the governor and the department of accounts and purchases.

SECTION 3. AMENDMENT.) Section 4-05-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-05-10. REPORTS TO DIRECTOR AT FARGO AND TO STATE BOARD OF HIGHER EDUCATION.) The superintendent of each experiment station shall submit a biennial report to the director of the experiment station at Fargo on or before the first day of August of each odd-numbered year. Each report shall set forth in detail the investigations and experiments made during the preceding fiscal biennium, recommendations for the welfare of the station, the financial condition of the station, how all moneys have been expended, and the results of experiments carried on. The director shall submit these reports, with a biennial report of the Fargo station, to the board of higher education on or before the first day of September of each odd-numbered year. In addition to any requirements established pursuant to section 54-06-04, the board of higher education shall include a composite of the reports from the experimental stations in its biennial report to the governor and the department of accounts and purchases.

SECTION 4. AMENDMENT.) Section 4-06-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-06-04. COMMISSIONERS TO CONSTITUTE AGRICULTURAL CODE COMMISSION.) The state commissioners shall constitute an agricultural code commission, and shall compile facts and data, and make recommendations in respect thereto. They shall submit to the governor and the department of accounts and purchases a biennial report in the manner prescribed by section 54-06-04.

SECTION 5. AMENDMENT.) Section 4-13-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

*4-13-09. REPORT MADE BY BOARD.) The board shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04.

SECTION 6. AMENDMENT.) Section 4-27-11 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-27-11. DAIRY PRODUCTS PROMOTION COMMISSION.) The

*NOTE: Section 4-13-09 was repealed by section 7 of House Bill No. 1208, chapter 55.

commission shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04. The books, records, and accounts shall be audited annually by the state auditor, the cost of such audit to be paid from the funds of the North Dakota dairy products promotion commission.

SECTION 7. AMENDMENT.) Section 6-01-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-01-10. STATE EXAMINER TO KEEP RECORDS AND MAKE REPORTS - REPORT OF STATE BANKING BOARD.) The chief deputy examiner shall act as secretary and keep all proper records and files pertaining to the duties and work of his office and the proceedings of the board. The state examiner shall report to the board annually, touching on all his official acts and those of his deputy examiners, giving abstracts of statistics and of the conditions of the various institutions to which his duties relate, and making such recommendations and suggestions as he may deem proper. The state banking board shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, there shall be included in the banking board's report a summary or abstract of the reports of the state examiner.

SECTION 8. AMENDMENT.) Section 7-05-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

7-05-03. BUILDING AND LOAN ASSOCIATIONS.) The state examiner shall keep and preserve in permanent form a full record of his proceedings, including a concise statement of each association examined, and he shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report shall include the general conduct and condition of the building and loan associations doing business in this state with such suggestions as he may deem expedient, the information contained in the statement required of the association arranged in tabulated form, the whole amount of the income of his office paid by such associations, the source from which derived, and the expense in detail during the preceding two fiscal years.

SECTION 9. AMENDMENT.) Section 15-02-08 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-02-08. COMMISSIONER TO KEEP RECORD OF PERMANENT FUNDS - BIENNIAL REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The commissioner shall keep a record in suitable books showing a detailed quarterly statement of the condition of all of the permanent funds under the control of the board of university and school lands, the amount of each fund, how invested, when due,

interest paid, and all acts connected with the management of such funds. All records and record books shall be open at all times for inspection by the public. The commissioner shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report shall show all investments of such funds, the work done during the preceding fiscal biennium, the number of acres of land sold or leased by the department, the amount received therefor, the amount of interest received to the credit of the several funds, the expense of administration of the department, and all such other matters relating to his office as shall be necessary to disclose fully the operation of the department.

SECTION 10. AMENDMENT.) Section 15-10-14.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-14.1. BIENNIAL REPORT OF THE STATE BOARD OF HIGHER EDUCATION.) The state board of higher education shall biennially make a report to the governor and to the department of accounts and purchases for the educational institutions under its control as provided by law. The report shall cover enrollments, major functions and programs, and major goals and objectives, and the extent of achievement of those goals and objectives. The report shall also include summaries of financial reports, a narrative explaining the significance of that data, and such other information as the board may choose.

SECTION 11. AMENDMENT.) Section 15-11-14 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-11-14. ANNUAL REPORT BY STATE BOARD OF HIGHER EDUCATION ON SURVEYS.) The state board of higher education shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report shall show the progress of the geological surveys for the preceding two fiscal years, accompanied by such maps, drawings, and specifications as may be necessary and proper to exemplify the same.

SECTION 12. AMENDMENT.) Section 15-20.1-21 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.1-21. REPORT OF STATE BOARD TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The state board shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report shall set forth the condition of vocational education in the state, a list of the schools to which federal and state aid for vocational education has been given, and a detailed statement of the expenditures of federal and state funds for that purpose.

SECTION 13. AMENDMENT.) Section 15-21-14 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-14. BIENNIAL REPORT - CONTENTS.) The superintendent of public instruction shall submit to the governor and the department of accounts and purchases as prescribed by section 54-06-04 a biennial report which, in addition to any requirements established pursuant to section 54-06-04, shall show:

1. The number of school districts in the state and the number of teachers employed, and pupils taught therein, the attendance of pupils, and the studies pursued by them;
2. The financial condition of the various public schools, their receipts and expenditures, the value of schoolhouses and property, the costs of tuition, and the salaries of teachers;
3. The condition, educational and financial, as far as it can be ascertained, of the private schools and academies of the state; and
4. Such general matters, information, and recommendations relating to the educational interests of the state as he may deem important.

SECTION 14. AMENDMENT.) Section 15-52-28 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-28. BIENNIAL REPORT.) The board of higher education shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 15. AMENDMENT.) Section 18-01-29 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-01-29. BIENNIAL REPORT OF FIRE MARSHAL.) The state fire marshal shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 16. AMENDMENT.) Subsection 3 of section 20.1-02-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Keep an accurate record of all the transactions and expenditures of his department and submit to the governor and the department of accounts and purchases a biennial report as prescribed by section 54-06-04.

SECTION 17. AMENDMENT.) Section 23-01-06 of the 1973

Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-01-06. REPORT OF STATE HEALTH OFFICER - CONTENTS.) The state health officer shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report shall cover the following subjects:

1. The activities of the various divisions, the work accomplished during the two years covered by the report, and an analysis of the program of each of the divisions;
2. The expenditures of the state department of health;
3. The expenditures in each county board of health or the district board of health; and
4. Any reports relating to the hospital program as required by the health council.

SECTION 18. AMENDMENT.) Section 24-02-10 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-10. BIENNIAL REPORT.) The commissioner shall submit to the governor and the department of accounts and purchases a biennial report as prescribed by section 54-06-04.

SECTION 19. AMENDMENT.) Subsection 7 of section 26-01-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. To submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases. In addition to any requirements established pursuant to section 54-06-04, the report shall contain an abstract only of the reports of the various insurance companies doing business in this state showing the condition of such companies;

SECTION 20. AMENDMENT.) Section 26-23-21 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-23-21. PUBLICATION OF STATEMENT OF FUND - BIENNIAL REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The commissioner, on or about the first day of December in each year after the regular session of the legislative assembly, shall publish in four newspapers of general circulation within the state a copy of the statement of his work and of the condition of the fund during the two preceding fiscal years. He shall submit a biennial report as prescribed by section 54-06-04 to the governor and to the department of accounts and purchases.

SECTION 21. AMENDMENT.) Section 27-15-08 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-15-08. REPORT AND RECOMMENDATIONS TO GOVERNOR - SUGGESTION OF RULES TO SUPREME COURT.) The judicial council shall submit to the governor and the department of accounts and purchases a report as prescribed by section 54-06-04 upon the work of the various branches of the judicial system of the state. The council may recommend to the governor or to the legislative assembly such measures as it shall deem advisable and from time to time may submit for the consideration of the supreme court suggestions regarding rules of practice and procedure.

SECTION 22. AMENDMENT.) Section 34-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-05-01. STATISTICS RELATING TO THE EMPLOYMENT OF LABOR.) The commissioner of labor shall collect, systematize, and present in biennial reports as prescribed by section 54-06-04 to the governor and the department of accounts and purchases statistical details relating to the employment of labor in the state. The statistics may be classified as the commissioner of labor deems best.

SECTION 23. AMENDMENT.) Section 34-06-20 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-06-20. BIENNIAL REPORT OF COMMISSIONER.) The commissioner shall submit a biennial report as prescribed in section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 24. AMENDMENT.) Section 36-01-11 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-01-11. REPORTS OF BOARD.) The state livestock sanitary board shall submit a report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 25. AMENDMENT.) Subsection 5 of section 37-03-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases. In addition to any requirements established pursuant to section 54-06-04, the report shall include a detailed statement of all the expenditures for military purposes during the preceding two fiscal years;

SECTION 26. AMENDMENT.) Section 37-14-09 of the 1973

Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-09. RECORDS - REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The department of veterans' affairs shall keep full records and files of all transactions, applications, advancements, and business pertaining to the veterans' aid fund and shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 27. AMENDMENT.) Section 37-15-19 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-19. REPORT OF COMMANDANT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The commandant of the soldiers' home shall submit to the governor and the department of accounts and purchases a biennial report as prescribed by section 54-06-04.

SECTION 28. AMENDMENT.) Section 43-01-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-01-06. BOARD TO MAKE BIENNIAL REPORT.) The board shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04.

SECTION 29. AMENDMENT.) Section 43-02-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-02-06. RECORDS OF BOARD - REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The board shall keep a complete record of all its proceedings and shall submit to the governor and the department of accounts and purchases a biennial report as prescribed by section 54-06-04.

SECTION 30. AMENDMENT.) Section 43-04-19 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-04-19. REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The board shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 31. AMENDMENT.) Section 43-09-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

*43-09-05. POWERS AND DUTIES OF STATE ELECTRICAL BOARD - REPORT.) The board shall adopt a seal and may make reasonable rules and regulations to carry out the provisions of this chapter. The board shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases. The board shall appoint qualified inspectors, who shall

*NOTE: Section 43-09-05 was also amended by section 2 of House Bill No. 1277, chapter 398.

within fifteen days after notice of completion of any electrical wiring installation involving a value of fifty dollars or more in municipalities having ordinances requiring such inspection, inspect such electrical installation and approve or condemn the same. A report thereof shall be made on forms prescribed by the board.

SECTION 32. AMENDMENT.) Section 43-10-08 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-10-08. BOARD TO REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The board shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 33. AMENDMENT.) Section 43-13-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-13-09. REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The board shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04.

SECTION 34. AMENDMENT.) Section 43-15-12 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-15-12. STATE BOARD OF PHARMACY - REPORT.) The board shall submit a biennial report to the governor and the department of accounts and purchases, and an annual report to the North Dakota pharmaceutical association rendering an account of all moneys received and disbursed by it. The report to the governor and the department of accounts and purchases shall be as prescribed by section 54-06-04.

SECTION 35. AMENDMENT.) Section 43-17-12 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-17-12. BOARD TO MAKE BIENNIAL REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The board shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04.

SECTION 36. AMENDMENT.) Section 43-23-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-23-02. COMMISSION - TERM - DUTIES - RECORDS.) The members of the commission shall be appointed by the governor for a term of five years, staggered so the term of one member expires each year. At the expiration of the term of any member of the commission, the governor shall appoint a successor for a term of

five years. In the event of a vacancy on the commission for any reason the governor shall appoint a member for the unexpired term of that member.

A majority of the commission, in meeting duly assembled, may perform and exercise all of the duties and powers devolving on the commission. The commission shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

The commission shall adopt a seal with North Dakota Real Estate Commission engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the commission, duly certified and authenticated by the seal of such commission, shall be received in evidence in all courts equally and with like effect as the original.

SECTION 37. AMENDMENT.) Section 43-28-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-28-09. REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The board shall submit a report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 38. AMENDMENT.) Subsection 3 of section 46-02-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The printing and binding of the reports and other documents required by state law to be prepared and submitted to the governor and the department of accounts and purchases, and which make up the governmental biennial reports as prescribed by sections 54-06-03 and 54-06-04, shall constitute the third class. This class does not include the official budget report.

SECTION 39. AMENDMENT.) Section 47-23-07 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

47-23-07. STATE LABORATORIES DEPARTMENT TO MAKE INVESTIGATION - REPORT RESULTS - REPORT LICENSES SOLD AND ACCOUNT FOR FUNDS.) The state laboratories department shall make investigations to determine the character of the products offered for sale in the state or shipped from this state under the North Dakota trademark. The information gathered shall be published as bulletins. The state laboratories department shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases. In addition to any requirements established pursuant to section 54-06-04, the report shall contain a list of all products licensed, together with the name, address, and license number assigned.

SECTION 40. AMENDMENT.) Section 49-01-13 of the 1973

Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-01-13. BIENNIAL REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The commission shall submit a report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 41. AMENDMENT.) Section 50-06-13 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-13. BIENNIAL REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The social service board shall submit to the governor and the department of accounts and purchases a biennial report as prescribed by section 54-06-04.

SECTION 42. AMENDMENT.) Section 52-02-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-02-03. BUREAU TO REPORT BIENNIALY TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES - CONTENTS OF REPORT - RECOMMENDATIONS BY BUREAU.) The bureau shall submit to the governor and the department of accounts and purchases a biennial report as prescribed by section 54-06-04. Whenever the bureau believes that a change in contribution or benefit rates shall become necessary to protect the solvency of the fund, it shall inform the governor and the legislative assembly promptly and make recommendations with respect thereto.

SECTION 43. AMENDMENT.) Section 52-10-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-10-09. STUDIES AND REPORTS.) The state agency shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 44. AMENDMENT.) Section 54-06-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-06-03. REPORT OF STATE OFFICERS AND BOARDS.) Except as otherwise provided by law, all officers, departments, boards, commissions, and state institutions which are required to make and transmit reports annually or biennially to the governor and the department of accounts and purchases shall submit such reports to the governor and the department of accounts and purchases not later than December first of the year in which such report is required to be made.

SECTION 45. AMENDMENT.) Section 54-06-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended

and reenacted to read as follows:

54-06-04. FORM AND NUMBER OF REPORTS TO BE SUBMITTED.)

1. The following executive and administrative officers and departments shall submit to the governor and the department of accounts and purchases reports covering their operations for the two preceding fiscal years, except as otherwise provided by law, not later than the first day of December each year after the regular session of the legislative assembly:
 - a. Secretary of state.
 - b. State auditor.
 - c. Commissioner of insurance.
 - d. Attorney general.
 - e. Commissioner of agriculture.
 - f. Superintendent of public instruction.
 - g. State tax commissioner.
 - h. Public service commission.
 - i. State board of higher education.
 - j. Director of institutions.
 - k. Highway commissioner.
 - l. State laboratories department.
 - m. Social service board.
 - n. Workmen's compensation bureau including the unemployment division.
 - o. Director of the department of accounts and purchases.
 - p. State treasurer.
 - q. Commissioner of labor.
2. A committee composed of the governor, the superintendent of the state historical society, the state librarian, and the director of the department of accounts and purchases, or such other persons as may be designated by such persons to represent them, shall meet at the call of the director of the department of accounts and purchases to set minimum requirements and establish guidelines which shall

be prescribed by the department of accounts and purchases for form, style, and content to assist state departments, institutions, and agencies of the executive branch of government in preparation of biennial reports required by law.

3. The state budget officer and the legislative council shall make biennial reports as prescribed by law, which may, at their discretion, be included in the governmental biennial reports.
4. This section shall not prohibit the executive and administrative officers and departments enumerated in subsection 1 from receiving such additional copies of their reports as may be made available and printed in pamphlet form by the department of accounts and purchases for the purpose of distribution as the administrative officers and department shall deem necessary.
5. All officers, departments, boards, commissions, and state institutions required to submit reports covering their operations for the two preceding fiscal years to the governor and the department of accounts and purchases shall submit typewritten or mimeographed copies of their reports in the form and style and having the content prescribed under the provisions of subsection 2 on or before the first day of December in each year after the regular session of the legislative assembly. One copy of each report shall be submitted to the governor and two copies to the department of accounts and purchases. The department of accounts and purchases shall cause to be prepared twenty-five copies of each report submitted under the provisions of this subsection and shall bind these reports into volumes or sets to be known as "governmental biennial reports" which shall be distributed to the following agencies:
 - a. Governor's office.
 - b. Attorney general's office.
 - c. Legislative council.
 - d. State law library.
 - e. The state institutions of higher education.
 - f. State library.
 - g. Two volumes shall be placed in the office of the secretary of state for official and public use.

The style of binding to be used for the biennial reports shall be determined by the department of accounts

and purchases. The reports included in this subsection shall not be further printed or reproduced except as provided for in this subsection and section 54-06-05.

6. All executive and administrative officers and departments responsible for submitting reports under the provisions of this section shall bear the costs of the preparation and any printing of the reports.
7. Any executive and administrative officers and departments not required to submit a report by law, but electing to do so, shall submit such report under the provisions of subsection 5.

SECTION 46. AMENDMENT.) Section 54-06-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-06-05. DEPARTMENT OF ACCOUNTS AND PURCHASES MAY CONDENSE REPORT - NUMBER OF COPIES OF REPORT.) The department of accounts and purchases may condense any typewritten or mimeographed report submitted to it and, if in the department's discretion the need is apparent and clearly essential in the operation of the agency concerned or clearly essential for other governmental purposes or public uses, may order a copy of the condensed report to be printed at the expense of the agency submitting the report. Unless the number of copies of any report to be printed is fixed by law, the department of accounts and purchases shall specify the number thereof to be printed.

SECTION 47. AMENDMENT.) Subsection 3 of section 54-10-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Be responsible for the above functions and shall report thereon to the governor and the department of accounts and purchases as prescribed by section 54-06-04 or more often as circumstances may require; and

SECTION 48. AMENDMENT.) Subsection 12 of section 54-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12. Submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report shall show the exact balance in the treasury to the credit of the state. The report also shall show in detail the receipts and disbursements, together with a summary thereof, the balances in the various funds at the beginning and ending of the biennium, and also shall show where the funds of the state are deposited. It shall be certified by the state treasurer and approved by the governor;

SECTION 49. AMENDMENT.) Section 54-12-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-12-05. REPORT OF ATTORNEY GENERAL TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The attorney general shall make a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report shall state:

1. The number, character, condition, and result of the actions prosecuted or defended by him in behalf of the state;
2. The cost of prosecuting or defending each action; and
3. The amount of fines and penalties collected.

He also shall direct attention to any defect in the practical operations of the law relating to revenue and criminal offenses, and shall suggest such amendments and changes as in his judgment are necessary to subserve the public interest.

SECTION 50. AMENDMENT.) Section 54-17-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-17-06. BIENNIAL REPORT OF COMMISSION.) The industrial commission shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases. In addition to any requirements established pursuant to section 54-06-04, the report shall contain a meaningful financial statement of each utility, industry, enterprise, and business project under its control.

SECTION 51. AMENDMENT.) Section 54-21-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21-09. REPORT OF DIRECTOR OF INSTITUTIONS TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The director of institutions shall submit to the governor and the department of accounts and purchases a biennial report as prescribed by section 54-06-04.

SECTION 52. AMENDMENT.) Section 54-36-06 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-36-06. REPORT AND RECOMMENDATIONS.) The Indian affairs commission may submit its recommendations to the legislative assembly in the form of proposed legislation or resolutions and may submit a report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 53. AMENDMENT.) Section 54-42-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-42-05. BIENNIAL REPORT.) The merit system council shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases.

SECTION 54. AMENDMENT.) Subsection 15 of section 54-44-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15. Shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases. In addition to any requirements established pursuant to section 54-06-04, the report shall include a statement of the funds of the state, the revenues of the state, and public expenditures during the two preceding fiscal years.

SECTION 55. AMENDMENT.) Section 54-46-11 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-46-11. BIENNIAL REPORT.) The administrator shall submit a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases. In addition to any requirements established pursuant to section 54-06-04, the report shall describe the status and progress of programs established pursuant to this chapter and shall include the recommendations of the administrator for improvements in the management of records in the state government.

SECTION 56. AMENDMENT.) Subsection 9 of section 57-01-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. Shall submit to the governor and the department of accounts and purchases as prescribed by section 54-06-04 the biennial report of the commissioner and state board of equalization;

SECTION 57. AMENDMENT.) Section 61-03-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-03-04. REPORT OF STATE ENGINEER TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES.) The state engineer shall submit a biennial report to the governor and the department of accounts and purchases as prescribed by section 54-06-04.

SECTION 58. AMENDMENT.) Section 65-02-09 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-02-09. GENERAL INFORMATION TO PUBLIC - BIENNIAL REPORT OF BUREAU.) The bureau, from time to time, may publish and distribute among employers and employees such general information as to the business transacted by the bureau as in its judgment may be useful. The bureau, under the oath of at least two of its members, shall make a biennial report as prescribed by section 54-06-04 to the governor and the department of accounts and purchases. In addition to any requirements established pursuant to section 54-06-04, the report shall include:

1. A statement of the number of awards made by it;
2. A general statement of the causes of accidents leading to the injuries for which the awards were made;
3. A detailed statement of the disbursements from the fund;
4. A statement of the conditions of the various funds carried by the bureau; and
5. Any other matters which the bureau wishes to call to the attention of the governor, including any recommendation for legislation or otherwise which it may have to make.

Approved March 6, 1975

CHAPTER 467

HOUSE BILL NO. 1094
(Orange)

MILEAGE AND TRAVEL EXPENSES

AN ACT to amend and reenact section 54-06-09 of the North Dakota Century Code, relating to mileage expense of state officers and employees; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-06-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

*54-06-09. MILEAGE AND TRAVEL EXPENSE OF STATE OFFICERS AND EMPLOYEES.) 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, shall be allowed and paid for mileage and travel expense the following amounts:

1. The sum of fifteen cents per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle. When travel is by private airplane, the sum of twenty cents per mile for each air mile actually and necessarily traveled in the performance of official duty. If only one person shall engage in such travel in a motor vehicle exceeding at any geographical point one hundred fifty miles beyond the borders of this state, reimbursement shall be limited to seven cents per mile for the out-of-state portion of the travel. When official travel is by motor vehicle or airplane owned by the state or by any department or political subdivision thereof, no allowance shall be made or paid for such mileage.
2. When travel is by rail or certificated air taxi commercial operator or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.
3. 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, shall

*NOTE: Section 54-06-09 was also amended by section 3 of House Bill No. 1189, chapter 418.

be allowed and paid twelve cents per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, and the one hundred fifty mile restriction imposed by subsection 1 shall not apply.

Before any allowance for any such mileage or travel expenses shall be made, the official, deputy, assistant, clerk, or other employee shall file with the director of the department of accounts and purchases an itemized statement showing the mileage traveled, the days when and how traveled, the purpose thereof, and such other information and documentation as may be prescribed by rule of the office of the budget or specifically requested by such office, verified by his certification. The statement shall be submitted to the office of the budget for approval and shall be paid only when approved by the office of the budget. The head of any department, institution, or agency of this state may, for any person or persons under his authority, set a rate of no less than ten cents per mile and no more than fifteen cents per mile when travel is by motor vehicle.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 28, 1975

CHAPTER 468

SENATE BILL NO. 2346
(L. Christensen)OFFICE EQUIPMENT
RENTAL-PURCHASE AGREEMENTS

AN ACT relating to the use of rental-purchase-type agreements in the acquisition of certain office equipment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. CERTAIN RENTAL-PURCHASE-TYPE AGREEMENTS AUTHORIZED.) With the approval of the department of accounts and purchases, any department, agency, or institution of the state currently leasing or renting office equipment under an agreement that is convertible to a rental-purchase or similar agreement, upon certification to the department of accounts and purchases that conversion of such leasing or rental agreement to a rental-purchase or similar agreement is to the financial advantage of the state and does not commit the state to payments thereon beyond the biennium for which funds are available, may convert such rental or leasing agreement to such rental-purchase-type agreement.

Approved March 19, 1975

CHAPTER 469

HOUSE BILL NO. 1019

(L. Hausauer, Wagner, H. Johnson, Wilkie, Peterson)
(From Legislative Council Study)

POSTAGE METERS

AN ACT to require the director of institutions to authorize all postage meters for state agencies, departments, and institutions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. DIRECTOR TO AUTHORIZE POSTAGE METERS.) No state agency, department, or institution shall obtain or use a postage meter unless authorized to do so by the director of institutions. All state agencies, departments, and institutions which obtain or use a postage meter prior to the effective date of this Act shall apply to the director for such authorization within one month after the effective date of this Act. Each state agency, department, or institution which shall be authorized by the director to obtain or use a postage meter shall maintain such records as the director may require and shall allow the director to inspect such records upon request. The director of institutions shall keep in his office a record of the identification numbers of all postage meters which his office has authorized for usage.

Approved February 28, 1975

CHAPTER 470

SENATE BILL NO. 2430
(Jones)

AUDITS BY LICENSED PUBLIC ACCOUNTANTS

AN ACT to amend and reenact subsection 6 of section 13-06-03, subsection 2 of section 54-10-01, and sections 54-10-13 and 54-10-14 of the North Dakota Century Code, to authorize licensed public accountants to adjust debts and perform audits for occupational and professional boards, county agencies and political subdivisions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 6 of section 13-06-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. Situations involving debt adjusting incurred incidentally in connection with lawful practice as a certified public accountant and licensed public accountant;

SECTION 2. AMENDMENT.) Subsection 2 of section 54-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- *2. Be vested with the duties, powers, and responsibilities involved in making a complete examination of the books, records, accounting methods, and internal controls of any and all state agencies, including the occupational and professional boards provided for in title 43 and the state bar board, board of examiners for mine foremen, state board of veterinary medical examiners, and all other professional boards created by law. The state auditor shall charge an amount equal to the fair value of the audit and other services rendered plus actual costs incurred by the state auditor to all agencies which receive and expend moneys from other than the general fund, unless for good cause the amounts charged shall be waived by the auditor for a one-year period of time with such waiver being subject to annual renewal after proper application has been filed with the auditor. The governing board of any occupational and pro-

*NOTE: Subsection 2 of section 54-10-01 was also amended by section 1 of Senate Bill No. 2018, chapter 471.

professional boards and commissions shall provide for an audit annually by a certified public accountant or licensed public accountant who shall submit the audit report to the state auditor's office. When the report is in the form and style as prescribed by the state auditor, the state auditor shall not audit such board or commission;

SECTION 3. AMENDMENT.) Section 54-10-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-13. COUNTY AGENCIES - AUDITS - FEES.) The state auditor by his duly appointed deputy auditors or other authorized person or persons shall audit at least once every two years, or at more frequent intervals if the state auditor, in his discretion, deems it advisable, the official financial records, accounts, and proceedings of boards of county commissioners, county auditors, county treasurers, clerks of district court, county judges, registers of deeds, county superintendents of schools, sheriffs, public administrators, governing boards of irrigation districts and flood irrigation districts, clerks or secretaries of said boards, and treasurers of said districts. The state auditor shall charge an amount equal to the fair value of the audit and other services rendered plus actual costs incurred by the state auditor to the county agencies in making and otherwise preparing the reports of examinations herein provided for. The fees herein provided shall be paid by the counties and districts examined to the state treasurer, and by him credited to the general fund of the state. Provided, further, that the board of county commissioners may provide for an annual audit by a certified public accountant or licensed public accountant for any or all of the offices and boards set forth in this section, and such audit report shall be in such form and contain such information as the state auditor may require in addition to other information, and in such case the state auditor shall not be required to make the examination heretofore provided for in this section. Two copies of such audit reports shall be filed with the state auditor and one copy with the state bonding fund by the certified public accountant or licensed public accountant making such audit at the same time that the report is delivered to the officer or board audited, and the board of county commissioners shall not pay the fee for such audit until evidence of such filing is furnished. The state auditor may require the correction of any irregularities, objectionable accounting procedures, or illegal actions on the part of such officers or boards disclosed by such audit reports, and failure to make such corrections shall result in audits being resumed by the state auditor until such irregularities, procedures, or illegal actions are corrected, and fees for such audits, so resumed, shall be paid in accordance with this section.

SECTION 4. AMENDMENT.) Section 54-10-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-14. POLITICAL SUBDIVISIONS - AUDITS - FEES - ALTERNATIVE AUDITS.) The state auditor, by his duly appointed deputy auditors or other authorized agents, shall audit, at least once every two years, the official financial records, accounts, and proceedings of the following governing bodies and officials of the following political subdivisions:

1. City councils and commissions;
2. City auditors;
3. Park district clerks and treasurers;
4. School boards and boards of education;
5. School district clerks, treasurers, and secretaries;
6. Trustees and officials of the firemen's relief association;
7. Airport authorities; and
8. Libraries operated by cities, counties, school districts or combinations thereof.

Audits may be conducted at more frequent intervals if the state auditor, in his discretion, deems it advisable.

The governing board of any political subdivision may provide for an audit annually by a certified public accountant or licensed public accountant, and such report shall be in such form and contain such information as the state auditor may require in addition to other information, and in such case the state auditor shall not be required to make the examination heretofore provided for in this section. Two copies of such audit reports shall be filed with the state auditor and one copy with the state bonding fund by the certified public accountant or licensed public accountant making such audit at the time that the report of audit is delivered to said political subdivisions, and the governing board of such subdivision shall not pay the fee for such audit until evidence of such filing is furnished. The state auditor may require the correction of any irregularities, objectionable accounting procedures, or illegal actions on the part of the governing boards and officers of such subdivisions disclosed by such audit reports, and failure to make such corrections shall result in audits being resumed by the state auditor until such irregularities, procedures, or illegal actions are corrected and fees for such audits, so resumed, shall be paid in accordance with this section. The state auditor shall charge an amount equal to the fair value of the audit and other services rendered plus actual costs incurred by the state auditor to the political subdivisions in making and otherwise preparing the reports of audits herein provided for. All fees for the audits herein provided shall be paid by the subdivision audited to the state treasurer and by him credited to the general fund of the state.

Approved April 2, 1975

CHAPTER 471

SENATE BILL NO. 2018

(Barth, Larson, Lips, Wenstrom)
(From Legislative Council Study)

OCCUPATIONAL BOARD AUDITS

AN ACT to amend and reenact subsection 2 of section 54-10-01 of the North Dakota Century Code, relating to the authority of the state auditor to examine the books and records of state agencies and occupational and professional boards and commissions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 2 of section 54-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- * 2. Be vested with the duties, powers, and responsibilities involved in making a complete examination of the books, records, accounting methods, and internal controls of any and all state agencies, including the occupational and professional boards provided for in title 43 and the state bar board, state board of veterinary medical examiners, and all other professional boards created by law. The state auditor shall charge an amount equal to the fair value of the audit and other services rendered plus actual costs incurred by the state auditor to all agencies which receive and expend moneys from other than the general fund, unless for good cause the amounts charged shall be waived by the auditor for a one-year period of time with such waiver being subject to annual renewal after proper application has been filed with the auditor. The governing board of any occupational and professional boards and commissions shall provide for an audit at least once every two years by a certified public accountant who shall submit the audit report to the state auditor's office. When the report is in the form and style as prescribed by the state auditor, the state auditor shall not audit such board or commission;

Approved March 19, 1975

*NOTE: Subsection 2 of section 54-10-01 was also amended by section 2 of Senate Bill No. 2430, chapter 470.

CHAPTER 472

HOUSE BILL NO. 1184
(Committee on State and Federal Government)
(At the request of the Bank of North Dakota)

STATE TREASURER WARRANT DUTIES REPEAL

AN ACT to repeal subsection 5 of section 54-11-01 of the North Dakota Century Code, relating to duties of the state treasurer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Subsection 5 of section 54-11-01 of the North Dakota Century Code is hereby repealed.

Approved March 9, 1975

CHAPTER 473

SENATE BILL NO. 2179
(Committee on State and Federal Government)
(At the request of the Attorney General)

ASSISTANT ATTORNEYS GENERAL

AN ACT to amend and reenact sections 54-12-06 and 54-12-07 of the North Dakota Century Code, relating to assistant attorneys general and their salary.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-12-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-12-06. ASSISTANT ATTORNEYS GENERAL - ATTORNEY GENERAL MAY APPOINT.) The attorney general may appoint assistant attorneys general whose appointment shall be in writing and filed in the office of the secretary of state.

SECTION 2. AMENDMENT.) Section 54-12-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-12-07. SALARY OF ASSISTANT ATTORNEYS GENERAL.) The annual salary of the assistant attorneys general shall be as provided by the legislative assembly from time to time and shall be payable in the same manner as other departmental payrolls.

Approved March 13, 1975

CHAPTER 474

SENATE BILL NO. 2471
(Longmire)ATTORNEY GENERAL DRUG CONTROL
CASH FUND

AN ACT to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the attorney general drug control cash fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) A new section to chapter 54-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

ATTORNEY GENERAL - DRUG CONTROL CASH FUND - CREATED - PURPOSE.) There is hereby created from the attorney general's appropriation a cash fund to be known as the attorney general drug control cash fund in a sum not to exceed twenty-five thousand dollars, which shall be used for the purpose of obtaining evidence for enforcement of any state law relating to the control of drug abuse.

The attorney general shall, with the concurrence of the director of the department of accounts and purchases, establish the necessary accounting procedures for the use of such fund, and shall personally approve, in writing, all requests from the chief of the bureau of criminal investigation for the use of said fund and shall be accountable to the legislative council, upon request, for the expenditure thereof.

Approved March 14, 1975

CHAPTER 475

SENATE BILL NO. 2071
(Lips)BUDGET SECTION APPROVAL OF EMERGENCY
COMMISSION ACTION

AN ACT to amend and reenact section 54-16-01 of the North Dakota Century Code, relating to legislative council budget section approval of certain emergency commission action.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-16-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

54-16-01. EMERGENCY COMMISSION - MEMBERS - ORGANIZATION - QUORUM - MEETINGS - DUTIES.) The emergency commission shall consist of the governor, the commissioner of agriculture, and the secretary of state, except when the membership is expanded as herein provided. Whenever, during the biennium, an allocation or allocations out of the state contingency fund, a transfer of money between funds and line items, or an approval to spend federal funds in excess of ten thousand dollars is to be made to any institution or department of government, the chairman of the senate appropriations committee and the chairman of the house of representatives appropriations committee shall be members of the commission. The aggregate total of transfers from the state contingency fund, within the limits of legislative appropriations, can exceed five hundred thousand dollars only to the extent that requests for transfers from the state contingency fund have been approved by the budget section of the legislative council. If the chairman of either appropriations committee should die or resign, the vice chairman of that committee shall become a member of the commission. A vice chairman may also serve at the request of the committee chairman, if the committee chairman is unable to attend a particular meeting. Two members of the commission shall constitute a quorum, except when the membership is expanded, in which case four members shall constitute a quorum. The governor shall be chairman of the commission, and the secretary of state shall be the secretary. The commission shall meet upon the call of the chairman. The commission shall exercise the powers and perform the duties imposed upon it by law.

Approved March 19, 1975

CHAPTER 476

SENATE BILL NO. 2320
(Lips, Goodman)

VIETNAM BONUS TAX REPEAL

AN ACT to amend and reenact section 54-17.1-12 of the North Dakota Century Code, relating to taxes, appropriations, and transfers for purposes of repaying the Vietnam veterans adjusted compensation bonds; to repeal section 57-38-30.2 of the North Dakota Century Code, relating to the Vietnam veteran surtax; to provide an appropriation; stating legislative intent concerning the authority of the industrial commission; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-17.1-12 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-17.1-12. APPROPRIATIONS AND TRANSFERS IRREPEALABLE.) All appropriations and transfers provided to pay bonds issued under the provisions of this chapter and interest thereon shall not be repealed until such bonds and interest are fully paid.

SECTION 2. REPEAL.) Section 57-38-30.2 of the 1973 Supplement to the North Dakota Century Code is hereby repealed.

SECTION 3. APPROPRIATIONS.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$17,000,000.00, or so much thereof as may be necessary, to the sinking fund for the payment of North Dakota general obligation bonds, conflict adjusted compensation series, which were issued pursuant to chapter 54-17.1 of the North Dakota Century Code, for the purpose of payment of such bonds and interest thereon.

SECTION 4. LEGISLATIVE INTENT - INDUSTRIAL COMMISSION AUTHORITY - INVESTMENT BY BANK OF NORTH DAKOTA.)

1. The legislative assembly intends that the moneys appropriated by section 3 of this Act, and other moneys in the sinking fund, may be expended by the industrial commission to purchase, in the open market or by negotiation,

outstanding Vietnam conflict adjusted compensation bonds, of either or both series, at such times as the commission sees fit. The industrial commission is hereby authorized to purchase and retire the aforementioned bonds whenever the commission shall judge that it is financially in the best interest of the state to do so.

2. The Bank of North Dakota, on behalf of the state treasurer, shall invest the moneys appropriated by section 3 of this Act, consistent with the provisions of section 21-10-07, at the best possible rate of interest, and all interest earned thereby shall be deposited to the credit of the sinking fund created by section 54-17.1-07 for use in meeting bond principal and interest payments as they come due.

SECTION 5. EFFECTIVE DATE.) The provisions of this Act shall be effective for all taxable years beginning on or after January 1, 1975.

SECTION 6. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved April 8, 1975

CHAPTER 477

SENATE BILL NO. 2191
(Nothing)QUALIFICATIONS OF THE DIRECTOR
OF INSTITUTIONS

AN ACT to amend and reenact section 54-21-06 of the North Dakota Century Code, relating to the appointment of the director of institutions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-21-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21-06. DIRECTOR OF INSTITUTIONS - APPOINTMENT - TERM - ADDITIONAL EMPLOYEES - COMPENSATION - REMOVAL - EXPENSES.) The governor shall appoint a director of institutions who shall have the powers and duties previously held by the board of administration. The director of institutions shall be qualified by demonstrated business or administrative ability and shall have demonstrated an interest in and knowledge of the problems of public institutions. The term of office of the director of institutions shall be four years and shall coincide with the governor's term of office, except that a director shall be appointed within fifteen days of the effective date of this section for a term ending on January 1, 1973. Any appointment of a director of institutions shall be submitted to the senate for its approval or disapproval. If the senate shall fail to approve or disapprove within thirty legislative days, or if the governor shall have submitted a name for approval prior to the thirty-fifth legislative day and the senate fails to approve or disapprove before the legislative assembly adjourns sine die, the appointment shall be deemed to be approved. No appointee whose appointment has been disapproved by the senate shall be appointed or reappointed by the governor to such position. The governor may remove the director of institutions for cause. The salary of the director shall be set by the governor within the limits of legislative appropriations. The director may employ such other administrative assistants, business managers, accountants, and any other employees as may be necessary, and may fix their compensation within the appropriation made for such purpose. The director may remove any such employee when, in his judgment, the public service demands it. The director and other employees within his office shall be reimbursed for expenses incurred in carrying out their duties under this chapter at the same rate and in the same manner as other state officials.

Approved February 28, 1975

CHAPTER 478

SENATE BILL NO. 2188
(Committee on Appropriations)
(At the request of the State Auditor)

FIXED ASSET REPORTING VALUE

AN ACT to establish a minimum fixed asset reporting value for financial statement purposes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. FIXED ASSET MINIMUM REPORTING VALUE.) All state departments, agencies, and institutions shall include all fixed assets under their control in their financial statements, except those having a value of one hundred dollars or less.

Approved February 28, 1975

CHAPTER 479

SENATE BILL NO. 2019
(Strinden, Melland, Erdman, Nasset, Thane, Wenstrom)
(From Legislative Council Study)

PLANNING REVOLVING FUND

AN ACT providing for the creation of a preliminary planning revolving fund for the prepayment of consulting and planning fees for capital improvement projects and structures, and providing for an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REVOLVING FUND FOR PREPAYMENT OF CONSULTING AND PLANNING FEES FOR CAPITAL IMPROVEMENTS.) Funds shall be made available to all state agencies, institutions, and departments from a preliminary planning revolving fund in the state treasury under the control of the director of the department of accounts and purchases for schematic designs, and cost estimates relating to proposed new capital improvements and major remodeling of existing facilities. State agencies, institutions, and departments interested in obtaining planning moneys shall submit a written request detailing the scope and purpose of such project to the director of the department of accounts and purchases. The director shall file such request with, and shall present his recommendations regarding the proposed project and necessary planning moneys to, the budget section of the legislative council. Funds may be advanced only in the event that an authorization has first been received from the budget section. Such funds advanced shall be repaid to the preliminary planning revolving fund as moneys become available through legislative appropriation or other sources for the commencement of the project.

SECTION 2. APPROPRIATION.) There is hereby appropriated from any unappropriated funds in the general fund of the state treasury two hundred thousand dollars, or so much thereof as may be necessary, for the creation of a preliminary planning revolving fund.

Approved March 7, 1975

CHAPTER 480

HOUSE BILL NO. 1130
(Committee on State and Federal Government)
(At the request of the Indian Affairs Commission)

INDIAN DEVELOPMENT FUND

AN ACT to amend and reenact sections 54-34.2-01, 54-34.2-02, 54-34.2-03, 54-34.2-04, and 54-34.2-05 of the North Dakota Century Code, relating to the administration and purpose of the Indian development fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-34.2-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-34.2-01. INDIAN DEVELOPMENT FUND - ADMINISTRATION.) The North Dakota Indian affairs commission shall administer the Indian development fund as provided in this chapter.

SECTION 2. AMENDMENT.) Section 54-34.2-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-34.2-02. PURPOSE.) It is declared that the Indian people of North Dakota need the assistance of their state to take full advantage of the opportunities they have to improve their economic well-being. It is further declared that increased economic strength and stability among the Indian people of North Dakota are clearly in the best interests of the entire state. Therefore, the Indian development fund is created to provide Indian communities with matching funds for economic expansion programs, and thus provide additional opportunities for the Indian people of North Dakota to take full advantage of such programs.

SECTION 3. AMENDMENT.) Section 54-34.2-03 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-34.2-03. DEFINITIONS.)

1. "Indian people" shall mean any people of American Indian ancestry living within the boundaries of the state of North Dakota.

2. "Federal agency" shall mean and include the president of the United States of America and any department of, or any corporation, agency, or instrumentality heretofore or hereinafter created, designated, or established by the United States of America.
3. "Matching funds" shall mean the portion of state or local funds that may be required as a condition for receiving funds from federal, tribal, or private agencies.
4. "Development project" shall mean any business or industry to be owned or operated by Indian people to provide permanent employment for Indian people and located in North Dakota.

SECTION 4. AMENDMENT.) Section 54-34.2-04 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-34.2-04. DEVELOPMENT PROJECT ELIGIBILITY.) Moneys from the Indian development fund may be used only for state or local matching funds as may be required by a federal, tribal, or private agency for participation in Indian development projects. Reservation development projects must be approved by a tribal council or a corporation approved by the tribal council and organized by Indian people for the purpose of improving their economic well-being. Off-reservation development projects must be approved by the North Dakota Indian affairs commission.

SECTION 5. AMENDMENT.) Section 54-34.2-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-34.2-05. APPLICATION FOR FUNDS.) A tribal council or corporation organized by Indian people may make application for funds to the executive director of the North Dakota Indian affairs commission. Such application shall include a description of the projects for which the funds will be used, along with copies of the applications to the federal, tribal, or private agencies which are to provide major portions of the funds for the project. The Indian affairs commission shall consider each project on its merits and feasibility, and either approve or deny the application. The executive director of the Indian affairs commission may confer with appropriate federal, state, and local officials and the tribal council as he deems necessary to properly analyze the feasibility of such a project or projects.

Approved March 12, 1975

CHAPTER 481

HOUSE BILL NO. 1177
(Strinden, Backes)

LEGISLATIVE COUNCIL PER DIEM

AN ACT to amend and reenact subsection 1 of section 54-35-10 of the North Dakota Century Code, relating to the per diem compensation of legislative council members, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 1 of section 54-35-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The members of the council and the members of any committee of the council shall be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of forty-five dollars per day and shall 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.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 25, 1975

CHAPTER 482

HOUSE BILL NO. 1506
(Olin, L. Hausauer, Peterson, Goetz)

COMMUTER AIRLINE STUDY

AN ACT making an appropriation to the North Dakota legislative council for the purposes of conducting a phase one statewide commuter airline basic needs assessment study to be followed by a phase two study to determine the North Dakota cities to be served, the cost of the service, and the route system, provided that the phase two study is conditioned on legislative council approval.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$63,000.00, or so much thereof as may be necessary, to the North Dakota legislative council for the biennium beginning July 1, 1975, and ending June 30, 1977, to carry out the studies provided in this Act.

SECTION 2. APPROPRIATION.) There is hereby appropriated federal funds in the sum of \$121,300.00, or so much thereof as may be necessary or available, to the North Dakota legislative council for the biennium beginning July 1, 1975, and ending June 30, 1977, for the purpose of the legislative council conducting phase two study, provided for in this Act, subject to the legislative council's approval.

SECTION 3. PHASE ONE STUDY.) The North Dakota legislative council shall conduct a phase one statewide commuter airline basic needs assessment study to determine whether there is a basic user need for a statewide intrastate commuter airline system, and to study the effect of passenger fare levels on passenger use of such a system and whether sufficient use would be made of an intrastate commuter airline system by both intrastate and interstate passengers and for the carriage of air freight and mail and to determine whether a commuter airline system linking North Dakota cities, regions, and areas is in the public interest.

SECTION 4. LEGISLATIVE COUNCIL TO CONSIDER NEED FOR PHASE TWO STUDY.) Upon completion of phase one study, the North Dakota legislative council or a committee of the council designated by it

shall evaluate the need assessment findings developed by the phase one study and shall make a decision whether or not phase one study conclusions justify carrying out phase two study. If the legislative council or its designated committee decides in the affirmative, then section 5 of this Act shall become effective and the legislative council shall conduct phase two study; provided federal or other funding is made available to defray the cost of the phase two study.

SECTION 5. PHASE TWO STUDY.) The phase two study, if approved in accordance with section 4 of this Act, shall specify the North Dakota cities to be served by an intrastate commuter airline system, the routings to be followed, the service patterns recommended, the aircraft to be flown, the passenger air fares to be charged, the overall financial aspects of such air service system, including forecasts of passenger and air freight revenues to be generated by each city on the proposed system, forecasts of cost of both aircraft and ground services, management overhead, and whether the system would be profitable or would require public service funding. Phase two study shall, if feasible, be completed by December 1, 1976, and shall make a recommendation to the forty-fifth legislative assembly of North Dakota whether a North Dakota pilot demonstration commuter airline system should be undertaken in this state for a specific number of years.

Approved April 8, 1975

CHAPTER 483

SENATE BILL NO. 2437
(Conlin, Barth, J. Schultz)

MEMBERSHIP OF INDIAN AFFAIRS COMMISSION

AN ACT to amend and reenact section 54-36-01 of the North Dakota Century Code, relating to the membership of the Indian affairs commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-36-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-36-01. COMMISSION - MEMBERS - OFFICERS - EXPENSES OF MEMBERS.) The North Dakota Indian affairs commission shall consist of the governor; executive director of the social service board of North Dakota; state health officer; director of the North Dakota employment security bureau; the tribal chairmen of the Standing Rock, Fort Berthold, Fort Totten, and Turtle Mountain Indian Reservations or their designees; one other representative of each reservation appointed by the tribal council; a representative of the North Dakota county commissioners' association who lives on or adjacent to an Indian reservation; a representative of the league of North Dakota cities; three members at large who shall be at least one-fourth degree of Indian blood appointed by the governor; and a representative of each house of the legislative assembly who shall be chosen on a bipartisan basis by the presiding officer of each house. The commission may call upon the state director of the business and industrial department for consultation upon business and industrial matters involved in the operation of the commission. The governor or his authorized representative shall act as chairman of the commission and the commission shall select one of its members as secretary. All members of the commission or their designees shall receive the mileage and expenses allowed state officers which shall be paid from the appropriation made to such commission except mileage and expenses of state officials shall be paid from the appropriation for the department they represent.

Approved March 14, 1975

CHAPTER 484

HOUSE BILL NO. 1089
(Bunker)USE OF STATE BUILDINGS BY
POLITICAL SUBDIVISIONS

AN ACT to amend and reenact section 54-40-08 of the North Dakota Century Code to allow state agencies, boards, or institutions and political subdivisions of the state to enter into agreements to allow such political subdivisions to use buildings and facilities of the state for such periods as the parties deem necessary, to allow the political subdivisions to make improvements to such buildings and facilities in lieu of rent, and to provide that the state agency, board, or institution may move or replace the building or facility at any time during an agreement, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 54-40-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-40-08. JOINT FUNCTIONS - WHO MAY PARTICIPATE.)

1. Any municipality, county, park district, school district, or other political subdivision of this state, upon approval of its respective governing body, may enter into agreements with one another for joint or cooperative action, on a cost-sharing basis, or otherwise, to carry out any function or duty which may be authorized by law or assigned to one or more of them, and to expend funds of such municipality, county, park district, school district, or other political subdivision pursuant to such agreement, to use unexpended balances of their respective current funds, to enter into lease-option to buy and contract for deed agreements between themselves and with private parties, and to accumulate funds from year to year for the provision of services and facilities, and to otherwise share or contribute property in accordance with such agreement in jointly and cooperatively carrying out such function or duty.
2. Any municipality, county, park district, school district, or other political subdivision of this state may enter into agreements in the manner provided in subsection 1 with any agency, board, or institution of the state for the use of buildings and facilities under the control of

such state agency, board, or institution for such periods as the parties may determine to be necessary. No such agreement shall be entered into by any state agency, board, or institution unless the respective governing body or officer of such state agency, board, or institution has approved the agreement and the attorney general has determined that the agreement is legally sufficient. The municipality, county, park district, school district, or other political subdivision of this state may make improvements to such buildings or facilities in lieu of any rental or other payments, but all such improvements shall first be approved by the governing body or officer of such state agency, board, or department. Such buildings and facilities may be moved or replaced at any time during the term of an agreement, and the municipality, county, park district, school district, or other political subdivision shall be entitled to use such buildings and facilities constructed in place thereof for the remainder of the term of the agreement.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 3, 1975

CHAPTER 485

SENATE BILL NO. 2085
(Committee on State and Federal Government)
(Requested by Merit System Council)

COMPENSATION OF MERIT SYSTEM COUNCIL

AN ACT to amend and reenact section 54-42-02 of the North Dakota Century Code, relating to daily compensation of members of the merit system council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-42-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 54-42-02. ORGANIZATION - MEETINGS - COMPENSATION.) At the first meeting of each year the council shall elect a chairman from its membership. It shall also designate the merit system director or one of his staff as its recording secretary, whose duty it shall be to keep a record of the proceedings of meetings. Meetings of the merit system council shall be upon the call of the chairman of the council or by written notice of two members of the council and shall be held in the city of Bismarck, North Dakota, or such other place designated in the notice of meeting. Members of the council shall be paid the sum of forty-five dollars for each day employed in the official duties of the council and shall be compensated for actual expenses at the same rate and in the same manner as other state officials. No member of the council shall be paid compensation expense for more than eight days in any one year. The merit system council shall appoint a director who qualifies under the merit system. Qualifications for the director will include training and experience in the field related to merit system administration.

Approved April 9, 1975

*NOTE: Section 54-42-02 was repealed by section 29 of House Bill No. 1120, chapter 487.

CHAPTER 486

HOUSE BILL NO. 1258

(Committee on Appropriations)

(At the request of the Department of Accounts and Purchases)

INCREASE IN PURCHASING FUND

AN ACT to amend and reenact section 54-44-11 of the North Dakota Century Code to provide for an increase in working capital in the state purchasing department operating fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-44-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-44-11. PURCHASING DEPARTMENT OPERATING FUND CREATION.)

1. The department of accounts and purchases shall establish a state purchasing department operating fund to be used for the procurement and maintenance of an inventory of equipment and supplies and to provide data processing services to the state departments and agencies. The sum of thirty-five thousand dollars is hereby transferred from the state general fund to the state purchasing department operating fund to provide the initial working capital and is hereby appropriated for supplies and equipment as a standing appropriation. Any surplus in this fund in excess of one hundred and fifty thousand dollars on June thirtieth of each year shall be transferred to the state general fund.
2. Each office, agency, or institution provided with data processing service shall pay to the department of accounts and purchases a proportionate share of the cost of such service as determined by the director of the department of accounts and purchases, based on actual costs and actual usage. The amounts paid to the department of accounts and purchases by the various offices, agencies, and institutions shall be deposited in the purchasing department operating fund and shall be expended in accordance with legislative appropriations.

Approved March 9, 1975

CHAPTER 487

HOUSE BILL NO. 1120

(Committee on Industry, Business, and Labor)

(At the request of the Personnel Advisory Steering Committee)

CENTRAL PERSONNEL SYSTEM

AN ACT to establish a state personnel system and to amend and reenact section 54-42-01 of the North Dakota Century Code, relating to the merit system council, and to repeal section 54-42-02 of the North Dakota Century Code, relating to the merit system council, providing a penalty, and providing for an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. PURPOSE OF ACT.) The general purpose of this Act is to create the division of central personnel in order to establish a unified system of personnel administration for the classified service of the state based upon merit principles and scientific methods, governing the position classification, pay administration, and transfer of its employees. All appointments and promotions to positions in the state classified service shall be made without regard to sex, race, color, national origin, age, religious affiliations, or political opinions on the basis of merit and fitness.

SECTION 2. DEFINITIONS.) As used in this Act, unless the context clearly requires otherwise:

1. "Appointing authority" means the authority to appoint to positions in the classified service and is reserved to officials and heads of departments and agencies within the government.
2. "Board" means the state personnel board.
3. "Director" means the director of the central personnel division.
4. "Division" means the central personnel division.
5. "Employee" means any person who occupies a position in the classified service.

6. "Officer" means an employee of the state government who is appointed and serves at the pleasure of an official, board, or commission.
7. "Official" means a member of the state government elected by popular vote.

SECTION 3. STATE PERSONNEL BOARD - QUALIFICATION OF MEMBERS.) Effective July 1, 1975, there is hereby created a five-member state personnel board composed of a constitutionally elected official, who shall be the chairman of the board; a member appointed by the board of higher education; one member appointed by the governor; and two members elected by the state employees. The term of the member of the board appointed by the governor and the respective terms of the members of the board elected by the state employees shall be for six years. However, for the initial composition of the board, the following procedures shall apply:

1. The member of the board first appointed by the governor shall serve for a period of two years.
2. One of the two members of the board elected by the state employees shall first serve a term of two years.
3. One of the two members of the board elected by the state employees shall first serve a term of five years.

Thereafter, all appointments and elections to the personnel board will be for six years' duration. Any vacancy in office shall be filled for the unexpired term in the same manner as the selection of the person vacating the office. The member of the board appointed by the governor shall be a resident of the state for at least sixty days, known to be in sympathy with the application of merit principles to public employment. Each member of the board elected by the state employees shall be a resident of the state for at least sixty days, known to be in sympathy with the application of merit principles to public employment. No member of the board appointed by the governor or elected by the state employees shall have held a position in a political party within four years immediately preceding his appointment or election to the board, and those members of the board elected by the state employees shall be full-time employees in good standing of the classified service.

SECTION 4. COMPENSATION AND EXPENSES OF MEMBERS OF BOARD.) Each member of the board is entitled to compensation at the rate of fifty dollars for each day employed in the official duties of the board and other expenses as provided for by law.

SECTION 5. ELECTION COMMITTEE.) The governor, the secretary of state, and the attorney general shall constitute a three-member committee to develop rules and regulations for a secret ballot election among all eligible state employees to carry out the election of the two members of the board elected by the state

employees. All elections of members of the board shall be the responsibility of the director who will ensure that proper and due notification is given to all employees in sufficient time to enable potential candidates to initiate necessary petitions and conduct campaigns. Nominees for candidacy shall be required to submit petitions containing no less than two hundred names of employees in good standing in the classified service. All elections will be conducted through a secret ballot process.

SECTION 6. MEETINGS.) The board shall organize annually at the first meeting of each fiscal year. It shall meet at least six times a year and at such times and places as are specified by call of the chairman or any three members of the board. All meetings shall be open to the public. Three members shall constitute a quorum for the transaction of business. Three favorable votes shall be necessary for the passage of any resolutions or taking of any official action by the board at any meeting.

SECTION 7. DUTIES OF BOARD.) The primary responsibility of the board shall be to foster and assure a system of personnel administration in the classified service of state government. In carrying out this function it shall:

1. Promulgate such rules and hold such hearings as are necessary to properly perform the duties, functions, and powers imposed on or vested in it by law. The promulgation of rules shall be accomplished in accordance with provisions of the Administrative Practices Act, chapter 28-32.
2. Review and hear comments from any concerned individuals, departments, agencies, or their representatives, on any rules or modifications thereof adopted by the personnel division. Such a rule or modification will be effective upon implementation by the division; however, if the board finds that the rule constitutes poor administrative practice, is arbitrary, capricious, contrary to the spirit or intent of the personnel system, or otherwise contrary to law, it may disapprove the rule or modification on that basis, thus repealing the concerned rule or modification.
3. Review any personnel action relating to pay ranges or job classification.
4. Submit a biennial report as prescribed by section 54-06-04 of its activities and the operation of this state's personnel system.
5. Keep such minutes and maintain such records as are necessary to assure the equitable administration of this Act.

SECTION 8. TESTIMONY - CALL WITNESSES - REQUEST PRODUCTION OF PAPERS.) The board, as a body, may invite and hear witnesses,

and request the production of books and papers or any other physical evidence pertinent to any investigation or hearing authorized by this Act. Witnesses who testify at the invitation of the board shall receive remuneration in the same amount and manner received by witnesses in North Dakota district courts.

SECTION 9. BOARD SECRETARIAT.) The director shall serve as secretary to the board in a nonvoting capacity. The division shall serve as the secretariat to the board.

SECTION 10. ACTION TO SECURE COMPLIANCE WITH ACT.) The board may maintain such action or proceeding at law or in equity as the board considers necessary or appropriate to secure compliance with this Act and its rules and orders thereunder. The attorney general may assign an assistant attorney general as legal advisor and counsel to both the board and the division. The attorney general shall be responsible for representing the personnel system in all legal contexts.

SECTION 11. CENTRAL PERSONNEL DIVISION - DIRECTOR - APPOINTMENT - REMOVAL.) There is hereby created a division of personnel within the department of accounts and purchases under the supervision and control of a director who is responsible for the performance and exercise of the duties, functions, and powers imposed upon the division.

1. The director shall be experienced in the field of personnel administration and shall hold considerable knowledge of merit principles, goals, and their methods of operation.
2. The director of the department of accounts and purchases shall appoint the director from among persons certified by the board as eligible for appointment in accordance with rules which the board shall make, promulgate, and from time to time amend. The person appointed may hold no other public office or employment.
3. The director of the department of accounts and purchases may remove the director for cause, but before taking such action, the director of the department of accounts and purchases shall first give to the director a statement in writing of the intention to effect the director's removal and the reason therefor. Not later than the fifth day after receipt of such statement in writing, the director may appeal in writing to the board for a hearing. Not later than the tenth day after the hearing, the board shall render its decision on the removal of the director, which shall be final.

SECTION 12. DUTIES OF DIRECTOR.) The director shall direct and supervise, with the approval of the director of the department of accounts and purchases, all the administrative and technical activities of the division. In addition to the duties imposed elsewhere in this Act, the director shall:

1. Establish general policies, rules, and regulations,

subject to the approval of the board, which shall be binding on the agencies affected; these rules shall include the establishing and maintenance of classification and compensation plans.

2. Establish and maintain a roster of all employees in the state classified service in which there shall be set forth, as to each employee, the class title of the position occupied, the salary or pay, change in class title, and any other personnel data that the division deems necessary.
3. Select for appointment under this Act such employees of the division and such experts and special assistants as are necessary to carry out effectively the provisions of this Act. Salaries and positions of personnel in the division shall conform to the classification and pay plan provided by this Act.
4. Assist the employee-appointing authorities, in accordance with the provisions of this Act and the rules adopted thereunder, in the preparation and administration of appropriate selection procedures.
5. Encourage and assist in the development of personnel administration within the various departments and agencies of the state.
6. Cooperate with employee-appointing authorities and other supervisory officers in the conduct of employee training programs.

SECTION 13. RECORDS AND INFORMATION TO BE FURNISHED.) All departments and agencies covered by the personnel system shall furnish any reasonably necessary, nonprivileged records and information to the personnel division which the division requests, except records made confidential by statute.

SECTION 14. RECORDS PUBLIC.) The records of the division and the board, except such records as the statutes may require to be held confidential, shall be public records and shall be open to public inspection, subject to regulations as to the time and manner of inspection which may be prescribed by the division or board.

SECTION 15. PAYROLLS MUST BE CERTIFIED BY DIRECTOR BEFORE PAYMENT CAN BE MADE.) No state disbursing or auditing officer shall make or approve or take any part in making or approving any payment for personal service to any person holding a position in the classified service, except a person appointed to a position for the duration of an emergency, unless the director or the director's authorized agent has certified that the person named therein has been classified in accordance with the provisions of this Act and the rules and orders thereunder and that the rate of pay is legal.

SECTION 16. AGENCY PERSONNEL OFFICERS.) The elected or appointed chief officer of each agency or department of the service shall designate a staff employee to serve as personnel officer for that division of the service to assist him in his duty to administer personnel responsibilities specified in this Act and by the personnel rules and regulations.

SECTION 17. GRANT-IN-AID PROGRAMS.) Whenever the provisions of any law, rule, order, or regulation of the United States or of any federal agency or authority providing or administering federal funds for use in North Dakota require civil service or merit standards or classifications other than those required by the provisions of this Act and rules and regulations promulgated under this Act, then the provisions of such law, rule, order, or regulation shall prevail and shall govern the employees affected thereby. The division shall provide those services necessary to comply with merit standards for federal grant-in-aid agencies.

SECTION 18. AUTHORITY TO PROVIDE SERVICES TO CITIES AND POLITICAL SUBDIVISIONS.) The division may enter into agreement with any city or political subdivision of the state to furnish services and facilities of the division to the city or political subdivision in the administration of its personnel on merit principles. Any such agreement shall provide for the reimbursement to the state of the cost of the services and facilities furnished, such reimbursements to be deposited to the credit of the general fund. All cities and political subdivisions of the state may enter into such agreements.

SECTION 19. BOARD AUTHORITY TO PROVIDE SERVICE TO CITIES AND POLITICAL SUBDIVISIONS.) The board may enter into agreement with any city or political subdivision of this state to furnish any of its services and facilities, other than fact-finding or conciliation services, and such agreement shall provide for reimbursement to the state of the cost of the services and facilities furnished. All cities and political subdivisions of this state may enter into such agreements. The board and division shall provide coverage to other agencies or political subdivisions as may by federal laws or regulations be required to be subject to a personnel system in order to obtain federal grants-in-aid. The board and division shall provide coverage to mental health and retardation service units, human service centers, and other units resulting from combinations of mental health and retardation service units, area social service centers, and other functions or services of state agencies or political subdivisions upon the request of such centers or units. Such other agencies, departments, or divisions, or positions, shall be placed under the complete or limited board and division personnel plan in the manner and to the extent the legislative assembly shall by law direct.

SECTION 20. CATEGORIES OF POSITIONS IN THE STATE SERVICE.) All positions in the state service are included in the classified service except:

1. Each official elected by popular vote and each person appointed to fill vacancies in an elective office, one principal assistant, and one private secretary.

2. Members of boards and commissions required by law.
3. Administrative heads of departments required by law.
4. Officers and employees of the legislative branch of government.
5. Members of the judicial branch of government of the state of North Dakota and their employees and jurors.
6. Persons temporarily employed in a professional or scientific capacity as consultants or to conduct a temporary and special inquiry, investigation, or examination for the legislative branch of government or a department of the state government.
7. Officers and members of the teaching staff of universities and other institutions of higher education.
8. Positions deemed to be inappropriate to the classified service due to the special nature of the position as determined by the personnel division and approved by the board.
9. The classified employees at the institutions of higher education under the control of the state board of higher education, until July 1, 1976.
10. Members and employees of occupational and professional boards.

SECTION 21. EMPLOYMENT ONLY UNDER APPROVED CLASS TITLE.)

No person shall be appointed to or employed in a position in the classified service under a class title which has not been approved by the director as appropriate to the duties to be performed.

SECTION 22. LIMITATIONS ON INQUIRIES IN APPLICATION OR TEST - DISCRIMINATION BASED ON SEX, RACE, COLOR, NATIONAL ORIGIN, AGE, OR RELIGIOUS OR POLITICAL OPINIONS OR AFFILIATIONS PROHIBITED.)

No question in any form of application or in any test shall be so framed as to elicit any information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations. All disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened, or promised by any person in the employ of any division of the service or of the personnel division against or in favor of any applicant, eligible, or employee because of sex, race, color, national origin, age, or religious or political opinions or affiliations.

SECTION 23. VETERANS' PREFERENCE.) Veterans' preferences shall be in accordance with chapter 37-19.1.

SECTION 24. APPLICATION OF ACT TO EXISTING EMPLOYEES.) All employees in positions which are in the classified service as defined in this Act and who, prior to the effective date of this

Act, have served continuously for a period of six months or more, or as regular seasonal employees have satisfactorily served in such positions through one seasonal service period, shall be certified to such positions, and grades and classifications, under the personnel system, and shall not be subject to examination or trial service periods of employment.

SECTION 25. PROHIBITED CONDUCT.)

1. No person shall make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under this Act, or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Act and the rules.
2. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the classified service.
3. No employee of the division, examiner, or other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment under this Act, or furnish to any person any special or confidential information for the purpose of affecting the rules or prospects of any person with respect to employment in the classified service.

SECTION 26. PENALTY.) Any person who intentionally violates any provision of this Act shall be guilty of an infraction and, upon conviction thereof, shall, for a period of one year, be ineligible for appointment or employment in the classified service.

SECTION 27. TRANSFER OF RECORDS OF MERIT SYSTEM COUNCIL.) All personnel and records of the North Dakota merit system council are hereby transferred to the central personnel division created by this Act.

SECTION 28. AMENDMENT.) Section 54-42-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-42-01. NORTH DAKOTA MERIT SYSTEM COUNCIL.) There shall be a North Dakota merit system council to consist of the state personnel board and the central personnel division. The director of the central personnel division shall be the director of the merit system council.

* SECTION 29. REPEAL.) Section 54-42-02 of the North Dakota Century Code is hereby repealed.

SECTION 30. APPROPRIATION.) There is hereby appropriated

*NOTE: Section 54-42-02 was amended by section 1 of Senate Bill No. 2085, chapter 485.

out of the general fund and from special funds derived from federal funds or other income, or both, in the state treasury to the central personnel division the sum of \$264,113.00, or so much thereof as may be necessary, for the purpose of defraying expenses for purposes provided by law for the biennium beginning July 1, 1975, and ending June 30, 1977:

Salaries and wages	\$181,613
Fees and services	63,500
Supplies and materials	15,000
Equipment	<u>4,000</u>
Total all funds	<u>\$264,113</u>
Less estimated income	<u>35,000</u>
Total general fund appropriation and transfer	\$229,113

Approved April 9, 1975

CHAPTER 488

SENATE BILL NO. 2467
(Lee, Stroup)

NATURAL RESOURCES COUNCIL

AN ACT to create a natural resources council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. DECLARATION OF POLICY AND PURPOSE.) The legislative assembly, recognizing the profound impact that the development of the state's natural resources will have upon the citizens, institutions, and government of this state, finds that problems related to the proper management of its natural resources often encompass the responsibilities of several state agencies, and that solutions to such problems require the interaction, participation, and cooperation of these agencies. Therefore, the legislative assembly declares that it is the continuing policy of the state of North Dakota, in cooperation with the federal government, local governments, and concerned public and private organizations, to use all practicable means and measures to promote the welfare of the state by better developing an interdisciplinary approach to natural resources management and planning to provide a means whereby the executive office and the appropriate state agencies may better coordinate and direct their efforts in planning, managing, and regulating this state's natural resources.

SECTION 2. NATURAL RESOURCES COUNCIL CREATED - MEMBERSHIP - OFFICERS - EXECUTIVE DIRECTOR.) There is hereby established a North Dakota natural resources council. The council shall be composed of the state engineer, the game and fish commissioner, the executive secretary of the state soil conservation committee, the reclamation director of the public service commission, the director of the state park service, the liaison officer of the state outdoor recreation agency, the state forester, state geologist, the director of the state planning division, and the chief of the environmental health and engineering services division of the state health department.

The governor shall appoint a chairman and determine his salary within the limits of legislative appropriations made to the office of the governor. The chairman may appoint whatever employees are necessary to carry out the provisions of this Act,

within the limitations of legislative appropriations made to the office of the governor.

SECTION 3. MEETINGS - QUORUM - COMPENSATION AND EXPENSES.)

A majority of the members of the council shall constitute a quorum for the transaction of all business in carrying out the duties of the council. The council shall hold regular monthly meetings and all regular meetings shall be called by the chairman. Special meetings may be called by the chairman acting alone or shall be called upon petition of three council members. All members of the council shall be reimbursed, in the manner provided for state officers, for necessary travel and other expenses incurred in the performance of the business of the council.

SECTION 4. POWERS AND DUTIES.) The natural resources council shall have and may exercise the following powers and duties:

1. The council shall review programs of state agencies which concern interdepartmental management, planning, or regulation of the state's natural resources and shall initiate investigations into those matters that it determines are in need of study. Topics for investigation shall include but need not be limited to those areas of natural resources in which agencies represented on the council have an official responsibility.
2. The council shall evaluate those programs, policies, and activities reviewed pursuant to subsection 1 of this section to determine the extent to which those programs, policies, and activities are interfering or are likely to interfere with the policy set forth in section 1 of this Act.
3. The council shall upon request of the governor or the legislative council analyze legislative proposals in the area of natural resources to determine the extent to which such proposals are consistent with the policy set forth in section 1 of this Act, and shall report its findings to the governor, the legislative council, and the legislative assembly.
4. The council shall transmit to the governor, before December 1, 1975, and biennially thereafter, a report as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report shall:
 - a. State the findings and conclusions of the council made pursuant to subsection 2 of this section.
 - b. Recommend to the governor policies and legislation designed to implement the policy set forth in section 1 of this Act.
5. The council may adopt, amend, and rescind any rules or regulations it shall deem necessary governing its own administration and procedures, and its staff and employees.

6. The council may conduct such public hearings that it deems necessary in order to implement the provisions of this Act.
7. The council may, in accordance with law, request and accept any grants of funds or services from the federal government, any state governmental unit, political subdivision, private organization, or person. The council may expend such funds or use such services for the purpose of carrying out the provisions of this Act.
8. The council shall study, develop, and recommend to the governor a long-range plan for the use and management of the state's natural resources.

SECTION 5. COOPERATION OF STATE AGENCIES REQUIRED.) All state agencies shall cooperate with the natural resources council by furnishing such information and data concerning the natural resources of the state as the council may reasonably require.

Approved April 8, 1975

CHAPTER 489

SENATE BILL NO. 2076
(Lips)

RETIREMENT BOARD COMPENSATION

AN ACT to amend and reenact subsection 4 of section 54-52-03 of the North Dakota Century Code, relating to compensation for members of the retirement board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 4 of section 54-52-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. The chairman of the board shall receive fifty dollars per day for the actual time devoted by him to the duties of his office and each of the other members of the board shall receive an honorarium of fifty dollars for each month during which the board has been in session. This shall be in addition to any other pay or allowance due the chairman or a member, plus an allowance for expenses they may incur through service on the board.

Approved February 28, 1975

CHAPTER 490

SENATE BILL NO. 2364
(Barth, Solberg, Hoffner)

PUBLIC EMPLOYEES' RETIREMENT

AN ACT to create and enact subsection 8 of section 54-52-04 of the North Dakota Century Code, relating to board authority; to amend and reenact sections 54-52-06 and 54-52-11 of the North Dakota Century Code, relating to employer's contribution, and vesting schedule of agency, county, city, or school district contribution.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Subsection 8 of section 54-52-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

8. The board shall annually prepare a summarized financial statement of the fund and distribute a copy to each participant.

SECTION 2. AMENDMENT.) Section 54-52-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-06. EMPLOYER'S CONTRIBUTION TO RETIREMENT PLAN.) Except as provided for in section 54-52-06.1, each agency, county, city, or school district shall match four percent of the monthly salary or wage of a participating member, but not to exceed a matching payment in excess of six hundred dollars annually. Each agency, county, city, or school district shall pay such contribution into the retirement fund from its funds appropriated for payroll and salary or any other funds available for such purposes.

SECTION 3. AMENDMENT.) Section 54-52-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-11. VESTING - VESTING SCHEDULE OF AGENCY, COUNTY, CITY, OR SCHOOL DISTRICT CONTRIBUTION.) Upon severance of the employment of a participating member, either voluntarily or involuntarily, for any reason other than set forth in this section, the contribution of the participant plus credit earnings thereon shall be vested in him. Three out of every four dollars of agency,

county, city, or school district contribution, and four dollars and fifty cents of each five dollars of contribution for judges, shall be vested in the employee according to years of state, county, city, or school district employment including state, county, city, or school district employment prior to this chapter. The employees' vested interest in the "vesting fund" shall be as follows:

Years of State, County, City, or School District Employment	Percentage of Vesting Fund Interest
0 Years through 3 years	None
Over 3 years through 6 years	20% plus credited earnings thereon
Over 6 years through 9 years	40% plus credited earnings thereon
Over 9 years through 12 years	60% plus credited earnings thereon
Over 12 years through 15 years	80% plus credited earnings thereon
Over 15 years	100% plus credited earnings thereon

Except as otherwise herein provided, an employee's one hundred percent vesting fund interest plus credited earnings thereon shall be vested, and nonforfeitable, when the employee reaches the age of sixty-five, or is permanently disabled; and an employee's one hundred percent vesting fund interest shall be vested in the beneficiary of the employee in case of the employee's death. At the age of sixty-five, or less as may be determined by the board, all interest vested in an employee shall be available to him for payment of retirement benefits as may be provided for under this chapter, provided that a judge of the supreme or district court who does not make application for retirement under this chapter on or prior to his seventy-third birthday shall have all interest in the "vesting fund" divested, and shall be thereafter eligible only for return of the amounts contributed from his salary, plus credited earnings thereon. Amounts forfeited under the vesting fund interest shall be paid into respective administrative expense and benefit funds.

Approved April 8, 1975

CHAPTER 491

HOUSE BILL NO. 1072
(Raymond)GROUP INSURANCE PROGRAM AFTER
TERMINATING EMPLOYMENT

AN ACT to amend and reenact section 54-52.1-03 of the North Dakota Century Code, relating to the eligibility of employees to remain in the uniform group insurance program upon retirement or termination of employment, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 54-52.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.1-03. EMPLOYEE PARTICIPATION IN THE PLAN - EMPLOYEE TO FURNISH INFORMATION - BENEFITS TO CONTINUE UPON RETIREMENT OR TERMINATION.) Any eligible employee may be enrolled in the uniform group insurance program created by this chapter by requesting enrollment with the employing department. An eligible employee who requests enrollment shall be enrolled with the board by the employing department within five days after the expiration of the payroll period during which enrollment was requested. The employee's insurance coverage shall become effective on the date of his enrollment. Upon the retirement of an eligible employee who is entitled to a retirement allowance from a department, board, or agency, or upon the termination of employment of an eligible employee not of retirement age who, upon retirement, will receive a deferred retirement allowance from a department, board, or agency, such employee may continue as a member of the uniform group under the provisions of this chapter, provided that no state contribution for such employee shall be made, and the employee shall pay the premiums directly to the board. Upon the termination of employment where the employee is not entitled to either retirement benefits or a deferred retirement allowance, such employee shall not continue as a member of the uniform group unless the employee was on the uniform group insurance retiree billings as of July 1, 1974, but may continue on an individual basis with the carrier, with such coverage to be offered at the lowest possible rate, to be determined by the board. Each eligible employee requesting enrollment shall furnish the appropriate person in the employing department, board, or agency with such information and in such form

as prescribed by the board to enable the enrollment of himself, or himself and his dependents, in the uniform group insurance program created by this chapter. In the event the participating employee is a teacher in a state charitable, penal, or educational institution who receives a salary or wages on a nine-month basis and has signed a contract to teach for the next ensuing school year, the agency shall make arrangements to include such employee in the insurance program on a twelve-month basis and make the contribution authorized by this section for each month of the twelve-month period.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 10, 1975

CHAPTER 492

HOUSE BILL NO. 1368
(Halmrast)

SALE OF LAND TO BISMARCK AIRPORT

AN ACT to provide for the sale of state lands to the city of Bismarck, North Dakota, for its airport.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) The director of institutions of the state of North Dakota is hereby authorized to sell to the city of Bismarck for expansion of its airport the real property described as follows:

A triangular tract of land lying in the southeast one-quarter of the southeast one-quarter of section eleven, township 138 north, range 80 west, Burleigh County, North Dakota, said tract being described as follows: all that portion of said quarter-quarter that lies southeasterly of a line that lies northwesterly of, parallel to and 1250.0 feet off the center line of the proposed northeast-southwest runway to be located in sections 13, 14, and 23 of said township as shown on the attached plat. This tract contains 7.4 acres, more or less.

The director of institutions shall cause the above described property to be appraised, and set a price based thereon for said land. The director of institutions is then authorized to negotiate its sale to the city of Bismarck for not less than the appraised value thereof. Upon the sale, the proceeds shall be deposited in the general fund in the state treasury. The said real property shall be conveyed by quit claim deed executed in the name of the state of North Dakota by the governor and attested by the secretary of state.

Approved March 12, 1975

CHAPTER 493

SENATE BILL NO. 2074
(Wenstrom)DISTRIBUTION OF CONSTITUTIONAL
CONVENTION JOURNALS

AN ACT to amend and reenact section 10 of chapter 462 of the 1969 Session Laws as contained in chapter 443 of the 1973 Session Laws of North Dakota, relating to the custody and sale or distribution of the constitutional convention journal and debates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 10 of chapter 462 of the 1969 Session Laws as amended by section 1 of chapter 443 of the 1973 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

SECTION 10.) The governor shall preside at the organizational meeting of the convention until the president of the convention is selected, and the governor may vote in case of a tie vote in the selection of the president. A majority of the total number of delegates shall constitute a quorum, and a majority of the total number of delegates shall be required for approval of any section to be included in a proposed constitution or amendments to the Constitution. The convention shall elect its own officers, and shall be sole judges of the qualifications and election of its own membership. All meetings and records of the convention shall be open to the public. The convention shall keep a journal of its proceedings and shall keep an abstract of the proceedings of its committees, and a record of its debates, and shall provide for the collection, storage, and publication thereof. The convention may also provide for the collection, storage, and publication of any other of its documents and reports. The convention shall employ a qualified historian, archivist, librarian, or a person of similar training, as its chief records clerk. This clerk shall see that the proper journals and records of the convention and its committees are kept. He shall also see to the preservation and collection of all proposals, reports, records, books, correspondence, documents, reference material, and other similar papers of the convention and its committees. The chief records clerk shall see that all of the materials under his care and supervision are deposited with the state historical society for preservation, cataloging, and safekeeping. The chief records clerk shall also urge all convention delegates and staff, as well as any other state officials, private individuals, or groups that have any type of correspondence or other materials pertaining to the convention, to give this material to him for

deposit with the state historical society. A copy of the convention journal, debates, and all revisions, alterations, or amendments to the constitution, agreed to and adopted by the convention, shall also be recorded and filed with the secretary of state. Additional copies of the convention journal and debates shall be deposited with the state library commission for sale or distribution to libraries, educational institutions, and interested persons. All provisions of chapter 54-05 of the North Dakota Century Code concerning lobbying shall apply to the constitutional convention and its committees.

Approved January 30, 1975