

STATE GOVERNMENT

CHAPTER 547

HOUSE BILL NO. 1578
(Representatives O. Hanson, Backes)
(Senators Bakewell, Reiten, Adams)

NORTH DAKOTA-SASKATCHEWAN BOUNDARY ADVISORY COMMITTEE

AN ACT to provide for the establishment of a North Dakota-Saskatchewan boundary advisory committee.

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

SECTION 1. North Dakota-Saskatchewan boundary advisory committee. The North Dakota-Saskatchewan boundary advisory committee consists of the governor, who shall act as chairman, five members of the legislative assembly who shall be chosen by the chairman of the legislative council and one of whom shall be chosen by the committee to act as vice chairman, and five executive branch members, appointed by the governor. The executive branch members shall include one member each from the areas of agriculture, agricultural research, water resources, economic development and tourism, and environmental protection. The committee shall meet with an appropriate body of the province of Saskatchewan for the purpose of discussion of matters of mutual concern. The committee shall make any recommendations it deems necessary to the appropriate government or private entity. The expenses incurred by the executive branch members and the legislative council members in the performance of their duties under this section shall be paid from funds appropriated for the respective offices and agencies.

Approved March 3, 1983

CHAPTER 548

HOUSE BILL NO. 1301
(Representatives Gullickson, Haugland, Mertens)
(Senators Barth, Naaden)

OFFICIAL STATE BEVERAGE

AN ACT to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to the establishment of milk as the official state beverage.

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

SECTION 1. A new section to chapter 54-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

State beverage. Milk is the official beverage of the state of North Dakota.

Approved March 7, 1983

CHAPTER 549

SENATE BILL NO. 2297
(Senator Wenstrom)
(Representatives Hughes, Rice)

FIRST LEGISLATIVE DISTRICT BOUNDARY

AN ACT to amend and reenact subsection 1 of section 54-03-01.7 of the North Dakota Century Code, relating to the boundary for the first legislative district.

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

SECTION 1. AMENDMENT. Subsection 1 of section 54-03-01.7 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The first legislative district shall consist of that part of the city of Williston and that part of Williston township in Williams County bound by a line commencing at the intersection of sixteenth avenue and the centerline of twenty-sixth street, thence east on an extended line which follows section lines east to the body of water known as Lake Sakakawea or the Little Muddy River, thence south on the western shore of Lake Sakakawea that body of water until its intersection with the centerline of the burlington northern railway right of way, thence west on the burlington northern railway right of way to the city limits, thence south following the city limits until its intersection with the centerline of the dakota parkway, thence north on dakota parkway until its intersection with an extended centerline of sixteenth avenue, thence north on sixteenth avenue to the point of beginning.

Approved March 17, 1983

CHAPTER 550

SENATE BILL NO. 2360
(Senators Nething, Redlin).
(Representatives Backes, Strinden)

LEGISLATIVE COMPENSATION COMMISSION

AN ACT to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, to provide for a legislative compensation commission.

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

SECTION 1. A new section to chapter 54-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

Legislative compensation commission - Appointment of members.

1. The legislative compensation commission shall determine appropriate rates of expense allowance and compensation to be paid members of the legislative assembly.
2. The governor shall appoint five members to the commission. No member of the commission may hold state office or serve in state government in any capacity at the time of appointment or during service on the commission. The members shall be appointed for a term of four years, and the governor shall appoint one of the members chairman of the commission.

SECTION 2. A new section to chapter 54-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

Meetings - Powers and duties - Expenses. The commission shall meet at the call of the chairman as often as may be necessary, but at least once during each biennium. The commission shall determine a proper level of legislative compensation, expense, and per diem paid for service upon interim committees and during legislative sessions. In making such recommendations it shall review expense and compensation allowances for legislative service in other states, and comparable compensation and allowances in other areas of state and federal service as well as private industry, and shall determine rates of compensation and reimbursements that permit citizens to hold legislative office without undue financial sacrifice or

disadvantage. The commission shall report its findings and recommendations to the legislative assembly within ten days after the convening of the regular legislative session. Members of the legislative compensation commission shall be compensated for time spent in attendance at meetings of the commission and for other travel as approved by the chairman of the legislative council at the rate of sixty-two dollars and fifty cents per day and shall be reimbursed for their actual and necessary expenses incurred in the same manner as other state officials. The expense allowance shall be paid from appropriations then in effect for the legislative assembly. The commission may solicit the assistance of the staff of the legislative council to provide information, aid, and assistance in carrying out its duties.

Approved March 15, 1983

CHAPTER 551

SENATE BILL NO. 2361
(Senators Nething, Redlin)
(Representatives Backes, Strinden)

LEGISLATIVE COMPENSATION AND EXPENSES

AN ACT to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation and expenses of members of the legislative assembly; to suspend section 54-03-20.1 of the North Dakota Century Code, relating to compensation for attending legislators; providing an expiration date; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 54-03-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-20. Allowance for living compensation and other expenses of members of the legislative assembly. Each member of the legislative assembly of the state of North Dakota shall be whose tax home is in the state capital is entitled to and shall receive the sum of eighty-five ninety dollars a day, as for each calendar day during the period of any organizational, special, or regular session, and each member of the legislative assembly whose tax home is not in the state capital is entitled to and shall receive forty dollars a day plus reimbursement for his living expenses, including meals, and lodging, uncompensated travel, and other necessary expenses, in the amount of fifty dollars a day for each calendar or natural day during the period of any organizational, special, or regular session. Members of the legislative assembly are also entitled to reimbursement for travel for not to exceed one round trip per calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rates provided for state employees. The expense allowance amount to which each legislator is entitled shall be paid immediately following the organizational session in December and at the end of each month during a regular or special session.

A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session shall be included as a calendar or natural day during a legislative session for the purpose of calculation of the expense allowance provided by purposes of this section.

In addition, each such member shall receive during the term for which he the member was elected, for uncompensated expenses incurred in the execution of his public duties during the biennium, the sum of one hundred eighty dollars a month, which sum shall be is payable every six months. Provided, however, should If a member die or resign dies or resigns from office during his term, he shall be paid only the allowances provided for in this section for the period for which he was actually a member.

Attendance at any organizational, special, or regular session of the legislative assembly by any member thereof shall be is a conclusive presumption of the expenditure of the expense allowances entitlement as set out in this section and these expense allowances shall be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 161(i)]. The provisions of this section shall be retroactive to January 1, 1981 1983.

SECTION 2. SUSPENSION - EXPIRATION DATE. The provisions of section 54-03-20.1 are suspended from the effective date of this Act through June 30, 1985. This Act is effective through June 30, 1985, and after that date is ineffective. The provisions of sections 54-03-20 and 54-03-20.1 as they existed on December 31, 1982, shall be in effect after June 30, 1985.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved February 3, 1983

CHAPTER 552

HOUSE BILL NO. 1136
(Committee on State and Federal Government)
(At the request of the Secretary of State)

LOBBYIST REGISTRATION REQUIREMENTS

AN ACT to amend and reenact section 54-05.1-03 of the North Dakota Century Code, relating to registration and fees of lobbyists.

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

SECTION 1. AMENDMENT. Section 54-05.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-05.1-03. 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 54-05.1-02, 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 ten dollars for registering each lobbyist.

2. Each person so registering shall to act as a lobbyist must, on or before December thirty-first in each year registered, file with the secretary of state a detailed report of. The report must include a statement as to each expenditure, if any, 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.

Approved March 3, 1983

CHAPTER 553

HOUSE BILL NO. 1050
(Legislative Council)
(Interim Budget "C" Committee)

FEE REPORTS BY STATE AGENCIES

AN ACT to amend and reenact section 54-06-04.1 of the North Dakota Century Code, relating to the preparation of reports by state agencies, departments, and institutions charging fees; and to repeal subsection 5 of section 43-02.1-02 of the North Dakota Century Code, relating to the filing of a biennial report by the state board of public accountancy.

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

* SECTION 1. AMENDMENT. Section 54-06-04.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-06-04.1. State agencies, departments, and institutions charging fees shall make reports. All state agencies, departments, and institutions which license, inspect, or regulate private business activities or products and charge fees for such services, except the secretary of state, shall prepare and submit to the state auditor's office, before August thirty-first of each year office of the budget, with the budget estimates required by section 54-44.1-04, a report for the last two fiscal year years giving information about the costs of providing each service and the fees charged for the granting or providing of such service. The report shall accurately present the costs and revenues in accordance with the various categories of service and such report shall be completed and supported by such accounting records and allocation procedures as are acceptable to the state auditor director of the budget. The report shall be filed with the committee on budget of the legislative council, in addition to other filings as required by law.

SECTION 2. REPEAL. Subsection 5 of section 43-02.1-02 of the 1981 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 3, 1983

* NOTE: Section 54-06-04.1 was also amended by section 127 of House Bill No. 1058, chapter 82.

CHAPTER 554

HOUSE BILL NO. 1190
(Committee on Political Subdivisions)
(At the request of the State Auditor)

POLITICAL SUBDIVISION AUDITS

AN ACT to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to the audit of political subdivisions.

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

SECTION 1. 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 and reports. The state auditor, by his duly appointed deputy auditors or other authorized agents, shall audit, at least once every four years, except as provided in this section or otherwise by law, the official financial records, accounts, and proceedings of the following governing bodies and officials of the following political subdivisions:

1. ~~City councils and commissions~~ Municipalities.
2. ~~City auditors~~ Park districts.
3. ~~Park district clerks and treasurers~~ School districts.
4. ~~School boards and the board of education of the city of Fargo~~ Firemen's relief associations.
5. ~~School district clerks~~ Airport authorities.
6. ~~Trustees and officials of the firemen's relief association~~ Public libraries.
7. ~~Airport authorities~~ Water resource districts.
8. ~~Libraries operated by cities, counties, school districts, or combinations thereof~~ Garrison Diversion Conservancy District.
9. Rural fire protection districts.

10. Special education districts.
11. Vocational education centers.
12. Correction centers.
13. Recreation service districts.
14. Weed boards.

Audits may be conducted at more frequent intervals if the state auditor, in his discretion, deems it advisable. The state auditor may in lieu of conducting an audit every four years require annual reports from school districts with less than one hundred enrolled students, municipalities with less than ~~two~~ three hundred population based on the latest federal census, and other political subdivisions subject to the provisions of this section, or otherwise provided by law, with less than fifty thousand dollars of annual receipts. The reports shall contain such financial information as the state auditor may request. The state auditor may also make such additional examination or audit as he deems necessary in addition to such report. When a report is required in lieu of an audit, the state auditor upon receiving a petition containing the signatures of not less than ten percent of the electors of the political subdivision voting for the office of governor at the preceding general election, shall conduct an audit of such political subdivision's books, records, and financial accounts.

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. The number of copies as requested by the state auditor of such audit reports shall be filed with the state auditor 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 March 4, 1983

CHAPTER 555

HOUSE BILL NO. 1060
(Legislative Council)
(Legislative Audit and Fiscal Review Committee)

ACCRUAL FUND ACCOUNTING SYSTEM

AN ACT to create and enact a new subsection to section 54-11-01 and four new subsections to section 54-44-04 of the North Dakota Century Code, relating to duties of the state treasurer and the director of the office of management and budget and implementation and operation of an accrual fund accounting system; and to amend and reenact sections 15-10-12, 54-27-08, 54-27-11, and 54-44.1-11 of the North Dakota Century Code, relating to an accrual fund accounting system.

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

* SECTION 1. AMENDMENT. Section 15-10-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-12. Board may accept gifts and bequests - State treasurer to have custody of school funds. The state board of higher education may, subject to the limitations of section 15-10-12.1, receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests shall be used for the specific purpose for which they are donated or given. A special operating revenue fund, for each institution of higher education under the control of the board or subject to its administration, shall be maintained within the state treasury and all institutional income and institutional collections of public funds of each institution, except institutional funds received as donations, gifts, grants, and bequests, shall be placed in such the special fund for the use of the institution for which such the money was raised. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the state constitution shall be deposited in such the special operating revenue fund of each institution and expended in accordance with the provisions of section 159 6 of article IX of the Constitution of North Dakota. The director of the office of management and budget shall direct the state treasurer to make

* NOTE: Section 15-10-12 was also amended by section 19 of House Bill No. 1058, chapter 82.

~~transfers~~ Payments from each institution's general fund appropriation ~~to each institution's special operating fund on a monthly basis shall be made~~ in amounts as may be necessary for the operation and maintenance of each institution ~~for the next month, except that at the beginning of the twenty-fourth month close of the biennium the balance of funds not transferred paid from the general fund appropriation shall be deposited in the special operating revenue funds of such the institutions. All such transfers shall be appropriations are~~ subject to proration in the same manner as other appropriations are prorated ~~in the event if~~ insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds shall be deposited pursuant to section 15-55-06.

SECTION 2. A new subsection to section 54-11-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Keep a record of all revenues and expenditures of state agencies and all moneys received and disbursed by the treasurer in accordance with the requirements of the state's central accounting system.

SECTION 3. AMENDMENT. Section 54-27-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-08. How moneys paid from state treasury - Warrants - When not necessary. Except as otherwise provided, moneys shall be paid from the state treasury only upon the warrant or order prepared by the office of management and budget drawn on the state treasurer. The state auditor shall recommend a form for order and warrant-check of the state government which shall conform, so far as consistent with statutory requirements, to approved banking practice in order to facilitate handling of such instruments by banks and other depositories. When such order and warrant-check is signed by the state auditor, the state treasurer shall accept ~~such the~~ order or warrant with his signature, making ~~such the~~ order and warrant-check negotiable. No warrant upon the treasurer shall ~~may~~ be delivered or mailed to the payee or his agent or representative until ~~such the~~ warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository. ~~Each warrant shall specify~~ A record shall be maintained specifying upon what fund or from what apportionment ~~it~~ each warrant is to be paid. The state treasurer may redeem outstanding bonds or pay interest on bonds when due without the warrant of the office of management and budget, retaining ~~such the~~ bond or interest coupon as his voucher for ~~such the~~ payment until the next succeeding settlement.

* SECTION 4. AMENDMENT. Section 54-27-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-11. Appropriation - Record kept by office of management and budget and treasurer - Duties and limitations. The office of management

* NOTE: Section 54-27-11 was also amended by section 134 of House Bill No. 1058, chapter 82.

and budget and state treasurer each shall keep a record in their office offices showing:

1. The total amount appropriated for maintenance for each state officer or agency, and of each separate item thereof.
2. The amount equal to seventy-five and twenty-five percent of the total appropriated and each separate item thereof.
3. The amount disbursed expended and the balance on hand. The term expended includes amounts which are payable for which funds have not yet been disbursed.

The office of management and budget shall not allow any expenditure or issue any warrant during the first eighteen months of each biennium in excess of seventy-five percent of any item appropriated for salaries and wages, fees and services, and supplies and materials for any state official or state agency in the executive branch of government nor shall the state treasurer pay such warrant. The duties and limitations imposed upon the office of management and budget and state treasurer shall apply only to the total amount appropriated for salaries and wages, fees and services, and supplies and materials for the biennium but not to separate amounts appropriated for those line items, for all penal and charitable institutions of this state and all institutions under the jurisdiction and supervision of the state board of higher education. The administrative department, office, or board shall keep a record showing the amount, equal to seventy-five and twenty-five percent, respectively, of the total amount and of each separate item appropriated for salaries and wages, fees and services, and supplies and materials for all such institutions under its control and shall be responsible for the enforcement of the restrictions upon the disbursement expenditure of all moneys appropriated to such institutions for such purposes.

SECTION 5. Four new subsections to section 54-44-04 of the North Dakota Century Code are hereby created and enacted to read as follows:

Shall provide for the maintaining of accounting records which will identify the revenues and expenditures of the state in accordance with the requirements of the state's central accounting system.

Shall provide for expenditures from general and special fund appropriations to be made in accordance with the requirements of the state's central accounting system.

May provide for federal fund receipts and disbursements to be deposited and disbursed from a state federal fund in

accordance with the requirements of the state's central accounting system.

May, in anticipation of federal revenues to be received within fifteen days, prepare warrants to be signed by the state auditor in payment of duly authorized vouchers even though funds at such time do not exist to honor the warrants. Warrants so issued shall be payable by the state treasurer out of any funds in the treasurer's hands other than sinking funds or funds dedicated by the Constitution of North Dakota for other purposes.

SECTION 6. AMENDMENT. Section 54-44.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-44.1-11. Office of management and budget to cancel unexpended appropriations - When they may continue. The office of management and budget, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations, which shall have remained undrawn after the expiration of the biennial period during which they became available under the law. The chairman of the appropriations committees of the senate and house of representatives of the legislative assembly with the office of the budget may continue appropriations or balances in force for not more than two years after the expiration of the biennial period during which they became available upon recommendation of the director of the budget for:

1. New construction projects.
2. Major repair or improvement projects.
3. Purchases of new equipment costing more than ten thousand dollars per unit if it was ordered during the first twelve months of the biennium in which the funds were appropriated.
4. The purchase of land by the state on a "contract for deed" purchase where the total purchase price is within the authorized appropriation.

Approved March 22, 1983

CHAPTER 556

HOUSE BILL NO. 1175
(Committee on Judiciary)
(At the request of the Attorney General)

CRIME STATISTICS AND CONSUMER FRAUD DIVISION

AN ACT to create and enact section 12-62-01.1 and a new section to chapter 54-12 of the North Dakota Century Code, relating to the collection of crime statistics and creating a consumer fraud and antitrust division of the attorney general's office; to amend and reenact sections 12-60-05 and 12-60-17 and subsection 14 of section 54-12-01 of the North Dakota Century Code, relating to the power of the attorney general to act as superintendent of the bureau of criminal investigation; and to repeal sections 12-60-13.1, 12-60-19, and 12-60-20 of the North Dakota Century Code, relating to consumer fraud, training, and statistics.

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

SECTION 1. AMENDMENT. Section 12-60-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-60-05. Attorney general - Duties - Appointment of personnel. The attorney general shall act as superintendent of the bureau and shall have the responsibility of and shall exercise absolute control and management of the bureau. The attorney general shall appoint and fix the salary of a chief of the bureau, such special agents, and such other employees as he deems necessary to carry out the provisions of this chapter within the limits of legislative appropriations therefor.

SECTION 2. AMENDMENT. Section 12-60-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-60-17. Superintendent to make rules and regulations. The superintendent ~~with the approval of the attorney general~~, pursuant to chapter 28-32, shall make and promulgate such rules and regulations, not inconsistent with the provisions of this chapter, as may be necessary and proper for the efficient performance of the bureau's duties. Such rules and regulations shall be printed and forwarded to each state's attorney, sheriff, constable, marshal, or other peace officer, and each of said officers shall assist the

superintendent in the performance of his duties by complying with such rules and regulations.

SECTION 3. Section 12-62-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

12-62-01.1. County and city officials to furnish crime statistics to director. In an effort to assist in controlling crime in the state through the use of reliable statistics relating to crimes and criminal activity, the director, with the approval of the attorney general, may call upon and obtain from the clerks of district courts, county courts, municipal courts, sheriffs, police departments, and state's attorneys all information that the director may deem necessary in ascertaining the condition of crimes and criminal activity in North Dakota. It is the duty of the said officials to furnish any such information so requested by the director on whatever forms or in whatever manner the director may prescribe.

* SECTION 4. AMENDMENT. Subsection 14 of section 54-12-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14. Serve as superintendent of ~~criminal identification~~ the bureau of criminal investigation and perform all duties incident to the proper and efficient conduct of that office.

SECTION 5. A new section to chapter 54-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

Consumer fraud and antitrust division. A consumer fraud and antitrust division is created under the attorney general. This division consists of a director and such other personnel as may be appointed by the attorney general. It shall act to enforce the consumer fraud laws and act with regard to the use or employment by any person of any deceptive act or practice, fraud, false pretense, false promise, or misrepresentation with the intent that others rely thereon in connection with the sale or advertisement of any merchandise, whether or not any person has in fact been misled, deceived, or damaged thereby, and shall make full investigation of such activities and maintain adequate facilities for filing reports, examining persons and merchandise in regard thereto, and storing impounded books, records, accounts, papers, and samples of merchandise relating to same. The division shall further cooperate with other governmental agencies, national, state, or local, and with all peace officers of the state in regard thereto. The division shall also investigate antitrust violations and enforce antitrust laws.

** SECTION 6. REPEAL. Sections 12-60-13.1, 12-60-19, and 12-60-20 of the North Dakota Century Code are hereby repealed.

Approved March 3, 1983

* NOTE: Section 54-12-01(14) was also amended by section 128 of House Bill No. 1058, chapter 82.

** NOTE: Section 12-60-19 was amended by section 13 of House Bill No. 1058, chapter 82.

CHAPTER 557

HOUSE BILL NO. 1581
(Gorder, Richard)

CLAIMS FOR DAMAGE CAUSED BY RESIDENTS OF STATE INSTITUTIONS

AN ACT relating to claims against the state resulting from activities of residents or inmates of state institutions.

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

SECTION 1. Claims against the state - Acts of residents of state institutions.

1. Any individual injured by an act of a resident or an inmate of a state institution may submit a claim to the office of the budget. As used in this section, "claim" means a monetary demand upon the state for personal injury or property damage arising from an act of a resident or an inmate of a state institution, and "state institution" means the state hospital, Grafton state school, San Haven, state penitentiary, state farm, and North Dakota industrial school.
2. The office of the budget may approve a claim for less than two thousand five hundred dollars. If the claim is approved by the office of the budget, the office shall apply to the emergency commission for an amount from the contingency fund sufficient to pay the claim. It shall be conclusively presumed upon the receipt of such application by the emergency commission that an emergency exists, and the commission shall direct the transfer of the requested amount to the office of the budget from the contingency fund. The office of the budget, upon receipt of the transfer from the contingency fund, shall pay the claim.
3. The office of the budget shall forward any claim exceeding two thousand five hundred dollars to the emergency commission with the office's recommendation. If the claim is approved by the emergency commission, it shall be conclusively presumed that an emergency exists, and the commission shall direct the transfer of the approved amount to the office of the budget from the contingency

- fund. The office of the budget, upon receipt of the transfer from the contingency fund, shall pay the claim.
4. Decisions of the office of the budget or the emergency commission partially or totally denying a claim may not be appealed to any court of this state.
 5. Claims may not be submitted to the legislative assembly unless the claim has been partially or totally denied by the office of the budget or the emergency commission.
 6. This Act does not apply to a resident or an inmate of a state institution who is injured by another resident or inmate of a state institution.

Approved March 10, 1983

CHAPTER 558

SENATE BILL NO. 2136
(Committee on State and Federal Government)
(At the request of the Bank of North Dakota)

INDUSTRIAL COMMISSION SECRETARY AND EMPLOYEES

AN ACT to amend and reenact section 54-17-03 of the North Dakota Century Code, relating to the secretary and other employees and agents of the industrial commission.

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

SECTION 1. AMENDMENT. Section 54-17-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-17-03. Chairman and attorney of ~~commission~~ - Secretary - Employees of ~~commission~~ - Compensation - Bonds. The governor shall be the chairman of the industrial commission, and its attorney shall be the attorney general of the state. In the transaction of its general business, the commission shall appoint a secretary and may employ secretaries and other subordinate officers, ~~clerks~~ employees, and agents, on such terms as it may deem proper; ~~appointing and discharging all persons so engaged when~~ and as, in its judgment, the public interests may require. The commission may require suitable bonds of ~~any such~~ its secretary or other subordinate ~~officer, clerk,~~ ~~or agent~~ officers, employees, or agents. It shall fix the amount of the compensation of each person so engaged. The compensation, together with other expenditures for operation and maintenance of the general business of the commission, shall remain within the appropriation available in each year for such purpose.

Approved March 3, 1983

CHAPTER 559

SENATE BILL NO. 2164
(Committee on State and Federal Government)
(At the request of the Industrial Commission)

STATE HOUSING FINANCE AGENCY LOAN
AUTHORITY

AN ACT to amend and reenact subsections 1, 2, and 3 of section 54-17-07.3 and section 54-17-07.7 of the North Dakota Century Code, relating to the power of the industrial commission, acting as the state housing finance agency, to enter into such agreements and establish such lending terms as are necessary to implement the agency's housing finance programs; and to declare an emergency.

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

SECTION 1. AMENDMENT. Subsections 1, 2, and 3 of section 54-17-07.3 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. Home mortgage finance program. A program to ~~purchase or contract to purchase from lenders mortgage~~ provide financing of loans made by lenders to persons or families of low and moderate income ~~to finance for~~ the purchase or substantial rehabilitation of owner occupied, single family residential dwelling units, which shall include mobile homes and manufactured housing.
2. Mobile home and manufactured housing finance program. A program to ~~purchase or contract to purchase from lenders~~ provide financing of loans made by lenders to persons or families of low and moderate income to finance the purchase of mobile homes and manufactured housing other than on a real property mortgage basis.
3. Multifamily housing finance program. A program to ~~make, purchase, and commit to make and purchase~~ provide financing directly or indirectly of construction, permanent, and combined construction and permanent mortgage loans (including participations in mortgage loans) for the acquisition, construction, refurbishing, reconstruction, rehabilitation, or improvement of multifamily housing facilities.

SECTION 2. AMENDMENT. Section 54-17-07.7 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-17-07.7. Terms of loans. Notwithstanding any other provision of law, the industrial commission is authorized to require, as a condition ~~to~~ of the origination ~~and~~ of loans made pursuant to any of its housing finance programs or purchase of loans and mortgage loans to be purchased by it, prepayment penalties, restrictions upon assumability, default provisions, rights to accelerate, rights to increase the interest rate, and any other terms the commission may determine to be necessary or desirable to assure the repayment of its housing revenue bonds and the exemption from federal income taxes of the interest payable on its housing revenue bonds under the Internal Revenue Code of 1954. All such terms shall be enforceable by the originator, the commission, or any successor holder of the loans or mortgage loans unless expressly waived in writing by or on behalf of the commission.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved March 23, 1983

CHAPTER 560

SENATE BILL NO. 2281
(Senator Tallackson)
(Representative Kingsbury)

GRAFTON FIRE STATION LAND LEASE

AN ACT to authorize the director of institutions to enter into a ninety-nine year lease with the city of Grafton for land for a fire station, and providing that the lease shall terminate if the city ceases to use the property as a fire station; and to declare an emergency.

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

SECTION 1. Lease authorized - Term. The director of institutions may enter into a ninety-nine year lease with the city of Grafton for a tract of land containing 0.81 acres, more or less, upon which to build a fire station. The limitation on leases in section 54-21-26 does not apply to any lease entered pursuant to this Act. The legal description of the land is as follows:

A tract of land located in the southwest quarter (SW 1/4) of the southwest quarter (SW 1/4) of section thirteen (13), township one hundred fifty-seven (157) north, range fifty-three (53) west of the fifth principal meridian more accurately described as follows: commencing at a point seventy-five (75.00) feet north and four hundred thirty-nine and ninety hundredths (439.90) feet east of the southwest corner of said section thirteen (13); thence south ninety (90) degrees, zero (00) minutes, zero (00) seconds east and parallel to the south line of said section thirteen (13), one hundred twenty-five (125.00) feet; thence north zero (0) degrees, five (05) minutes, thirty-six (36) seconds east, two hundred eighty-three (283.00) feet; thence south ninety (90) degrees, zero (00) minutes, zero (00) seconds west, one hundred twenty-five (125.00) feet; thence south zero (0) degrees, five (05) minutes, thirty-six (36) seconds west, two hundred eighty-three (283.00) feet to the point of beginning.

SECTION 2. Lease provisions. The lease is to provide for a single one-time payment of ten dollars to the state and must contain a provision that the tract must be used by the city of Grafton for the erection of a fire station and must be used only for a fire station and if the property ceases to be used for a fire station the lease terminates and any improvements on the land become the property of the state of North Dakota.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved February 10, 1983

CHAPTER 561

SENATE BILL NO. 2092
(Committee on State and Federal Government)
(At the request of the Director of Institutions)

PENITENTIARY LAND SALE AUTHORITY

AN ACT to create and enact a new section to chapter 54-21 of the North Dakota Century Code, relating to authorizing the director of institutions with the governor's approval to sell or exchange penitentiary land, permitting the mining or extraction of gravel or other mineral or oil resources, and establishing an interest bearing fund in the state treasury to be used for the acquisition of additional farmland and ranchland for the state penitentiary; and providing an appropriation.

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

SECTION 1. A new section to chapter 54-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

Director may sell penitentiary lands. The director of institutions, with the approval of the governor, is authorized to sell or exchange selected portions of land owned by the state under the jurisdiction of the North Dakota state penitentiary and to sell, trade, lease, or grant mining easements to extract and remove any resources found on, in, or under said penitentiary lands such as, but not limited to, clay, coal, oil, gas, gravel, sand, dirt, and sod, under the following conditions and provisions:

1. Any such sale, exchange or transaction must allow for the submission of bids pursuant to a notice published in at least one official county newspaper; except that the sale, exchange, or transaction is exempt from the provisions of sections 54-01-05.2 and 54-01-05.5.
2. Any such sale, exchange or transaction shall not be made for less than the appraised value, and the state reserves the right to reject any and all bids.
3. The commissioner of university and school lands or his designee shall provide technical assistance and advice to the director of institutions in any transaction.

4. All legal documents, papers, and instruments required by any transaction must be reviewed and approved as to form and legality by the attorney general.
5. Any of these transactions can be entered into on any terms and conditions permitted by law and approved by the governor.
6. All funds and proceeds realized from any of these transactions must be placed in an interest bearing fund in the state treasury, designated as the North Dakota state penitentiary land fund to be used for the acquisition of additional land and facilities to maintain, expand, or relocate the state farm and the farming and ranching operations of the North Dakota state penitentiary and for penitentiary renovation.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the state penitentiary land fund, not otherwise appropriated, the sum of \$11,000,000, or so much thereof as may be necessary, to the director of institutions who is hereby instructed to use the money only for the purpose of purchasing enough replacement land with facilities for the use of the state penitentiary which will require the employment of as many or more inmates as are now employed in the penitentiary farming and ranching operation, and only thereafter may use any remaining funds for the renovation of penitentiary facilities. This provision is for the biennium beginning July 1, 1983, and ending June 30, 1985.

Approved April 14, 1983

CHAPTER 562

HOUSE BILL NO. 1690
(Representative C. Williams)
(Senator Thane)

STATE BUILDING CODE

AN ACT to amend and reenact subsection 1 of section 54-21.3-03 of the North Dakota Century Code, relating to the state building code.

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

* SECTION 1. AMENDMENT. Subsection 1 of section 54-21.3-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The state building code shall consist of the ~~1976~~ 1982 Uniform Building Code with the 1978 Accumulative Supplement to the Uniform Building Code any existing supplements. This code shall be implemented by and may be amended by rules promulgated by the superintendent pursuant to chapter 28-32.

Approved March 4, 1983

- * NOTE: Section 54-21.3-03 was also amended by section 1 of House Bill No. 1391, chapter 563, and section 7 of Senate Bill No. 2408, chapter 511.

CHAPTER 563

HOUSE BILL NO. 1391
(Representatives Conmy, Gerl, Serenus Hoffner)
(Senators Redlin, Tennefos, Grotberg)

MANUFACTURED HOME STANDARDS

AN ACT to amend and reenact section 54-21.3-03 of the North Dakota Century Code, relating to a state building code for manufactured homes.

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

* SECTION 1. AMENDMENT. Section 54-21.3-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21.3-03. State building code - Amendments.

1. The state building code shall consist of the 1976 Uniform Building Code with the 1978 Accumulative Supplement to the Uniform Building Code. This code shall be implemented by and may be amended by rules promulgated adopted by the superintendent pursuant to chapter 28-32.
2. For the purposes of manufactured homes, the state building code shall consist of the manufactured homes construction and safety standards under 24 CFR 3280 adopted pursuant to the Manufactured Housing Construction and Safety Standards Act [42 U.S.C. 5401 et seq.].
3. The state building code may be amended by cities, townships, and counties to conform with local needs; provided, however, that the standards established by amendment under this subsection must meet or exceed those of the state building code.

Approved March 8, 1983

* NOTE: Section 54-21.3-03 was also amended by section 1 of House Bill No. 1690, chapter 562, and section 7 of Senate Bill No. 2408, chapter 511.

CHAPTER 564

SENATE BILL NO. 2044
(Legislative Council)
(Interim Budget "B" Committee)

STATE REVENUE SHARING FUNDING

AN ACT to amend and reenact sections 54-27-20.1 and 54-27-20.2 of the North Dakota Century Code, relating to state revenue sharing.

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

SECTION 1. AMENDMENT. Section 54-27-20.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-20.1. State revenue sharing fund. Commencing July 1, 1979, and on July first of each successive year, there is hereby created in the office of the state treasurer a state revenue sharing fund which shall be administered by the state treasurer. An State revenue sharing is an amount equal to five percent of the net proceeds of the state income taxes for the year prior to the current fiscal year imposed by chapter 57-38 and five percent of the net proceeds of the state sales and use tax imposed by chapters 57-39.2 and 57-40.2 for the fiscal year prior to the current fiscal year shall be paid over by the state tax commissioner to the. The state treasurer who shall credit the same to the fund and allocate and transfer such funds from the general fund, by legislative appropriations, the state revenue sharing funds on a quarterly basis to cities and county governments in the manner provided by sections 54-27-20.1 through 54-27-20.3.

SECTION 2. AMENDMENT. Section 54-27-20.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-20.2. State revenue sharing distribution formula.

1. Half of the amount in the fund state revenue sharing funds shall be allocated in the following manner:
 - a. Each county shall share in the fund revenue sharing funds in the proportion that the population of each

- bears to the population of all based on the most recent federal census, either regular or special.
- b. Each city shall share in the revenue sharing funds allocated to each county in the proportion that the population of each bears to the population of the county in which it is located based on the most recent federal census, either regular or special.
2. The remainder shall be allocated in the following manner:
 - a. Such money shall be allocated to all countywide areas so that each countywide area shall receive an amount which bears the same ratio as the real property tax levy in dollars of all political subdivisions within the countywide area bears to the sum of the products. For the purposes of sections 54-27-20.1 through 54-27-20.3, countywide area ~~shall be~~ is the geographic area of a county.
 - b. The county government and all cities within the countywide area shall be allocated that portion of the amount allocated to the countywide area pursuant to subdivision a which bears the same ratio to such amount as each such county or city's real property tax levy in dollars bears to the sum of the real property tax levy in dollars of all cities and county government within that countywide area.
 3. If within any city there ~~shall be~~ is located a park district created pursuant to chapter 40-49, such city's share of revenue sharing funds shall be divided between the city and the park district in proportion to their total respective mill levies. The distribution shall be made by the city auditor.
 4. If within any county there ~~shall be~~ are located townships created pursuant to chapter 58-02, such county's share of revenue sharing funds shall be divided between the county and such townships. The townships shall receive ten percent of the allocations made to such county in the proportion that the population of each township within the countywide area bears to the population of all townships within the countywide area. If the countywide area is not fully organized into townships, the allocation to townships shall be divided between the county government and the townships within the countywide area, in the proportion that the population of the townships bears to the population of the countywide area, and the allocation of the township's share shall be distributed among the townships within the countywide area in the manner otherwise provided by this section. The county treasurer shall transfer the township share of such revenue sharing funds to the respective township or townships. The remainder shall be allocated to the county government, and thereafter shall be considered a part of the initial allocation of the county government.

Approved April 28, 1983

CHAPTER 565

SENATE BILL NO. 2019
(Committee on Appropriations)

CASH FLOW FINANCING

AN ACT providing for cash flow financing; making an appropriation; and declaring an emergency.

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

SECTION 1. CASH FLOW FINANCING. In order to effectively meet the cyclical cash flow needs of state government, the office of management and budget upon approval of the emergency commission is hereby authorized to issue certificates in anticipation of revenue, notes, or bonds, to special funds on deposit in the state treasury. Any issue of such certificates, notes, or bonds must be approved by the emergency commission and are to be used for cash flow financing only, and not to offset projected deficits in state finances. The terms of any specific issue of such certificates, notes, or bonds may not exceed one hundred eighty days from the date of issuance whereupon the principal and interest on the certificates, notes, or bonds shall be paid in full from the state general fund or from another issue of a similar nature. All principal and interest on such issues made during a biennial period shall be repaid in full at the close of the biennial period from the state general fund. When certificates, notes, or bonds are issued for cash flow purposes to funds which otherwise would be invested, with the investment income accruing to the special fund, the certificate shall bear an investment rate of return which shall be agreed upon by the state investment board, and shall be at a level commensurate with the yield to be reasonably expected by such fund if invested in alternate securities.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, an amount sufficient to pay interest costs on any moneys borrowed under the provisions of this Act. This appropriation authority shall expire on June 30, 1985.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved April 28, 1983

CHAPTER 566

SENATE BILL NO. 2127
(Committee on State and Federal Government)
(At the request of the Bank of North Dakota)

CANCELLATION AND DESTRUCTION OF STATE BONDS

AN ACT to amend and reenact sections 54-29-02 and 54-29-03 of the North Dakota Century Code, relating to the cancellation and destruction of state bonds.

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

SECTION 1. AMENDMENT. Section 54-29-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-29-02. When state bonds may be canceled and destroyed. Any bonds issued by the state of North Dakota and the interest coupons accompanying them shall be canceled and destroyed in the presence of the governor, the secretary of state, and the state treasurer:

1. At any time after their maturity and payment;
2. If they have become mutilated or defaced in the course of issuing, negotiating, and delivering; or
3. If after the expiration of six months from the date of issue, they are and remain unsold, and

destroyed in the presence of the governor, the secretary of state, and the state treasurer, or their designated representatives, if a resolution directing such cancellation and destruction has been adopted and signed in duplicate by the industrial commission or by a majority of the members thereof. One duplicate of the resolution shall be filed in the office of the commission and the other duplicate in the office of the state treasurer.

SECTION 2. AMENDMENT. Section 54-29-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-29-03. Filing of certificate showing cancellation and destruction. Within thirty days after the ~~cancellation~~ and destruction of bonds issued by the state of North Dakota and the coupons accompanying them, there shall be filed in the office of the industrial commission and in the office of the state treasurer, there to be kept on file with the resolution to which it refers, a certificate, signed by the governor, the secretary of state, and the state treasurer, or their designated representatives, showing the ~~cancellation~~ and destruction of such bonds and coupons to have been done and performed in accordance with the terms of the resolution of the commission.

Approved February 8, 1983

CHAPTER 567

SENATE BILL NO. 2176
(Committee on State and Federal Government)
(At the request of the Bank of North Dakota)

REAL ESTATE MORTGAGE BACKED BONDS

AN ACT to create and enact two new sections to chapter 54-30 of the North Dakota Century Code, relating to real estate mortgage backed bonds as legal investments and retroactive application; to amend and reenact sections 54-30-02, 54-30-03, 54-30-04, 54-30-05, 54-30-07, 54-30-11, 54-30-12, 54-30-14, 54-30-15, 54-30-16, 54-30-25, 54-30-27, and 54-30-28 of the North Dakota Century Code, relating to the issuance by the state of real estate mortgage backed bonds and exemption from taxation; and to repeal sections 54-30-13, 54-30-18, 54-30-19, 54-30-21, 54-30-22, 54-30-24, 54-30-30, 54-30-30.1, and 54-30-31 of the North Dakota Century Code, relating to the servicing and the foreclosure of the real estate mortgages assigned to the state treasurer as security for the real estate bonds, the substitution of mortgages securing real estate mortgage backed bonds, and the transfer of real estate to the Bank of North Dakota.

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

SECTION 1. AMENDMENT. Section 54-30-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-02. Assignment of first mortgages by Bank of North Dakota to state as security for bonds. Whenever first mortgages upon real estate are held by the Bank of North Dakota securing a total amount of unpaid mortgage loans in the sum of at least one hundred thousand dollars, the industrial commission may cause such mortgages, or such of them as it shall think proper, but not less than the total amount of one hundred thousand dollars, to be assigned, together with the obligations thereby secured, to the state treasurer. The assignment of each such mortgage and obligation shall be executed by the president of the Bank of North Dakota and shall recite that it is made to "The state treasurer of North Dakota, and his successors in office in trust, as security for bonds to be issued under the designation of bonds of North Dakota, real estate series, as provided by law". The assignment shall be duly recorded by the president in each county in which the lands affected by the mortgage

are situated. As soon as such assignments are recorded, they, with the instruments assigned, shall be delivered to the state treasurer, and at the same time the president of the Bank shall deliver to the state treasurer a verified statement showing the principal amount remaining unpaid on each such obligation secured by the mortgages so delivered.

SECTION 2. AMENDMENT. Section 54-30-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-03. State treasurer to inspect assignment and prepare bonds - Governor and treasurer to issue bonds. Upon receiving the assignments provided for in section 54-30-02, the state treasurer shall notify the governor, the state auditor, and the secretary of state, each of whom immediately shall inspect them or cause them to be inspected. Thereupon, the state treasurer immediately shall prepare for issue, and the governor and the state treasurer thereafter shall issue, negotiable bonds of ~~the state of~~ North Dakota in an amount not exceeding the principal amount remaining unpaid of the outstanding loans secured by the mortgages so delivered to the state treasurer plus costs of issuance and any reasonably required reserve funds.

SECTION 3. AMENDMENT. Section 54-30-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-04. Bonds - ~~Serial~~ Series designation - Terms - Execution. Each issue of bonds shall be designated by a serial series figure or figures, or by a serial series letter or letters, or by a combination of both figures and letters, and such designation shall be different from that of every other issue. All mortgages securing the bond issues shall be given a serial series designation. Each of the bonds so issued shall contain a recital that it is secured by real estate first mortgages deposited with the state treasurer of North Dakota ~~in pursuance of the provisions of under~~ this chapter which may be cited as the Second Real Estate Bond Act of North Dakota. The bonds shall be executed by the governor and the state treasurer under the great seal of the state and shall be attested by the secretary of state. The state auditor and the secretary of state shall endorse and sign on each bond issued a certificate showing that it was issued pursuant to law and is within the debt limit. The bonds so issued shall be designated "bonds of North Dakota, real estate series".

SECTION 4. AMENDMENT. Section 54-30-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-05. ~~Conditions of bonds---~~ To whom payable-- Denominations - Maturity - Terms Interest rate. The bonds issued under the provisions of this chapter shall be payable to the purchaser or bearer. ~~The provisions of sections 54-11-08 and 54-11-09 shall apply to the bonds. They shall be issued in such denominations as the industrial commission shall decide, but in no case less than one hundred dollar denominations. They shall be payable in not less than ten nor more than thirty years from the date of the issue, but~~

at the option of the commission the bonds when issued may be payable at any time after five years from the date of their issue, upon notice given by the commission that they shall mature and become payable at a date not less than one year from the time of giving such notice. The terms of the bonds as to denominations, period of maturity, and rate of interest shall be fixed by the commission within the limitations stated in this chapter.

SECTION 5. AMENDMENT. Section 54-30-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-07. Bonds - Where payable - Presentment for payment. The principal and interest of bonds issued under the provisions of this chapter shall be payable at or by the office of the state treasurer in Bismarck, North Dakota, or at or by a bank or trust company in the city of New York designated in accordance with section 54-30-16. Each bond and coupon must be presented at the office where the same is payable within six ten years from the date of its maturity.

SECTION 6. AMENDMENT. Section 54-30-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-11. Payment of assigned mortgage. After the Bank of North Dakota, under the provisions of this chapter, has assigned any mortgage, and the obligation thereby secured, all payments accrued thereon shall be made to the state treasurer. He shall hold and use the mortgage obligations and moneys paid thereon Bank in trust for:

1. The security and payment of bonds to be issued as provided in this chapter; and
2. Delivery to the general fund of the state of North Dakota of such remaining part or balance thereof as may come within the provisions stated in this chapter.

SECTION 7. AMENDMENT. Section 54-30-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-12. State treasurer to furnish Bank of North Dakota to furnish state treasurer with record of payments and balance due on all mortgages. The state treasurer, from time to time, shall certify to the Bank of North Dakota shall certify to the state treasurer, from time to time, a list of obligations and mortgages delivered to him the state treasurer under the provisions of this chapter, showing the payments made and amounts remaining unpaid, to the end that a duplicate record at all times may be kept up to date in the Bank of North Dakota.

SECTION 8. AMENDMENT. Section 54-30-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-14. Money paid on assigned mortgage held in separate fund by state treasurer Bank of North Dakota. The state treasurer Bank shall segregate deposit the moneys paid on a mortgage assigned under

the provisions of this chapter into a separate funds fund designated as follows:-

- 1- ~~Real the real~~ estate bond sinking fund. In this fund he shall ~~place~~ be placed all sums collected for the purpose of retiring the principal of ~~said the~~ bonds at ~~the their~~ maturity of ~~the same~~.
- 2- Real estate bond interest payment fund. Into this fund he shall ~~place~~ all moneys collected for the purpose of paying interest on ~~said bonds~~ and paying the interest thereon when due, except the an administration fee of one-half of one percent to which may be paid to retained by the Bank of North Dakota as provided in this chapter.

All principal payments made on notes and the mortgages securing the same shall be placed in the real estate bond sinking fund; and all interest payments made on notes and mortgages securing the same shall be placed in the real estate bond interest payment fund. The funds shall not be intermingled and, except as otherwise provided by this chapter, payments shall be made out of either of such funds the fund only for the purpose for which it is created. The funds fund shall be kept apart from all other funds in the possession of the state treasurer. He Bank. The Bank also shall keep in ~~said funds~~ the fund, as a part thereof for the same purpose, in the same manner, and under the same limitations and conditions, all moneys received by him whether from the proceeds of taxes or from payments made by the industrial commission or from legislative appropriations or otherwise, which shall be by law or by other authoritative designation made applicable to the payment of the principal of ~~said the~~ bonds or the interest thereon.

SECTION 9. AMENDMENT. Section 54-30-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-15. Investment of bond sinking fund. The state treasurer, with the approval of the industrial commission, shall invest the funds fund designated as the real estate bond sinking funds fund in-

- 1- Approved United States government bonds;
- 2- State bonds;
- 3- Certificates of indebtedness of the state of North Dakota, or
- 4- Municipal bonds.

any securities designated as legal investments by section 21-10-07. At the request of the commission, the state treasurer shall redeem and take up out of ~~said the~~ real estate bond sinking funds fund any of the series A, B, or C of real estate bonds outstanding which may be called by the commission. The commission shall notify the state treasurer of such call one year in advance thereof Upon notification

of the call the state treasurer shall cause to be published a notice of call as directed by the commission but not less than forty-five days prior to the date of call. No other disposition by appropriation, or otherwise, ever shall be made of the money in said funds the fund until the bonds are paid fully or until the time limit provided by law for the payment thereof has expired, but if any of the bonds issued and delivered to the commission, as hereinbefore provided, are returned to the state treasurer not sold, then the returned bonds shall not be deemed a part of the bond issue secured by such the fund.

SECTION 10. AMENDMENT. Section 54-30-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-16. Payment of interest or principal on bonds at maturity - Where made - Report - Made from real estate bond payment fund - Appropriation. The state treasurer shall pay interest on bonds issued under the provisions of this chapter when due, or upon presentation to him of the coupon for such interest when due. He, and shall redeem the bonds upon their maturity by paying the principal thereof. All such payments shall be made from the proper fund, without a warrant. Each payment so made, in addition to other accounting as provided by law, shall be reported to by the Bank of North Dakota. The office of management and budget for the state of North Dakota and the governor may designate a bank or trust company as the fiscal agent of the state in the city of New York at which or by whom or to whom bond principal or interest may be payable. Such agent shall act for the state in the making of such payments under such rules and regulations as shall be made by the office of management and budget and the governor. All moneys in the funds fund, except an the administration fee of one-half of one percent required to be paid to the Bank of North Dakota, are appropriated for the payment of interest and principal of the bonds. This appropriation shall not be repealed, and no provisions made in the this chapter for the payment of the bonds and interest shall be discontinued until the debt evidenced by the bonds, both principal and interest, shall have been paid.

SECTION 11. A new section to chapter 54-30 of the North Dakota Century Code is hereby created and enacted to read as follows:

Bonds as legal investments and security. Notwithstanding any restrictions contained in any other law, the state and all public officers, boards and agencies, and political subdivisions and agencies thereof, all national banking associations, state banks, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their

control in any bonds issued pursuant to this chapter, and such bonds shall be authorized security for any and all public deposits.

SECTION 12. AMENDMENT. Section 54-30-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-25. Bonds and certificates of indebtedness exempt from taxation. All bonds and certificates of indebtedness issued under the provisions of this chapter shall be exempt from state, county, and municipal taxes of all kinds.

SECTION 13. AMENDMENT. Section 54-30-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-27. Certificate of indebtedness issued to meet interest due on bonds. If there are not sufficient funds in the real estate interest payment bond sinking fund to meet the payment of principal and interest due on real estate series bonds on any principal or interest payment date, the state treasurer may borrow sufficient funds by the issuance of certificates of indebtedness of the state of ~~North Dakota~~ to make such payment. Such certificates shall be issued in anticipation of taxes to be levied, shall be signed by the governor and the state treasurer, shall mature not more than thirty months from date of issuance, and shall bear interest at a rate not to exceed ~~six~~ twelve percent per annum if sold at private sale, with no interest rate ceiling if sold at public sale. Such certificates of indebtedness shall be in the form prescribed by the state treasurer. When such money is borrowed by the state, the fund is to be reimbursed annually as provided in section 54-30-26.

SECTION 14. AMENDMENT. Section 54-30-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-28. Amount of bonds which may be issued --~~Administration~~ charges paid to Bank of North Dakota quarterly. The powers herein granted may be exercised repeatedly and the duties following thereon likewise shall be performed from time to time, as the occasion may arise under the terms of this chapter, but at no time shall the amount of bonds issued and outstanding pursuant to the terms of this chapter exceed the amount of ~~thirty-five~~ one hundred fifty million dollars. The state treasurer shall pay to the Bank of North Dakota, quarterly, on the first day of January, April, July, and October in each year, the ~~administration charge included in the interest rate upon all mortgages deposited with him.~~

SECTION 15. A new section to chapter 54-30 of the North Dakota Century Code is hereby created and enacted to read as follows:

Retroactive application. Sections 9, 11, and 12 of this Act apply to all bonds issued under this chapter regardless of the date of issuance.

SECTION 16. REPEAL. Sections 54-30-13, 54-30-18, 54-30-19, 54-30-21, 54-30-22, 54-30-24, 54-30-30, 54-30-30.1, and 54-30-31 of the North Dakota Century Code are hereby repealed.

Approved March 29, 1983

CHAPTER 568

SENATE BILL NO. 2146
(Committee on Judiciary)
(At the request of the Attorney General)

PUBLIC AGENCY AND INDIAN TRIBE AGREEMENTS

AN ACT to authorize public agencies of North Dakota and Indian tribes to enter into mutual agreements to perform any administrative service, activity, or undertaking as authorized by law and to resolve any disputes.

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

SECTION 1. Definitions.

1. "Public agency" means any political subdivision, including municipalities, counties, school districts, and any agency or department of North Dakota.
2. "Secretary" means the secretary of interior of the United States.
3. "Tribal government" means the officially recognized government of any Indian tribe, nation, or other organized group or community located in North Dakota exercising self-government powers and recognized as eligible for services provided by the United States.

SECTION 2. Authorization to enter agreements - General contents. Any one or more public agencies may enter into an agreement with any one or more tribal governments to perform any administrative service, activity, or undertaking that any of the public agencies or tribal governments are authorized to perform by law and to resolve any disputes. The agreement must set forth fully the powers, rights, obligations, and responsibilities of the parties to the agreement.

SECTION 3. Specifications of agreement. Each agreement authorized by this Act must specify the following:

1. The duration of the agreement.
2. The precise organization, composition, and nature of any separate legal entity created thereby.

3. The purpose of the agreement.
4. The manner of funding the agreement and the establishment and maintenance of a budget therefore.
5. The method to be employed in accomplishing the partial or complete termination of the agreement and for disposal of property upon such partial or complete termination.
6. Provisions for administering the agreement which may include the creation of a joint board or commission responsible for such administration.
7. The manner of acquisition, holding, and disposal of real and personal property used in the agreement.
8. When the agreement involves law enforcement agencies:
 - a. The minimum training standards and qualifications of law enforcement personnel.
 - b. The respective liability of each public agency and tribal government.

SECTION 4. Submission of agreement to governor.

1. As a condition precedent to an agreement made under this Act becoming effective, it must have the approval of the governor of North Dakota.
2. If the governor disapproves an agreement, the governor shall provide a detailed, written statement to the governing bodies of the public agency and tribal government concerned, specifying the reasons for the disapproval.
3. The agency or agencies seeking to enter into the agreements shall submit the agreements to the governor. In deciding whether to approve the agreement, the governor shall use the following criteria:
 - a. The purpose of the agreement furthers the goals of the agency.
 - b. The agreement is in the best interest of the state as a whole.
 - c. The agency or agencies have authority to fulfill the agreement.

If the governor does not disapprove the agreement within thirty days after submission, it shall be considered approved.

SECTION 5. Filing of agreement. Within ten days after approval by the governor and prior to commencement of its performance, an agreement made pursuant to this Act must be filed with:

1. The secretary.
2. The clerk of court of each county where the principal office of one of the parties to the agreement is located.
3. The secretary of state.
4. The affected tribal government.

SECTION 6. Revocation of agreement. An agreement made pursuant to this Act is subject to revocation by any party upon six months' notice to the other unless a different notice period of time is provided for within the agreement. No agreement may provide for a notice period for revocation in excess of two years.

SECTION 7. Authorization to appropriate funds for purpose of agreement. Any public agency entering into an agreement pursuant to this Act may appropriate funds for and may sell, lease, or otherwise give or supply material to any entity created for the purpose of performance of the agreement and may provide such personnel or services therefore as is within its legal power to furnish.

SECTION 8. Specific limitations on agreements. Nothing in this Act may be construed to authorize an agreement that:

1. Enlarges or diminishes the jurisdiction over civil or criminal matters that may be exercised by either North Dakota or tribal governments located in North Dakota.
2. Authorizes a public agency or tribal government, either separately or pursuant to agreement, to expand or diminish the jurisdiction presently exercised by the government of the United States to make criminal laws for or enforce criminal laws in Indian country.
3. Authorizes a public agency or tribal government to enter into an agreement except as authorized by their own organizational documents or enabling laws.
4. Provides for the alienation, financial encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

SECTION 9. Validity of existing agreements.

1. This Act does not affect the validity of any agreement entered into between a tribe and a public agency prior to July 1, 1983.
2. However, any such agreement must satisfy the requirements of this Act no later than January 1, 1985.

Approved March 18, 1983

CHAPTER 569

SENATE BILL NO. 2149
(Committee on Appropriations)
(At the request of the Office of Management and Budget)

**PERSONNEL TRAINING AND DEVELOPMENT
OPERATING FUND**

AN ACT to amend and reenact section 54-44-11 of the North Dakota Century Code, relating to office's operating funds creation.

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. Office's operating funds creation.

1. The office of management and budget shall establish a state purchasing operating fund to be used for the procurement and maintenance of an inventory of equipment and supplies for the state departments and agencies. Any surplus in this fund in excess of one hundred thousand dollars on June thirtieth of each year shall be transferred to the state general fund.
2. The office of management and budget shall establish a state printing operating fund to be used for the procurement and maintenance of an inventory of printing equipment and supplies for the state departments and agencies.
3. The office of management and budget shall establish a state central data processing operating fund to be used for the procurement and maintenance of data processing equipment and supplies and for providing data processing services to state departments and agencies.
4. The office of management and budget shall establish a state personnel training and development operating fund to be used for the coordination of employee training and career development data, supplies, equipment, and services and for providing or arranging necessary training and development programs to state departments and agencies. Any surplus in this fund in excess of twenty-five thousand

dollars on June thirtieth of each year must be transferred to the state general fund.

5. Each office, agency, or institution provided with purchasing, printing, ~~or~~ data processing, or personnel training services, unless exempted by law, shall pay to the office of management and budget a proportionate share of the cost of such service as determined by the director of the office of management and budget, based on actual costs and actual usage. The amounts paid to the office of management and budget by the various offices, agencies, and institutions shall be deposited in the appropriate operating fund and shall be expended in accordance with legislative appropriations.

Approved March 17, 1983

CHAPTER 570

SENATE BILL NO. 2246
(Committee on State and Federal Government)
(At the request of Office of Management and Budget)

OFFICE OF INTERGOVERNMENTAL ASSISTANCE

AN ACT to establish the office of intergovernmental assistance in the office of management and budget; to amend and reenact subsection 3 of section 20.1-02-17.1, sections 20.1-02-18.1, 23-11-30, 23-18.2-27, 54-01.1-08, 54-40.1-01, subsection 2 of section 54-40.1-02, and subsection 6 of section 54-40.1-04 of the North Dakota Century Code, relating to various responsibilities of the office of intergovernmental assistance; and to repeal sections 54-27.1-01, 54-27.1-02, 54-27.1-03, 54-27.1-04, 54-27.1-05, 54-27.1-06, 54-27.1-07, 54-27.1-08, and 54-27.1-09 of the North Dakota Century Code, relating to the federal aid coordinator.

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

SECTION 1. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Director" means the director of the office of intergovernmental assistance.
2. "Office" means the office of intergovernmental assistance.

SECTION 2. Office of intergovernmental assistance - Creation. The office of intergovernmental assistance is hereby established in the office of management and budget, for the purpose of providing technical assistance to local governments, state agencies, and the executive branch in the area of community and rural planning and development, policy research and development, and grant program implementation. The director of the office of management and budget shall appoint a director of the office. The director shall be appointed upon the basis of education and experience, and shall serve at the pleasure of the director of the office of management and budget. The director of the office may employ such other professional, technical and clerical persons as may be necessary and may fix their compensation within the limits of legislative appropriation. All personnel within the office shall be allowed

their actual and necessary travel expenses at the same rate as for other employees of the state.

SECTION 3. Powers and duties of the director. The director shall direct and supervise, with the approval of the director of the office of management and budget, all the administrative and technical activities of the office.

SECTION 4. Office of intergovernmental assistance - Powers and duties. The office of intergovernmental assistance shall:

1. Provide relevant information on pertinent topics and issues which relate to public policy development, interpretation, modification, and implementation.
2. Research, analyze, and recommend public policy for the office of management and budget and the executive office.
3. Coordinate public policy implementation within the state. Powers conferred upon departments, agencies, or instrumentalities of the state, counties, townships, or cities by any existing state or local law may not be derogated by this duty.
4. Develop state energy conservation policy and manage federal energy conservation program activities between all levels of the public and private sectors regarding the prudent and efficient use of energy resources.
5. Develop, implement, and administer federal categorical and block grant programs assigned to the office.
6. Advise, coordinate, and assist cities, political subdivisions, and the state in all phases of state and local planning for the physical development of the state.
7. Render financial assistance to any government planning agency within federal law or regulation.
8. Advise, consult, coordinate, assist, and contract with or on behalf of the various planning agencies in developing and harmonizing planning activities of the state.

SECTION 5. AMENDMENT. Subsection 3 of section 20.1-02-17.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. A detailed impact analysis from the state game and fish department shall be included with the acquisition proposal for board of county commissioner consideration in making recommendations. The analysis by the game and fish department shall include, but shall not be limited to, the recreational and wildlife impacts. In addition, the county agent of the affected county or counties shall

prepare an impact analysis for board of county commissioner consideration which shall include the fiscal, social, and agricultural impacts of the proposed acquisition. The state game and fish department shall reimburse the county or counties for any expenses incurred by the county agent in preparing the analysis. The analyses shall also be forwarded to the ~~state federal aid coordinator~~ office of intergovernmental assistance which shall furnish copies to all interested state agencies and political subdivisions, which agencies and political subdivisions shall have thirty days to review the analyses and return their comments to the ~~state federal aid coordinator~~ office of intergovernmental assistance. Upon expiration of the thirty-day period, all comments received by the ~~state federal aid coordinator~~ office of intergovernmental assistance shall be forwarded to the state game and fish department. The state game and fish department may, after consideration of such comments, file a final impact analysis with the ~~state federal aid coordinator~~ office of intergovernmental assistance and the board of county commissioners.

SECTION 6. AMENDMENT. Section 20.1-02-18.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-02-18.1. Federal wildlife area acquisitions - Submission to county commissioners, opportunity for public comment, and impact analysis required. The governor, the game and fish commissioner, or their designees, responsible under federal law for final approval of land, wetland, and water acquisitions by the United States department of the interior, its bureaus or agencies, for waterfowl production areas, wildlife refuges or other wildlife or waterfowl purposes, shall submit the proposed acquisitions to the board of county commissioners of the county or counties in which the land, wetland, and water areas are located for the board's recommendations. An affirmative recommendation by the board must be obtained prior to final approval of all such proposed acquisitions, whether by transfer of title, lease, easement, or servitude.

The board of county commissioners of the county affected, or a designee or designees of the board, shall, within twenty-one days of receipt of an acquisition proposal, physically inspect the proposed acquisition areas. The board shall give public notice of the date, hour, and place where the public may comment on the proposed acquisitions. The notice shall be published once each week for two successive weeks in the official newspaper of the county or counties in which the land and water areas are located. The notice shall set forth the substance of the proposed action, and shall include a legal description of the proposed acquisitions. The board of county commissioners shall make its recommendations within sixty days after receipt of an acquisition proposal.

A detailed impact analysis from the federal agency involved shall be included with the acquisition proposal for board of county commissioner consideration in making recommendations. Such analysis shall include, but shall not be limited to, the recreational and wildlife impacts. In addition, the county agent of the affected county or counties shall prepare an impact analysis for board of county commissioner consideration which shall include the fiscal, social, and agricultural impacts of the proposed acquisitions. The department of the interior shall reimburse the county or counties for any expenses incurred by the county agent in preparing the analysis. The analyses shall also be forwarded to the state federal aid coordinator office of intergovernmental assistance which shall furnish copies to all interested state agencies and political subdivisions, which agencies and political subdivisions shall have thirty days to review the analyses and return their comments to the state federal aid coordinator office of intergovernmental assistance. Upon expiration of the thirty-day period, all comments received by the state federal aid coordinator office of intergovernmental assistance shall be forwarded to the federal agency involved and to the state official or agency responsible for final acquisition approval. The federal agency may, after consideration of such comments, file a final impact analysis with the governor, the board of county commissioners, and any other state official or agency responsible for final acquisition approval.

SECTION 7. AMENDMENT. Section 23-11-30 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-11-30. Reports. At least once every year, an authority shall file with the city auditor or county auditor, as the case may be, and with the state federal aid coordinator office, a report of its activities for the preceding year and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this chapter.

SECTION 8. AMENDMENT. Section 23-18.2-27 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-18.2-27. Reports. At least once every year, an authority shall file with the city auditor or county auditor, as the case may be, and with the state federal aid coordinator office, a report of its activities for the preceding year and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this chapter.

SECTION 9. AMENDMENT. Section 54-01.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-01.1-08. Promulgation of rules and regulations. The head of each state agency shall consult, and other agencies may consult, with the state federal aid coordinator office of intergovernmental assistance

on the establishment of regulations and procedures for implementation of the provisions of this chapter. The head of each state agency, after consultation with the state federal aid coordinator office of intergovernmental assistance, and the head or governing body of any other agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure:

1. That the payments and assistance authorized by this chapter shall be administered in a manner which is fair and reasonable, and as uniform as practicable;
2. That a displaced person who makes proper application for a payment authorized by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and
3. That any person aggrieved by a determination as to eligibility for a payment, or as to the amount of a payment, may have his application reviewed by the head or governing body of the agency.

The head of an agency may prescribe other regulations and procedures, consistent with the provisions of this chapter, as he deems necessary or appropriate to carry out this chapter. All regulations and procedures established by state agencies shall be set forth in rules promulgated in the manner provided in chapter 28-32.

SECTION 10. AMENDMENT. Section 54-40.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-40.1-01. Legislative findings and purpose. The legislative assembly finds that the citizens of the state have a fundamental interest in the orderly development of the state and its resources. This finding recognizes the fact that the mobility of the population within and without the state presents problems which cannot always be met by individual counties or cities and that local government planning can be strengthened when aided by studies and planning of both a statewide and regional character.

The legislative assembly further finds that the state has a positive interest in the establishment, preparation, and maintenance of a long-term, continuing, comprehensive planning process for the physical, social, and economic development of the state and each of its regions to serve as a guide for activities of state and local governmental units.

It is the purpose of this chapter to establish a consistent, comprehensive statewide policy for planning, program operations, coordination, and related cooperative activities of state and local governmental units and to enhance the ability of and opportunity for local governmental units to resolve issues and problems transcending

their individual boundaries. In furtherance of this purpose, the legislative assembly finds that the governor, through the ~~state federal aid coordinator~~ office of intergovernmental assistance, is required to assure orderly and harmonious coordination of state and local plans and programs with federal, state, and regional planning and programming.

SECTION 11. AMENDMENT. Subsection 2 of section 54-40.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. ~~"Coordinator"~~ means the state federal aid coordinator "Office" means the office of intergovernmental assistance.

SECTION 12. AMENDMENT. Subsection 6 of section 54-40.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. Prepare a regional comprehensive plan and upon the preparation of such a plan or any phase, amendment, revision, extension, addition, functional part, or part thereof, file such plan, phase, functional part, amendment, revision, extension, addition, or part thereof with the ~~coordinator~~ office, all local planning agencies within the region, and other planning agencies in adjoining areas.

SECTION 13. REPEAL. Sections 54-27.1-01, 54-27.1-02, 54-27.1-03, 54-27.1-04, 54-27.1-05, 54-27.1-06, 54-27.1-07, 54-27.1-08, and 54-27.1-09 of the North Dakota Century Code are hereby repealed.

Approved March 17, 1983

CHAPTER 571

HOUSE BILL NO. 1065
(Legislative Council)

(At the request of Interim Records Management Committee)

INFORMATION MANAGEMENT PROGRAM

AN ACT to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to an information management program for the review of state forms; and to amend and reenact section 46-01-01 and subsection 5 of section 46-01-02 of the North Dakota Century Code, relating to the purchase of state printing and the legal publications handbook advisory committee.

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

SECTION 1. AMENDMENT. Section 46-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-01-01. Department of accounts and purchases Office of management and budget to purchase printing. The authority to purchase and supervise all printing for the various state departments and agencies shall be vested in the state department of accounts and purchases office of management and budget.

SECTION 2. AMENDMENT. Subsection 5 of section 46-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Prepare a legal publications handbook containing samples of the legal advertising, legal notices, proceedings, and other such items, including sample voting machine and paper ballots, required of or published by any state governmental entity or political subdivision other than the judicial or legislative branches of government. The handbook shall contain guidelines for form, style, and content. The department office shall prepare the handbook with the advice of a committee composed of: the director of the department office; the director of the department's office's purchasing and printing division; the secretary of state; the president of the printing industries of North Dakota; the president of the North Dakota newspaper association; and the president of the North Dakota county

auditors association. The department office shall distribute the handbook to all concerned parties. The department office will determine if it shall approve payments for any state agency or department, other than the judicial or legislative branches of government, advertising or publishing material not conforming with the handbook.

SECTION 3. A new chapter to title 54 of the North Dakota Century Code is hereby created and enacted to read as follows:

Declaration of legislative intent. The legislative assembly finds and declares that there is a need to minimize the governmental paperwork burden for state and local government entities, individuals, businesses, and others; that the costs of collecting, maintaining, using, and disseminating information are constantly escalating due to the increasingly voluminous and complex nature of state statutes and regulations; that there is a need to coordinate, integrate, and to the extent practicable and appropriate, make uniform the information policies and practices in North Dakota; and that the governmental paperwork burden can best be eased by establishing a statewide forms management program within the office of management and budget.

Definitions. As used in this chapter, unless the context or subject matter otherwise requires:

1. "Agency" means any department, office, commission, board, or other unit, however designated, of the executive branch of state government.
2. "Form" means any document designed to record information and contained blank spaces and which may contain headings, captions, boxes, or other printed or written devices to guide the entry and interpretation of the information.

State forms manager. The director of the office of management and budget may appoint a state forms manager, or, in the alternative, shall serve as the manager. The manager shall administer in the executive branch of state government the forms management program established by this chapter. The program must apply efficient and economical management methods to the creation and utilization of state forms.

Duties of manager. The manager shall:

1. Establish a statewide forms management program, prescribing the standards and procedures for forms creation and utilization.
2. Conduct surveys of forms management practices to identify forms which can be standardized, consolidated, or eliminated as duplicative and unnecessary.

3. Assist agencies in the design of those forms which cannot be eliminated to minimize the effort and costs required to complete them.
4. Establish a forms management program to provide agencies with forms design and revision services and to develop and implement standards for design, typography, format, data sequence, analysis, and numbering of state forms.
5. Establish a central state form numbering system and a central cross-index filing system of state forms.
6. Provide training for agency forms coordinators.

Duties of agencies. Each agency shall:

1. Establish and maintain an active, continuing program for the economical and efficient management of forms and cooperate with the manager in the conduct of forms management surveys.
2. Implement forms management rules and procedures issued by the manager.
3. Designate an agency forms coordinator who shall cooperate with the manager in the development of the content requirements of the form design process and who shall otherwise assist the agency and the office in implementing the provisions of this chapter.

Forms review. Agencies must submit any proposed new or revised form to the manager for review. The manager shall analyze the form, advise the affected agency of comments and recommendations, and assist the agency with any recommended revision of the form.

Assistance to legislative and judicial branches. Upon request, the manager shall assist and advise in the establishment of forms management programs in the legislative and judicial branches of state government and shall, as required by them, provide services similar to those available to the executive branch of state government.

Rules. The manager may adopt any rules necessary to effectuate the purposes of this chapter.

Report to legislative assembly. The director shall make a report to the forty-ninth legislative assembly on the effectiveness of the implementation of this chapter.

Approved March 8, 1983

CHAPTER 572

HOUSE BILL NO. 1107
(Committee on State and Federal Government)
(At the request of the Public Employees Retirement System)

RETIREMENT FUND ACCOUNT BALANCE DISTRIBUTION

AN ACT to create and enact a new subsection to section 54-52-01 of the North Dakota Century Code, relating to the definition of the phrase "account balance"; and to amend and reenact subsections 7 and 8 of section 54-52-17 of the North Dakota Century Code, relating to distribution of account balances.

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

SECTION 1. A new subsection to section 54-52-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

"Account balance" means the total contributions made by the employee, the vested portion of the vesting fund as of June 30, 1977, and interest credited thereon at the rate established by the board.

SECTION 2. AMENDMENT. Subsections 7 and 8 of section 54-52-17 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

7. If a member not coming under the provisions of subsection 6 terminates employment because of death, permanent and total disability, or any voluntary or involuntary reason prior to retirement, he or his designated beneficiary shall be entitled to the balances of his employee account fund and the vested portion of his vesting fund, both as of June 30, 1977, with six percent annual interest thereon to date of termination. In addition, the member or his designated beneficiary shall be entitled to his contribution made after June 30, 1977, with six percent annual interest thereon to the date of termination. If the termination results from death or permanent and total disability, the member shall be deemed one hundred percent vested in the vesting fund on June 30, 1977 member's account balance at termination.

8. If a member who is receiving retirement benefits or his surviving spouse who is receiving retirement benefits dies before the total amount of benefits paid to either or both equals the amount of the member's contribution with six percent interest, plus the vested amount on June 30, 1977, with six percent interest account balance at retirement, the difference shall be paid to such spouse, his the member's surviving beneficiary, if any, or his the member's estate.

Approved March 3, 1983

CHAPTER 573

SENATE BILL NO. 2090
(Committee on State and Federal Government)
(At the request of the Public Employees Retirement System)

RETIREMENT SYSTEM MEMBERSHIP AND ASSESSMENTS

AN ACT to amend and reenact subsection 8 of section 54-52-01 and section 54-52-05 of the North Dakota Century Code, relating to the definition of the phrase "permanent employee".

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

SECTION 1. AMENDMENT. Subsection 8 of section 54-52-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

8. "Permanent employee" means a governmental unit employee whose services are not limited in duration and who is filling an approved and regularly funded position in an eligible governmental unit, and is employed ~~for more than~~ or more twenty hours per week and more than five months each year.

* SECTION 2. AMENDMENT. Section 54-52-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-05. Membership and assessments. Every eligible permanent state, county, city, or noncertified school district employee concurring in the plan shall so state in writing and all future eligible employees shall be participating members. An eligible employee shall be a permanent employee whose services are not limited in duration and who is filling an approved and regularly funded position, who is employed by the state, county, city, or school district, has reached age eighteen, and is employed ~~for more than~~ or more twenty hours per week for more than five months each year. Each member shall be assessed and required to pay monthly four percent of the monthly salary or wage paid to him, and such assessment shall be deducted and retained out of such salary in equal monthly installments commencing with the first month of employment.

Approved February 2, 1983

* NOTE: Section 54-52-05 was also amended by section 4 of House Bill No. 1095, chapter 217.

CHAPTER 574

SENATE BILL NO. 2089
(Committee on State and Federal Government)
(At the request of the Public Employees Retirement System)

RETIREMENT CREDIT PURCHASE BY EMPLOYEES OF MENTAL HEALTH AND RETARDATION CENTERS

AN ACT to create and enact section 54-52-02.7 of the North Dakota Century Code, relating to the purchase by certain employees of prior service credit for service with a mental health and retardation center prior to January 1, 1982.

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

SECTION 1. Section 54-52-02.7 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-52-02.7. Purchase of service by former employees of mental health and retardation centers. Those employees of the five mental health and retardation centers, namely, the memorial mental health and retardation center - Mandan; the north central mental health and retardation center - Minot; the south central mental health and retardation center - Jamestown; the southeast mental health and retardation center - Fargo; and the center for human development - Grand Forks, may, within ninety days of the effective date of this Act, elect to purchase credit for years of service worked at the mental health centers. Purchase of credit for service prior to January 1, 1982, will require the employee to pay to the fund an amount equal to nine and twelve-hundredths percent, times the employee's monthly salary as of January 1, 1982, times the number of months being repurchased, plus six percent simple interest per year for each year of repurchase. Payment to the fund may be made in a lump sum or on an installment basis of ten percent per year, plus six percent interest on the outstanding balance.

Approved February 2, 1983

CHAPTER 575

HOUSE BILL NO. 1287
(Serenus Hoffner)

PURCHASE OF PAST RETIREMENT SERVICE CREDIT

AN ACT to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to the purchase of service under the public employees retirement system.

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

SECTION 1. A new section to chapter 54-52 of the North Dakota Century Code is hereby created and enacted to read as follows:

Purchase of service. An individual who terminated participation in the plan under the special withdrawal provisions granted in section 13 of chapter 499 of the 1977 Session Laws, but who remained employed in a position otherwise eligible under the system, may purchase on an actuarial equivalent basis for credit all years of service performed in accordance with the rules established by the board. An individual who elects to purchase for credit this service must do so by entering into an agreement with the board prior to July 1, 1984.

Approved March 8, 1983

CHAPTER 576

SENATE BILL NO. 2068
(Legislative Council)
(Interim Retirement Committee)

JUDICIAL RETIREMENT BENEFITS

AN ACT to amend and reenact sections 27-05-03.1, 54-52-06.1, and subsections 1 and 4 of section 54-52-17 of the North Dakota Century Code, relating to the maximum number of years of service credit and to retirement benefits for supreme and district court judges and other public employees; to repeal section 27-17-01.1 of the North Dakota Century Code, relating to supplemental retirement benefits for judges under the public employees retirement system.

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

SECTION 1. AMENDMENT. Section 27-05-03.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-05-03.1. Retirement for mental or physical disability of supreme court judges and district court judges. Whenever a judge of the supreme court or a judge of the district court of this state who is not a member of the public employees retirement system shall become unable, because of mental or physical disability, to perform the judicial duties of his office during the remainder of the term for which he shall have been elected or appointed and shall make a written application to the chief justice or acting chief justice of the supreme court for his retirement, setting forth the nature and extent of such disability, the supreme court judges and the district court judges shall make such investigation as they deem advisable. If two-thirds of the supreme court judges and the district court judges thereby determine that disability exists and that the performance of his judicial duties is thereby substantially impaired and that the impairment will not likely be remedied, the chief justice or acting chief justice, by written order to be filed in the office of the secretary of state, shall thereupon direct the retirement of the judge. The order shall specify the effective date of the retirement and thereby create a vacancy in the office which shall be filled by appointment as provided by law. A copy of the order shall be transmitted to the department of accounts and purchases office of management and budget. If the disability

renders the judge unable to make or direct the making of the application, it may be made by a legally appointed guardian of the judge.

* SECTION 2. AMENDMENT. Section 54-52-06.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-06.1. Contribution by supreme and district court judges - Employer contribution. Each judge of the supreme or district court who is a member of the public employees retirement system shall be assessed and required to pay monthly ~~four~~ five percent of the monthly salary paid to him, and such assessment shall be deducted and retained out of his salary in equal monthly installments. The Effective July 1, 1985, the state shall contribute an amount equal to ~~five and twelve-hundredths~~ thirteen and four-tenths percent of the monthly salary of a supreme or district court judge who is a participating member of the system, which matching contribution shall be paid from its funds appropriated for salary, or from any other funds available for such purposes.

** SECTION 3. AMENDMENT. Subsections 1 and 4 of section 54-52-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Participating members shall receive credit for full-time employment or its equivalent from the date they attain eligibility until their normal retirement date or postponed retirement date, as defined in this section. No participating member shall receive credit for more than ~~thirty~~ thirty-five years of full-time employment unless such member has contributed to the plan or its predecessor established on July 1, 1966, in excess of ~~thirty~~ thirty-five years; members who have contributed to these plans in excess of ~~thirty~~ thirty-five years shall receive credit for the years of full-time employment after July 1, 1966. Part-time employment will be recognized as full-time employment on such a prorated basis as the board may prescribe.
4. Retirement benefits shall be calculated by the board as follows:
 - a. Normal retirement benefits for all retirees, except supreme and district court judges, reaching normal retirement date shall be an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which shall be determined as follows:
 - (1) Service benefit equals one and ~~four-hundredths~~ twenty-hundredths percent of final average salary multiplied by the number of years of service employment.

* NOTE: Section 54-52-06.1 was also amended by section 6 of House Bill No. 1095, chapter 217.

** NOTE: Section 54-52-17(1)(4) was also amended by section 1 of Senate Bill No. 2091, chapter 578.

- (2) Prior service benefit equals one and ~~four-hundredths~~ twenty-hundredths percent of final average salary multiplied by the number of years of prior service employment.
- (3) All participants retiring prior to July 1, 1983, will have their benefits calculated at one and twenty-hundredths percent of final average salary, multiplied by the number of years of service employment, with the increased benefits payable beginning July 1, 1983.
- b. Normal retirement benefits for all supreme and district court judges under the public employees retirement system reaching normal retirement date shall be an annual amount, payable monthly, comprised of a benefit as defined in this chapter, which shall be determined as follows:
- (1) Benefits shall be calculated from the time of appointment or election to the bench and shall equal three percent of final average salary multiplied by the first ten years of judicial service, two percent of final average salary multiplied by the second ten years of judicial service, and one percent of final average salary multiplied by the number of years of judicial service exceeding twenty years.
- (2) Service benefits shall include, in addition, an amount equal to the percent specified in subdivision a of final average salary multiplied by the number of years of nonjudicial employee service and employment.
- c. Postponed retirement benefits shall be calculated as for normal retirement benefits for those members who retired on or after July 1, 1977.
- e- d. Early retirement benefits shall be calculated as for normal retirement benefits accrued to the date of termination of employment, but shall be actuarially reduced to account for benefit payments beginning prior to the normal retirement date. A retiree shall be eligible for early retirement benefits only after having completed ten years of eligible employment.
- d- e. Disability retirement benefits shall be calculated at sixty percent of the member's final average salary, reduced by the member's primary benefits under the Social Security Act as amended, and by any workmen's compensation benefits paid.

SECTION 4. REPEAL. Section 27-17-01.1 of the 1981 Supplement to the North Dakota Century Code is hereby repealed.

Approved April 19, 1983

CHAPTER 577

HOUSE BILL NO. 1099
(Committee on State and Federal Government)
(At the request of the Public Employees Retirement System)

PUBLIC EMPLOYEES RETIREMENT FUND ACCOUNT

AN ACT to amend and reenact section 54-52-13 of the North Dakota Century Code, relating to the deposit of moneys with the state treasurer.

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

SECTION 1. AMENDMENT. Section 54-52-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-13. Deposit of moneys. All moneys, including but not limited to ~~membership fees,~~ employers' contributions, employees' contributions, grants, donations, legacies, and devises for the benefit of the fund, shall be deposited in the public employees retirement fund ~~with the state treasurer~~ account with the Bank of North Dakota.

All of said moneys, not otherwise appropriated, are hereby appropriated for the purpose of making investments for the employees retirement fund and to make payments to beneficiaries under the program.

Approved February 9, 1983

CHAPTER 578

SENATE BILL NO. 2091
(Committee on State and Federal Government)
(At the request of the Public Employees Retirement System)

RETIREMENT SERVICE CREDIT AND BENEFITS

AN ACT to amend and reenact subsections 1 and 4 of section 54-52-17 of the North Dakota Century Code, relating to the maximum number of years of service credit and the calculation of service benefits under the public employees retirement system.

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

* SECTION 1. AMENDMENT. Subsections 1 and 4 of section 54-52-17 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. Participating members shall receive credit for full-time employment or its equivalent from the date they attain eligibility until their normal retirement date or postponed retirement date, as defined in this section. No participating member shall receive credit for more than ~~thirty~~ thirty-five years of full-time employment unless such member has contributed to the plan or its predecessor established on July 1, 1966, in excess of ~~thirty~~ thirty-five years; members who have contributed to these plans in excess of ~~thirty~~ thirty-five years shall receive credit for the years of full-time employment after July 1, 1966. Part-time employment will be recognized as full-time employment on such a prorated basis as the board may prescribe.
4. Retirement benefits shall be calculated by the board as follows:
 - a. Normal retirement benefits for all retirees reaching normal retirement date shall be an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which shall be determined as follows:
 - (1) Service benefit equals one and ~~four-hundredths~~ twenty-hundredths percent of final average salary

* NOTE: Section 54-52-17(1)(4) was also amended by section 3 of Senate Bill No. 2068, chapter 576.

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multiplied by the number of years of service employment.

- (2) Prior service benefit equals one and ~~four-hundredths~~ twenty-hundredths percent of final average salary multiplied by the number of years of prior service employment.
 - (3) All participants retiring prior to July 1, 1983, will have their benefits calculated at one and twenty-hundredths percent of final average salary, multiplied by the number of years of service employment, with the increased benefits payable beginning July 1, 1983.
- b. Postponed retirement benefits shall be calculated as for normal retirement benefits for those members who retired on or after July 1, 1977.
 - c. Early retirement benefits shall be calculated as for normal retirement benefits accrued to the date of termination of employment, but shall be actuarially reduced to account for benefit payments beginning prior to the normal retirement date. A retiree shall be eligible for early retirement benefits only after having completed ten years of eligible employment.
 - d. Disability retirement benefits shall be calculated at sixty percent of the member's final average salary, reduced by the member's primary benefits under the Social Security Act as amended, and by any workmen's compensation benefits paid.

Approved March 10, 1983

CHAPTER 579

HOUSE BILL NO. 1108
(Committee on State and Federal Government)
(At the request of the Public Employees Retirement System)

RETIREMENT BENEFITS TO SURVIVORS

AN ACT to amend and reenact subsection 6 of section 54-52-17 of the North Dakota Century Code, relating to the benefits payable to a surviving spouse.

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

SECTION 1. AMENDMENT. Subsection 6 of section 54-52-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. If a member dies after completing ten years of eligible employment, but prior to retiring, the surviving spouse of the member shall receive monthly retirement benefits equal to fifty percent of the deceased member's accrued normal retirement benefits until the spouse dies may select one of the following optional forms of payment:
 - a. A lump sum payment of the member's retirement account as of the date of death;
 - b. Payments for sixty months as calculated for the deceased member as if the member was age sixty-five at the date of death; or
 - c. Payment of a monthly retirement benefit equal to fifty percent of the deceased member's accrued normal retirement benefits until the spouse dies. If the spouse dies the provisions of subsection 8 shall be applicable.

Approved March 3, 1983

CHAPTER 580

SENATE BILL NO. 2093
 (Committee on State and Federal Government)
 (At the request of the Public Employees Retirement System)

PUBLIC EMPLOYEES SELF-INSURANCE

AN ACT to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to self-insurance of the health insurance benefits coverage under the state uniform group insurance program; and to amend and reenact sections 54-52.1-01, 54-52.1-04, and 54-52.1-06 of the North Dakota Century Code, relating to definitions and board authority to contract for insurance under the uniform group insurance program.

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

* SECTION 1. AMENDMENT. Section 54-52.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.1-01. Definitions. As used in this chapter, unless the context otherwise requires:

1. "Board" ~~shall mean~~ means the public employees retirement board.
2. "Carrier" ~~shall mean~~ means:
 - a. For the hospital benefits coverage, an insurance company authorized to do business in the state, or a nonprofit hospital service association, or a prepaid group practice hospital care plan authorized to do business in the state, or the state if a self-insurance plan is used for providing hospital benefits coverage.
 - b. For the medical benefits coverage, an insurance company authorized to do business in the state, or a nonprofit medical service association, or a prepaid group practice medical care plan authorized to do business in the state, or the state if a

* NOTE: Section 54-52.1-01(5) was also amended by section 33 of House Bill No. 1055, chapter 319.

self-insurance plan is used for providing medical benefits coverage.

- c. For the life insurance benefits coverage, an insurance company authorized to do business in the state.
3. "Department, board, or agency" means the departments, boards, agencies, or associations of this state, and includes the state's charitable, penal, and higher educational institutions; the Bank of North Dakota; the state mill and elevator association; and counties, cities, and school districts participating under chapter 54-52.
 4. "Eligible employee" means every permanent employee who is employed by the state, county, city, school district, or any combination thereof. Eligible employees include members of the legislative assembly, judges of the supreme court, elective state officers as defined by subsection 2 of section 54-06-01, and disabled permanent employees who are receiving compensation from the North Dakota workmen's compensation fund. As used in this subsection, "permanent employee" means any person hired with the intent that he be employed for ~~more than~~ more than twenty hours or more per week for more than five months each year.
 5. "Health maintenance organization" means an organization certified to establish and operate a health maintenance organization in compliance with chapter 26-38.
 6. "Hospital benefits coverage" ~~shall mean~~ means a plan which either provides coverage for, or pays, or reimburses expenses for hospital services incurred in accordance with the uniform contract.
 7. "Life insurance benefits coverage" ~~shall mean~~ means a plan which provides both term life insurance and accidental death and dismemberment ~~dismemberment~~ insurance in amounts determined by the board, with a minimum of one thousand dollars provided for the term life insurance portion of the coverage.
 8. "Medical benefits coverage" ~~shall mean~~ means a plan which either provides coverage for, or pays, or reimburses expenses for medical services in accordance with the uniform contract.

SECTION 2. AMENDMENT. Section 54-52.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.1-04. Board to contract for insurance. The board shall receive bids for the providing of hospital benefits coverage, medical benefits coverage, and life insurance benefits coverage for a specified term, and shall accept the bid of and contract with the

carrier that in the judgment of the board shall best serve the interests of the state and its eligible employees. A solicitation for bids shall be made within ninety days of July 1, 1971. Subsequent solicitations shall be made not later than ninety days prior to the expiration of an existing uniform group insurance contract. Bids shall be solicited by advertisement in such manner as selected by the board that will provide reasonable notice to prospective bidders. In preparing bid proposals and evaluating bids, the board may utilize the services of consultants on a contract basis in order that the bids received can be uniformly compared and properly evaluated. In determining which bid, if any, will best serve the interests of eligible employees and the state, the board shall give adequate consideration to the following factors:

1. The economy to be effected.
2. The ease of administration.
3. The adequacy of the coverages.
4. The financial position of the carrier, with special emphasis as to its solvency.
5. The reputation of the carrier and such other information as is available tending to show past experience with the carrier in matters of claim settlement, underwriting, and services.

The board may reject any or all bids and, in the event it does so, shall again solicit bids as provided in this section. The board may establish a plan of self-insurance for providing health insurance benefits coverage only under an Administrative Services Only (ASO) contract or a Third Party Administrator (TPA) contract.

SECTION 3. AMENDMENT. Section 54-52.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.1-06. State contribution. Each department, board, or agency shall pay to the board each month from its funds appropriated for payroll and salary amounts a state contribution in the amount ~~of~~ as determined by the primary carrier of the group contract for the full single rate monthly premium for each of its eligible employees enrolled in the uniform group insurance program and the full rate monthly premium, in an amount equal to that contributed under the alternate family contract, including major medical coverage, for hospital and medical benefits coverage for spouses and dependent children of its eligible employees enrolled in the uniform group insurance program pursuant to section 54-52.1-07. The board shall then pay the necessary and proper premium amount for the uniform group insurance program to the proper carrier or carriers on a monthly basis. Any refund, rebate, dividend, experience rating allowance, discount, or other reduction of premium amount shall be

credited at least annually to a separate fund of the uniform group insurance program to be used by the board to reimburse the administrative expense and benefit fund of the public employees retirement program for the costs of administration of the uniform group insurance program. Any amount credited to the separate fund in excess of the costs of administration of the program shall be held in the separate fund to be used by the board to reduce the amount of premium amounts paid monthly by enrolled eligible employees, to reduce any increase in premium amounts paid monthly by enrolled eligible employees or to provide increased insurance coverage, as the board may determine. In the event an enrolled eligible employee is not entitled to receive salary, wages, or other compensation for a particular calendar month, he may make direct payment of the required premium to the board to continue his coverage, and the employing department, board, or agency shall provide for the giving of a timely notice to the employee of his right to make such payment at the time such right arises.

SECTION 4. A new section to chapter 54-52.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

The board may establish a self-insurance plan for providing health insurance benefits coverage only under an Administrative Services Only (ASO) contract or a Third Party Administrator (TPA) contract under the uniform group insurance program. In addition, individual and aggregate stop-loss coverage insured by a carrier authorized to do business in this state must be made part of any self-insured plan.

Approved April 8, 1983

CHAPTER 581

SENATE BILL NO. 2474
(Miller Heinrich, Waldera)

DEFERRED COMPENSATION PROGRAM INVESTMENTS

AN ACT to amend and reenact sections 54-52.2-01, 54-52.2-02, 54-52.2-03, 54-52.2-05, 54-52.2-06, and 54-52.2-07 of the North Dakota Century Code, relating to the administration, exemption from judicial process, assignability of benefits, and authorized investments of a deferred compensation program for public employees.

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

SECTION 1. AMENDMENT. Section 54-52.2-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-01. Deferred compensation program for public employees - Contract. The state or any county, city, or other political subdivision may, by contract, agree with any employee to defer, in whole or in part, any portion of that employee's compensation and may subsequently, with the consent of the employee, ~~contract for, purchase, or otherwise procure a fixed or variable life insurance or annuity contract for the purpose of funding fund~~ a deferred compensation program for the employee. The deferred compensation program may consist of a contract, purchase, or investment in a fixed or variable life insurance or annuity contract from any life underwriter duly licensed by this state who represents an insurance company licensed to contract business in this state, a savings account at a federally insured financial institution or the Bank of North Dakota, an account with or managed by a dealer registered under chapter 10-04, or any combination of contracts or accounts authorized by this section, as specified by the employee.

SECTION 2. AMENDMENT. Section 54-52.2-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-02. Deferred employee's compensation - Agreements. The director or the principal officer deferred compensation committee acting on behalf of each state agency, department, board,

commission, or institution is hereby authorized to may enter into such contractual agreements with employees of that particular a state agency, department, board, commission, or institution on behalf of the state to defer any portion of that employee's compensation allowed under section 457 of the Internal Revenue Code [26 U.S.C. 457].

SECTION 3. AMENDMENT. Section 54-52.2-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-03. Deferred compensation program - Administration - Contract for services. The administration of the deferred compensation program within for each state agency, department, board, commission, or institution shall be under the direction of the director or principal officer of that particular agency, department, board, commission, or institution the state deferred compensation committee. The committee shall consist of three persons who cannot participate in the deferred compensation program. The governor shall appoint the initial committee and shall appoint persons to fill any vacancy occurring at the expiration of a term. Committee members shall select the person to fill any vacancy occurring prior to the expiration of a term. The initial terms of office are as follows: one member shall serve a one-year term, one member shall serve a two-year term, and one member shall serve a three-year term. The term of office thereafter is three years. Each county, city, town, or other political subdivision shall designate an officer to administer the deferred compensation program or appoint the state deferred compensation committee to administer the program in its behalf. Payroll reductions shall be made in each instance, by the appropriate payroll officer. The administrator deferred compensation committee of the deferred compensation program may contract with a private corporation or institutions for providing consolidated billing and other administrative services.

The deferred compensation committee shall administer the deferred compensation program based on a plan in compliance with the appropriate provisions of the Internal Revenue Code and regulations adopted under those provisions.

SECTION 4. AMENDMENT. Section 54-52.2-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-05. Administrators authorized to make payments or investments. Notwithstanding any other provision of law to the contrary, those persons designated to administer the deferred compensation program are hereby authorized to make payment of premiums for the purchase of fixed or variable life insurance or annuity contracts payments or investments under the deferred compensation program as specified by the employee in accordance with section 54-52.2-01. Such The payments or investments shall not be construed to be a prohibited use of the general assets of the state, county, city, or other political subdivision.

SECTION 5. AMENDMENT. Section 54-52.2-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-06. Deferred compensation program - Benefits - Taxation - Exemption from judicial process - Assignment. The deferred compensation program established by this chapter shall exist and serve in addition to retirement, pension, or benefit systems established by the state, county, city, town, or other political subdivision, and no deferral of income under the deferred compensation program shall effect a reduction of any retirement, pension, or other benefit provided by law. However, any sum deferred under the deferred compensation program shall not be subject to taxation until distribution is actually made to the employee. Any unpaid benefits under the deferred compensation program established by this chapter are not subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever. Neither the employee, the employee's beneficiary, nor any designee of the employee or the employee's beneficiary has the right to commute, sell, assign, transfer, or otherwise convey the right to receive payments under this chapter.

SECTION 6. AMENDMENT. Section 54-52.2-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-07. Liability under deferred compensation program. The financial liability of the state, county, city, ~~town,~~ or other political subdivision under a deferred compensation program ~~shall be~~ is limited in each instance to the value of the ~~particular fixed or~~ variable life insurance or annuity contract or contracts purchased on behalf of any employee employee's deferred compensation account, and the state, county, city, or other political subdivision is not responsible for any loss which may result from investment of the deferred compensation under the deferred compensation program.

Approved April 8, 1983

CHAPTER 582

SENATE BILL NO. 2057
(Legislative Council)
(Interim Judiciary Committee)

SENATE CONFIRMATION OF APPOINTEES

AN ACT to amend and reenact sections 15-21-17, 54-54-02, 55-01-01, and 57-59-03 of the North Dakota Century Code, relating to senate confirmation of appointees to the board of public school education, council on the arts, state historical board, and the multistate tax commission; and if House Bill No. 1074 is not approved by the forty-eighth legislative assembly, to amend and reenact section 15-20.3-01 of the North Dakota Century Code, relating to senate confirmation of appointees to the postsecondary education commission.

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

SECTION 1. AMENDMENT. If House Bill No. 1074 does not become effective, section 15-20.3-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.3-01. Postsecondary education commission - Membership - Appointment - Term - Compensation. There is hereby created a postsecondary education commission hereinafter referred to as the commission. The commission shall consist of the state board of higher education, the state board of vocational education, and three additional members to be appointed by the governor ~~with the consent of the senate~~. Of the appointed members, one shall represent the governing boards of the junior colleges, one shall represent the governing boards of the private four-year colleges, and one shall represent the governing boards of the proprietary institutions. The appointed members shall have three-year terms, with the initial members appointed to staggered terms of one, two, and three years to be designated by the governor at the time of appointment. All members of the commission shall receive twenty dollars compensation per day for the performance of their duties. In addition, they shall receive mileage and expenses in the same manner and at the same rate as provided by law for state officials. Such amounts shall be payable from the postsecondary education commission fund. The commission shall elect a chairman and vice chairman from among the membership.

SECTION 2. AMENDMENT. Section 15-21-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-17. Composition of state board of public school education. The state board of public school education shall consist of the superintendent of public instruction, and one qualified elector from each of the following districts within the state, to be appointed by the governor ~~subject to the consent of the senate~~:

1. District one shall consist of the counties of Barnes, Cass, Grand Forks, Griggs, Nelson, Steele, and Traill.
2. District two shall consist of the counties of Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, and Walsh.
3. District three shall consist of the counties of Dickey, Emmons, LaMoire, Logan, McIntosh, Ransom, Richland, and Sargent.
4. District four shall consist of the counties of Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman, and Wells.
5. District five shall consist of the counties of Burke, Divide, McKenzie, Mountrail, Ward, and Williams.
6. District six shall consist of the counties of Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark.

Nominations shall be made by the governor from a list of three names for each position to be filled on such board, such names to be selected by a committee consisting of the president of the North Dakota state's attorneys association, the president of the North Dakota school administrators association, and the president of the North Dakota school boards association. Appointive members shall serve for terms of six years, arranged so that the term of two members shall expire on June thirtieth of each even-numbered year. The governor shall fill vacancies upon the committee ~~and all members so appointed as well as the members of the original committee shall possess all the powers of regularly appointed and confirmed members, pending confirmation by the senate or its refusal to confirm.~~ At all times, two members of the board shall be members of the North Dakota school boards association. The superintendent of public instruction shall also serve as executive director and secretary of such board, shall call such meetings as may be required, shall supervise and carry out the policies of the board in relation to all functions of the board, and shall employ such personnel as shall be necessary to carry on such responsibilities as may be placed upon the board by law. The board shall annually elect a member of the board to serve as chairman. Appointive members shall be compensated at the rate of fifty dollars per day for each day actually and necessarily spent in the performance of their duties as board

members and all members shall receive reimbursement for actual necessary expenses incurred in the performance of their duties from the biennial appropriation of the department of public instruction at the same rates as provided by law for other state officers. The board shall have authority to call upon any state office, officer, department, or agency for such advice and assistance as it may from time to time require.

SECTION 3. AMENDMENT. Section 54-54-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-54-02. Council - Members - Appointment. There is hereby created and established a state council, to be known as the "North Dakota council on the arts", which shall consist of fifteen members, broadly representative of all fields of the performing and fine arts, who are to be appointed by the governor ~~by and with the consent of the senate~~ as provided in this chapter, from among the citizens of North Dakota who are widely known for their competence and experience in connection with the performing and fine arts. In making such appointments, due consideration shall be given to the recommendations made by representative civic, educational, and professional associations and groups, concerned with or engaged in the production or presentation of the performing and fine arts generally.

SECTION 4. AMENDMENT. Section 55-01-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-01-01. State historical board. There shall be a state historical society of North Dakota which will be under the supervision and control of the state historical board. The board shall consist of nine members who shall be appointed by the governor ~~with the consent of the senate~~. Each member appointed to the board must be a citizen and resident of the state of North Dakota. ~~Interim appointments may be made by the governor if the senate is not in session and such interim appointees may hold office until the senate has had an opportunity to confirm or reject such appointments.~~ Appointments shall be for a term of three years from the first day of July to the thirtieth day of June of the third year or until a successor has been appointed and qualified except that the first appointments under this section shall be staggered so that the term of three members shall expire each year. Vacancies occurring other than by the expiration of an appointive term shall be filled by appointment for the remainder of the term only in the same manner as regular appointments. The board of directors shall select from its membership a president, vice president, and secretary to serve as officers of the board. The secretary of state, state engineer, state highway commissioner, state forester, state game and fish commissioner, director of the state library, and state treasurer shall be ex officio members of the board and shall take care that the interests of the state are protected.

SECTION 5. AMENDMENT. Section 57-59-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-59-03. Membership of multistate tax commission. The governor, ~~with the consent of the senate,~~ shall appoint the member of the multistate tax commission to represent the state of North Dakota from among the persons made eligible by article VI 1(a) of the compact, or the head of the state tax department shall represent the state of North Dakota on the multistate tax commission.

Approved March 4, 1983

CHAPTER 583

HOUSE BILL NO. 1421
(Backes, Kretschmar, Mushik, Strinden)

NORTH DAKOTA CENTENNIAL COMMISSION

AN ACT to establish a North Dakota centennial commission, to set forth its powers and duties, to provide for payment of commissioners' expenses, and to provide for termination of the commission; to provide an appropriation; and to provide an effective date.

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

SECTION 1. Definition. In this Act, "commission" means the North Dakota centennial commission.

SECTION 2. Establishment of a North Dakota commission. The governor shall appoint a North Dakota centennial commission consisting of eleven members.

SECTION 3. Powers and duties. The commission shall plan and promote activities in North Dakota for the 1989 centennial celebration of North Dakota statehood.

SECTION 4. Ex officio members. The following officials or their designees shall be ex officio members of the commission:

1. Superintendent of the state historical board.
2. Director of North Dakota tourist promotion.

SECTION 5. Meetings - Compensation and expenses of commission members - Records. The governor shall appoint the chairman of the commission. The commission shall meet at the call of the chairman and a majority of the commission shall constitute a quorum. Commission members shall receive no compensation but may receive actual mileage and travel expenses as provided by law for state officers and employees. The commission shall keep minutes of its meetings and a record of all its transactions.

SECTION 6. Commission expenses. All expenditures made by the commission in discharging its duties under this Act shall be payable

from the governor's budget, within the limits of legislative appropriations, upon vouchers signed and approved by the chairman or executive director of the commission. Upon approval of those vouchers as provided by law, warrant-checks for those expenditures shall be prepared by the office of management and budget.

SECTION 7. Acceptance, expenditure of gifts, grants, bequests, and donations. Whenever any grant, devise, bequest, donation, gift, or assignment of money or other property is made to the commission, or any earnings or income accrued to the commission, the commission shall accept and receive the same in the name of the state. Any such property coming into the possession of the commission shall be deposited in the state treasury in a special revolving fund and all money in such fund is hereby appropriated on a continuing basis to the commission for carrying out the purpose of this Act.

SECTION 8. Executive director. The commission may employ an executive director and staff and fix their salaries.

SECTION 9. Termination. The commission shall terminate June 30, 1991, unless otherwise extended.

* **SECTION 10. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$56,670, or so much thereof as may be necessary, to the North Dakota centennial commission for the purpose of funding the commission for the biennium beginning July 1, 1983, and ending June 30, 1985.

SECTION 11. EFFECTIVE DATE. This Act becomes effective on July 1, 1983.

Approved April 14, 1983

* NOTE: Section 10 was vetoed by the Governor.