

STATE GOVERNMENT

CHAPTER 403

HOUSE BILL NO. 1019
(Mertens, Thorsgard, H. Johnson)
(From Legislative Council Study)

BIENNIAL REPORTS

AN ACT relating to governmental biennial reports; to amend and reenact sections 2-05-04, 4-05-10, 4-06-04, 4-13-09, 4-27-11, 6-01-10, 7-05-03, 15-02-08, 15-11-14, 15-20.1-21, 15-21-14, 15-52-28, 18-01-29, subsection 3 of section 20.1-02-04, sections 23-01-06, 24-02-10, subsection 7 of section 26-01-02, sections 26-23-21, 27-15-08, 34-06-20, 36-01-11, subsection 5 of section 37-03-05, sections 37-14-09, 37-15-19, 43-01-06, 43-02-06, 43-04-19, 43-09-05, 43-10-08, 43-13-09, 43-15-12, 43-17-12, 43-23-02, 43-28-09, 47-23-07, 49-01-13, 50-06-13, 52-02-03, 52-10-09, 53-01-08, 54-06-03, 54-06-04, subsection 12 of section 54-11-01, sections 54-12-05, 54-17-06, 54-21-09, 54-21-10, 54-36-06, 54-42-05, subsections 15 and 16 of section 54-44-04, sections 54-46-11, 54-49-08, subsection 9 of section 57-01-02, sections 61-03-04, and 65-02-09 of the North Dakota Century Code, relating to biennial reports of executive and administrative agencies and departments, the time when such reports shall be made, and the contents, printing, and binding of such reports; and to repeal section 44-04-08 of the North Dakota Century Code, relating to the reporting of salaries in biennial reports.

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

SECTION 1. GOVERNMENTAL BIENNIAL REPORTS.) All governmental biennial reports required to be submitted by December 1, 1973, shall be for the preceding fiscal year. Future reports shall be on a biennial basis covering two fiscal years.

SECTION 2. AMENDMENT.) Section 2-05-04 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 3. AMENDMENT.) Section 4-05-10 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 4. AMENDMENT.) Section 4-06-04 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 5. AMENDMENT.) Section 4-13-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 6. AMENDMENT.) Section 4-27-11 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-27-11. DAIRY PRODUCTS PROMOTION COMMISSION.) The commission shall submit a biennial report to the governor and the secretary of state as prescribed by section 54-06-04. The books, records, and accounts shall be audited annually by the state auditor, the cost of such audit to be paid from the funds of the North Dakota dairy products promotion commission.

SECTION 7. AMENDMENT.) Section 6-01-10 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 8. AMENDMENT.) Section 7-05-03 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

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

15-02-08. COMMISSIONER TO KEEP RECORD OF PERMANENT FUNDS - BIENNIAL REPORT TO GOVERNOR AND SECRETARY OF STATE.) The commissioner shall keep a record in suitable books showing a detailed quarterly statement of the condition of all of the permanent funds under the control of the board of university and school lands, the amount of each fund, how invested, when due, interest paid, and all acts connected with the management of such funds. All records and record books shall be open at all times for inspection by the public. The commissioner shall submit a biennial report to the governor and the secretary of state as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report shall show all investments of such funds, the work done during the preceding fiscal biennium, the number of acres of land sold or leased by the department, the amount received therefor, the amount of interest received to the credit of the several funds, the expense of administration of the department,

and all such other matters relating to his office as shall be necessary to disclose fully the operation of the department.

SECTION 10. AMENDMENT.) Section 15-11-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 11. AMENDMENT.) Section 15-20.1-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 12. AMENDMENT.) Section 15-21-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

1. The number of school districts in the state and the number of teachers employed, and pupils taught therein, the attendance of pupils, and the studies pursued by them;
2. The financial condition of the various public schools, their receipts and expenditures, the value of schoolhouses and property, the costs of tuition, and the salaries of teachers;
3. The condition, educational and financial, as far as it can be ascertained, of the private schools and academies of the state; and

*NOTE: Section 15-20.1-21 was also amended by section 16 of House Bill No. 1030, chapter 383.

4. Such general matters, information, and recommendations relating to the educational interests of the state as he may deem important.

SECTION 13. AMENDMENT.) Section 15-52-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 14. AMENDMENT.) Section 18-01-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 15. AMENDMENT.) Subsection 3 of section 20.1-02-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 16. AMENDMENT.) Section 23-01-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

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

SECTION 17. AMENDMENT.) Section 24-02-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 18. AMENDMENT.) Subsection 7 of section 26-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 19. AMENDMENT.) Section 26-23-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 20. AMENDMENT.) Section 27-15-08 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 21. AMENDMENT.) Section 34-06-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 22. AMENDMENT.) Section 36-01-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 23. AMENDMENT.) Subsection 5 of section 37-03-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 24. AMENDMENT.) Section 37-14-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 25. AMENDMENT.) Section 37-15-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-15-19. REPORT OF COMMANDANT TO GOVERNOR AND SECRETARY OF STATE.) The commandant of the soldiers' home shall submit to the governor and the secretary of state a biennial report as prescribed by section 54-06-04.

SECTION 26. AMENDMENT.) Section 43-01-06 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 27. AMENDMENT.) Section 43-02-06 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-02-06. RECORDS OF BOARD - REPORT TO GOVERNOR AND SECRETARY OF STATE.) The board shall keep a complete record of all its proceedings and shall submit to the governor and secretary of state a biennial report as prescribed by section 54-06-04.

SECTION 28. AMENDMENT.) Section 43-04-19 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-04-19. REPORT TO GOVERNOR AND SECRETARY OF STATE.) The board shall submit a biennial report as prescribed by section 54-06-04 to the governor and secretary of state.

SECTION 29. AMENDMENT.) Section 43-09-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-09-05. POWERS AND DUTIES OF STATE ELECTRICAL BOARD - REPORT.) The board shall adopt a seal and may make reasonable rules and regulations to carry out the provisions of this chapter. The board shall submit a biennial report as prescribed by section 54-06-04 with the governor and the secretary of state. The board shall appoint qualified inspectors, who shall within fifteen days after notice of completion of any electrical wiring installation involving a value of fifty dollars or more in municipalities having ordinances requiring such inspection, inspect such electrical installation and approve or condemn the same. A report thereof shall be made on forms prescribed by the board.

SECTION 30. AMENDMENT.) Section 43-10-08 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-10-08. BOARD TO REPORT TO GOVERNOR AND SECRETARY OF STATE.) The board shall submit a biennial report as prescribed by section 54-06-04 to the governor and secretary of state.

SECTION 31. AMENDMENT.) Section 43-13-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-13-09. REPORT TO GOVERNOR AND SECRETARY OF STATE.) The board shall submit a biennial report to the governor and the secretary of state as prescribed by section 54-06-04.

SECTION 32. AMENDMENT.) Section 43-15-12 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 33. AMENDMENT.) Section 43-17-12 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-17-12. BOARD TO MAKE BIENNIAL REPORT TO GOVERNOR AND SECRETARY OF STATE.) The board shall submit a biennial report to the governor and secretary of state as prescribed by section 54-06-04.

SECTION 34. AMENDMENT.) Section 43-23-02 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

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

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

SECTION 35. AMENDMENT.) Section 43-28-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-28-09. REPORT TO GOVERNOR AND SECRETARY OF STATE.) The board shall submit a report as prescribed by section 54-06-04 to the governor and the secretary of state.

SECTION 36. AMENDMENT.) Section 47-23-07 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 37. AMENDMENT.) Section 49-01-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-01-13. BIENNIAL REPORT TO GOVERNOR AND SECRETARY OF STATE.) The commission shall submit a report as prescribed by section 54-06-04 to the governor and the secretary of state.

SECTION 38. AMENDMENT.) Section 50-06-13 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-13. BIENNIAL REPORT TO GOVERNOR AND SECRETARY OF STATE.) The social service board shall submit to the governor and the secretary of state a biennial report as prescribed by section 54-06-04.

SECTION 39. AMENDMENT.) Section 52-02-03 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 40. AMENDMENT.) Section 52-10-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 41. AMENDMENT.) Section 53-01-08 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-08. BIENNIAL REPORT TO GOVERNOR.) The secretary of state shall submit to the governor a biennial report as prescribed by section 54-06-04.

SECTION 42. AMENDMENT.) Section 54-06-03 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 43. AMENDMENT.) Section 54-06-04 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

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

of state to set minimum requirements and establish guidelines which shall be prescribed by the secretary of state for form, style, and content to assist state departments, institutions, and agencies of the executive branch of government in preparation of biennial reports required by law.

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

The style of binding to be used for the biennial reports shall be determined by the secretary of state. The

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

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

SECTION 44. AMENDMENT.) Subsection 12 of section 54-11-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 45. AMENDMENT.) Section 54-12-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-12-05. REPORT OF ATTORNEY GENERAL TO GOVERNOR AND SECRETARY OF STATE.) The attorney general shall submit a biennial report to the governor and the secretary of state as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report shall state:

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

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

SECTION 46. AMENDMENT.) Section 54-17-06 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 47. AMENDMENT.) Section 54-21-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21-09. REPORT OF DIRECTOR OF INSTITUTIONS TO GOVERNOR AND SECRETARY OF STATE.) The director of institutions shall submit to the governor and secretary of state a biennial report as prescribed by section 54-06-04.

SECTION 48. AMENDMENT.) Section 54-21-10 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21-10. DAILY RECORD.) The director shall require the proper officer of each institution to keep a daily record, in the manner and form prescribed by the director, of the time and number of hours of service of each employee, and the monthly payroll shall be made from that record and shall be in accord therewith. When an appropriation is based on the number of inmates in or persons at an institution, the director shall require to be kept a daily record of the persons actually residing at and domiciled in the institution.

SECTION 49. AMENDMENT.) Section 54-36-06 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 50. AMENDMENT.) Section 54-42-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 51. AMENDMENT.) Subsections 15 and 16 of section 54-44-04 of the 1971 Supplement to the North Dakota Century Code

are hereby amended and reenacted to read as follows:

15. Shall submit a biennial report as prescribed by section 54-06-04 to the governor and the secretary of state. In addition to any requirements established pursuant to section 54-06-04, the report shall include a statement of the funds of the state, the revenues of the state, and public expenditures during the two preceding fiscal years;
16. Shall accompany his biennial report with tabular statements showing the amount of each appropriation for the two preceding fiscal years, the amount expended, and the balance, if any, and also the amount of revenue chargeable to each county for such years, the amount paid, and the amount unpaid or due therefrom;

SECTION 52. AMENDMENT.) Section 54-46-11 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 53. AMENDMENT.) Section 54-49-08 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 54-49-08. REPORTS.) The council shall submit a report as prescribed by section 54-06-04 to the governor and secretary of state and shall make such additional reports as may be required of it by the legislature or the legislative council. The council shall also report upon its findings and recommendations to council members as it is deemed advisable.

SECTION 54. AMENDMENT.) Subsection 9 of section 57-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 55. AMENDMENT.) Section 61-03-04 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

*NOTE: Section 54-49-08 was repealed by section 1 of House Bill No. 1045, chapter 433.

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

SECTION 56. AMENDMENT.) Section 65-02-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

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

SECTION 57. REPEAL.) Section 44-04-08 of the 1971 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 26, 1973

CHAPTER 404

HOUSE BILL NO. 1047
(Berg, Ganser, Gronneberg, Jenkins,
Lee, Meyer, Rivinius, Rundle)
(From Legislative Council Study)

ATTORNEY GENERAL REVIEW
OF STATE LAND SALES

AN ACT to provide that the office of the attorney general shall review each bill introduced during any session of the legislative assembly which provides for the sale or exchange of specific state-owned land, or for the purchase of specific land by the state.

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

SECTION 1.) 1. Each bill which authorizes or directs the sale, lease, or exchange of specific land owned by the state, or any of its instrumentalities, or which authorizes the purchase or lease of specific land by the state, or any of its instrumentalities, except for transactions between such instrumentalities, shall, upon or prior to its introduction, be referred to the office of the attorney general. Upon receipt, the attorney general shall review the bill to determine that it contains a sufficient legal description and that it accurately describes the parties to the transaction. The attorney general shall be furnished an abstract of title to the land to be conveyed, continued to current date, and shall issue his legal opinion as to ownership of the land, and shall determine whether the land has been appraised, and by whom. The review and determination required by this section shall be completed within ten days after receipt of the bill, abstract of title, and appraiser's report, and the attorney general shall present the bill and a written report of his findings to the presiding officer of the house in which the bill was, or is to be, introduced.

2. The attorney general shall receive, from the commissioner of university and school lands, such reasonable assistance, except for provision of abstracts of title and appraiser's reports, as may be necessary to carry out his duties under subsection 1 of this section.

3. If, as a result of the attorney general's action provided for in subsection 1, a bill is not returned to the presiding officer until after the date provided by the legislative rules as the final date for introduction of bills by members, the bill shall be received by the presiding officer and presented to the secretary or chief clerk for filing as if it had been received on the last day for introduction by members.

4. As used in subsection 1:

- a. "Instrumentalities" means any state agency, board, commission, department, office, or institution which has or is to be given authority to acquire or convey land.
- b. "Land" means any specific parcel or parcels of real property and all structures and improvements thereon.

Approved February 6, 1973

CHAPTER 405

HOUSE BILL NO. 1395
(Mertens)

IMPACT ANALYSIS PRIOR
TO SALE OF LAND

AN ACT to provide for an impact analysis from federal agencies prior to their acquisition of land in North Dakota.

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

SECTION 1. IMPACT ANALYSIS - GOVERNOR TO REQUIRE.) Prior to action by the governor as may be required by federal law, in approving or disapproving the acquisition of any land in North Dakota by a federal agency, whether such acquisition shall be by transfer of title, lease, or easement, the governor shall, if he deems that the scope of the project warrants such, require the filing of a detailed impact analysis from the federal agency involved. Such analysis shall include, but shall not be limited to, the fiscal, social, agricultural, recreational, and wildlife impact. The analysis shall be forwarded to the state planning agency which shall furnish copies to all interested state agencies and political subdivisions, which agencies and political subdivisions shall have thirty days to review the analysis and return their comments to the state planning agency. Upon expiration of the thirty-day period, all comments received by the state planning agency shall be forwarded to the federal agency involved and to the governor. The federal agency may after consideration of such comments, file a final impact analysis with the governor, and the governor shall thereafter approve or disapprove the acquisition of land by the federal agency.

Approved March 21, 1973

CHAPTER 406

SENATE BILL NO. 2056
(Lips)

EASEMENTS ON STATE LAND

AN ACT to allow state agencies to grant easements in land under their jurisdiction and to repeal section 15-10-33 of the North Dakota Century Code, and declaring an emergency.

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

SECTION 1. GRANTING EASEMENTS TO STATE-OWNED LAND -
PROCEDURE.) A state agency may, when it deems such action to be in the best interest of the state, grant easements upon or across any real property which it administers and which is owned by the state for the use or benefit of a state institution under its jurisdiction.

Any property rights transferred under the authority of this section shall be transferred and conveyed by quitclaim instrument or easement executed in the name of the state of North Dakota by the governor and attested by the secretary of state. Such quitclaim instrument or easement shall contain specific legal descriptions of the property right transferred and the location thereof.

Upon the granting of an easement under the authority of this section any proceeds shall be used in the following manner:

1. If the property is the subject of a devise, legacy, bequest or gift to the institution the proceeds of the easement shall be subject to the provisions of sections 1-08-02 and 1-08-04.
2. If the property is not subject to sections 1-08-02 and 1-08-04, the proceeds of the easement shall be deposited in the special operating fund of the institution or, if no such operating fund then exists, such proceeds shall be deposited in the general fund in the state treasury.

SECTION 2. REPEAL.) Section 15-10-33 of the North Dakota Century Code is hereby repealed.

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

Approved February 6, 1973

CHAPTER 407

HOUSE BILL NO. 1037

(Herman, Raymond, Rice, Solberg)

(From Legislative Council Study)

MODEL RELOCATION ASSISTANCE ACT

AN ACT to enact the Model Relocation Assistance Act providing real property acquisition policies and state and local governmental assistance programs for relocation of persons and businesses displaced by governmental construction programs or by a federally assisted building code enforcement program; and to repeal section 32-15-22.1 of the North Dakota Century Code, relating to payments for the relocation of personal property displaced by eminent domain proceedings.

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

SECTION 1. DECLARATION OF POLICY.) The purpose of this Act is to establish a uniform policy for the fair and equitable treatment of persons displaced by the acquisition of real property by state and local land acquisition programs, by federally assisted building code enforcement programs, or by a program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision. The policy shall be uniform as to:

1. Relocation payment;
2. Advisory assistance;
3. Assurance of availability of standard housing; and
4. State reimbursement for local relocation payments under state-assisted and local programs.

SECTION 2. DEFINITIONS.) As used in this Act:

1. "Agency" means any department, agency, or instrumentality of the state or of a political subdivision of the state; or any department, agency, or instrumentality of two or more political subdivisions of the state.
2. "Person" means any individual, partnership, cooperation, or association.

3. "Displaced person" means any person who, on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by an agency; and solely for the purposes of subsections 1 and 2 of section 3 and section 6 of this Act, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.
4. "Nonprofit organization" means a corporation organized under the North Dakota Nonprofit Corporation Act, chapters 10-24 through 10-28, or an organization defined in subsections 7, 8, 9, 10, or 11 of section 57-02-08.
5. "Business" means any lawful activity, excepting a farm operation, conducted primarily:
 - a. For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;
 - b. For the sale of services to the public;
 - c. By a nonprofit organization; or
 - d. For the purposes of section 3 (1) of this Act, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above-mentioned activities are conducted.
6. "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.
7. "Federally assisted" means receiving federal financial assistance in the form of a grant, loan, or contribution.

SECTION 3. MOVING AND RELATED EXPENSES.)

1. If an agency acquires real property for public use, it shall make fair and reasonable relocation payments to displaced persons and businesses as required by this Act for:
 - a. Actual, reasonable expenses in moving himself, his family, business, farm operation, or other personal property;
 - b. Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the agency; and
 - c. Actual, reasonable expenses in searching for a replacement business or farm.
2. Any displaced person eligible for payments under subsection 1 of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection 1 of this section may receive a moving expense allowance, determined according to a schedule established by the agency, not to exceed three hundred dollars, and a dislocation allowance of two hundred dollars.
3. Any displaced person eligible for payments under subsection 2 of this section, who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection 1 of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than two thousand five hundred dollars, nor more than ten thousand dollars. In the case of a business, no payment shall be made under this subsection unless the agency is satisfied that the business a. cannot be relocated without a substantial loss of its existing patronage, and b. is not a part of a commercial enterprise having at least one other establishment not being acquired by the agency, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation before federal and state income taxes during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired

for such project, or during such other period as the agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

SECTION 4. REPLACEMENT HOUSING FOR HOMEOWNERS.)

1. In addition to payments otherwise authorized by this Act, the agency shall make an additional payment not in excess of fifteen thousand dollars to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of the property. The additional payment shall include the following elements:
 - a. The amount, if any, which, when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment, and available on the private market. All determinations required to carry out this subdivision shall be determined by regulations issued pursuant to section 8 of this Act;
 - b. The amount, if any, which will compensate the displaced person for any increased interest costs which the person is required to pay for financing the acquisition of a comparable replacement dwelling. The amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of the dwelling. The amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling over the remainder term of the mortgage on the acquired dwelling reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located as determined by the agency; and

- c. Reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.
2. The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one-year period beginning on the date on which he receives final payment of all costs of the acquired dwelling or on the date on which he moves from the acquired dwelling, whichever is the later date.

SECTION 5. REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS.) In addition to amounts otherwise authorized by this Act, an agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 4, which dwelling was actually and lawfully occupied by the displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. The payment shall be either:

1. The amount necessary to enable the displaced person to lease or rent, for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate the person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed four thousand dollars; or
2. The amount necessary to enable the person to make a downpayment (including incidental expenses described in section 4 (1) (c)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed four thousand dollars, except that if the amount exceeds two thousand dollars, the person must equally match any amounts in excess of two thousand dollars, in making the downpayment.

SECTION 6. RELOCATION ASSISTANCE ADVISORY PROGRAMS.)

1. Whenever the acquisition of real property for a program or project undertaken by an agency will result in the displacement of any person on or after the effective date of this Act, the agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services prescribed in subsection 2 of this section. If the agency determines that any person occupying property immediately adjacent

to the real property acquired is caused substantial economic injury because of the acquisition, it may offer the person relocation advisory services under the program.

2. Each relocation assistance program required by subsection 1 shall include such measures, facilities, or services as may be necessary or appropriate in order (a) to determine the needs of displaced persons, business concerns, and nonprofit organizations for relocation assistance; (b) to assist owners of displaced businesses and farm operations in obtaining and becoming established in suitable business locations or replacement farms; (c) to supply information concerning programs of the federal, state, and local governments offering assistance to displaced persons and business concerns; (d) to assist in minimizing hardships to displaced persons in adjusting to relocation; and (e) to secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

SECTION 7. ASSURANCE OF AVAILABILITY OF STANDARD HOUSING.) Whenever the acquisition of real property for a program or project undertaken by an agency will result in the displacement of any person on or after the effective date of this Act, the agency shall assure that, within a reasonable period of time prior to displacement, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of and available to displaced persons who require dwellings and reasonably accessible to their places of employment; except that regulations issued pursuant to section 8 of this Act may prescribe situations when these assurances may be waived.

SECTION 8. PROMULGATION OF RULES AND REGULATIONS.) The head of each state agency shall consult, and other agencies may consult, with the state planning division on the establishment of regulations and procedures for implementation of the provisions of this Act. The head of each state agency, after consultation with the state planning division, 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 Act 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 Act 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 Act, as he deems necessary or appropriate to carry out this Act. All regulations and procedures established by state agencies shall be set forth in rules promulgated in the manner provided in chapter 28-32.

SECTION 9. ADMINISTRATION.) In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the agency may enter into contracts with any individual, firm, association, or corporation for services in connection with those programs, or may carry out its functions under this Act through any federal agency or any department or instrumentality of the state or its political subdivisions having an established organization for conducting relocation assistance programs.

SECTION 10. FUND AVAILABILITY.) Funds appropriated or otherwise available to any agency for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this Act as applied to that program or project.

SECTION 11. STATE PARTICIPATION IN COST OF LOCAL RELOCATION PAYMENTS AND SERVICES.) If a political subdivision acquires real property, and state financial assistance is available to pay the cost, in whole or part, of the acquisition of that real property, or of the improvement for which the property is acquired, the cost to the political subdivision of providing the payments and services prescribed by this Act shall be included as part of the costs of the project for which state financial assistance is available and the political subdivision shall be eligible for state financial assistance for relocation payments and services in the same manner and to the same extent as other project costs.

SECTION 12. DISPLACEMENT BY FEDERALLY ASSISTED BUILDING CODE ENFORCEMENT OR BY VOLUNTARY REHABILITATION.) A person who moves or discontinues his business or moves other personal property, or moves from his dwelling on or after the effective date of this Act as the direct result of a federally assisted building code enforcement program, or of a program of rehabilitation of buildings conducted pursuant to a governmental program, is deemed to be a displaced person for the purposes of this Act.

SECTION 13. PAYMENTS NOT TO BE CONSIDERED AS INCOME OR RESOURCES.) No payment received by a displaced person under this Act shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law, or for the purposes of the state's personal income tax law, corporation tax law, or other tax laws. These payments shall not be considered as income or resources of any recipient of public assistance and the payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

SECTION 14. APPEAL PROCEDURE.) Any person or business concern aggrieved by a final administrative determination pursuant to chapter 28-32 concerning eligibility for relocation payments authorized by this Act may appeal that determination to the district court in the judicial district in which the land taken for public use is located or the voluntary rehabilitation program is conducted.

SECTION 15. PAYMENTS NOT ELEMENT OF CONDEMNATION DAMAGES.) Nothing in this Act shall be construed as creating, in any condemnation proceedings brought under the power of eminent domain, any element of value or damage not in existence prior to the effective date of this Act.

SECTION 16. REAL PROPERTY ACQUISITION POLICIES.) Any agency engaged in a federally assisted program or project involving the acquisition of real property shall be guided, to the greatest extent practicable under state law, by the real property acquisition policies set forth in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, 42 U.S.C.A. sections 4651 through 4654).

SECTION 17. REPEAL.) Section 32-15-22.1 of the 1971 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 28, 1973

CHAPTER 408

SENATE BILL NO. 2225
(Holand)

CONVENING DATE FOR LEGISLATURE

AN ACT to amend and reenact section 54-03-02 of the North Dakota Century Code, relating to the convening date of the legislative assembly.

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

SECTION 1. AMENDMENT.) Section 54-03-02 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-02. WHEN LEGISLATIVE ASSEMBLY MEETS.) The legislative assembly shall meet at the seat of government in the month of December following the election of the members thereof for organizational and orientation purposes and shall thereafter recess until twelve o'clock noon on the first Tuesday after the first Monday in January of the next year; provided, however, that if the first Tuesday after the first Monday falls on January second, the legislative assembly shall reconvene at twelve o'clock noon on the first Wednesday after the first Monday in January.

Approved February 6, 1973

CHAPTER 409

SENATE BILL NO. 2134
(Litten, Ringsak, Christensen)

LEGISLATORS' EXPENSE ALLOWANCES

AN ACT to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to expense allowances of members of the legislative assembly, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 54-03-20 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-20. ALLOWANCE FOR LIVING AND OTHER EXPENSES OF MEMBERS OF THE LEGISLATIVE ASSEMBLY.) Each member of the legislative assembly of the state of North Dakota shall be entitled to, and shall receive the sum of fifty dollars a day, as reimbursement for his living expenses, including meals, lodging, uncompensated travel, and other necessary expenses, for each calendar or natural day during the period of any organizational, special, or regular session. The expense allowance 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 this section.

In addition, each such member shall receive during the term for which he was elected, for uncompensated expenses incurred in the execution of his public duties during the biennium, the sum of fifty dollars a month, which sum shall be payable every six months. Provided, however, should a member die or resign 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 a conclusive presumption of the expenditure of such expense allowances for the purposes set forth in this section and shall be excluded from gross income for income tax purposes. The provisions of this section shall be retroactive to January 1, 1973.

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

Approved February 5, 1973

CHAPTER 410

HOUSE BILL NO. 1531
(Committee on Delayed Bills)
(Hilleboe)

ISSUANCE OF SUBPOENAS
BY LEGISLATIVE COMMITTEES

AN ACT to amend and reenact subsection 1 of section 54-03.2-02, and sections 54-03.2-03, 54-03.2-08, 54-03.2-09, and 54-35-02 of the North Dakota Century Code, relating to the authority of the legislative assembly and its standing, select, and interim committees to issue subpoenas, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 54-03.2-02 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Investigating committee" means any of the following:
 - a. A standing or select committee of either house of the legislature.
 - b. A joint committee of both houses.
 - c. An authorized subcommittee of a legislative committee.
 - d. The legislative council, and any interim committee of the council if specifically designated by the council as an investigating committee with subpoena powers.
 - e. Any other body created by law, the members of which may include nonlegislators.

Investigating committees shall have the power to issue subpoenas and subpoenas duces tecum in the manner provided for in section 54-03.2-08. Nothing in this chapter shall be construed as in derogation of any power to issue subpoenas which is inherent in the legislative assembly or any of its committees.

SECTION 2. AMENDMENT.) Section 54-03.2-03 of the 1971 Supplement to the North Dakota Century Code is hereby amended and

reenacted to read as follows:

54-03.2-03. ESTABLISHMENT OF INVESTIGATING COMMITTEES BY LEGISLATURE.) An investigating committee may exercise its powers during sessions of the legislature, and also in the interim between sessions when so provided by law or by the motion, resolution, or statute by which the committee was established or from which it derives its investigatory powers. The motion, resolution, or statute establishing a temporary investigating committee shall state the committee's purposes, powers, duties, and duration, the subject matter and scope of its investigatory authority, and the number of its members.

SECTION 3. AMENDMENT.) Section 54-03.2-08 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03.2-08. ISSUANCE OF SUBPOENAS.) Every investigating committee may, by majority vote of all of its members, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee. The committee may also issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him any books, papers, or other documents pertinent thereto.

A person subpoenaed to attend a hearing of an investigating committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record, which fees and allowances shall be paid from either the legislative appropriation, or from the appropriation, if any, to the investigating committee issuing the subpoena.

SECTION 4. AMENDMENT.) Section 54-03.2-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03.2-09. NOTICE TO WITNESSES.) Service of a subpoena requiring the attendance of a person at a hearing of an investigating committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

Any person who is served with a subpoena to attend a hearing of an investigating committee also shall be served with a copy of the motion, resolution, or statute establishing or authorizing creation of the committee, a general statement informing him of the subject matter of the committee's investigation or inquiry, and a notice that he may be accompanied at the hearing by counsel of his own choosing.

SECTION 5. AMENDMENT.) Section 54-35-02 of the 1971

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

54-35-02. POWER AND DUTIES.) In addition to the other applicable provisions of this chapter, the council shall have the power and right to study, consider, accumulate, compile, and assemble information on any subject upon which the legislature may legislate, and upon such subjects as the legislature may by concurrent or joint resolution authorize or direct, or any subject requested by a member of the legislature; to collect information concerning the government and general welfare of the state and of its political subdivisions; to study and consider important issues of public policy and questions of general interest; to study and promote uniformity of legislation in the United States upon subjects upon which uniformity is desirable and to confer with the commissioners or similar groups appointed for the same purpose by any other state in drafting uniform laws to be submitted for the approval and adoption by the several states and through such member or members as the council may appoint to meet annually with the conference of commissioners on uniform state laws for the promotion of uniformity of legislation in the United States and join with it in such measures as may be deemed most expedient to advance the objects of such conference. It shall prepare proposed bills and resolutions for consideration of the succeeding legislature. The council may as it deems advisable call to its assistance other members of the legislature, and it may create committees consisting of its own members, or one or more of its own members and one or more other members of the legislature and delegate by written resolution to such committees such of its powers and rights as it may deem advisable. Committees of the council may also include nonlegislator members. Any member of the legislature shall have the right to attend any meeting of the council, and may present his views on any subject which the council may at any particular time be considering. The council, and any of its committees if specifically authorized by the council, shall have the power to issue subpoenas or subpoenas duces tecum in the manner provided in sections 54-03.2-08 and 54-03.2-09. Failure to obey a subpoena issued by the council, or one of its committees, shall be a civil contempt.

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

Approved March 30, 1973

CHAPTER 411

HOUSE BILL NO. 1042
(Streibel, Backes)
(From Legislative Council Study)

LEGISLATIVE APPORTIONMENT

AN ACT to provide for state legislative apportionment, and to repeal sections 54-03-01, 54-03-01.1, 54-03-01.2, 54-03-01.3, and 54-03-01.4 of the North Dakota Century Code, and chapter 338 of the North Dakota Session Laws of 1965, relating to state legislative apportionment.

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

SECTION 1. STATE LEGISLATIVE APPORTIONMENT.) Except as otherwise provided in this section, each legislative district shall be entitled to one senator and two representatives who shall be elected at the general election in 1974. The legislative districts of the state shall be formed as follows:

1. The first district shall consist of the city of Williston, and Williston, Trenton, Hardscrabble, and Buford townships in Williams County.
2. The second district shall consist of Divide County, Forthun, Short Creek, Fay, and Keller townships in Burke County, and all of Williams County, except that portion contained in the first district.
3. The third district shall consist of Renville County, and Ward County, except those portions contained in the fifth and eighth districts.
4. The fourth district shall consist of Mountrail County, and Burke County, except that portion contained in the second district.
5. The fifth district shall consist of the city of Minot, the Minot Air Base, and Harrison, Nedrose, Surrey, Sundre, Eureka, and Waterford townships in Ward County, and shall be entitled to four senators and eight representatives.
6. The sixth district shall consist of Bottineau County, and Pratt, Deep River, Meadow, Mouse River, Willow Creek, Grilley, Little Deep, Layton, Bantry, Normal, Deering, Saline, Gilmore, Wager, Kettle Valley, Egg Creek, Riga, Denbigh, Newport, and Berwick townships, and the unorganized territory designated as townships 157-75, 157-76, and 158-76 in McHenry County.
7. The seventh district shall consist of Pierce County, and McHenry County, except that portion contained in the sixth district.

8. The eighth district shall consist of the city of Wilton, McLean County, and Hiddenwood, Ryder, Cameron, Spring Lake, Rushville, Iota Flat, and Greely townships in Ward County.
9. The ninth district shall consist of Rolette County, and Picton, Sidney, Smith, Mount View, Armoordale, Rock Lake, Monroe, and Howell townships in Towner County.
10. The tenth district shall consist of Cavalier County, Towner County, except that portion contained in the ninth district, and Northfield, Prospect, and Highland Center townships in Ramsey County.
11. The eleventh district shall consist of Pembina County, and Kinloss, Silvesta, Tiber, Lampton, Dundee, and Glenwood townships in Walsh County.
12. The twelfth district shall consist of Benson and Eddy Counties.
13. The thirteenth district shall consist of Sheridan County, Kidder County, Burleigh County, except those portions contained in the eighth and thirtieth districts, and Bull Moose, Chaseley, Lynn, and Silver Lake townships in Wells County.
14. The fourteenth district shall consist of Foster County, and Wells County, except that portion contained in the thirteenth district.
15. The fifteenth district shall consist of Ramsey County, except that portion contained in the tenth district.
16. The sixteenth district shall consist of Walsh County, except those portions contained in the eleventh and nineteenth districts.
17. The seventeenth district shall consist of McIntosh and Dickey Counties.
18. The eighteenth district shall consist of the city of Grand Forks, the Grand Forks Air Base, and Grand Forks, Rye, Blooming, and Mekinock townships in Grand Forks County, and shall be entitled to four senators and eight representatives.
19. The nineteenth district shall consist of Grand Forks County, except that portion contained in the eighteenth district, and Sauter, Perth, Cleveland, Medford, Eden, Ops, Forest River, Ardoch, and Walshville townships in Walsh County.
20. The twentieth district shall consist of Traill County, Beaver Creek, Newburgh, Golden Lake, Enger, Sherbrooke, Primrose, Hugo, Edendale, Colgate, and Broadlawn townships in Steele County, and Hunter, Bell, Kinyon, Noble, Gardner, and Wiser townships in Cass County.
21. The twenty-first district shall consist of the cities of Fargo and West Fargo, and Reed Fargo, and Barnes townships in Cass County, and shall be entitled to five senators and ten representatives.
22. The twenty-second district shall consist of Cass County, except those portions contained in the twentieth and twenty-first districts, and Nelson, Norma, Binghampton, Oakhill, Thordenskjold, and Raritan townships in Barnes County.

23. The twenty-third district shall consist of Nelson County, Griggs County, and Steele County, except that portion contained in the twentieth district.
24. The twenty-fourth district shall consist of Barnes County, except those portions contained in the twenty-second and twenty-ninth districts.
25. The twenty-fifth district shall consist of Antelope, Ibsen, Dwight, Barney, Mooreton, Center, Belford, Brandenburg, Summit, Brightwood, Waldo, Devillo, Elma, Greendale, LaMars, and Fairmount townships in Richland County.
26. The twenty-sixth district shall consist of Sargent County, Richland County, except that portion contained in the twenty-fifth district, and Coburn, Shenford, Owego, Scoville, Sandown, Sydna, and Rosemeade townships in Ransom County.
27. The twenty-seventh district shall consist of LaMoure County, except that portion contained in the twenty-eighth district, and Ransom County, except that portion contained in the twenty-sixth district.
28. The twenty-eighth district shall consist of Emmons County, Logan County, and Glen, Raney, Swede, and Norden townships in LaMoure County.
29. The twenty-ninth district shall consist of Stutsman County, and Pierce, Uxbridge, Brimer, Eckelson, Mansfield, Meadow Lake, and Greenland townships in Barnes County, and shall be entitled to two senators and four representatives.
30. The thirtieth district shall consist of the city of Bismarck, and Hay Creek, Gibbs, Apple Creek, and Missouri townships, and the unorganized territory designated as townships 137-80 and 138-80 in Burleigh County, and shall be entitled to three senators and six representatives.
31. The thirty-first district shall consist of the city of Mandan, Engelter township, and the unorganized territory designated as townships 139-81, 139-82, 139-83, and 139-84 in Morton County.
32. The thirty-second district shall consist of Grant County, Sioux County, and the unorganized territory designated as townships 133-82, 134-79, 134-80, 134-81, 134-82, 134-83, 134-84, 135-79, 135-80, 135-81, 135-82, 135-83, 135-84, 136-79, 136-80, 136-81, 136-82, 136-83, 136-84, 137-79, 137-80, 137-81, 137-82, 137-83, 137-84, 137-85, 137-86, 137-87, 138-80, 138-81, 138-82, 138-83, 138-84, 138-85, 138-86, 138-87, 138-88, 138-89, and 138-90 in Morton County.
33. The thirty-third district shall consist of Oliver County, Morton County, except those portions contained in the thirty-first and thirty-second districts, and Mercer County, except that portion contained in the thirty-fourth district.
34. The thirty-fourth district shall consist of McKenzie County, Dunn County, Billings County, except that portion contained in the thirty-seventh district, and

- the unorganized territory designated as townships 145-89, 145-90, 146-89, 146-90, 147-89, and 147-90 in Mercer County.
35. The thirty-fifth district shall consist of Hettinger County and Stark County, except that portion contained in the thirty-sixth district.
 36. The thirty-sixth district shall consist of the city of Dickinson.
 37. The thirty-seventh district shall consist of Golden Valley County, Slope County, Bowman County, Adams County, and Medora township, and the unorganized territory designated as townships 137-100, 137-101, 137-102, 138-100, 138-101, 138-102, 139-100, 139-101, 139-102, 140-100, and 140-101 in Billings County.

SECTION 2. NUMBERING LEGISLATIVE DISTRICTS - CLASSES OF SENATORS TO PROVIDE STAGGERED TERMS.) Senators shall be divided into two classes: those elected in legislative districts designated by even numbers shall constitute one class, and those elected in legislative districts designated by odd numbers shall constitute the other class. The senators of one class elected in the year 1974 shall hold their office for two years, those of the other class elected in the year 1974 shall hold their office for four years, and the determination of which class shall be elected for four years and which class shall be elected for two years shall be by lot. The president of the senate shall perform the lot in the presence of the majority and minority floor leaders of the senate and shall certify in writing the results of such lot to the secretary of state within thirty days after the effective date of this Act.

SECTION 3. LEGISLATIVE FINDING.) The legislature was cognizant of and has taken into consideration the methods and procedures employed by the census bureau in taking the census and the creation of enumeration districts, which do not necessarily coincide with the geographic boundaries of political subdivisions such as townships and smaller cities. The legislature in numerous instances was required to interpolate and calculate the population in rural areas, including townships, on information available. It is also known that many persons maintained a dual residence, one for voting purposes and one where they physically resided. It has been common practice for many persons upon reaching semiretirement age or upon retiring, to locate in a city, but retain their residence on a farm. However, for census purposes, they were listed in the city's population. Because of these items, mathematical exactness or precision in population is impossible, and because of the cost and effort to produce the necessary information to accomplish this, it is impractical.

The legislature also recognizes and has taken into consideration the following statistical information including district population, population per senator, and population variance above and below the average population per senator:

<u>Legislative District</u>	<u>Counties</u>	<u>Number of Senators</u>	<u>Total Population</u>	<u>Population Per Senator</u>	<u>Population Variance</u>
1.	Pt. Williams	1	12,436	12,436	+0.6
2.	Divide, Pt. Burke, Pt. Williams	1	12,202	12,202	-1.2
3.	Renville, Pt. Ward	1	12,325	12,325	-0.2
4.	Mountrail, Pt. Burke	1	12,403	12,403	+0.4
5.	Pt. Ward	4	49,147	12,287	-0.6
6.	Bottineau, Pt. McHenry	1	12,427	12,427	+0.6
7.	Pierce, Pt. McHenry	1	12,369	12,369	+0.1
8.	McLean, Pt. Burleigh, Pt. Ward	1	12,266	12,266	-0.7
9.	Rolette, Pt. Towner	1	12,288	12,288	-0.5
10.	Cavalier, Pt. Towner, Pt. Ramsey	1	12,505	12,505	+1.2
11.	Pembina, Pt. Walsh	1	12,588	12,588	+1.9
12.	Benson, Eddy	1	12,348	12,348	-0.1
13.	Sheridan, Kidder, Pt. Burleigh, Pt. Wells	1	12,082	12,082	-2.2
14.	Foster, Pt. Wells	1	12,183	12,183	-1.4
15.	Pt. Ramsey	1	12,529	12,529	+1.4
16.	Pt. Walsh	1	12,588	12,588	+1.9
17.	McIntosh, Dickey	1	12,521	12,521	+1.3
18.	Pt. Grand Forks	4	50,821	12,705	+2.8
19.	Pt. Grand Forks, Pt. Walsh	1	12,084	12,084	-2.2
20.	Traill, Pt. Cass	1	12,191	12,191	-1.3
21.	Pt. Cass	5	61,157	12,231	-1.0
22.	Pt. Cass, Pt. Barnes	1	12,233	12,233	-1.0
23.	Nelson, Griggs, Pt. Steele	1	12,501	12,501	+1.2
24.	Pt. Barnes	1	12,336	12,336	-0.2
25.	Pt. Richland	1	12,389	12,389	+0.3
26.	Sargent, Pt. Richland, Pt. Ransom	1	12,375	12,375	+0.2
27.	Pt. Ransom, Pt. LaMoure	1	12,379	12,379	+0.2

<u>Legislative District</u>	<u>Counties</u>	<u>Number of Senators</u>	<u>Total Population</u>	<u>Population Per Senator</u>	<u>Population Variance</u>
28.	Emmons, Logan, Pt. LaMoure	1	12,547	12,547	+1.6
29.	Stutsman, Pt. Barnes	2	24,734	12,367	+0.1
30.	Pt. Burleigh	3	36,623	12,208	-1.2
31.	Pt. Morton	1	12,763	12,763	+3.3
32.	Grant, Sioux, Pt. Morton	1	12,344	12,344	-0.1
33.	Oliver, Pt. Morton, Pt. Mercer	1	11,923	11,923	-3.5
34.	McKenzie, Dunn, Pt. Billings, Pt. Mercer	1	12,154	12,154	-1.6
35.	Hettinger, Pt. Stark	1	12,283	12,283	-0.6
36.	Pt. Stark	1	12,405	12,405	+0.4
37.	Golden Valley, Slope, Bowman, Adams, Pt. Billings	1	12,312	12,312	-0.3

Ideal population per district (617,761 divided by 50)	12,355
Largest district per senator	12,763
Smallest district per senator	11,923
Deviation in percent, largest district	+3.3
Deviation in percent, smallest district	-3.5
Number of senators (each district to be represented in the house by two members per senator)	50

SECTION 4. LEGISLATIVE COMMENDATION.) The legislature recognizes the diligent efforts of the members of the legislative council's special committee on reapportionment, and commends the bipartisan committee consisting of senators Gail Hernet, chairman, L. D. Christensen, and Francis J. Butler; representatives Richard J. Backes, Donald Giffey, and I. O. Hensrud; and citizen members, Messrs. William Greenagel, Leo Stein, Tom Roney, Ted Hardmeyer, and Ernest Johnson for formulating and selecting a reapportionment plan which met with unanimous approval of the members present at the final committee meeting.

SECTION 5. REPEAL.) Sections 54-03-01, 54-03-01.1, 54-03-01.2, 54-03-01.3, and 54-03-01.4 of the 1965 Supplement to the North Dakota Century Code, and chapter 338 of the 1965 North Dakota Session Laws are hereby repealed.

Filed February 21, 1973

NOTE: This bill was vetoed by the Governor on February 2, 1973, and subsequently approved by a two-thirds majority of the members of the House of Representatives on February 6, 1973, and the Senate on February 7, 1973.

CHAPTER 412

SENATE BILL NO. 2333
(Wenstrom, Goldberg)

REPORTS OF AGENCIES CHARGING FEES

AN ACT to amend and reenact section 54-06-04.1 of the North Dakota Century Code, relating to reports to be made by state agencies charging fees.

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

SECTION 1. AMENDMENT.) Section 54-06-04.1 of the 1971 Supplement to 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, a report for the last fiscal year 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. The report shall be filed with the committee on budget of the legislative council, in addition to other filings as required by law.

Approved March 3, 1973

CHAPTER 413

HOUSE BILL NO. 1117
(Committee on State and Federal Government)
(From Tax Department)

MILEAGE AND TRAVEL ON
LONG-TERM ASSIGNMENTS

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

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

SECTION 1. AMENDMENT.) Section 54-06-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 54-06-09. MILEAGE AND TRAVEL EXPENSE OF STATE OFFICERS AND EMPLOYEES.) State officials, whether elective or appointive, and their deputies, assistants, and clerks, or other state employees, entitled by law to be reimbursed for mileage or travel expense, shall be allowed and paid for mileage and travel expense the following amounts:

1. The sum of ten cents per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle. The sum of ten cents per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by private airplane. If only one person shall engage in such travel in a motor vehicle exceeding at any geographical point one hundred fifty miles beyond the borders of this state, reimbursement shall be limited to seven cents per mile for the out-of-state portion of the travel. When official travel is by motor vehicle or airplane owned by the state or by any department or political subdivision thereof, no allowance shall be made or paid for such mileage;
2. When travel is by rail or certificated air taxi commercial operator or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.
3. Notwithstanding the other provisions of this section, state employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding at least thirty consecutive days, shall be allowed and paid ten cents per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, and the one hundred fifty mile restriction

*NOTE: Section 54-06-09 was also amended by section 1 of House Bill No. 1339, chapter 414.

imposed by subsection 1 shall not apply. Before any allowance for any such mileage or travel expenses shall be made, the official, deputy, assistant, clerk, or other employee shall file with the director of the department of accounts and purchases an itemized statement showing the mileage traveled, the days when and how traveled, the purpose thereof and such other information and documentation as may be prescribed by rule of the state auditing board or specifically requested by such board, verified by his certification. The statement shall be submitted to the state auditing board for approval and shall be paid only when approved by the auditing board.

Approved February 1, 1973

CHAPTER 414

HOUSE BILL NO. 1339
(Wagner, A. Hausauer)

EXPENSES OF STATE EMPLOYEES

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

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

SECTION 1. AMENDMENT.) Section 54-06-09 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 54-06-09. MILEAGE AND TRAVEL EXPENSE OF STATE OFFICERS AND EMPLOYEES.) State officials, whether elective or appointive, and their deputies, assistants, and clerks, or other state employees, entitled by law to be reimbursed for mileage or travel expense, shall be allowed and paid for mileage and travel expense the following amounts:

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

*NOTE: Section 54-06-09 was also amended by section 1 of House Bill No. 1117, chapter 413.

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

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

Approved March 27, 1973

CHAPTER 415

HOUSE BILL NO. 1510
(Metzger, Watkins, Orange)

MINIMUM WAGE FOR STATE EMPLOYEES

AN ACT to amend and reenact section 54-06-16 of the North Dakota Century Code, relating to the minimum wage standards for employees of the state.

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

SECTION 1. AMENDMENT.) Section 54-06-16 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-06-16. MINIMUM WAGE STANDARDS FOR EMPLOYEES OF STATE.) To promote efficiency in government, to assure services received for money expended, to be competitive with private industry and labor, and taking into account the cost of living, the following minimum wage standards shall apply to all employees of the state of North Dakota: Employees hired on a full-time monthly basis shall receive a minimum pay of not less than three hundred fifty dollars per month after June 30, 1973; except that students, working as part-time help, shall be exempt from these provisions.

Approved March 10, 1973

CHAPTER 416

SENATE BILL NO. 2041

(Morgan)

(From Legislative Council Study)

GOVERNOR'S APPOINTMENT POWER

AN ACT to amend and reenact section 54-07-01.2 of the North Dakota Century Code, relating to the governor's power to appoint a majority of the members of certain boards and commissions upon commencing his term.

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

SECTION 1. AMENDMENT.) Section 54-07-01.2 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-07-01.2. GOVERNOR TO HAVE POWER TO APPOINT MAJORITY OF MEMBERS OF CERTAIN BOARDS AND COMMISSIONS - LIMITATIONS.)

1. Notwithstanding the provisions of sections 2-05-01, 4-18.1-04, 4-27-04, 6-01-03, 6-09.1-02, 12-55-01, 12-59-01, 15-21-17, 15-38-17, 15-39.1-05, 15-65-02, (20-02-29, 20.1-02-23), 23-01-02, 23-25-02, 36-01-01, 37-18.1-01, 50-06-02, 50-06-03.1, 50-26-01, 51-10-13, 54-03-20.2, 54-34-03, 54-42-01, 54-54-02, 55-01-01, 55-06-01, 61-02-04, 61-28-03, and 65-02-01 of the North Dakota Century Code, all members of the following boards and commissions shall, subject to the limitations of this section, be considered to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor:

- a. The aeronautics commission.
- b. The milk stabilization board.
- c. The dairy products promotion commission.
- d. The state banking board.
- e. The state credit union board.
- f. The advisory board of directors of the Bank of North Dakota.
- g. The board of pardons.
- h. The state parole board.
- i. The state board of public school education.
- j. The teachers' professional practices commission.
- k. The board of trustees for the teachers' fund for retirement.
- l. The educational broadcasting council.
- m. The state game and fish advisory board.
- n. The health council.
- o. The air pollution control advisory council.
- p. The livestock sanitary board.

- q. The administrative committee on veterans' affairs.
- r. The social service board of North Dakota.
- s. The governor's council on human resources.
- t. The North Dakota trade commission.
- u. The legislative compensation commission.
- v. The business and industrial development commission.
- w. The merit system council.
- x. The North Dakota council on the arts and humanities.
- y. The state historical board.
- z. The Yellowstone-Missouri-Fort Union commission.
- aa. The state water conservation commission.
- bb. The state water pollution control board.
- cc. The workmen's compensation bureau.

2. The governor shall have the option of reappointing any member to any board or commission to complete the term to which he was appointed, or the governor may appoint a simple majority of any board or commission to complete the terms of those resigned members who do not receive reappointments. In order to assure continuity, the governor shall reappoint for the completion of their original terms no fewer than one less than a simple majority of the former members of each board or commission.

3. If the governor has not acknowledged in writing the resignation of any members of any board or commission prior to July first of the first year of the governor's term, such board or commission member shall be considered to have been reappointed to complete the term to which he was originally appointed. All members of boards and commissions shall continue to serve until such time as they are notified of the acceptance of their resignation by the governor, and in all cases the members of boards and commissions shall continue to serve until their successors have been named and qualified.

4. In those instances where nominations for the filling of vacancies on boards and commissions are submitted to the governor pursuant to state law, the governor shall notify such persons and organizations of his acceptance of the resignation of any board or commission member. Such persons and organizations shall furnish the governor with the number of required nominations to fill such vacancies within sixty days after such notice or the governor may, in his discretion, nominate and appoint such members as are otherwise qualified.

5. The provisions of this section shall not apply to those constitutional officers who serve on boards and commissions, except insofar as a governor may count such constitutional officers among those he reappoints in order to conform to the continuity requirements of this section.

6. All vacancies created by resignation after July first of the first year of each term of a governor shall be filled as provided by law. If any person refuses an appointment, the governor shall fill such position as otherwise provided by law.

Approved January 22, 1973

CHAPTER 417

HOUSE BILL NO. 1210
(Atkinson, A. Hausauer, Martinson)

SALARIES OF STATE OFFICIALS

AN ACT to amend and reenact sections 4-01-21, 15-21-02, 26-01-03, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to salaries of elected state officials and providing an effective date.

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

SECTION 1. AMENDMENT.) Section 4-01-21 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-01-21. SALARY OF COMMISSIONER OF AGRICULTURE.) The commissioner of agriculture shall receive an annual salary of twenty-two thousand five hundred dollars.

SECTION 2. AMENDMENT.) Section 15-21-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-02. SALARY AND TRAVELING EXPENSES.) The superintendent of public instruction shall receive an annual salary of twenty-two thousand five hundred dollars. He shall be allowed in addition thereto his expenses incurred in the discharge of his official duties, such expenses to be paid monthly on a warrant prepared by the department of accounts and purchases and signed by the state auditor, upon the filing of an itemized and verified statement of expenses.

SECTION 3. AMENDMENT.) Section 26-01-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-01-03. SALARY OF COMMISSIONER OF INSURANCE.) The annual salary of the commissioner of insurance shall be twenty-two thousand five hundred dollars.

SECTION 4. AMENDMENT.) Section 49-01-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-01-05. SALARY OF COMMISSIONERS.) The salary of each

commissioner shall be twenty-two thousand five hundred dollars per annum which shall be full compensation for all official services. All fees received or charged by any such commissioner for any act or service rendered in any official capacity, shall be accounted for and paid over by him monthly to the state treasurer and shall be credited to the general fund of the state.

SECTION 5. AMENDMENT.) Section 54-07-04 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-07-04. SALARY OF GOVERNOR.) The governor shall receive an annual salary of twenty-seven thousand five hundred dollars for all services performed by him.

SECTION 6. AMENDMENT.) Section 54-08-03 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-08-03. SALARY OF LIEUTENANT GOVERNOR.) The lieutenant governor shall receive an annual salary of five thousand dollars for all services performed by him.

SECTION 7. AMENDMENT.) Section 54-09-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-09-05. SALARY OF SECRETARY OF STATE.) The secretary of state shall receive an annual salary of twenty-two thousand five hundred dollars.

SECTION 8. AMENDMENT.) Section 54-10-10 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-10. SALARY OF STATE AUDITOR.) The state auditor shall receive an annual salary of twenty-two thousand five hundred dollars.

SECTION 9. AMENDMENT.) Section 54-11-13 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-11-13. SALARY OF STATE TREASURER.) The state treasurer shall receive an annual salary of twenty-two thousand five hundred dollars.

SECTION 10. AMENDMENT.) Section 54-12-11 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-12-11. SALARY OF ATTORNEY GENERAL.) The attorney general shall receive an annual salary of twenty-five thousand dollars.

SECTION 11. AMENDMENT.) Section 57-01-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-01-04. SALARY.) The annual salary of the state tax commissioner shall be twenty-two thousand five hundred dollars.

SECTION 12. EFFECTIVE DATE.) Consistent with the provisions of section 84 of the Constitution, the provisions of this Act shall not become effective until January 1, 1977, and shall thereafter apply to salaries of officials whose terms of office commence on or after such date.

Approved March 14, 1973

CHAPTER 418

HOUSE BILL NO. 1055

(Hilleboe, Peterson, Wilkie)

(From Legislative Audit and Fiscal Review Committee Study)

AUDITS OF OCCUPATIONAL AND
PROFESSIONAL BOARDS

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

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

SECTION 1. AMENDMENT.) Subsection 2 of section 54-10-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

Approved March 12, 1973

CHAPTER 419

SENATE BILL NO. 2242
(Nething, Pyle)

AUDITING OF POLITICAL SUBDIVISIONS

AN ACT to amend and reenact section 54-10-14 of the North Dakota Century Code as amended by section 3 of chapter 493 of the 1971 Session Laws of North Dakota, relating to auditing 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 as amended by section 3 of chapter 493 of the 1971 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

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

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

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

The governing board of any political subdivision may provide for an audit annually by a certified public accountant, and such report shall be in such form and contain such information as the state auditor may require in addition to other information, and in such case the state auditor shall not be required to make the examination heretofore provided for in this section. Two copies of such audit reports shall be filed with the state auditor and one copy with the state bonding fund by the certified public

accountant 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 10, 1973

CHAPTER 420

SENATE BILL NO. 2040

(Morgan)

(From Legislative Council Study)

MEMBERSHIP OF EMERGENCY COMMISSION

AN ACT to amend and reenact section 54-16-01 of the North Dakota Century Code, relating to the membership of the emergency commission.

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

SECTION 1. AMENDMENT.) Section 54-16-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 54-16-01. EMERGENCY COMMISSION - MEMBERS - ORGANIZATION - QUORUM - MEETINGS - DUTIES.) The emergency commission shall consist of the governor, the commissioner of agriculture, and the secretary of state, except when the membership is expanded as herein provided. Whenever, during the biennium, an allocation or allocations in excess of ten thousand dollars is to be made from the state contingency fund to any institution or department of government, the chairman of the senate appropriations committee and the chairman of the house of representatives appropriations committee shall be members of the commission. If the chairman of either appropriations committee should die or resign, the vice chairman of that committee shall become a member of the commission. A vice chairman may also serve at the request of the committee chairman, if the committee chairman is unable to attend a particular meeting. Two members of the commission shall constitute a quorum, except when the membership is expanded, in which case four members shall constitute a quorum. The governor shall be chairman of the commission, and the secretary of state shall be the secretary. The commission shall meet upon the call of the chairman. The commission shall exercise the powers and perform the duties imposed upon it by law.

Approved February 6, 1973

*NOTE: Section 54-16-01 was also amended by section 1 of House Bill No. 1441, chapter 421.

CHAPTER 421

HOUSE BILL NO. 1441
(Kingsbury, Jenkins, Reimers)

EMERGENCY COMMISSION

AN ACT to amend and reenact sections 54-16-01 and 54-16-03 of the North Dakota Century Code, relating to the powers and duties of the emergency commission.

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

SECTION 1. AMENDMENT.) Section 54-16-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 2. AMENDMENT.) Section 54-16-03 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-16-03. UNLAWFUL TO EXPEND MORE THAN APPROPRIATED - MAY SECURE ORDER FROM COMMISSION FOR USE OF OTHER FUNDS - DEFICIT VOID.) No state officer, or board, commissioners,

*NOTE: Section 54-16-01 was also amended by section 1 of Senate Bill No. 2040, chapter 420.

directors, or other officers having the control or management of any public institution of the state, or any state activity or enterprise, or having the responsibility of disbursing or expending any money appropriated by the state, shall expend, or agree or contract to expend in connection therewith, any amount in excess of the sum appropriated therefor, or use an amount appropriated for any specific purpose or fund or for any other purpose without first having secured from the emergency commission an order duly made and entered authorizing such use of the fund. The emergency commission shall receive information from the department of accounts and purchases with respect to all emergency requests. Any debt or deficit created shall be absolutely void. The emergency commission shall not approve an expenditure of institutional income, other than gifts or grants, in excess of the institutional income appropriated to the institution by the legislative assembly.

Approved March 15, 1973

CHAPTER 422

HOUSE BILL NO. 1206
(Atkinson, Backlin, Hilleboe)

INDUSTRIAL COMMISSION VETO

AN ACT to amend and reenact section 54-17-05 of the North Dakota Century Code, relating to majority approval of acts approved or authorized by members of the industrial commission.

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

SECTION 1. AMENDMENT.) Section 54-17-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-17-05. ORDERS OF COMMISSION - APPROVAL BY MAJORITY.) All orders, rules, regulations, bylaws, and written contracts, adopted or authorized by the industrial commission, before becoming effective, shall be approved by a majority of the commission.

Filed March 8, 1973

NOTE: This bill was vetoed by the Governor and subsequently approved by a two-thirds majority of the members of the House of Representatives and the Senate.

CHAPTER 423

SENATE BILL NO. 2415
(Lips)

ADDITIONAL VIETNAM BONUS BONDS

AN ACT authorizing the issuance of additional general obligation bonds in an amount not exceeding four million dollars for the purpose of the payment of adjusted compensation to North Dakota veterans of the Vietnam conflict; to amend and reenact section 54-17.1-02 of the North Dakota Century Code, relating to the authority for issuing the Vietnam bonus bonds; providing for an appropriation for the expense of issuance of such bonds and the administration of the payment of Vietnam adjusted compensation claims; and declaring an emergency.

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

SECTION 1. LEGISLATIVE FINDING AND PURPOSE.)

WHEREAS, upon approval of the provisions of article 87 of the amendments to the Constitution of the state of North Dakota, a mandate was given to the legislative assembly to provide by legislation for the issuance, sale, and delivery of bonds of the state of North Dakota in such principal amounts as determined by the legislative assembly to be necessary for the payment of adjusted compensation to North Dakota veterans of the Vietnam conflict; and

WHEREAS, article 87 provided that: "Such adjusted compensation shall be paid from the proceeds of the bonds at rates equal to the rates provided by law for adjusted compensation paid by the state of North Dakota to veterans of World War II and the Korean conflict on the basis of terms of service and such other terms and conditions as the legislative assembly may provide."; and

WHEREAS, pursuant to the mandate and directive of article 87, the legislative assembly did enact chapter 37-25, providing for the payment of adjusted compensation to veterans of the Vietnam conflict, and did enact chapter 54-17.1, providing for the sale, issuance, and delivery of general obligation bonds of the state of North Dakota in the amount of fifteen million dollars for the purpose of paying the adjusted compensation to Vietnam veterans and expenses related thereto, and did enact section 57-38-30.2 directing payment of an annual surtax into a sinking fund to pay for the bonds issued under chapter 54-17.1; and

WHEREAS, at the time of the enactment of chapter 54-17.1, the Vietnam conflict was still in progress and its termination unknown, thereby making it impossible for the legislative assembly to determine the number of North Dakota veterans entitled to adjusted compensation or the amount of such compensation required to be paid under the provisions of article 87; and

WHEREAS, the President of the United States did on January 28, 1973, declare the cessation of hostilities in Vietnam, and it is now possible to determine the number of veterans entitled to adjusted compensation and the amounts thereof; and

WHEREAS, because of the continuance of the Vietnam conflict after the enactment of chapters 37-25 and 54-17.1 and section 57-38-30.2 of the North Dakota Century Code, the funds available from the authorized Vietnam veterans' bonus bond issue in the amount of fifteen million dollars are insufficient to pay the adjusted compensation as required under the provisions of article 87 of the amendments to the North Dakota Constitution, and chapter 37-25 of the North Dakota Century Code;

NOW, THEREFORE, the North Dakota legislative assembly does hereby find, determine, and declare that the fifteen million dollars of general obligation bonds authorized and issued pursuant to chapter 54-17.1 does not provide sufficient funds to carry out the mandate and directives of article 87 of the amendments to the Constitution of North Dakota and chapter 37-25 of the North Dakota Century Code, and that it is necessary to authorize and issue additional general obligation bonds of the state of North Dakota in an amount not exceeding four million dollars to carry out the provisions of article 87 and chapter 37-25.

SECTION 2. AMENDMENT.) Section 54-17.1-02 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-17.1-02. AUTHORITY FOR ISSUING BONDS OF NORTH DAKOTA VIETNAM CONFLICT ADJUSTED COMPENSATION SERIES - PURPOSE OF ISSUE.) An issue of not to exceed nineteen million dollars general obligation bonds of the state of North Dakota is hereby authorized and directed under the conditions, in the manner, and for the purpose stated in the amendment to the Constitution of North Dakota, adopted by the forty-first legislative assembly of the state of North Dakota as Senate Concurrent Resolution No. 17 and approved by the people at the primary election held in September 1970, and the generally applicable provisions of the Constitution and statutes of the state of North Dakota. The preparation, handling, issuance, sale, and delivery of such issue of bonds shall be under the supervision and control of the industrial commission of North Dakota, which commission is hereby authorized and directed to negotiate a satisfactory sale of such issue of bonds as soon after the effective date of this chapter as may be necessary to provide funds for the payment of adjusted compensation to veterans of the Vietnam conflict. Such issue of bonds is authorized for the purpose of providing funds to be used in payment of adjusted compensation to North Dakota veterans of the Vietnam conflict and the administrative expenses resulting

therefrom and such funds are hereby appropriated for such purpose.

SECTION 3. APPROPRIATION.) There is hereby appropriated out of any moneys in the Vietnam veterans' bonus adjusted compensation fund, not otherwise appropriated, the sum of \$15,000.00, or so much thereof as may be necessary, to the industrial commission of North Dakota, for administrative and legal expenses for the second issuance of bonds authorized by this Act during the biennium beginning July 1, 1973, and ending June 30, 1975.

SECTION 4. APPROPRIATION.) There is hereby appropriated out of any moneys in the Vietnam veterans' bonus adjusted compensation fund, not otherwise appropriated, the sum of \$130,948.00, or so much thereof as may be necessary, to the office of the adjutant general, for the purpose of administering the provisions of the Vietnam Conflict Veterans' Adjusted Compensation Act, for the biennium beginning July 1, 1973, and ending June 30, 1975.

SECTION 5. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after the date of its passage and approval.

Approved March 28, 1973

CHAPTER 424

HOUSE BILL NO. 1057

(Hilleboe, Peterson, Wilkie)

(From Legislative Audit and Fiscal Review Committee Study)

LEASING OF SPACE BY STATE

AN ACT relating to the leasing of buildings or building space by state agencies, departments, offices, officers, boards, and institutions.

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

SECTION 1. LEASE OF ADDITIONAL SPACE BY STATE AGENCIES, DEPARTMENTS, OFFICES, OFFICERS, BOARDS, AND INSTITUTIONS.) No lease or rental agreement or renewal of such lease or rental agreement for the lease or rental of buildings or portions of buildings for use by the state shall be entered into by state agencies, departments, offices, officers, boards, and institutions, other than institutions under the board of higher education, the adjutant general and state highway department office and storage space for field engineering and maintenance crews, unless approved by the director of institutions and unless the attorney general has determined the legal sufficiency of such lease or rental agreement. To assure economy, efficiency, and cooperation between the state and its political subdivisions, and to limit the number of locations of state offices for the convenience of persons traveling to such offices, the director of institutions shall promulgate rules and regulations governing the lease or rental of additional buildings or portions thereof by such state agencies, departments, offices, officers, boards, and institutions other than those under the board of higher education, the adjutant general and state highway department office and storage space for field engineering and maintenance crews.

Approved March 26, 1973

CHAPTER 425

HOUSE BILL NO. 1050
(Hensrud, Herman)
(From Legislative Council Study)

HIGHWAY TAX DISTRIBUTION

AN ACT to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to the highway tax distribution fund and to the apportionment and distribution of such fund to the state highway department, counties and cities.

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

SECTION 1. AMENDMENT.) Section 54-27-19 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-19. HIGHWAY TAX DISTRIBUTION FUND - STATE TREASURER TO MAKE ALLOCATION TO STATE, COUNTIES, AND CITIES.) A highway tax distribution fund is hereby created as a special fund in the state treasury into which shall be deposited the moneys available by law from collections of motor vehicle registration and related fees, fuels taxes, special fuels taxes, use taxes, and special fuels excise taxes. Any moneys in the highway tax distribution fund shall be allocated and transferred monthly by the state treasurer, as follows:

1. Sixty-three percent of such moneys shall be transferred monthly to the state highway department and placed in a state highway department fund.
2. Thirty-seven percent of such moneys shall be allocated to the counties of this state in proportion to the number of motor vehicle registrations credited to each county. Each county shall be credited with the certificates of title of all motor vehicles registered by residents of such county. The state treasurer shall compute and distribute the counties' share monthly after deducting the incorporated cities' share. All the moneys received by the counties from the highway tax distribution fund shall be set aside in a separate fund called the "highway tax distribution fund" and shall be appropriated and applied solely for highway purposes in accordance with article 56 of the North Dakota Constitution. The state treasurer shall compute and distribute monthly twenty-seven percent of the sums allocated to each county to the

incorporated cities within such county on the basis of the per capita population of all of the incorporated cities situated within such county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 of the North Dakota Century Code in case of a city incorporated subsequent to such census. Provided, however, that in each county having a city with a population of ten thousand or more, the amount transferred each month into the county highway tax distribution fund shall be the difference between the amount allocated to that county pursuant to this subsection and the total amount allocated and distributed to the incorporated cities in that county as computed according to the following formula:

- a. Twenty-seven percent of the amount allocated to all of the counties under this subsection shall be the incorporated cities' share and shall be divided by the total population of all of the incorporated cities in the state to determine the statewide per capita average.
- b. The share to each city in the county having a population of less than one thousand shall be determined by multiplying the population of that city by the product of 1.50 times the statewide per capita average computed under subdivision a.
- c. The share to each city in the county having a population of one thousand to four thousand nine hundred ninety-nine, inclusive, shall be determined by multiplying the population of that city by the product of 1.25 times the statewide per capita average computed under subdivision a.
- d. The share to each city in the county having a population of five thousand or more shall be determined by multiplying the population of that city by the statewide per capita average for all such cities, which per capita average shall be computed as follows: the total of the shares computed under subdivisions b and c for all cities in the state having a population of less than five thousand shall be subtracted from the total incorporated cities' share in the state as computed under subdivision a and the balance remaining shall then be divided by the total population of all cities of five thousand or more in the state.

The moneys allocated to the incorporated cities shall be distributed to them monthly by the state treasurer and shall be deposited by the cities in a separate fund and shall only be used in accordance with article 56 of the North Dakota Constitution, provided that any incorporated city may use such fund for the construction, reconstruction, repair and maintenance of public highways within or outside such city pursuant to an agreement entered into between the city and any other political subdivision as authorized by section 54-40-08.

Approved March 29, 1973

CHAPTER 426

SENATE BILL NO. 2039
(Lips, Hoffner, Christensen)
(From Legislative Council Study)

REVENUE SHARING TRUST FUND

AN ACT to establish a revenue sharing trust fund for deposit of revenue sharing payments received by the state, and declaring an emergency.

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

SECTION 1. REVENUE SHARING TRUST FUND.) A revenue sharing trust fund is hereby created in the state treasury for deposit of all payments received by the state under the Fiscal Assistance to State and Local Governments Act (federal-state revenue sharing), Public Law 92-512, 92nd Congress, H. R. 14370 and acts amendatory thereto. Interest earned on these deposits shall be deposited in the trust fund and disbursed in accordance with federal and state law. Moneys in the trust fund shall be disbursed as authorized by legislative appropriations and federal and state law upon vouchers prepared by the director of the department of accounts and purchases.

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

Approved February 6, 1973

CHAPTER 427

HOUSE BILL NO. 1519
(Streibel)

LEGISLATIVE AUDIT AND FISCAL
REVIEW COMMITTEE

AN ACT to create and enact sections 54-35-02.1 and 54-35-02.2 of the North Dakota Century Code, establishing the legislative audit and fiscal review committee as a division of the committee on budget of the legislative council; and to repeal chapter 54-35.1 of the North Dakota Century Code, relating to the legislative audit and fiscal review committee.

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

SECTION 1.) Section 54-35-02.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-35-02.1. LEGISLATIVE AUDIT AND FISCAL REVIEW COMMITTEE.) For the purposes of studying and reviewing the financial transactions of this state; to assure the collection and expenditure of its revenues and moneys in compliance with law and legislative intent and sound financial practices; and to provide the legislative assembly with formal, objective information on revenue collections and expenditures for a basis of legislative action to improve the fiscal structure and transactions of this state, the legislative council shall create a division of the committee on budget of the legislative council entitled the legislative audit and fiscal review committee. The lieutenant governor shall serve as a member of the committee on budget and as chairman of the legislative audit and fiscal review committee. Other members of the committee shall be appointed in the same manner as other members of legislative council committees. The lieutenant governor shall be compensated for the time spent and for expenses incurred in attendance at sessions of the committee and other official duties of such committee in the same amounts as other committee chairmen of the council.

SECTION 2.) Section 54-35-02.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-35-02.2. POWERS AND DUTIES OF THE LEGISLATIVE AUDIT AND FISCAL REVIEW COMMITTEE.) It shall be the duty of the legislative audit and fiscal review committee to study and review audit reports as selected by the committee from those submitted by the state auditor, confer with the auditor and deputy auditors in regard to such reports, and when necessary, to confer with representatives of the department, agency, or institution audited in order to obtain

full and complete information in regard to any and all fiscal transactions and governmental operations of any department, agency, or institution of the state. Each department, agency, or institution shall furnish to the committee such aid, information, and assistance in regard to fiscal transactions and governmental operations as it may from time to time request. Whenever the committee may determine or have reason to believe that there may have been a violation of law relating to the receipt, custody, or expenditure of public funds by any state officer or employee, the committee shall present such evidence or information as may be in its possession to the attorney general. The attorney general shall receive and accept such evidence or information, and shall immediately commence such additional investigation as he shall deem necessary. Upon completion of the investigation, if the evidence supplied by the committee and through the investigation shall indicate the probability of a violation of law by any state official or employee, the attorney general shall immediately prosecute such official or employee as provided by law. The legislative council, through its committee on legislative audit and fiscal review, or such persons as may be directed or employed by it, shall be authorized, within the limits of legislative appropriations, to make such audits, examinations, or studies of the fiscal transactions or governmental operations of departments, agencies, or institutions of the state as it may deem necessary.

SECTION 3. REPEAL.) Chapter 54-35.1 of the North Dakota Century Code is hereby repealed.

Approved March 12, 1973

CHAPTER 428

HOUSE BILL NO. 1031

(Strinden, Eagles, Hickie, Laughlin, Wagner)
(From Legislative Council Study)

HUMAN SERVICE CENTERS

AN ACT relating to the establishment of human service centers to provide human services from a single unit in accordance with the joint exercise of governmental powers.

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

SECTION 1. HUMAN SERVICE CENTERS - POWERS - DUTIES.)

Human service centers organized under chapter 54-40 of the North Dakota Century Code are those centers established to provide human services otherwise authorized by law by the state or any of its political subdivisions. The term "human service" means service provided to individuals or their families in need thereof to help them achieve, maintain, or support the highest level of personal independence and economic self-sufficiency, including health, mental health, education, manpower, social, vocational rehabilitation, aging, food and nutrition, and housing service. A human service center shall be established by the appointment of a board of directors of not less than eleven members by the authorized representatives of the agencies and political subdivisions for whom the services will be rendered by such center and by the passage of a motion by the governing bodies of such units setting forth its purposes and programs, and the approval of rules or bylaws under which operations shall be conducted, and the approval of the agreement stating the relationships between the center and parent agencies. Human service centers and their parent boards or agencies shall have such powers and duties as authorized in chapter 54-40 of the North Dakota Century Code for political subdivisions of the state, unless otherwise provided in this section. Human service centers shall expend funds in accordance with law and legislative appropriations, and shall have access to the services of the state's combined automatic telecommunications system, and the department of accounts and purchases computer, duplicating, accounting, purchasing, and other services rendered by such department to state agencies and institutions. The state social service board, the state health department, and such other agencies of the state as may have responsibilities in the field of service as provided by human service centers shall provide such centers assistance to the extent that the requests for such services are reasonable and related to the programs of such departments.

Approved March 26, 1973

CHAPTER 429

SENATE BILL NO. 2030
(Wenstrom, Strinden)
(From Legislative Council Study)

MERIT SYSTEM COVERAGE FOR
HUMAN SERVICE CENTERS

AN ACT to amend and reenact section 54-42-06 of the North Dakota Century Code to authorize the providing of merit system coverage to human service centers and other units providing social and mental health services.

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

SECTION 1. AMENDMENT.) Section 54-42-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-42-06. AGENCIES SUBJECT TO MERIT SYSTEM.) All personnel employed by the social service board of North Dakota, the area and county offices of such board, the North Dakota employment security bureau, the North Dakota merit system council and the North Dakota state department of health, and other agencies or political subdivisions as may by federal laws or regulations be required to be subject to the merit system in order to obtain federal grants-in-aid, shall be covered by the complete merit system provided in this chapter. The merit system council shall provide merit system coverage to mental health and retardation service units, human service centers, and other units resulting from combinations of mental health and retardation service units, area social service centers, and other functions or services of state agencies or political subdivisions upon the request of such centers or units. Such other agencies, departments or divisions, or positions, shall be placed under the complete or limited merit system in the manner and to the extent the legislative assembly shall by law direct.

Approved March 19, 1973

CHAPTER 430

SENATE BILL NO. 2021
(Melland, Larson)
(From Legislative Council Study)

BUDGET REPORT

AN ACT to amend and reenact section 54-44.1-08 of the North Dakota Century Code, relating to the reproduction of the budget report.

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

SECTION 1. AMENDMENT.) Section 54-44.1-08 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-44.1-08. BUDGET REPORT - CONTENTS - WHEN SUBMITTED TO LEGISLATURE.) The official budget report shall be transmitted by the governor to all holdover legislators and legislators-elect not later than three days after the commencement of the session of the legislative assembly. Such report is not a third class item under section 46-02-05. The budget director shall provide for the duplication or other satisfactory reproduction or printing of the official budget report, so as to ensure delivery of same as provided in this section. Such reports shall contain the budget and revenue proposals recommended by the governor and the information required in subsections 1, 2, 3, 5, and 6 of section 54-44.1-06 and all other data and information as the governor shall decide. The budget director shall make available any and all information regarding budget data to the governor, the legislature and its designees, legislators, and to the governor-elect as may be requested. The governor may present any additional budget information in any manner to the legislative assembly as he may desire.

Approved February 14, 1973

CHAPTER 431

SENATE BILL NO. 2079
(Lips)

TRANSFER OF RECORDS TO
STATE HISTORICAL SOCIETY

AN ACT to create and enact section 54-46-08.1 of the North Dakota Century Code, relating to the transfer of records to the state historical society.

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

SECTION 1.) Section 54-46-08.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-46-08.1. PRESERVATION OF RECORDS.) The administrator shall transfer any records subject to disposal pursuant to the provisions of this chapter to the state historical society. Should any college or university library within this state request such records, duplicate copies of specified records will be made available under such terms mutually agreed upon.

Filed February 26, 1973
Not approved or disapproved by the Governor

CHAPTER 432

HOUSE BILL NO. 1085
(Committee on State and Federal Government)
(At the request of the Secretary of State)

MICROFILM SERVICES

AN ACT to amend and reenact sections 54-46.1-01 and 54-46.1-05 of the North Dakota Century Code, relating to central microfilming of records of county and state institutions.

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

SECTION 1. AMENDMENT.) Section 54-46.1-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-46.1-01. CENTRAL MICROFILM UNIT.) The secretary of state, in his capacity as state records administrator, shall establish and maintain a central microfilm unit and microfilm any record of any state office, agency, or department in either the executive, legislative, or judicial branch of state government, if he shall determine the cost of such microfilming is reasonable in relation to such record's historical significance or the frequency and type of use of such record. Each office, agency, and department shall reimburse the central microfilm unit for the actual costs incurred in microfilming its records, which collections shall be deposited in a special fund in the state treasury. Expenditures required for the operation of the central microfilm unit shall be made from such fund and limited to such amounts as appropriated by the legislative assembly. The secretary of state shall employ such other professional, technical, and clerical personnel as he may deem necessary to carry out the duties prescribed in this chapter and shall, within the limits of the legislative appropriation, fix the salaries of all employees within the central microfilm unit. All personnel within the central microfilm unit shall be allowed their actual and necessary travel expenses at the same rate as for other employees of the state. The central microfilm unit shall be located in the state capitol building. The secretary of state is further authorized to perform microfilm services for the state institutions and for any county, when they request such services, and the secretary of state agrees that the request is consistent with good records management practices.

SECTION 2. AMENDMENT.) Section 54-46.1-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-46.1-05. RESTRICTION ON PURCHASES AND CONTRACTS FOR MICROFILM EQUIPMENT AND SERVICES.) No state office, agency, or department located in the city of Bismarck shall enter into any contract or agreement for the purchase or lease of any microfilm equipment or services without the express approval of the secretary of state.

Approved March 27, 1973

CHAPTER 433

HOUSE BILL NO. 1045

(Jenkins, Rivinius, Berg, Ganser, Gronneberg, Lee, Meyer, Rundle)
(From Legislative Council Study)

NATURAL RESOURCES AND
ENVIRONMENTAL MANAGEMENT COUNCIL

AN ACT to repeal chapter 54-49 of the North Dakota Century Code,
relating to the membership, powers, and duties of the
natural resources and environmental management council.

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

* SECTION 1. REPEAL.) Chapter 54-49 of the 1971 Supplement
to the North Dakota Century Code is hereby repealed.

Filed March 6, 1973

NOTE: This bill was vetoed by the Governor and
subsequently approved by a two-thirds majority
of the members of the House of Representatives
and the Senate.

*NOTE: Section 54-49-08 was amended by section 53
of House Bill No. 1019, chapter 403.

CHAPTER 434

SENATE BILL NO. 2087

(Committee on State and Federal Government)

(At the request of the Public Employees Retirement System)

REFUNDS AND DIVIDENDS UNDER
UNIFORM GROUP INSURANCE PROGRAM

AN ACT to amend and reenact section 54-52.1-06 of the North Dakota Century Code relating to the uniform group insurance program and disposition of refunds, rebates and dividends.

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

SECTION 1. AMENDMENT.) Section 54-52.1-06 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 54-52.1-06. STATE CONTRIBUTION - SALARY DEDUCTION FROM EMPLOYEE.) 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 sum of seven and one-half dollars for each of its eligible employees enrolled in the uniform group insurance program, such amount to be applied towards payment of the uniform group insurance cost for each such employee. In addition, the department, board, or agency shall cause to be withheld from each such employee's salary, wages, or other compensation, such amount as will equal the remainder of the uniform group insurance cost for that individual employee, and shall forward such amount to the board. 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 state 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.

Approved February 6, 1973

*NOTE: Section 54-52.1-06 was also amended by section 1 of Senate Bill No. 2312, chapter 435.

CHAPTER 435

SENATE BILL NO. 2312
(Barth, Hoffner)

STATE CONTRIBUTION TO
UNIFORM GROUP INSURANCE

AN ACT to amend and reenact section 54-52.1-06 of the North Dakota Century Code, relating to salary deductions from employee.

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

SECTION 1. AMENDMENT.) Section 54-52.1-06 of the 1971 Supplement to 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 the full single rate monthly premium for each of its eligible employees enrolled in the uniform group insurance program. The board shall 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 the uniform group insurance program to reduce the amount of premium amounts paid monthly by enrolled eligible employees. 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.

Approved March 29, 1973

*NOTE: Section 54-52.1-06 was also amended by section 1 of Senate Bill No. 2087, chapter 434.

CHAPTER 436

HOUSE BILL NO. 1473
(Herman)

DEFERRED COMPENSATION PLAN
FOR PUBLIC EMPLOYEES

AN ACT to permit public employees to enter into a deferred compensation plan and to permit the purchase of insurance and annuity contracts.

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

SECTION 1. 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 a deferred compensation program for the employee, from any life underwriter duly licensed by this state who represents an insurance company licensed to contract business in this state.

SECTION 2. DEFER EMPLOYEE'S COMPENSATION - AGREEMENTS.) The director or the principal officer of each state agency, department, board, commission or institution is hereby authorized to enter into such contractual agreements with employees of that particular state agency, department, board, commission or institution on behalf of the state to defer any portion of that employee's compensation.

SECTION 3. DEFERRED COMPENSATION PROGRAM - ADMINISTRATION - CONTRACT FOR SERVICES.) The administration of the deferred compensation program within 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. Each county, city, town or other political subdivision shall designate an officer to administer the deferred compensation program. Payroll reductions shall be made, in each instance, by the appropriate payroll officer. The administrator of the deferred compensation program may contract with a private corporation or institution for providing consolidated billing and other administrative services.

SECTION 4. DEFINITION - EMPLOYEE.) For the purpose of this Act, "employee" means any person whether appointed, elected

or under contract, providing services for the state, county, city, town or other political subdivision, for which compensation is paid.

SECTION 5. ADMINISTRATORS AUTHORIZED TO MAKE PAYMENTS.) 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 under the deferred compensation program. Such payments shall not be construed to be a prohibited use of the general assets of the state, county, city or other political subdivision.

SECTION 6. DEFERRED COMPENSATION PROGRAM - BENEFITS - TAXATION.) The deferred compensation program established by this Act 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 affect 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.

SECTION 7. 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 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.

Approved March 26, 1973

CHAPTER 437

HOUSE BILL NO. 1216
(Hickle, Jaeger)

SALE OF MISSOURI RIVER BANK LAND

AN ACT to permit the state of North Dakota to transfer by deed and title, tract 01-119, river bed and accretion land along the west bank of the Missouri River.

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

SECTION 1.) Authorization for the transfer by deed and title, forty-one acres, more or less, of land of the southwest quarter of section thirty-four, township one hundred forty-five, north, range eighty-four, west of the fifth principal meridian and the north half of section six, township one hundred forty-four, north, range eighty-four, west of the fifth principal meridian, Mercer County to that division of federal government normally the National Park Service, Department of Interior with the understanding that they shall further develop the area as a national historic site.

SECTION 2.) The parcel of land is further identified as follows: All that portion of the southwest quarter of section thirty-four, township one hundred forty-five, north, range eighty-four, west of the fifth principal meridian and the north half of section six, township one hundred forty-four, north, range eighty-four, west of the fifth principal meridian lying within a tract of land bounded and described as follows:

Beginning at a point on the west bank of the Missouri River, said point being located one thousand six hundred seventy feet east of the northwest corner of the southwest quarter of said section thirty-four, thence running south sixteen degrees thirty minutes west, along the west bank of the Missouri River a distance of one thousand eighty feet, thence south two degrees zero minutes west, along the west bank of the Missouri River a distance of one thousand one hundred ten feet, thence south seven degrees thirty minutes west, along the west bank of the Missouri River a distance of six hundred five feet, thence south four degrees thirty minutes east, along the west bank of the Missouri River a distance of four hundred twenty feet, thence south five degrees thirty minutes west, along the west bank of the Missouri River a distance of seven hundred fifteen feet, thence south nineteen degrees thirty minutes east, along the west bank of the Missouri River a distance of three hundred twenty feet, thence

south one degree thirty minutes west, along the west bank of the Missouri River a distance of six hundred ninety-five feet, more or less, to a point where the centerline of the Knife River intersects the Missouri River, thence south eighty-eight degrees thirty minutes east, a distance of four hundred feet, thence north one degree thirty minutes east, a distance of seven hundred sixty feet, thence north nineteen degrees thirty minutes west, a distance of three hundred ten feet, thence north five degrees thirty minutes east, a distance of six hundred eighty-five feet, thence north four degrees thirty minutes west, a distance of three hundred ninety-five feet, thence north seven degrees thirty minutes east, a distance of five hundred ninety-five feet, thence north two degrees zero minutes east, a distance of one thousand fifty-five feet, thence north sixteen degrees thirty minutes east, a distance of one thousand one hundred seventy feet, more or less, to a point on the north line of said southwest quarter, thence west along the north line of said southwest quarter a distance of four hundred seventeen feet, more or less, to the point of beginning. Said tract contains forty-one acres, more or less.

SECTION 3.) It is the intent of this conveyance to describe a tract of land bounded on the west by the west bank of the Missouri River, bounded on the east by a line four hundred feet east of the west bank of the Missouri River, bounded on the south by the centerline extended of the Knife River, and on the north by the north line extended of the southwest quarter of section thirty-four, township one hundred forty-five, range eighty-four, west of the fifth principal meridian.

Approved March 24, 1973

CHAPTER 438

HOUSE BILL NO. 1263
(Kingsbury)

LEASE OF LAND TO
GRAFTON PARK DISTRICT

AN ACT authorizing the director of institutions to lease certain land owned by the state of North Dakota to the park district of the city of Grafton for a period of twenty-five years.

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

SECTION 1.) The director of institutions is hereby authorized to lease certain land owned by the state of North Dakota to the park district of the city of Grafton for a period of twenty-five years, such land being described as follows:

A tract of land located in the southwest quarter of section thirteen, township one hundred fifty-seven, range fifty-three, within the city limits of the city of Grafton, North Dakota, and commencing at a point on the south right-of-way line of fifth street, the point of beginning being one hundred ninety-five feet west of the center line of McHugh Avenue; thence along an assumed bearing of south zero degrees west one hundred seventy-eight feet to a point; thence north ninety degrees west one hundred forty-five feet to a point; thence south zero degrees west one hundred fifty feet to a point; thence south fifty degrees thirty-nine minutes forty-two seconds west four hundred twenty-six and eighty-nine hundredths feet to a point; thence south eighty-seven degrees thirty-eight minutes fifty-four seconds west two hundred twenty-eight feet to a point; thence north forty-six degrees forty-six minutes three seconds west two hundred seventy-five and fifty-four hundredths feet to a point; thence north sixteen degrees twenty-four minutes thirty-six seconds west one hundred fifty-three and ten hundredths feet to a point; thence north zero degrees west two hundred seventy-five feet to a point on the south right-of-way line of fifth street; thence north ninety degrees zero minutes zero seconds east along the said right-of-way line nine hundred forty-nine and nine-tenths feet to the point of beginning; said tract containing ten and sixty-six hundredths acres more or less.

SECTION 2.) The lease shall be upon such terms and conditions as the director of institutions may prescribe. The proceeds from this lease shall be deposited in the general fund in the state treasury.

Approved March 14, 1973

CHAPTER 439

HOUSE BILL NO. 1319
(Solberg, Wilkie)

LEASE OF LAND FOR
DUNSEITH GOLF COURSE

AN ACT to provide for the leasing of certain state lands to the city of Dunseith for use as a golf course and for other recreational purposes.

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

SECTION 1. DIRECTOR OF INSTITUTIONS AUTHORIZED TO LEASE LAND.) The director of institutions is hereby authorized to lease to the Dunseith city park board, for a period of thirty-five years, certain lands owned by the state of North Dakota, hereinafter described, for the purpose of utilizing such land as a golf course and for other recreational uses, upon such terms and conditions as the director of institutions may prescribe. The land consists of and is described as:

Beginning at the southwest corner of section nineteen, township one hundred sixty-two north, range seventy-two west; thence east a distance of one thousand two hundred thirty-seven and five-tenths feet; thence north a distance of six hundred sixty feet; thence east a distance of one thousand three hundred twenty feet; thence north a distance of six hundred sixty feet; thence west a distance of two thousand six hundred fifty-three and three-tenths feet; thence south a distance of two thousand six hundred forty feet to the point of the beginning, said tract containing fifty-one acres, more or less, exclusive of the United States highway 281 right-of-way and the San Haven road right-of-way.

Approved March 13, 1973

CHAPTER 440

HOUSE BILL NO. 1532
(Solberg)
(Committee on Delayed Bills)

AMERICAN REVOLUTION
BICENTENNIAL COMMISSION

AN ACT to establish a North Dakota American revolution bi-centennial commission.

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

SECTION 1. DEFINITION.) In this Act, the term "commission" shall mean the North Dakota American revolution bicentennial commission.

SECTION 2. ESTABLISHMENT OF A NORTH DAKOTA AMERICAN REVOLUTION BICENTENNIAL COMMISSION.) There shall be a North Dakota American revolution bicentennial commission, appointed by the governor consisting of twenty-five members.

SECTION 3. POWERS AND DUTIES.) The commission shall:

1. Plan, promote, finance, and designate parks, sites, and activities in North Dakota for special purposes and development during the bicentennial.
2. Conduct, promote, and finance, in full or in part, studies, investigations, and research into development of such activities.

SECTION 4. EXECUTIVE DIRECTOR - APPOINTMENT - SALARIES.) The commission may employ an executive director and staff and fix their salaries.

SECTION 5. ACCEPTANCE OF GIFTS, GRANTS, BEQUESTS, DONATIONS AND ASSIGNMENTS - DEPOSITED WITH THE STATE TREASURER - HOW EXPENDED.) Whenever any grant, devise, bequest, donation, gift, or assignment of money, bonds, or choses in action, or of any property, real or personal, is made to the commission, such commission shall receive and accept the same, and the right and title thereto, in the name of the state. All moneys coming into the hands of the commission as donations, gifts, grants, and bequests, unless by the terms of the donation, gift, grant, or bequest such moneys are required to be maintained in another manner, shall be maintained within the state treasury in a special revolving fund, and all moneys in such fund are hereby appropriated to the commission for carrying out the

purposes of this Act on a continuing basis. All rent, interest, or income from land money, or property received by the commission by donation, gift, grant, or bequest, unless by the terms of their acquisition such moneys are required to be maintained in a different manner, shall also be maintained within the state treasury in a special revolving fund, and all moneys in such fund are hereby appropriated to the commission for carrying out the purposes of this Act on a continuing basis. All expenditures from funds appropriated from the North Dakota general fund shall be within the limits of such appropriations and all expenditures shall be made upon vouchers signed and approved by the chairman of the commission. Upon approval of such vouchers as provided by law, warrant-checks for such expenditures shall be prepared by the department of accounts and purchases.

SECTION 6. FEDERAL FUNDS - EXPENDITURE - APPROVAL OF EMERGENCY COMMISSION.) Federal funds made available to the commission between July 1, 1973, and ending June 30, 1977, are hereby appropriated for the purposes defined in section 5 of this Act. Approval shall first be received from the state emergency commission before such funds may be expended.

SECTION 7. MEETINGS - COMPENSATION AND EXPENSES OF COMMISSION MEMBERS - RECORDS.) The governor shall appoint the chairman of the commission. It shall meet at the call of the chairman and a majority of the commission shall constitute a quorum. The commission members shall receive no compensation or reimbursement. The commission shall keep minutes of its meetings and a record of all its transactions.

SECTION 8. TERMINATION OF COMMISSION.) The commission shall terminate June 30, 1977.

SECTION 9. UNEXPENDED OR UNOBLIGATED REVENUES.) Money remaining unexpended or unobligated at the termination of the commission shall revert to the general fund of the state or to the source from which derived if required under the provisions of the source.

SECTION 10. CONTRACTS WITH GOVERNMENTAL BODIES AND PRIVATE INDIVIDUALS - TRANSFER OF FUNDS.) The commission is hereby empowered to enter into contracts with agencies, divisions, or departments of the state or federal government or political subdivisions thereof, and private individuals or organizations. The commission may under contract transfer funds to such agencies, divisions, departments, organizations, or individuals for the purpose of carrying out the objectives of the commission.

Approved March 28, 1973