

**HOUSE BILL NO. 1191**

Introduced by

Representatives Louser, Kasper, Motschenbacher, Ostlie, D. Ruby

Senators Larsen, Paulson, Vedaa

1 A BILL for an Act ~~to create and enact a new chapter to title 43 of the North Dakota Century~~  
2 ~~Code, relating to regulation of auctioneers and clerks;~~ to amend and reenact subsection 2 of  
3 section 12-60-24 and ~~section~~sections 49-07-01.1, 51-05.1-01, 51-05.1-01.2, 51-05.1-04.1, and  
4 51-05.1-05 of the North Dakota Century Code, relating to criminal history record checks of  
5 licenses, the registration of auctioneers, and cross-references; to repeal ~~chapter-~~  
6 ~~51-05.1~~sections 51-05.1-01.1, 51-05.1-02, 51-05.1-02.1, and 51-05.1-03 of the North Dakota  
7 Century Code, relating to auctioneers' and clerks' licenses; ~~to provide a penalty; to provide an~~  
8 ~~appropriation; and to provide for application~~and to provide an effective date.

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

10 **SECTION 1. AMENDMENT.** Subsection 2 of section 12-60-24 of the North Dakota Century  
11 Code is amended and reenacted as follows:

- 12 2. The bureau of criminal investigation shall provide to each agency, official, or entity  
13 listed in this subsection who has requested a statewide and nationwide criminal history  
14 record check, the response of the federal bureau of investigation and any statewide  
15 criminal history record information that may lawfully be made available under this  
16 chapter:
- 17 a. The governing body of a city or a county, by ordinance or resolution, for a final  
18 applicant for a specified occupation with the city or county.
  - 19 b. The agriculture commissioner for each applicant for a license to grow or process  
20 hemp under section 4.1-18.1-02.
  - 21 c. The education standards and practices board for initial, re-entry, and reciprocal  
22 teacher licenses under sections 15.1-13-14 and 15.1-13-20 and school guidance  
23 and counseling services under section 15.1-13-23.

- 1           d. The North Dakota board of medicine for licenses or disciplinary investigations  
2           under section 43-17-07.1, except that criminal history record checks need not be  
3           made unless required by the board.
- 4           e. The private investigative and security board for licenses or registrations under  
5           section 43-30-06.
- 6           f. The department of health and human services for foster care licenses, approvals,  
7           and identified relatives under chapter 50-11, appointments of legal guardians  
8           under chapter 50-11.3, and petitions for adoptions under chapter 50-12, except  
9           that the criminal history record investigation must be conducted in accordance  
10          with those chapters. A criminal history record investigation completed under  
11          chapter 50-11, 50-11.3, or 50-12 may be used to satisfy the requirements of a  
12          criminal history record investigation under either of the other two chapters.
- 13          g. The department of health and human services for criminal history record checks  
14          authorized under section 50-06-01.9.
- 15          h. The chief information officer of the information technology department for certain  
16          individuals under section 54-59-20.
- 17          i. A public peace officer training school that has been approved by the peace officer  
18          standards and training board for enrollees in the school. The school may only  
19          disclose the criminal history record information as authorized by law. The school  
20          shall pay the costs for securing the fingerprints, any criminal history record  
21          information made available under this chapter, and for the nationwide criminal  
22          history record check. This subdivision does not apply to the highway patrol law  
23          enforcement training center and enrollees who have a limited license under  
24          section 12-63-09.
- 25          j. The North Dakota public employees retirement board for individuals first  
26          employed by the public employees retirement board after July 31, 2005, who  
27          have unescorted physical access to the office or any security-sensitive area of  
28          the office as designated by the executive director.
- 29          k. The executive director of the retirement and investment office for individuals first  
30          employed by the retirement and investment office after July 31, 2005, who have

- 1 unescorted physical access to the office or any security-sensitive area of the  
2 office as designated by the executive director.
- 3 l. The Bank of North Dakota for a final applicant for a specified occupation with the  
4 Bank as designated by the president.
- 5 m. Job service North Dakota for all employees, final applicants for employment with  
6 job service, and contractors with access to federal tax information.
- 7 n. The department of health and human services for a final applicant for a job  
8 opening or a current employee with the department as designated by the state  
9 health officer; an individual being investigated by the department; or, when  
10 requested by the department, an applicant for registration as a designated  
11 caregiver or a compassion center agent under chapter 19-24.1.
- 12 o. The state board of nursing for applicants, licensees, registrants, or disciplinary  
13 investigations under chapter 43-12.1, except that criminal history record checks  
14 need not be made unless required by the board.
- 15 p. The state board of pharmacy for applicants or disciplinary investigations under  
16 chapter 43-15 and registrations, or revocation or suspension of registrations,  
17 under chapter 19-03.1, except that criminal history record checks need not be  
18 made unless required by the board.
- 19 q. The state real estate commission for applicants, licensees, or investigations  
20 under chapter 43-23, except that criminal history record checks need not be  
21 made unless required by the commission.
- 22 r. The North Dakota board of social work examiners for applicants for initial  
23 licensure or licensees under chapter 43-41, except that criminal history record  
24 checks for licensees need not be made unless required by the board.
- 25 s. All agencies, departments, bureaus, boards, commissions, or institutions of the  
26 state, including the North Dakota university system, for all employees or final  
27 applicants for employment as a security guard or to otherwise provide security.
- 28 t. The office of management and budget for each individual who has access to  
29 personal information as designated by the director.
- 30 u. The department of corrections and rehabilitation for all agents and employees  
31 and a final applicant for employment designated by the director and for each

1 agent, employee, or a final applicant for employment of a privately operated  
2 entity providing contract correctional services for the department who exercises  
3 direct authority over juveniles, inmates, probationers, or parolees.

4 v. A city, county, or combination of cities or counties that operates a correctional  
5 facility subject to chapter 12-44.1, for each agent and employee and a final  
6 applicant for employment of the correctional facility who has direct contact with or  
7 exercises direct authority over any juvenile or inmate of the correctional facility,  
8 and for each agent, employee, or a final applicant for employment of a privately  
9 operated entity providing contract correctional services for the correctional facility  
10 who exercises direct authority over juveniles, inmates, probationers, or parolees.

11 w. The North Dakota university system for a final applicant for or employee in a  
12 specified position in the university system or a university system institution or for  
13 each student applying for or admitted to a specified program of study, as  
14 designated by the chancellor.

- 15 x. (1) The board of a school district, for employees designated by the board,  
16 provided the board is responsible for paying the costs associated with  
17 obtaining a criminal history record check;
- 18 (2) The board of a multidistrict special education unit, for employees designated  
19 by the board, provided the board is responsible for paying the costs  
20 associated with obtaining a criminal history record check;
- 21 (3) The board of an area career and technology center, for employees  
22 designated by the board, provided the board is responsible for paying the  
23 costs associated with obtaining a criminal history record check;
- 24 (4) The board of a regional education association, for employees designated by  
25 the board, provided the board is responsible for paying the costs associated  
26 with obtaining a criminal history record check; and
- 27 (5) The superintendent of public instruction in the case of a nonpublic school or  
28 a state school with a superintendent appointed by or reporting to the  
29 superintendent of public instruction, for employees designated by the  
30 nonpublic or state school, provided the nonpublic or state school is

1 responsible for paying the costs associated with obtaining a criminal history  
2 record check.

3 y. (1) The board of a school district, for a final applicant seeking employment with  
4 the district or otherwise providing services to the district, if that individual  
5 has unsupervised contact with students, provided the board is responsible  
6 for paying the costs associated with obtaining a criminal history record  
7 check;

8 (2) The board of a multidistrict special education unit, for a final applicant  
9 seeking employment with the unit or otherwise providing services to the unit,  
10 if that individual has unsupervised contact with students, provided the board  
11 is responsible for paying the costs associated with obtaining a criminal  
12 history record check;

13 (3) The board of an area career and technology center, for a final applicant  
14 seeking employment with the center or otherwise providing services to the  
15 center, if that individual has unsupervised contact with students, provided  
16 the board is responsible for paying the costs associated with obtaining a  
17 criminal history record check;

18 (4) The board of a regional education association, for a final applicant seeking  
19 employment with the association or otherwise providing services to the  
20 association if that individual has unsupervised contact with students,  
21 provided the board is responsible for paying the costs associated with  
22 obtaining a criminal history record check; and

23 (5) The superintendent of public instruction in the case of a nonpublic school or  
24 a state school with a superintendent appointed by or reporting to the  
25 superintendent of public instruction, for a final applicant seeking  
26 employment with the school or otherwise providing services to the school, if  
27 that individual has unsupervised contact with students, provided the board is  
28 responsible for paying the costs associated with obtaining a criminal history  
29 record check.

30 (6) For purposes of this subdivision, "unsupervised contact" with students  
31 means being in proximity to one or more students, on school grounds or at

1 school functions, outside the presence of an individual who has been  
2 subject to a criminal history record check.

3 z. The racing commission for applicants for licenses under chapter 53-06.2, except  
4 that criminal history record checks need not be made unless required by the  
5 commission.

6 aa. A district court for a petition to change a name under chapter 32-28.

7 bb. The state board of pharmacy for a wholesale drug distributor seeking licensure  
8 under chapter 43-15.3.

9 cc. The board of dental examiners for investigations of applicants or dentists under  
10 section 43-28-11.2, except that criminal history record checks need not be made  
11 unless required by the board.

12 dd. The department of financial institutions for each applicant for a specified  
13 occupation with the department as specified by the commissioner and principal  
14 owners and managing officers of applicants for a license from the department of  
15 financial institutions.

16 ee. The office of tax commissioner for all employees, final applicants for employment  
17 with the tax commissioner, and contractors with access to federal tax information.

18 ff. The state board of examiners for nursing home administrators for applicants for  
19 licensure or licensees under chapter 43-34, except that criminal history record  
20 checks for licensees need not be made unless required by the board.

21 gg. The marriage and family therapy licensure board for applicants, licensees, or  
22 investigations under chapter 43-53, except that criminal history record checks  
23 need not be made unless required by the board.

24 hh. The state board of chiropractic examiners for applicants, licensees, certificates,  
25 or investigations under chapter 43-06, except that criminal history record checks  
26 need not be made unless required by the board.

27 ii. Workforce safety and insurance for a final applicant for a specified occupation  
28 with workforce safety and insurance as designated by the director, or for  
29 contractors who may have access to confidential information as designated by  
30 the director.

- 1           jj. The board of counselor examiners for applicants for licensure or licensees under  
2           chapter 43-47, except that criminal history record checks for licensees need not  
3           be made unless required by the board.
- 4           kk. The state board of respiratory care for applicants, licensees, or investigations  
5           under chapter 43-42, except that criminal history record checks need not be  
6           made unless required by the board.
- 7           ll. The North Dakota real estate appraiser qualifications and ethics board for  
8           applicants for permits or registration or permittees, registrants, owners, or  
9           controlling persons under chapters 43-23.3 and 43-23.5, except that criminal  
10          history record checks for permittees, registrants, owners, or controlling persons  
11          need not be made unless required by the board.
- 12          mm. The insurance department for criminal history record checks authorized under  
13          chapters 26.1-26 and 26.1-26.8.
- 14          nn. The office of the adjutant general for employees and volunteers working with the  
15          recruiting and retention, sexual assault, and youth programs.
- 16          oo. The parks and recreation department for volunteers and final applicants for  
17          employment, as determined by the director of the parks and recreation  
18          department.
- 19          pp. The North Dakota medical imaging and radiation therapy board of examiners for  
20          licensure and licensees under chapter 43-62, except that criminal history record  
21          checks for licensees need not be made unless required by the board.
- 22          qq. The game and fish department for volunteers and final applicants for  
23          employment, as determined by the director of the game and fish department.
- 24          rr. The North Dakota board of massage for applicants, licensees, or investigations  
25          under chapter 43-25.
- 26          ss. The North Dakota board of physical therapy for physical therapist and physical  
27          therapist assistant applicants and for licensees under investigation, except that  
28          criminal history record checks need not be made unless required by the board.
- 29          tt. The department of commerce for volunteers and employees providing services  
30          through eligible organizations, as determined by the commissioner of commerce.

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- 1           uu.    The state court administrator for a guardian ad litem who provides direct services  
2                    to youth.
- 3           vv.    The department of environmental quality for a final applicant for a job opening or  
4                    a current employee with the department; an individual being investigated by the  
5                    department; or, when requested by the department, an applicant for a radioactive  
6                    materials license under chapter 23.1-03 or a solid waste permit under chapter  
7                    23.1-08.
- 8           ww.    The housing finance agency for criminal history record checks authorized under  
9                    section 54-17-07.13.
- 10          xx.    The office of state treasurer for each individual who has access to federal tax  
11                    information.
- 12          yy.    ~~The public service commission for initial applicant licenses under chapter~~  
13                    ~~51-05.1, except that criminal history record checks need not be made unless~~  
14                    ~~required by the public service commission.~~
- 15          zz.    The department of health and human services for a criminal history record check  
16                    for a children's advocacy center as authorized under section 50-25.1-11.1.
- 17          ~~aaa-zz~~.    The state historical society for volunteers and final applicants for employment,  
18                    except that criminal history record checks need not be made unless requested by  
19                    the society.
- 20          ~~bbb-aaa~~.    The department of transportation for volunteers and final applicants for  
21                    employment, as determined by the director of the department of transportation.
- 22          ~~eee-bbb~~.    The commission on legal counsel for indigents for a volunteer or final  
23                    applicant for employment, as determined by the director of the commission on  
24                    legal counsel for indigents.
- 25          ~~ddd-ccc~~.    The board of dietetic practice for applications for licensure or renewal  
26                    under chapter 43-44, except that criminal history record checks need not be  
27                    made unless required by the board.
- 28          ~~eee-ddd~~.    The secretary of state for employees with access to personally identifying  
29                    information of residents or businesses of the state or with access to elections  
30                    systems that are critical infrastructure under section 44-04-24.



1           ~~fff.eee.~~ The department of health and human services for applicants for initial licensure  
2                           for emergency medical services personnel, such as emergency medical  
3                           technicians, advanced emergency medical technicians, and paramedics, as  
4                           required by subdivision d of subsection 3 of section 23-27.1-03.

5   — ~~**SECTION 2.** A new chapter to title 43 of the North Dakota Century Code is created and~~  
6 ~~enacted as follows:~~

7   — ~~**Definitions.**~~

8   — ~~As used in this chapter:~~

9   — ~~1. "Auctioneer" means an individual who, for compensation or valuable consideration,~~  
10                           ~~sells or offers for sale either real or personal property at public auction as a whole or~~  
11                           ~~partial vocation.~~

12   — ~~2. "Board" means the state board of auctioneering.~~

13   — ~~3. "Clerk" means an individual who, for compensation or valuable consideration, is~~  
14                           ~~employed either directly or indirectly by an owner while the sale is in progress to~~  
15                           ~~record each item offered for sale, its selling price, and the buyer's name or number; to~~  
16                           ~~collect all proceeds of the sale; to pay all expenses connected with the sale; to~~  
17                           ~~prepare a full closing statement of all receipts and disbursements; and to make~~  
18                           ~~settlement thereon to parties properly entitled to settlement within a reasonable length~~  
19                           ~~of time.~~

20   — ~~4. "Internet auction" means the selling or offering for sale real or personal property at~~  
21                           ~~public auction exclusively via the internet.~~

22   — ~~**Exemptions.**~~

23   — ~~This chapter does not apply to:~~

24   — ~~1. Sale of an estate by an executor or an administrator.~~

25   — ~~2. Sale by a sheriff or other person under court order.~~

26   — ~~3. Sale by a public official acting in an official capacity.~~

27   — ~~4. Sale of purebred or registered livestock.~~

28   — ~~5. Sale conducted or employed by a person conducting an internet auction.~~

29   — ~~6. A single act or isolated transaction in the selling of property at auction for another.~~

1 ~~— **Board members – Appointment.**~~

2 ~~— 1. The board consists of five members appointed by the governor for a term of three~~  
3 ~~years. The terms of office of the members must be arranged so no more than two~~  
4 ~~terms expire on the thirty-first day of December of each year. Each member shall~~  
5 ~~qualify by taking the oath of required civil officers and shall hold office until a~~  
6 ~~successor is appointed and qualified. A vacancy on the board must be filled by~~  
7 ~~appointment by the governor for the unexpired term.~~

8 ~~— 2. The governor may remove a board member for good cause after giving that member a~~  
9 ~~written statement of the reason for removal.~~

10 ~~— 3. Each member of the board must be a licensed auctioneer or clerk who has had at~~  
11 ~~least three years of practical experience in the occupation.~~

12 ~~— **Officers – Powers – Rulemaking.**~~

13 ~~— The members of the board annually shall elect a president and a secretary from the~~  
14 ~~members of the board. The president and secretary may administer oaths. The board may~~  
15 ~~adopt rules necessary to implement this chapter.~~

16 ~~— **Compensation.**~~

17 ~~— Each member of the board is entitled to receive per diem compensation for each day during~~  
18 ~~which the member is engaged in the performance of official duties as determined by the board~~  
19 ~~and mileage as provided under section 54-06-09. The compensation and expenses of all~~  
20 ~~members of the board must be paid from license fees and other sources of income of the board.~~

21 ~~— **Powers and duties.**~~

22 ~~— 1. The board shall administer and enforce this chapter. The board shall adopt rules~~  
23 ~~necessary to:~~

24 ~~— a. Establish auctioneering and clerking standards, practices, and measures~~  
25 ~~necessary to protect the consignor and bidder;~~

26 ~~— b. Establish standards for licensure; and~~

27 ~~— c. Set fees for licensure which may include:~~

28 ~~— (1) An application fee;~~

29 ~~— (2) A license fee;~~

30 ~~— (3) A renewal fee;~~

31 ~~— (4) A late fee;~~

- 1 ~~\_\_\_\_\_ (5) Administrative fees; and~~  
2 ~~\_\_\_\_\_ (6) Continuing education fees.~~  
3 ~~\_\_\_\_\_ 2. The board shall produce an annual list of the names and level of licensure of all~~  
4 ~~individuals licensed by the board and make the list available upon request.~~  
5 ~~\_\_\_\_\_ 3. The board may employ staff and provide for staff compensation.~~  
6 ~~\_\_\_\_\_ **Refusal, suspension, or revocation of license.**~~  
7 ~~\_\_\_\_\_ 1. The board may investigate the activities of a licensee or any person that acts in such~~  
8 ~~capacity within the state and may refuse, suspend, or revoke licensure for:~~  
9 ~~\_\_\_\_\_ a. Conviction of an offense the board determines to be of such a nature as to render~~  
10 ~~the licensee unfit to auctioneer or clerk;~~  
11 ~~\_\_\_\_\_ b. Violation of standards or practices that render the licensee unfit to practice as an~~  
12 ~~auctioneer or clerk; or~~  
13 ~~\_\_\_\_\_ c. Fraud or misrepresentation in obtaining a license.~~  
14 ~~\_\_\_\_\_ 2. A license may not be revoked or suspended except after an opportunity for hearing.~~  
15 ~~\_\_\_\_\_ 3. An appeal from the board's decision may be taken in accordance with chapter 28-32.~~  
16 ~~\_\_\_\_\_ **Enforcement - Penalty.**~~  
17 ~~\_\_\_\_\_ Any person violating this chapter is guilty of a class B misdemeanor.~~

18 **SECTION 2. AMENDMENT.** Section 49-07-01.1 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **49-07-01.1. Violation of statute, commission order, or commission rule - Assessment**  
21 **of civil penalty.**

22 Any person who violates any statute, commission order, or commission rule which applies  
23 to matters within the authority of the commission under chapters 8-08, 8-09, 8-10, and 24-09,  
24 ~~32-25, and 51-05.1~~, titles 60 and 64, and title 49 except for chapters 49-22, 49-22.1, and 49-23,  
25 in addition to any other penalty provided, is subject to a civil penalty of not to exceed five  
26 thousand dollars. A violation occurring under chapter 49-23, in addition to any other penalty, is  
27 subject to a civil penalty not to exceed twenty-five thousand dollars. The commission shall  
28 develop policies for the assessment of penalties under chapter 49-23 which will take into  
29 consideration the severity of damages and the conduct of the offender. The civil penalty may be  
30 compromised by the commission. The amount of the penalty when finally determined or agreed  
31 upon in compromise, if not paid, may be recovered in a civil action in the courts of this state.

1       **SECTION 3. AMENDMENT.** Section 51-05.1-01 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **51-05.1-01. Auctioneering or clerking ~~without a license prohibited~~ Registration.**

4       ~~No~~A person may not conduct a sale as an auctioneer or clerk unless ~~licensed by the public~~  
5 ~~service commission~~registered with the secretary of state.

6       **SECTION 4. AMENDMENT.** Section 51-05.1-01.2 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8       **51-05.1-01.2. Exemptions.**

9       ~~A~~licenseRegistration under this chapter is not required for the following:

- 10       1. Sale of an estate by an executor or an administrator.
- 11       2. Sale by a sheriff or other person under court order.
- 12       3. Sale by a public official acting in an official capacity.
- 13       4. Sale of purebred or registered livestock.

14 ~~A bond is not required for a federally insured financial institution to clerk a sale. Persons exempt~~  
15 ~~from licensing or bonding under this section shall comply with all other provisions of this~~  
16 ~~chapter.~~

17       **SECTION 5. AMENDMENT.** Section 51-05.1-04.1 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19       **51-05.1-04.1. Written contracts.**

20       An auctioneer may not sell the property of another at auction without a prior written contract  
21 with the seller which sets forth the terms and conditions upon which the auctioneer will sell the  
22 property. A similar contract governing the activities of the auction clerk is required between the  
23 auction clerk and the seller. The ~~licensee must~~auctioneer and clerk shall retain a copy of each  
24 contract for at least two years after the auction. This section does not apply to consignment  
25 sales when the value of the seller's property is less than five hundred dollars or to livestock  
26 markets. The contract must contain:

- 27       1. The ~~licensee's~~auctioneer's or clerk's name, trade or business name, state license  
28       number, business address, and business telephone number.
- 29       2. A general description of the property to be sold at auction, any restrictions, and a  
30       statement identifying whether ~~or not~~ the ~~licensee~~auctioneer or clerk is authorized to  
31       purchase at the auction.

1 3. A description of the services to be provided and the consideration for the services. The  
2 description must state which party is responsible for advertising and other expenses.

3 4. The date or dates when the items will be sold at auction.

4 ~~5. A disclosure of the amount of bond that the licensee has on file with the commission  
5 and the commission's address and telephone number.~~

6 **SECTION 6. AMENDMENT.** Section 51-05.1-05 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **51-05.1-05. Handling of funds by clerk of auction sale.**

9 Every clerk of an auction sale, ~~at all times,~~ shall maintain in the clerk's name or firm name,  
10 a separate trust account designated as such in a federally insured bank or other federally  
11 insured depository in this state in which the clerk immediately shall deposit all funds not the  
12 clerk's own, including funds in which the clerk may have some future interest or claim. A  
13 federally insured depository located outside the state ~~but licensed as a clerk in this state~~ is not  
14 required to deposit funds in a depository in this state if auction sale funds are deposited in a  
15 separate trust account designated ~~as such in the licensee's~~ in the clerk's depository. A clerk may  
16 not commingle the clerk's personal funds or other funds in a trust account except that a clerk  
17 may deposit and keep a sum of one thousand dollars in ~~such~~ the account from the clerk's  
18 personal funds, which sum must be specifically identified and deposited to cover service  
19 charges related to the trust account. In conjunction with ~~such~~ the account, the clerk shall  
20 maintain at the clerk's usual place of business books, records, and other documents so that the  
21 adequacy of ~~such~~ the account may be determined at any time. ~~Trust accounts and other records  
22 must be open to inspection by the public service commission and its duly authorized agents at  
23 all times during regular business hours at the clerk's usual place of business.~~

24 **SECTION 7. REPEAL.** ~~Chapter 51-05.1~~ Sections 51-05.1-01.1, 51-05.1-02, 51-05.1-02.1,  
25 and 51-05.1-03 of the North Dakota Century Code ~~is~~ are repealed.

26 ~~**SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the general  
27 fund in the state treasury, not otherwise appropriated, the sum of \$5,000, or so much of the sum  
28 as may be necessary, to the office of management and budget for the purpose of providing a  
29 grant to the state board of auctioneering for assisting with costs associated with establishing the  
30 board, for the biennium beginning July 1, 2023, and ending June 30, 2025.~~

1 — ~~**SECTION 6. APPLICATION.** The terms of the initial members of the board of auctioneering-~~  
2 ~~may be for less than three years to establish staggered terms with the term of no more than two-~~  
3 ~~members expiring in any year.~~

4 **SECTION 8. EFFECTIVE DATE.** This Act becomes effective on January 1, 2024.