

MILITARY

CHAPTER 350

HOUSE BILL NO. 1026

(Legislative Council)

(Interim Budget Committee on Government Finance)

(Representatives Howard, Hausauer)

(Senators Grindberg, Streibel, Solberg)

BIENNIAL REPORTS

AN ACT to create and enact a new section to chapter 37-03 of the North Dakota Century Code, relating to biennial reports; to amend and reenact sections 2-05-04, 4-02.1-26, 4-05.1-04, 4-27-11, 6-01-10, 13-03-10, 13-03.1-10, 13-05-08.1, 15-02-08, 15-10-14.1, 15-20.1-21, 15-21-14, 15-52-28, 18-01-29, 20.1-02-04, 23-01-06, 24-02-01.5, 24-02-10, 26.1-01-03, 26.1-21-22, 34-05-01, 34-06-20, 36-01-11, 37-03-05, 37-14-09, 37-15-19, 43-01-06, 43-04-19, 43-09-05, 43-10-08, 43-13-09, 43-15-12, 43-17-12, 43-23-02, 43-28-09, 46-02-04, 49-01-13, 52-02-03, 52-10-09, 54-06-03, 54-06-04, 54-09-02, 54-10-01, 54-11-01, 54-12-05, 54-17-06, 54-36-06, 54-42-05, 54-44.3-07, 54-46-11, 57-01-02, 61-03-04, 61-04.1-10, and 65-02-09 of the North Dakota Century Code, relating to reports to the governor and the secretary of state; and to repeal section 54-06-05 of the North Dakota Century Code, relating to the condensing of reports and copies of reports.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2-05-04 of the North Dakota Century Code is amended and reenacted as follows:

2-05-04. Commission organization - Reports - Offices. The Within thirty days after its appointment, the commission shall; ~~within thirty days after its appointment;~~ organize; and make such adopt rules and regulations for its administration as it may ~~deem~~ determine to be expedient. The commission shall may submit a biennial report to the governor and office of management and budget in the manner prescribed by the secretary of state in accordance with section 54-06-04. The commission shall maintain its office in the state capitol.

SECTION 2. AMENDMENT. Section 4-02.1-26 of the North Dakota Century Code is amended and reenacted as follows:

4-02.1-26. Annual report. The secretary or other officer charged with such the duty shall to compile an annual report of the proceedings of the state fair association and its financial condition for the preceding fiscal year: Such report must be prepared so as to be available for by the annual meeting: A shall file a copy of such report must be filed in the office of the commissioner of agriculture; who. The commissioner shall include it, in whole or in part, in his the commissioner's biennial report to the governor and the office of management and budget secretary of state.

SECTION 3. AMENDMENT. Section 4-05.1-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-05.1-04. Reports to director and state board of higher education. Each superintendent shall submit a biennial report to the director on or before the first day of August of each odd-numbered year. Each report must set forth in detail the investigations and experiments made during the preceding fiscal biennium, recommendations for the welfare of the center, the financial condition of the center, how all moneys have been expended, and the results of experiments. The director shall submit these reports, with a biennial report of the North Dakota state university main research 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 under~~ If the board of higher education submits a biennial report to the governor and the secretary of state in accordance with section 54-06-04, the board of higher education shall the report must include a composite of the reports from the research station and each research center in its biennial report to the governor and the office of management and budget.

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

4-27-11. Biennial report and audit of commission. The commission ~~shall~~ may submit a biennial report to the governor and the ~~office of management and budget as prescribed by secretary of state in accordance with~~ section 54-06-04. The ~~state auditor shall audit biennially the books, records, and accounts must be audited biennially by the state auditor, of the commission.~~ The commission shall pay the cost of such the audit ~~to be paid~~ from the funds of the commission.

SECTION 5. AMENDMENT. Section 6-01-10 of the North Dakota Century Code is amended and reenacted as follows:

6-01-10. Commissioner to keep records and make reports - Biennial report of the department.

1. The assistant commissioner shall act as secretary and keep all proper records and files pertaining to the duties and work of the office of the assistant commissioner and the proceedings of the board. The commissioner shall report to the board annually, touching on all the commissioner's official acts and those of the deputy examiners, giving abstracts of statistics and of the conditions of the various institutions to which the commissioner's duties relate, and making such recommendations and suggestions as the commissioner may ~~deem~~ determine proper.
2. The state banking board shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by secretary of state in accordance with~~ section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, ~~there must be included in the banking board's report~~ must include a summary or abstract of the reports of the commissioner.
3. The commissioner shall report to the state credit union board annually in the same manner as this section provides for the commissioner's report to the state banking board. The state credit union board shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section

54-06-04, and in addition, ~~there must be included in~~ the credit union board's report must include a summary or abstract of the reports of the commissioner.

4. The biennial reports of the state banking board and the state credit union board shall be published in the form of a combined biennial report of the department of banking and financial institutions. The biennial report of the department shall be submitted to the governor and the ~~office of management and budget as prescribed by secretary of state in accordance with~~ section 54-06-04. The biennial report of the department must include all other biennial reports which the commissioner or the boards are required by law to submit to the governor and the office of management and budget.

SECTION 6. AMENDMENT. Section 13-03-10 of the North Dakota Century Code is amended and reenacted as follows:

13-03-10. Books and records - Annual reports - Biennial reports report.

1. Each licensee shall ~~keep and use in his business such books and accounting maintain~~ records as are in ~~accord conformity with sound and generally~~ accepted accounting principles and practices and as may be prescribed by the commissioner of banking and financial institutions. ~~Such~~ The licensee shall preserve ~~such the~~ books and accounting records for at least two years after making the final entry on any loan recorded ~~therein~~ in the books and records.
2. The parent company of each licensee shall file annually on or before ~~the July thirty-first day of July~~ file a report for the preceding fiscal year with the commissioner. ~~Such~~ The report must give composite information on the financial condition of its licensees and must include all information requested by the commissioner. ~~Such~~ The report must be made under oath and must be in the form prescribed by the commissioner ~~who~~. The commissioner may make and publish annually an analysis and recapitulation of ~~such the~~ reports.
3. The commissioner shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by secretary of state in accordance with~~ section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, ~~there must be included in~~ the commissioner's report must include a summary or abstract of the annual reports filed with the commissioner.

SECTION 7. AMENDMENT. Section 13-03.1-10 of the North Dakota Century Code is amended and reenacted as follows:

13-03.1-10. Records - Annual reports - Biennial report.

1. Every licensee shall maintain records in conformity with generally accepted accounting principles and practices in a manner that will enable the administrator to determine whether the licensee is complying with ~~the provisions of~~ this chapter. The recordkeeping system of a licensee is sufficient if the licensee makes the required information reasonably available. The records pertaining to any loan need not be preserved for more than two years after making the final entry relating

to the loan, but in the case of a revolving loan account the two years is measured from the date of each entry.

2. On or before July thirty-first each year the parent company of each licensee shall file with the administrator a composite annual report in the form prescribed by the administrator relating to all loans made by its licensees. The administrator shall consult with comparable officials in other states for the purpose of making the kinds of information required in annual reports uniform among the states. The administrator may make and publish annually an analysis and recapitulation of such reports.
3. The administrator shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by secretary of state in accordance with~~ section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, ~~there must be included in the administrator's report~~ must include a summary or abstract of the annual reports filed with the administrator.

SECTION 8. AMENDMENT. Section 13-05-08.1 of the North Dakota Century Code is amended and reenacted as follows:

13-05-08.1. Biennial report. The commissioner of banking and financial institutions shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by secretary of state in accordance with~~ section 54-06-04.

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

15-02-08. Commissioner to keep record of permanent funds - Biennial report to governor and office of management and budget. 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 ~~must be~~ are open at all times for inspection by the public. The commissioner ~~shall~~ may submit a biennial report to the governor and the ~~office of management and budget as prescribed by secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04~~ If submitted, the report must show all investments of ~~such~~ the several funds, the work done during the preceding fiscal biennium, the number of acres [hectares] 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~~ the commissioner's office as are necessary to disclose fully the operation of the department.

SECTION 10. AMENDMENT. Section 15-10-14.1 of the North Dakota Century Code is amended and reenacted as follows:

15-10-14.1. Biennial report of the state board of higher education. The state board of higher education ~~shall biennially make~~ may submit a biennial report to the governor and to the ~~office of management and budget secretary of state~~ for the educational institutions under its control as provided by law. ~~The~~ If submitted, the report must cover enrollments, major functions and programs, and major goals and objectives, and the extent of achievement of those goals and objectives. The report

must also include summaries of financial reports, a narrative explaining the significance of that data, and ~~such~~ other information ~~as~~ the board may choose.

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

15-20.1-21. Report of state board to governor and office of management and budget Biennial report. The state board ~~shall~~ may submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04. ~~In addition to any requirements established pursuant to section 54-06-04~~ If submitted, the report must set forth the condition of vocational education in the state, a list of the schools to which federal and state aid for vocational education has been given, and a detailed statement of the expenditures of federal and state funds for that purpose.

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

15-21-14. Biennial report - Contents. The superintendent of public instruction shall submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04 ~~a biennial report which, in addition to any requirements established pursuant to section 54-06-04.~~ The report must 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.
4. Such general matters, information, and recommendations relating to the educational interests of the state ~~as he may deem~~ deemed important.

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

15-52-28. Biennial report. The board of higher education ~~shall~~ may submit a biennial report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the office of management and budget.~~

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

18-01-29. Biennial report of fire marshal. The state fire marshal ~~shall~~ may submit a biennial report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the office of management and budget.~~

SECTION 15. AMENDMENT. Section 20.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

20.1-02-04. Duties of director. The director shall:

1. Maintain an office in Bismarck.
2. Adopt rules necessary to the conduct of the department.
3. Keep an accurate record of all the transactions and expenditures of the department and submit a biennial report to the governor and the office of management and budget a biennial report as prescribed by secretary of state in accordance with section 54-06-04.
4. Enforce state laws involving wildlife.
5. Collect and distribute statistics and information germane to this title and publish information and reports, including a monthly bulletin, for the education of the public in conservation matters.
6. Examine all waters of the state and, wherever suitable waters are found, arrange to plant, stock, or deposit available fish, spawn, or fry.
7. Cooperate with the United States fish and wildlife service, or any other appropriate federal agency, and make applications for fish, spawn, and fry, to apportion and deposit in waters of the state.
8. Cooperate with and assist clubs and individuals in stocking the waters of this state with fish.
9. Remove or take from any public waters containing a surplus of fish, any reasonable quantity of fish for stocking other public waters, for hatching or propagating purposes, or for exchange with other states and countries.
10. Control, construct, mark, designate, manage, and have charge of all state fish hatcheries, state game farms, game refuges, and game reserves owned, leased, or controlled for the propagation and protection of game birds, game animals, and fish.
11. Supervise the breeding, propagation, capture, distribution, and preservation of game birds, game animals, and fish as the director deems advisable.
12. Adopt rules necessary for carrying out section 20.1-10-01 and these rules have the force of law after one publication in the daily newspapers of this state.
13. Provide the necessary blank forms for making applications for licenses of all kinds and distribute them among those authorized to sell licenses.
14. Keep a record of all permits issued for the purpose of propagation and domestication of game birds or protected animals.

¹⁸⁰ SECTION 16. AMENDMENT. Section 23-01-06 of the North Dakota Century Code is amended and reenacted as follows:

23-01-06. Report of state health officer Biennial report - Contents. The state health officer shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by secretary of state~~ in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report must 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 and consolidated laboratories.
3. The expenditures in each county board of health or the district board of health.
4. Any reports relating to the hospital program as required by the health council.

SECTION 17. AMENDMENT. Section 24-02-01.5 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-02-01.5. Department of transportation - Administrative rules. The department of transportation may adopt the administrative rules necessary to carry out its responsibilities and functions as created and transferred by sections 24-02-01.1 through 24-02-01.5; ~~according to chapter 28-32~~. Rules adopted by the agencies whose functions relate to the functions or agencies created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5, subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, 24-03-03, 24-16-02, 24-17-02, subsections 8, 12, and 13 of section 39-01-01, subsection 1 of section 39-16-01, subsection 7 of section 39-24-01, subsection 2 of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section 57-43.1-44, subsection 2 of section 57-43.2-01, and section 57-43.2-37 ~~shall~~ remain in effect until they are specifically amended or repealed by the department.

SECTION 18. AMENDMENT. Section 24-02-10 of the North Dakota Century Code is amended and reenacted as follows:

24-02-10. Biennial report. The director shall submit a biennial report to the governor and the ~~office of management and budget a biennial report as prescribed by secretary of state in accordance with~~ section 54-06-04.

SECTION 19. AMENDMENT. Section 26.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-03. Duties of commissioner. The commissioner shall:

¹⁸⁰ Section 23-01-06 was also amended by section 2 of House Bill No. 1058, chapter 243.

1. See that all the laws of this state respecting insurance companies and benevolent societies are executed faithfully.
2. Report in detail to the attorney general any violation of law relative to insurance companies and their officers or agents.
3. File the articles of incorporation of all insurance companies organized or doing business in this state, and on application furnish a certified copy thereof.
4. Furnish the insurance companies required to make reports to the commissioner and the benevolent societies the necessary blank forms for required statements and reports. The commissioner is not required to send blank forms to those insurance companies which submit their reports on printed forms conforming to those furnished by the commissioner.
5. Preserve in permanent form a full record of the commissioner's proceedings and a concise statement of each company or agency visited or examined.
6. Furnish at the request of any person, upon the payment of the required fee, certified copies of any record or paper in the commissioner's office, if the commissioner deems it not prejudicial to the public interests to do so, and give such other certificates as may be provided by law.
7. Submit a biennial report as prescribed by section 54-06-04 to the governor and the ~~office of management and budget~~ secretary of state. In addition to the requirements of section 54-06-04, the report must contain an abstract only of the reports of the various insurance companies doing business in this state showing the condition of the companies.
8. Send a copy of the commissioner's annual report to the insurance commissioner, or other similar officer, of every other state and to each company doing business in this state.
9. Communicate, on request, to the insurance commissioner of any other state any facts ~~which~~ that by law it is the commissioner's duty to ascertain respecting companies of this state doing business within that state.
10. Manage, control, and supervise the state bonding fund.
11. Manage, control, and supervise the state fire and tornado fund and the insurance of public buildings in that fund.

SECTION 20. AMENDMENT. Section 26.1-21-22 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-22. Publication of statement of fund - Biennial report to ~~governor and office of management and budget~~. The commissioner, on or about the December first day of December in each odd-numbered 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 the commissioner's work and of the condition of the fund during the two preceding fiscal years. The commissioner shall submit a

biennial report ~~as prescribed by~~ to the governor and the secretary of state in accordance with section 54-06-04 ~~to the governor and to the office of management and budget.~~

SECTION 21. AMENDMENT. Section 34-05-01 of the North Dakota Century Code is amended and reenacted as follows:

34-05-01. Statistics relating to the employment of labor. The commissioner of labor shall collect, systematize, and ~~present~~ submit in biennial reports ~~as prescribed by~~ to the governor and the secretary of state in accordance with section 54-06-04 ~~to the governor and the office of management and budget~~ statistical details relating to the employment of labor in the state. The statistics may be classified as the commissioner of labor ~~deems~~ determines best.

SECTION 22. AMENDMENT. Section 34-06-20 of the North Dakota Century Code is amended and reenacted as follows:

34-06-20. Biennial report of commissioner. The commissioner shall submit a biennial report ~~as prescribed in~~ to the governor and the secretary of state in accordance with section 54-06-04 ~~to the governor and the office of management and budget.~~

¹⁸¹ **SECTION 23. AMENDMENT.** Section 36-01-11 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

36-01-11. Reports of board Biennial report. The state board of animal health ~~shall may~~ submit a report ~~as prescribed by~~ to the governor and the secretary of state in accordance with section 54-06-04 ~~to the governor and the office of management and budget.~~

SECTION 24. AMENDMENT. Section 37-03-05 of the North Dakota Century Code is amended and reenacted as follows:

37-03-05. General duties of adjutant general. The adjutant general ~~shall be~~ is in active control of the military department of this state and shall:

1. Perform ~~such the~~ the duties ~~as pertain~~ pertaining to the adjutant general and other chiefs of staff departments under the regulations and customs of the United States army.
2. Superintend the preparation of all military returns and reports required by the United States from this state.
3. Keep a register of all the officers of the militia and national guard of this state.
4. Keep in ~~his~~ the office of the adjutant general all records and papers required to be kept and filed ~~therein~~ in the office.

¹⁸¹ Section 36-01-11 was also amended by section 53 of Senate Bill No. 2505, chapter 347.

5. ~~Submit a biennial report as prescribed by section 54-06-04 to the governor and the office of management and budget. In addition to any requirements established pursuant to section 54-06-04, the report must include a detailed statement of all the expenditures for military purposes during the preceding two fiscal years.~~
6. Cause to be prepared and issued all necessary blank books, blanks, forms, and notices required to carry into full effect ~~the provisions of this title. All such books and blanks shall be and remain~~ are the property of this state.
- ~~7.~~ 6. ~~Make such~~ Adopt any regulations relating to the preparation of reports and returns, and to the care and preservation of military property belonging to this state and to the United States, as in ~~his~~ the adjutant general's opinion the conditions demand. ~~Such~~ The regulations are operative ~~and in force~~ when promulgated in the form of general orders, circulars, or letters of instruction.
- ~~8.~~ 7. Render annually to the governor a statement in detail showing the acquisition and disposition of all clothing, ordnance, arms, ammunition, and other military property on hand or issued.
- ~~9.~~ 8. Keep in ~~his~~ the office of the adjutant general a list of the retired officers of the organized militia, showing age, military experience, and training of each.
- ~~10.~~ 9. Perform ~~such~~ all other duties ~~as are~~ prescribed for ~~him~~ the adjutant general by law.

SECTION 25. A new section to chapter 37-03 of the North Dakota Century Code is created and enacted as follows:

Biennial report. The adjutant general may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. If submitted, the report must include a detailed statement of all the expenditures for military purposes during the preceding two fiscal years.

SECTION 26. AMENDMENT. Section 37-14-09 of the North Dakota Century Code is amended and reenacted as follows:

37-14-09. Records - Report to governor and office of management and budget
Biennial report. 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. The department may submit a biennial report as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.

SECTION 27. AMENDMENT. Section 37-15-19 of the North Dakota Century Code is amended and reenacted as follows:

37-15-19. Report of commandant to governor and office of management and budget
Biennial report. The commandant of the veterans' home shall may submit a biennial report to the governor and the office of management and budget a biennial report as prescribed by secretary of state in accordance with section 54-06-04.

SECTION 28. AMENDMENT. Section 43-01-06 of the North Dakota Century Code is amended and reenacted as follows:

43-01-06. Board to make biennial Biennial report. The board shall ~~may~~ submit a biennial report to the governor and the ~~office of management and budget as prescribed by secretary of state in accordance with~~ section 54-06-04.

SECTION 29. AMENDMENT. Section 43-04-19 of the North Dakota Century Code is amended and reenacted as follows:

43-04-19. Report to governor and office of management and budget Biennial report. The board shall ~~may~~ submit a biennial report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the office of management and budget.~~

SECTION 30. AMENDMENT. Section 43-09-05 of the North Dakota Century Code is amended and reenacted as follows:

43-09-05. Powers and duties of state electrical board - Report Biennial report. The board shall adopt a seal and may ~~make adopt~~ reasonable rules to carry out ~~the provisions of~~ this chapter. The board shall ~~may~~ submit a biennial report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the office of management and budget.~~ The board shall appoint qualified inspectors; ~~who.~~ The inspectors shall inspect, within fifteen days after notice of completion of any electrical wiring installation involving a value of three hundred dollars or more in municipalities having ordinances requiring such inspection, ~~inspect such the~~ electrical installation and approve or condemn the same. ~~A The inspector shall make a report thereof must be made of the inspection on forms prescribed by the board.~~

SECTION 31. AMENDMENT. Section 43-10-08 of the North Dakota Century Code is amended and reenacted as follows:

43-10-08. Board to report to governor and office of management and budget Biennial report. The board shall ~~may~~ submit a biennial report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the office of management and budget.~~

SECTION 32. AMENDMENT. Section 43-13-09 of the North Dakota Century Code is amended and reenacted as follows:

43-13-09. Report to governor and office of management and budget Biennial report. The board shall ~~may~~ submit a biennial report to the governor and the ~~office of management and budget as prescribed by secretary of state in accordance with~~ section 54-06-04.

SECTION 33. AMENDMENT. Section 43-15-12 of the North Dakota Century Code is amended and reenacted as follows:

43-15-12. State board of pharmacy - Report. The board shall ~~may~~ submit a biennial report to the governor and the ~~office of management and budget, and secretary of state in accordance with~~ section 54-06-04. The board shall submit an annual report to the North Dakota pharmaceutical association rendering an account of all moneys received and disbursed by it. ~~The report to the governor and the office of management and budget must be as prescribed by section 54-06-04.~~

SECTION 34. AMENDMENT. Section 43-17-12 of the North Dakota Century Code is amended and reenacted as follows:

43-17-12. Board to make biennial Biennial report to governor and office of management and budget. The board shall may submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04.

SECTION 35. AMENDMENT. Section 43-23-02 of the North Dakota Century Code is amended and reenacted as follows:

43-23-02. Commission - Term - Duties - Records. The ~~members~~ governor shall appoint each member of the commission ~~must be appointed by the governor~~ for a term of five years; Terms must be 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 a duly assembled meeting duly assembled, may perform and exercise all of the duties and powers devolving on the commission. The commission shall may submit a biennial report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the office of management and budget.~~

The commission shall adopt a seal with North Dakota real estate commission engraved ~~thereon on the seal~~, 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, must be received in evidence in all courts equally and with like effect as the original.

SECTION 36. AMENDMENT. Section 43-28-09 of the North Dakota Century Code is amended and reenacted as follows:

43-28-09. Report to governor and office of management and budget Biennial report. The board shall may submit a report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the office of management and budget.~~

SECTION 37. AMENDMENT. Section 46-02-04 of the North Dakota Century Code is amended and reenacted as follows:

46-02-04. Classes of printing - Contracts. The printing of the state is divided into the following classes:

1. The printing of ~~legislative documents for the use~~ bills and resolutions of the legislative assembly constitutes the first class. ~~For the purposes of this subsection, the words "legislative documents" mean bills and resolutions.~~ However, certain bills and resolutions may be excepted from this class, as directed by officers of the legislative assembly or as provided for in the rules of the senate and the house of representatives.
2. The printing and binding of the journals of the senate and the house of representatives constitutes the second class.

3. The printing and binding of the reports and other documents ~~required by state law to be that are~~ prepared and submitted to the governor and the ~~office of management and budget~~ secretary of state, and which make up the governmental biennial reports ~~as prescribed by in accordance with~~ sections 54-06-03 and 54-06-04, constitutes the third class. This class does not include the official budget report.
4. The printing and binding of the volumes of laws and legislative resolutions constitutes the fourth class.
5. All printing not included in the foregoing classes constitutes the sixth class.

Separate contracts for classes 3 and 4 must be let by the office of management and budget under competitive bidding in accordance with this title. Contracts for classes 1 and 2 must be let by competitive bidding by the office of management and budget in accordance with the rules of the senate and the house of representatives of the previous legislative session or as directed by the legislative council.

SECTION 38. AMENDMENT. Section 49-01-13 of the North Dakota Century Code is amended and reenacted as follows:

49-01-13. Biennial report to governor and department of accounts and purchases. The commission shall submit a report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the department of accounts and purchases.~~

SECTION 39. AMENDMENT. Section 52-02-03 of the North Dakota Century Code is amended and reenacted as follows:

52-02-03. Bureau to Biennial report biennially to governor and office of management and budget - Contents of report - Recommendations by bureau. The bureau shall submit a biennial report to the governor and the ~~office of management and budget~~ secretary of state in accordance with 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 North Dakota Century Code is amended and reenacted as follows:

52-10-09. Studies and reports. The state agency shall submit a biennial report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the office of management and budget.~~

SECTION 41. AMENDMENT. Section 54-06-03 of the North Dakota Century Code is amended and reenacted 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 that~~ make and transmit reports annually or biennially to the governor and the ~~office of management and budget~~ secretary of state shall submit ~~such their~~ reports to the governor and the ~~office of management and budget~~ secretary of state not later than December first of the year in which ~~such the~~ report is required to be made.

¹⁸² **SECTION 42. AMENDMENT.** Section 54-06-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted 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 ~~office of management and budget~~ 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.~~ Department of corrections and rehabilitation.
 - ~~k.~~ Department of transportation.
 - ~~l.~~ State department of health and consolidated laboratories.
 - ~~m.~~ Department of human services.
 - ~~n.~~ Workers compensation bureau.
 - ~~o.~~ ~~Director of the office~~ Office of management and budget.
 - ~~p.~~ State treasurer.
 - ~~q.~~ Commissioner of labor.
 - q. Department of banking and financial institutions.
 - r. Department of economic development and finance.

¹⁸² Section 54-06-04 was also amended by section 2 of House Bill No. 1058, chapter 243.

- s. Game and fish department.
 - t. Industrial commission.
 - u. Job service North Dakota.
 - v. Board of university and school lands.
2. A committee composed of the superintendent of the state historical board, the state librarian, and the ~~director of the office of management and budget secretary of state~~, or ~~such other persons as may be designated by such persons~~ to represent them, shall meet at the call of the ~~director of the office of management and budget secretary of state~~ to set the requirements ~~which must be prescribed by the office of management and budget~~ for form, style, materials, and content of biennial reports ~~required by law~~.
 3. ~~The director of the budget 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 does not prohibit the executive and administrative officers and departments enumerated in subsection 1 from receiving ~~such~~ additional copies of their reports as may be available and printed ~~in pamphlet form by the office of management and budget for the purpose of distribution as the administrative officers and departments shall deem necessary.~~
- 5- 4. All officers, departments, boards, commissions, and state institutions ~~required to that~~ submit reports covering their operations for the two preceding fiscal years to the governor and the ~~office of management and budget secretary of state~~ shall submit copies of their reports in the form and style, using the materials, 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 If submitted, one copy of each report must be submitted to the governor and two copies to the office of management and budget. The office of management and budget shall cause to be prepared twenty-five copies of each report submitted under the provisions of this subsection which must be distributed to the following agencies:~~
- a. Governor's office.
 - b. ~~Attorney general's office.~~
 - e. Legislative council.
 - c. Office of management and budget.
 - d. State law library.
 - e. The libraries of each state ~~institutions~~ institution of higher education.
 - f. State library.

- g. Two copies of each report must be placed in the office of to the secretary of state archivist for official and public use.

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

- ~~6- 5. All executive and administrative officers and departments responsible for submitting that submit 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 43. AMENDMENT. Section 54-09-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-09-02. Duties of secretary of state. In addition to the duties prescribed by the constitution, the secretary of state shall:

1. Attend every session of the legislative assembly for the purpose of receiving bills and resolutions therefrom, and shall perform such other duties as may devolve upon ~~him~~ the secretary of state by resolution of the two houses, or either of them.
2. Keep a register of and attest the official acts of the governor.
3. Affix the great seal with ~~his~~ the secretary of state's attestation to commissions and other public instruments to which the official signature of the governor is required.
4. Record in proper books all conveyances made to the state and all articles of incorporation filed in ~~his~~ the secretary of state's office.
5. Receive and record in the proper books the official bond of any state official who furnishes in lieu of the bond furnished by the state bonding fund a bond by a duly authorized surety company.
6. Take and file in ~~his~~ office receipts for all books distributed by ~~him~~ the secretary of state and direct the county auditor of each county to do the same.
7. Furnish on demand to persons paying the fees therefor a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in ~~his~~ the secretary of state's office.
8. Keep a fee book in which ~~shall~~ must be entered all the fees, commissions, and compensation of whatever nature or kind ~~by him~~ earned, collected, or charged by the secretary of state, with the date, name of payor, and the nature of the services in each case. ~~Such~~ The book must be verified annually by ~~his~~ affidavit of the secretary of state entered therein.
9. Biennially report to the governor with copies filed in ~~his~~ the secretary of state's office as prescribed by section 54-06-04 all moneys received from

any source for services performed, and accompany such report with a detailed statement under oath of the manner in which the appropriations for ~~his~~ the secretary of state's office have been expended during the preceding two fiscal years.

10. Immediately after the laws, resolutions, and journals of the legislative assembly are bound, distribute the laws, resolutions, and journals to the persons entitled thereto by law or rules of the senate and house of representatives.
11. Keep a registry of cities.
12. Indicate on each bill passed by the legislative assembly the date of filing in the secretary of state's office.
13. Perform ~~such~~ all other duties as are prescribed by law.

SECTION 44. AMENDMENT. Section 54-10-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-10-01. Powers and duties of state auditor. The state auditor shall:

1. Be vested with the duties, powers, and responsibilities involved in performing the postaudit of all financial transactions of the state government, detecting and reporting any defaults, and determining that expenditures have been made in accordance with law and appropriation acts.
2. Perform or provide for the audit of the general purpose financial statements and a review of the material included in the comprehensive annual financial report of the state and perform or provide for the audits and reviews of state agencies, including occupational or professional boards provided for by law. The state auditor shall audit or review each state agency once every two years. The state auditor shall determine the contents of the audits and reviews of state agencies. The state auditor may conduct any work required by the federal government. The state auditor shall charge an amount equal to the cost of the audit and other services rendered by the state auditor to all agencies that receive and expend moneys from other than the general fund. This charge may be reduced for any agency that receives and expends both general fund and nongeneral fund moneys. The state auditor shall require any agency in the executive branch of government, which includes an institution of higher education, to pay for a contract for the audit or review of that agency. Except for an audit or review of an occupational or professional board, the state auditor shall execute any contract under this subsection. The governing board of any occupational or professional board shall provide for an audit once every two years by a certified public accountant or licensed public accountant who shall submit the audit report to the state auditor's office. If the report is in the form and style as prescribed by the state auditor, the state auditor may not audit that board. Audits and reviews may be conducted at more frequent intervals if requested by the governor or legislative audit and fiscal review committee.
3. Perform or provide for performance audits of state agencies as determined necessary by the state auditor or the legislative audit and

fiscal review committee. A performance audit must include reviewing elements of compliance, economy and efficiency, and program results to determine whether an agency is complying with applicable laws and legislative intent and is managing its resources efficiently, and whether the agency's programs are achieving desired results.

4. Be responsible for the above functions and report thereon to the governor and the ~~office of management and budget~~ as prescribed by secretary of state in accordance with section 54-06-04 or more often as circumstances may require.
5. Perform ~~such~~ all other duties as prescribed by law.

SECTION 45. AMENDMENT. Section 54-11-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-11-01. Duties of state treasurer. The state treasurer shall:

1. Receive and keep all the moneys belonging to the state not required to be received and kept by some other person.
2. Register the orders or certificates of the office of management and budget delivered to ~~him~~ the state treasurer when moneys are paid or to be paid into the treasury.
3. Prepare a receipt for each deposit of money into the treasury. The receipt must show the amount, the source from which the money accrued, and the funds into which it is paid. The receipts must be numbered in order. Duplicates, if requested, must be delivered to the office of management and budget and the person paying money into the treasury.
4. Pay warrants drawn by the office of management and budget and signed by the state auditor out of the funds upon which they are drawn, and in the order in which they are presented.
5. Keep an account of all moneys received and disbursed.
6. Keep separate accounts of the different funds.
7. Keep a record of all revenues and expenditures of state agencies and all moneys received and disbursed by the treasurer in accordance with the requirements of the state's central accounting system.
8. Receive in payment of public dues the warrants drawn by the office of management and budget and signed by the state auditor in conformity with law.
9. Redeem warrants drawn by the office of management and budget and signed by the state auditor in conformity with law, if there is money in the treasury appropriated for that purpose.
10. Report to the office of management and budget on the last day of each month the amount disbursed for the redemption of bonds and the payment of warrants during the month; ~~such reports to~~ The report must show:

- a. The date and number of each bond and warrant;
 - b. The fund out of which each was paid; and
 - c. The balance in cash on hand in the treasury to the credit of each fund.
11. At the request of either house of the legislative assembly, or of any committee thereof, give information in writing as to the condition of the treasury, or upon any subject relating to the duties of ~~his~~ office.
 12. Submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report must show the exact balance in the treasury to the credit of the state. The report also must 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 must show where the funds of the state are deposited. It must be certified by the state treasurer and approved by the governor.
 13. Authenticate with ~~his~~ the official seal of the state treasurer all writings and papers issued from ~~his~~ the treasurer's office.
 14. Keep a book in which ~~he~~ the state treasurer shall enter all warrants paid, giving the name of the owner and the number and amount of each warrant.
 15. Keep and disburse all moneys belonging to the state in the manner provided by law.
 16. Keep ~~his~~ books of the state treasurer open at all times for the inspection of the governor, the state auditor, the commissioner of banking and financial institutions, the office of management and budget, and any committee appointed to examine them by either house of the legislative assembly.
 17. Unless otherwise specified by law, credit all income earned on the deposit or investment of all state moneys to the state's general fund; ~~provided that this provision.~~ This subsection does not apply to:
 - a. Income earned on state moneys that are deposited or invested to the credit of the industrial commission or any agency, utility, industry, enterprise, or business project operated, managed, controlled, or governed by the industrial commission.
 - b. Income earned by the Bank of North Dakota for its own account on state moneys that are deposited in or invested with the Bank.
 - c. Income earned on college and university funds not deposited in the state treasury.
 18. Perform ~~such~~ all other duties as are prescribed by law.

SECTION 46. AMENDMENT. Section 54-12-05 of the North Dakota Century Code is amended and reenacted as follows:

54-12-05. Report of attorney general to governor and office of management and budget Biennial report. The attorney general shall ~~make submit~~ a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04. ~~In addition to any requirements established pursuant to section 54-06-04, the~~ The report must state:

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

~~He~~ The attorney general 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~~ the attorney general's judgment are necessary to subserve the public interest.

SECTION 47. AMENDMENT. Section 54-17-06 of the North Dakota Century Code is amended and reenacted as follows:

54-17-06. Biennial report of commission. The industrial commission shall submit a biennial report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the office of management and budget. In addition to any requirements established pursuant to section 54-06-04, the~~ The report must contain a meaningful financial statement of each utility, industry, enterprise, and business project under its control.

SECTION 48. AMENDMENT. Section 54-36-06 of the North Dakota Century Code is amended and reenacted as follows:

54-36-06. Report and recommendations. The Indian affairs commission may submit its recommendations to the legislative assembly in the form of proposed legislation or resolutions and may submit a report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the office of management and budget.~~

SECTION 49. AMENDMENT. Section 54-42-05 of the North Dakota Century Code is amended and reenacted as follows:

54-42-05. Biennial report. The merit system council shall submit a biennial report ~~as prescribed by to the governor and the secretary of state in accordance with~~ section 54-06-04 ~~to the governor and the office of management and budget.~~

¹⁸³ **SECTION 50. AMENDMENT.** Section 54-44.3-07 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

¹⁸³ Section 54-44.3-07 was also amended by section 2 of House Bill No. 1501, chapter 524.

54-44.3-07. Duties of board. The primary responsibility of the board is to foster and assure a system of personnel administration in the classified service of state government. In carrying out this function it, the board shall:

1. ~~Promulgate such~~ Adopt any rules and hold ~~such any~~ hearings as are necessary to properly perform the duties, functions, and powers imposed on or vested in it the board by law. The ~~promulgation adoption~~ of rules must be accomplished in accordance with ~~provisions of~~ chapter 28-32.
2. Review and hear comments from any concerned individuals, departments, or agencies, or their representatives, on ~~any rules or modifications thereof~~ adopted by the personnel division. ~~Such a~~ A rule ~~or modification will be~~ is effective upon implementation by the division; however, if the board finds that the rule constitutes poor administrative practice, is arbitrary, capricious, contrary to the spirit or intent of the personnel system, or otherwise contrary to law, it may disapprove the rule ~~or modification~~ on that basis, thus repealing the concerned rule ~~or modification~~.
3. Hear, consider, and determine appeals by nonprobationary employees in the classified service from agency grievance procedures under section 54-44.3-12.2 related to position classifications, pay grade assignments, merit system qualification, discrimination, reprisals, reduction-in-force, forced relocation, demotion with loss of pay, suspension without pay, and dismissal. The board may assign the initial hearing of an appeal to an administrative hearing officer for the receipt of evidence and the preparation of findings of fact, conclusions of law, and a recommended decision under chapter 28-32. The board's decision on an appeal shall resolve the issues presented between the employer and employee, and the board may order any needed remedy, including affirming, modifying, or reversing the employer's decision, vacating suspensions, directing back pay and adjustments to back pay, and reinstatement to the classified service.
4. Submit a biennial report as prescribed by section 54-06-04 of its activities and the operation of this state's personnel system.
5. Keep ~~such~~ minutes and maintain ~~such~~ records ~~as are~~ necessary to assure the equitable administration of this chapter.

SECTION 51. AMENDMENT. Section 54-46-11 of the North Dakota Century Code is amended and reenacted as follows:

54-46-11. Biennial report. The biennial report of the director of the office of management and budget ~~as required by~~ made in accordance with sections 54-06-04 and 54-44-04 must describe the status and progress of programs established pursuant to this chapter and must include the recommendations of the administrator for improvements in the management of records in the state government.

¹⁸⁴ SECTION 52. AMENDMENT. Section 57-01-02 of the North Dakota Century Code is amended and reenacted as follows:

57-01-02. Powers and duties. The tax commissioner:

1. Shall perform all the duties ~~enjoined~~ imposed upon ~~him~~ the tax commissioner by law.
2. Shall exercise general supervision over all assessors of general property or other taxes, over township, county, and city boards of equalization and over all other assessing officers, in the performance of their duties, to the end that all assessments of property be made relatively just and equal in compliance with the laws of the state.
3. Shall direct actions and prosecutions to be instituted to enforce the laws relating to the penalties, liabilities, and punishments of persons, officers of corporations, limited liability companies, public officers, and others, for failure or neglect to comply with the provisions of law governing the returns, assessments, and taxation of property, income, or other objects of taxation, cause complaints to be made against officers for neglect or refusal to comply with the law, and generally shall enforce all tax proceedings and revenue laws of the state in the proper courts.
4. May require state's attorneys of the several counties to assist in the commencement and prosecution of actions and proceedings for the violation of any laws in respect to assessment or taxation.
5. May require township, city, county, and other public officers to report information as to the assessment and collection of property and other taxes, receipts from licenses and other sources, the expenditure of public funds for all purposes, and such other information as may be needful in the administration of the tax laws, in such form and upon such blanks as ~~he~~ the tax commissioner may prescribe.
6. May summon witnesses to appear and give testimony and produce books, records, papers, and documents relating to any matter which ~~he~~ the tax commissioner or the state board of equalization may have authority to investigate or determine, and may cause the depositions of witnesses residing within or without the state, or temporarily absent therefrom, to be taken, upon notice to the interested parties, if any, in like manner as depositions of witnesses are taken in civil actions in the district court.
7. May require a reassessment of property in any county to be made in accordance with chapter 57-14, whenever that is deemed necessary, or may require county auditors to place on the assessment rolls property which may be discovered and which has not been taxed according to law.

¹⁸⁴ Section 57-01-02 was also amended by section 1 of House Bill No. 1450, chapter 544.

8. Shall examine carefully all cases where evasions or violations of the laws of assessment and taxation of property or other objects or subjects of taxation are alleged, complained of, or discovered, and shall ascertain wherein existing laws are defective or are administered improperly or negligently.
9. Shall submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04 the biennial. The report must contain the biennial report of the commissioner and state board of equalization.
10. Shall visit other states and confer with taxing officials and attend tax or other economic conferences or conventions, in person or by ~~his~~ the tax commissioner's authorized agent.
11. Shall certify all levies, assessments, equalizations, or valuations made by ~~him~~ the tax commissioner or the state board of equalization, not more than thirty days after the same have been made, or at periods otherwise provided by law.
12. ~~Shall have the power to~~ May execute reciprocal agreements with the appropriate officials of any other state under which ~~he~~ the tax commissioner may waive all or any part of the requirements imposed by the laws or statutes of this state upon those who use or consume in ~~the~~ this state of ~~North Dakota~~, gasoline, other motor vehicle fuel, or special fuel upon which the tax has been paid to ~~such that~~ other state; provided, that the officials of ~~such that~~ other state grant the equivalent privileges with respect to gasoline, other motor vehicle fuel, or special fuel used in ~~such that~~ other state upon which the tax has been paid to ~~the~~ this state of ~~North Dakota~~.
13. May maintain an accounting system ~~which that~~ includes a special category of accounts designated as noncurrent accounts. ~~Said~~ The noncurrent accounts ~~shall must~~ be those accounts ~~which that~~ are uncollectible as a matter of law or those accounts where all reasonable collection efforts over a period of six years have produced no results. After examination by the state auditor, and upon ~~his~~ the state auditor's recommendation for cause, specific accounts may be removed by the commissioner from noncurrent status and all records pertaining thereto immediately destroyed.
14. May ~~waive~~, upon a showing of good cause, ~~waive~~ any and all tax due. A lien must have been filed against the debtor's property prior to the request for a waiver. The attorney general shall approve the waiver must be approved by the attorney general.
15. a. May require, consistent with the cash management policies of the office of management and budget, that any taxpayer owing one hundred thousand dollars or more in connection with any return, report, or other document to be filed with the commissioner shall pay the tax liability to the state no later than the date the payment is required by law to be made in funds which are immediately available to the state on the date of payment. Payment in immediately available funds may be made by wire transfer of funds through the federal reserve system or by any other means established by the commissioner which ensures the availability of

the funds to the state on the date of payment. Evidence of the payment must be furnished to the commissioner on or before the due date of the tax as established by law. Failure to timely make the payment in immediately available funds or failure to provide evidence of payment in a timely manner subjects the taxpayer to penalty and interest as provided by law for delinquent or deficient tax payments. If payment is timely made in other than immediately available funds, penalty and interest must be added to the amount of tax due from the due date of the tax payment to the date that funds from the tax payment become available to the state.

- b. May establish by rule periodic filing and payment dates that are subsequent to the dates otherwise established by law for any taxes collected by the commissioner in those instances where the commissioner deems it to be in the best interest of the state, provided that the alternative date may not be later than the last day of the month in which the tax was otherwise due.
- c. May adopt rules necessary for the administration of this subsection.

SECTION 53. AMENDMENT. Section 61-03-04 of the North Dakota Century Code is amended and reenacted as follows:

61-03-04. Report of state engineer to governor and office of management and budget Biennial report. The state engineer shall may submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04.

SECTION 54. AMENDMENT. Section 61-04.1-10 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-10. Report to governor Biennial report. The board shall may prepare and transmit a biennial report to the governor describing in accordance with sections 54-06-03 and 54-06-04. If submitted, the report must describe the research and development activities conducted during the biennium, and the outcome thereof, and other related work and activities. The report shall be submitted in accordance with sections 54-06-03 and 54-06-04.

SECTION 55. AMENDMENT. Section 65-02-09 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted 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 general information as to the business transacted by the bureau as in its judgment may be useful. The director shall make submit a biennial report as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget. In addition to any requirements established pursuant to section 54-06-04, the The report must 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.
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 56. REPEAL. Section 54-06-05 of the North Dakota Century Code is repealed.

Approved March 31, 1995

Filed March 31, 1995

CHAPTER 351

HOUSE BILL NO. 1249

(Representatives Martinson, Gerntholz, Belter)
(Senators Goetz, Nething, Redlin)

NATIONAL GUARD TUITION WAIVERS

AN ACT to create and enact a new section to chapter 37-07.1 of the North Dakota Century Code, relating to tuition reimbursement payments; to amend and reenact sections 37-07.1-03 and 37-07.2-01 of the North Dakota Century Code, relating to tuition waivers and grants; and to repeal section 37-07.1-06 of the North Dakota Century Code, relating to tuition payments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 37-07.1 of the North Dakota Century Code is created and enacted as follows:

Tuition reimbursement - Payments. The adjutant general shall make tuition reimbursement payments, within the limits of legislative appropriations, to any state-controlled school for each qualifying member of the national guard enrolled in that school who receives a tuition waiver provided in section 37-07.1-03.

SECTION 2. AMENDMENT. Section 37-07.1-03 of the North Dakota Century Code is amended and reenacted as follows:

~~37-07.1-03. Tuition assistance - Waiver of tuition fees waiver - Terms. Any qualifying member of the national guard who enrolls in any state-controlled school may shall, subject to the limitations of available appropriated funds and subject to national guard rules that may be promulgated by the adjutant general, receive tuition assistance in an amount not to exceed fifty percent a waiver of the tuition fees charged by the school. In addition, the qualifying member may be entitled to the waiver of an amount, as determined by the adjutant general pursuant to national guard rules, not to exceed twenty-five percent of the tuition fees of the school and not to exceed fifty percent of the amount of tuition assistance paid by the adjutant general. The tuition assistance and waiver are is valid only so long as the member of the national guard maintains satisfactory performance with the guard, meets the qualification requirements of rules promulgated by the adjutant general, and pursues a course of study in a manner which satisfies the normal requirements of the school.~~

SECTION 3. AMENDMENT. Section 37-07.2-01 of the North Dakota Century Code is amended and reenacted as follows:

~~37-07.2-01. National guard tuition grants - Terms of grants. Any qualifying member of the national guard who enrolls in any private nonprofit college or university in North Dakota granting a four-year baccalaureate degree may, subject to the limitations of available appropriated funds and subject to national guard rules that may be promulgated by the adjutant general, receive a grant in an amount not to exceed fifty percent of the tuition fees charged by the school, but not in excess of the tuition equal to the payments made pursuant to chapter 37-07.1 for similar courses and credit hours for each qualifying member of the national guard who is enrolled at the university of North Dakota. Any private nonprofit college or university that agrees to participate in such a program must waive tuition for~~

qualifying national guardsmen in an amount; ~~as determined by the adjutant general pursuant to national guard rules; not to exceed twenty five percent of~~ equal to the difference between the tuition grant received by the national guard member and the tuition charged for similar courses and credit hours at the university of North Dakota. The use of the grant may not be restricted to the payment of tuition fees by the member of the national guard. These grants must be distributed according to rules promulgated by the adjutant general and are available only so long as the member maintains satisfactory performance with the guard, meets the qualification requirements of the rules, and pursues a course of study which satisfies the normal requirements of the school. As used in this chapter the word "tuition" has the same meaning as provided in section 37-07.1-02.

SECTION 4. REPEAL. Section 37-07.1-06 of the North Dakota Century Code is repealed.

Approved April 5, 1995
Filed April 5, 1995

CHAPTER 352**HOUSE BILL NO. 1419**
(Representatives Huether, Grumbo)**VETERANS' HOME DONATIONS**

AN ACT to amend and reenact section 37-15-21 of the North Dakota Century Code, relating to funds available to the veterans' home.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-15-21 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

37-15-21. Commandant may accept gifts, donations, or bequests. The commandant for and in behalf of the veterans' home is hereby authorized to accept and expend funds from any source, including federal or private sources; ~~interest earnings from the veterans' postwar trust fund;~~ and donations, gifts, or bequests offered or tendered to, or for the benefit of, the veterans' home to be used to benefit the veterans' home ~~as authorized by the administrative committee on veterans' affairs with the approval of the emergency commission.~~ All such moneys received or accepted must be used for the specific purposes for which they were given or donated. This authority shall apply and be retroactive to any or all gifts, donations, or bequests heretofore tendered, offered, or made. The veterans' home may establish and maintain its own local fund to administer moneys received under this section. All interest, rent, or income from moneys or property received under this section must be deposited in the veterans' home improvement fund unless by the terms of acquisition, the moneys are required to be maintained in a different manner.

Approved April 4, 1995

Filed April 4, 1995

CHAPTER 353**SENATE BILL NO. 2309**
(Senators B. Stenehjem, Lips, Thane)
(Representatives Maragos, Retzer, Schmidt)**VETERANS' PREFERENCE ELIGIBILITY AND
DEFINITIONS**

AN ACT to amend and reenact section 37-19.1-01 and subsection 5 of section 37-19.1-02 of the North Dakota Century Code, relating to definitions under the veterans' preference laws.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸⁵ **SECTION 1. AMENDMENT.** Section 37-19.1-01 of the North Dakota Century Code is amended and reenacted as follows:

37-19.1-01. Definitions. As used in this chapter:

1. "Agency" or "governmental agency" means all political subdivisions and any state agency, board, bureau, commission, department, officer, and any state institution or enterprise authorized to employ persons either temporarily or permanently.
2. "Chief deputy" means the person who is appointed by an elected or appointed official under express statutory authority to hire a chief deputy and who is authorized to act on behalf of that official. The term does not include a person appointed to a position that must be filled under an established personnel system.
3. "Disabled veteran" means a veteran who is found to be entitled to a service-connected disability rating as determined by the United States veterans' administration.
- ~~3~~ 4. "Personnel system" means a personnel system based on merit principles.
- ~~4~~ 5. "Political subdivision" means counties, cities, townships, and any other governmental entity created by state law which employs persons either temporarily or permanently.
6. "Private secretary" means the person who is appointed by an elected or appointed official under express legal authority to hire a private secretary or administrative assistant and who is authorized to handle correspondence, keep files, schedule appointments, and do other clerical work of a more personal and confidential nature for that official, but does not include a person appointed to a position that must be filled under an established personnel system.

¹⁸⁵ Section 37-19.1-01 was also amended by section 1 of House Bill No. 1478, chapter 354.

5→ 7. "Veteran" means a wartime veteran as defined in subsection 2 of section 37-01-40.

¹⁸⁶ SECTION 2. AMENDMENT. Subsection 5 of section 37-19.1-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. The provisions of this section do not apply when the position to be filled is that of a superintendent of schools, teacher, or the chief deputy or private secretary of an elected or appointed official, the chancellor and vice chancellors of the board of higher education, presidents or executive deans, vice presidents, assistant to the president, provosts, and instructors of board institutions. Temporary committees and individual or group appointments made by the governor or legislative assembly are also excepted from the provisions of this section.

Approved April 4, 1995
Filed April 4, 1995

¹⁸⁶ Section 37-19.1-02 was also amended by section 2 of House Bill No. 1478, chapter 354.

CHAPTER 354**HOUSE BILL NO. 1478**

(Representatives Christenson, Clayburgh, Glassheim)

**VETERANS' PREFERENCES RESIDENCY
REQUIREMENTS**

AN ACT to amend and reenact subsection 5 of section 37-19.1-01 and subsection 1 of section 37-19.1-02 of the North Dakota Century Code, relating to the definition of veterans for the purpose of veterans' preferences and public employment preference to veterans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸⁷ **SECTION 1. AMENDMENT.** Subsection 5 of section 37-19.1-01 of the North Dakota Century Code is amended and reenacted as follows:

5. "Veteran" means a North Dakota resident who is a wartime veteran as defined in subsection 2 of section 37-01-40.

¹⁸⁸ **SECTION 2. AMENDMENT.** Subsection 1 of section 37-19.1-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Veterans ~~who are North Dakota residents~~ are entitled to preference, over all other applicants, in appointment or employment by governmental agencies, provided that such veteran is a United States citizen at the time of application for employment. Veterans qualified for preference may not be disqualified from holding any position with an agency because of physical or mental disability, unless ~~such~~ the disability renders them unable to properly perform the duties of the position applied for.

Approved April 7, 1995
Filed April 7, 1995

¹⁸⁷ Section 37-19.1-01 was also amended by section 1 of Senate Bill No. 2309, chapter 353.

¹⁸⁸ Section 37-19.1-02 was also amended by section 2 of Senate Bill No. 2309, chapter 353.

CHAPTER 355

SENATE BILL NO. 2121

(Government and Veterans Affairs Committee)
(At the request of the Office of Administrative Hearings)

VETERANS' PREFERENCE GRIEVANCE HEARINGS

AN ACT to amend and reenact section 37-19.1-04 of the North Dakota Century Code, relating to hearing procedures for veterans' preference grievance hearings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-19.1-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

37-19.1-04. Refusal to give preference - Retaliatory action or removal - Remedies - Procedures.

1. If a veteran, or a qualified veteran's spouse, hereafter known as the applicant, is not given the preference provided in ~~sections~~ section 37-19.1-02 or 37-19.1-03, the applicant, within fifteen days after notification by certified mail that employment has been refused, may request a hearing before a hearing officer as provided in subsection 3. The applicant's request must be in writing, must include the employer's notification that employment has been refused, and must be delivered to the commissioner of veterans' affairs by certified mail with return receipt requested. A copy of the written request must be mailed to the employer or employing agency. The applicant is entitled to immediate employment in the position for which application was originally made, or an equivalent position, if the hearing officer finds in favor of the applicant.
2. Any person who has exercised the right to an employment preference under this chapter, and who, within one year after exercise of that right:
 - a. Is discharged;
 - b. Has had compensation reduced; or
 - c. Is otherwise subject to action by the employing agency designed to cause the veteran or qualified veteran's spouse to resign or quit employment,

is entitled to a hearing if the person believes that the employing agency took any of the above-described action due to the exercise of employment preference. The hearing must be held before ~~the~~ a hearing officer as provided in subsection 3. If the hearing officer finds that the employing agency took any of the actions described in subdivision a, b, or c due to the person's exercise of the right to an employment preference, the hearing officer shall order the employing agency to cease and desist from such action or to reinstate the veteran or qualified veteran's spouse. The request for a hearing under this subsection must

be in writing addressed to the commissioner of veterans' affairs. The request for a hearing must identify the employer or employing agency that took any action described in subdivision a, b, or c and describe the action taken. A copy of the written request must be mailed to the employer or employing agency. The request, addressed to the commissioner of veterans' affairs, must be made by certified mail with return receipt requested within fifteen days after any action described in subdivision a, b, or c is taken by the employing agency.

3. At the request of Within fifteen days after receiving a request from an applicant or person under subsection 1 or 2, the commissioner of veterans' affairs; the attorney general shall appoint request the director of the office of administrative hearings to designate a hearing officer knowledgeable in personnel administration to hear grievances the grievance arising under subsection 1 or 2. The commissioner shall notify the employer or employing agency that a request for a hearing has been made. The hearing officer office of administrative hearings is entitled to be reimbursed by the employer or employing agency for all hearing officer services rendered and expenses incurred in performing these duties. The hearing officer shall hold the hearing within fifteen thirty days after the hearing is requested by the commissioner of veterans' affairs officer request is received by the director of the office of administrative hearings. Notwithstanding the time limitation, the hearing officer may postpone or continue the hearing for good cause, at the request of a party. At the hearing, both parties may be represented by counsel. If the hearing is requested pursuant to subsection 1, the employing agency has the burden of proving that the veteran or the qualified veteran's spouse did not possess the qualifications required for the position. If the hearing is requested pursuant to subsection 2, the employing agency has the burden of proving that any action which was taken was not taken because of exercise of the right to an employment preference. The hearing officer shall issue findings of fact, conclusions of law, and an order within fifteen days after the hearing is concluded, briefs filed, and arguments closed. The order is binding on both parties, subject to appeal.
4. Any party aggrieved by the finding findings of fact, conclusions of law, and order of the hearing officer may appeal in the manner provided for in chapter 28-32, provided except that notice of appeal need only be served on the other party; and the appellant need not execute an undertaking. Any party aggrieved by the decision of the district court may appeal that decision to the supreme court as provided in chapter 28-32. Appeals to the district court under this subsection must be heard without a jury.

Approved March 15, 1995

Filed March 15, 1995