

STATE GOVERNMENT

CHAPTER 338

H. B. No. 566
(Giffey, Streibel, Hoffner, Fossum)

LEGISLATIVE APPORTIONMENT

AN ACT

To provide for the numbering of legislative districts and staggered terms in the senate and to amend and reenact section 54-03-01 of the 1963 Supplement to the North Dakota Century Code, relating to legislative apportionment.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 54-03-01 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-01. State Legislative Apportionment.) The legislative districts of the state shall be formed, and senators and representatives shall be apportioned as follows:

1. The first legislative district shall consist of the county of Pembina and shall be entitled to one senator and two representatives;
2. The second legislative district shall consist of the county of Cavalier and townships one hundred sixty-one, one hundred sixty-two, one hundred sixty-three, and one hundred sixty-four north of ranges sixty-five, sixty-six, sixty-seven, and sixty-eight west lying within the county of Towner and shall be entitled to one senator and two representatives;
3. The third legislative district shall consist of the county of Rolette and shall be entitled to one senator and two representatives;
4. The fourth legislative district shall consist of the county of Bottineau and shall be entitled to one senator and two representatives;
5. The fifth legislative district shall consist of the county of Renville and township one hundred fifty-seven north of ranges eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, and eighty-six west; township one

- hundred fifty-nine north of ranges eighty-seven, eighty-eight, and eighty-nine west; township one hundred sixty north of ranges eighty-seven, eighty-eight, and eighty-nine west, and township one hundred sixty-one north of range eighty-eight west lying within the county of Ward and shall be entitled to one senator and two representatives;
6. The sixth legislative district shall consist of the counties of Divide and Burke and shall be entitled to one senator and two representatives;
 7. The seventh legislative district shall consist of the county of Williams and shall be entitled to two senators and four representatives;
 8. The eighth legislative district shall consist of the county of Mountrail and townships one hundred fifty-seven and one hundred fifty-eight north of range eighty-seven west lying within the county of Ward and shall be entitled to one senator and two representatives;
 9. The ninth legislative district shall consist of townships one hundred fifty-one, one hundred fifty-two, one hundred fifty-three, one hundred fifty-four, one hundred fifty-five, and one hundred fifty-six north of ranges eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, and eighty-seven west lying within the county of Ward and shall be entitled to four senators and eight representatives;
 10. The tenth legislative district shall consist of the county of McHenry and shall be entitled to one senator and two representatives;
 11. The eleventh legislative district shall consist of the county of Pierce and townships one hundred fifty-one, one hundred fifty-two, one hundred fifty-three, one hundred fifty-four, one hundred fifty-five, and one hundred fifty-six north of ranges sixty-nine, seventy, and seventy-one west lying within the county of Benson and shall be entitled to one senator and two representatives;
 12. The twelfth legislative district shall consist of townships one hundred fifty-seven, one hundred fifty-eight, one hundred fifty-nine, and one hundred sixty north of ranges sixty-five, sixty-six, sixty-seven, and sixty-eight west lying within the county of Towner; township one hundred fifty-one north of ranges sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, and sixty-eight west; township one hundred fifty-two north of

- ranges sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, and sixty-eight west; township one hundred fifty-three north of ranges sixty-five, sixty-six, sixty-seven, and sixty-eight west; township one hundred fifty-four north of ranges sixty-five, sixty-six, and sixty-seven west; and townships one hundred fifty-five and one hundred fifty-six north of ranges sixty-seven and sixty-eight west lying within the county of Benson and townships one hundred fifty-two and one hundred fifty-three north of range sixty-five west; township one hundred fifty-four north of ranges sixty-five and sixty-six west; townships one hundred fifty-five, one hundred fifty-six, one hundred fifty-seven, and one hundred fifty-eight north of range sixty-four west; and townships one hundred fifty-five and one hundred fifty-six north of ranges sixty-five and sixty-six west lying within the county of Ramsey and shall be entitled to one senator and two representatives;
13. The thirteenth legislative district shall consist of townships one hundred fifty-five, one hundred fifty-six, one hundred fifty-seven, and one hundred fifty-eight north of ranges sixty, sixty-one, sixty-two, and sixty-three west; townships one hundred fifty-three and one hundred fifty-four north of ranges sixty-one, sixty-two, sixty-three, and sixty-four west; and township one hundred fifty-two north of ranges sixty-two, sixty-three, and sixty-four west lying within the county of Ramsey and shall be entitled to one senator and two representatives;
 14. The fourteenth legislative district shall consist of the county of Walsh and township one hundred fifty-three north of range fifty west; and townships one hundred fifty-two, one hundred fifty-three, and one hundred fifty-four north of ranges fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, and fifty-six west lying within the county of Grand Forks and shall be entitled to two senators and four representatives;
 15. The fifteenth legislative district shall consist of townships one hundred forty-nine and one hundred fifty north of range forty-nine west; and townships one hundred forty-nine, one hundred fifty, one hundred fifty-one, and one hundred fifty-two north of range fifty west; and townships one hundred forty-nine, one hundred fifty, and one hundred fifty-one north of ranges fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, and fifty-six lying within the county of Grand Forks and shall be entitled to four senators and eight representatives;

16. The sixteenth legislative district shall consist of the county of Traill and townships one hundred forty-four, one hundred forty-five, one hundred forty-six, one hundred forty-seven, and one hundred forty-eight north of ranges fifty-four and fifty-five west lying within the county of Steele and shall be entitled to one senator and two representatives;
17. The seventeenth legislative district shall consist of the county of Nelson and townships one hundred forty-five, one hundred forty-six, one hundred forty-seven, and one hundred forty-eight north of ranges fifty-six and fifty-seven west lying within the county of Steele; and townships one hundred forty-four, one hundred forty-five, one hundred forty-six, one hundred forty-seven, and one hundred forty-eight north of ranges fifty-eight, fifty-nine, and sixty; and township one hundred forty-four north of range sixty-one west lying within the county of Griggs and shall be entitled to one senator and two representatives;
18. The eighteenth legislative district shall consist of the counties of Eddy and Foster and townships one hundred forty-five, one hundred forty-six, one hundred forty-seven, and one hundred forty-eight north of range sixty-one west lying within the county of Griggs; and townships one hundred forty-five, one hundred forty-six, one hundred forty-seven, one hundred forty-eight, one hundred forty-nine, and one hundred fifty north of range sixty-eight west lying within the county of Wells and shall be entitled to one senator and two representatives;
19. The nineteenth legislative district shall consist of the county of Sheridan and townships one hundred forty-five, one hundred forty-six, one hundred forty-seven, one hundred forty-eight, one hundred forty-nine, and one hundred fifty north of ranges sixty-nine, seventy, seventy-one, seventy-two, and seventy-three west lying within the county of Wells; and townships one hundred forty-nine and one hundred fifty north of range seventy-eight west lying within the county of McLean and shall be entitled to one senator and two representatives;
20. The twentieth legislative district shall consist of townships one hundred forty-five, one hundred forty-six, one hundred forty-seven, one hundred forty-eight, one hundred forty-nine, and one hundred fifty north of range seventy-nine west; township one hundred forty-three north of ranges eighty and eighty-one west; and townships one hundred forty-four, one hundred forty-five,

- one hundred forty-six, one hundred forty-seven, one hundred forty-eight, one hundred forty-nine, and one hundred fifty north of ranges eighty, eighty-one, eighty-two, eighty-three, and eighty-four west; and townships one hundred forty-seven, one hundred forty-eight, one hundred forty-nine, and one hundred fifty north of ranges eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, and ninety-one west lying within McLean County and shall be entitled to one senator and two representatives;
21. The twenty-first legislative district shall consist of the counties of Golden Valley, Billings, and McKenzie and shall be entitled to one senator and two representatives;
 22. The twenty-second legislative district shall consist of the counties of Dunn and Mercer, and shall be entitled to one senator and two representatives;
 23. The twenty-third legislative district shall consist of the county of Burleigh and shall be entitled to three senators and six representatives;
 24. The twenty-fourth legislative district shall consist of the counties of Kidder and Emmons and shall be entitled to one senator and two representatives;
 25. The twenty-fifth legislative district shall consist of the county of Stutsman and shall be entitled to two senators and four representatives;
 26. The twenty-sixth legislative district shall consist of townships one hundred forty, one hundred forty-one, one hundred forty-two, and one hundred forty-three north of ranges fifty-eight, fifty-nine, sixty, and sixty-one west; and townships one hundred thirty-seven, one hundred thirty-eight, and one hundred thirty-nine north of ranges sixty and sixty-one west lying within the county of Barnes and shall be entitled to one senator and two representatives;
 27. The twenty-seventh legislative district shall consist of township one hundred and forty-four north of ranges fifty-six and fifty-seven west lying within the county of Steele; and townships one hundred thirty-seven, one hundred thirty-eight, and one hundred thirty-nine north of ranges fifty-six, fifty-seven, fifty-eight, and fifty-nine west; and townships one hundred forty, one hundred forty-one, one hundred forty-two, and one hundred forty-three north of ranges fifty-six and fifty-seven west lying within the county of Barnes; and townships one hundred

- thirty-seven, one hundred thirty-eight, one hundred thirty-nine, one hundred forty-one, one hundred forty-two, and one hundred forty-three north of range fifty-two west; and townships one hundred thirty-seven, one hundred thirty-eight, one hundred thirty-nine, one hundred forty, one hundred forty-one, one hundred forty-two, and one hundred forty-three north of ranges fifty-three, fifty-four, and fifty-five west lying within the county of Cass and shall be entitled to one senator and two representatives;
28. The twenty-eighth legislative district shall consist of township one hundred thirty-seven north of ranges forty-eight, forty-nine, fifty, and fifty-one west; township one hundred thirty-eight north of ranges forty-eight, forty-nine, fifty, and fifty-one west; sections three, four, five, six, seven, eight, nine, ten, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-four in township one hundred thirty-nine north of range forty-nine west; township one hundred thirty-nine north of ranges fifty and fifty-one west; sections three, four, five, six, seven, eight, nine, ten, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-four in township one hundred forty north of range forty-nine west; township one hundred forty north of ranges fifty, fifty-one, and fifty-two west; township one hundred forty-one north of ranges forty-nine, fifty, and fifty-one west; township one hundred forty-two north of ranges forty-nine, fifty, and fifty-one west; township one hundred forty-three north of ranges forty-nine, fifty, and fifty-one west, lying within the county of Cass and shall be entitled to one senator and two representatives;
29. The twenty-ninth legislative district shall consist of the city of Fargo, the township of Fargo sections one, two, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, and thirty-six of township one hundred forty north of range forty-nine west; sections one, two, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, and thirty-six of township one hundred thirty-nine north of range forty-nine west; township one hundred thirty-nine north of range forty-eight west lying within the county of Cass and shall be entitled to four senators and eight representatives;

30. The thirtieth legislative district shall consist of townships one hundred twenty-nine, one hundred thirty, one hundred thirty-one, one hundred thirty-two, and one hundred thirty-three north of range forty-seven west; townships one hundred twenty-nine, one hundred thirty, one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, one hundred thirty-four, one hundred thirty-five, and one hundred thirty-six north of ranges forty-eight and forty-nine west; and townships one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, one hundred thirty-four, one hundred thirty-five, and one hundred thirty-six north of range fifty west located within the county of Richland and shall be entitled to one senator and two representatives;
31. The thirty-first legislative district shall consist of the county of Sargent and townships one hundred twenty-nine and one hundred thirty north of range fifty west and townships one hundred twenty-nine, one hundred thirty, one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, one hundred thirty-four, one hundred thirty-five, and one hundred thirty-six north of ranges fifty-one and fifty-two west lying within the county of Richland and shall be entitled to one senator and two representatives;
32. The thirty-second legislative district shall consist of the county of Ransom and townships one hundred thirty-three, one hundred thirty-four, one hundred thirty-five, and one hundred thirty-six north of ranges fifty-nine, sixty, sixty-one, and sixty-two west lying within the county of LaMoure and shall be entitled to one senator and two representatives;
33. The thirty-third legislative district shall consist of the county of Dickey and townships one hundred thirty-three, one hundred thirty-four, one hundred thirty-five, and one hundred thirty-six north of ranges sixty-three, sixty-four, sixty-five, and sixty-six west lying within the county of LaMoure and shall be entitled to one senator and two representatives;
34. The thirty-fourth legislative district shall consist of the counties of McIntosh and Logan and shall be entitled to one senator and two representatives;
35. The thirty-fifth legislative district shall consist of township one hundred thirty-three north of range eighty-two west; township one hundred thirty-four north of ranges seventy-nine, eighty, eighty-one, eighty-two, eighty-

- three, and eighty-four west; township one hundred thirty-five north of ranges seventy-nine, eighty, eighty-one, eighty-two, eighty-three, and eighty-four west; township one hundred thirty-six north of ranges seventy-nine, eighty, eighty-one, eighty-two, eighty-three, and eighty-four west; township one hundred thirty-seven north of ranges seventy-nine, eighty, eighty-one, and eighty-two west; township one hundred thirty-eight north of ranges eighty, eighty-one, and eighty-two west; township one hundred thirty-nine north of ranges eighty, eighty-one, and eighty-two west; and township one hundred forty north of ranges eighty-one and eighty-two west lying within the county of Morton and shall be entitled to one senator and two representatives;
36. The thirty-sixth legislative district shall consist of the county of Oliver, and township one hundred thirty-seven north of ranges ninety-one, ninety-two, ninety-three, ninety-four and ninety-five west; township one hundred thirty-eight north of ranges ninety-one, ninety-two, ninety-three, ninety-four, and ninety-five west; township one hundred thirty-nine north of ranges ninety-one, ninety-two, ninety-three, ninety-four, and ninety-five west; township one hundred forty north of ranges ninety-one, ninety-two, ninety-three, ninety-four, and ninety-five west; and township one hundred forty-one north of ranges ninety-one, ninety-two, and ninety-three west, lying within the county of Stark, and township one hundred thirty-seven north of ranges eighty-three, eighty-four, eighty-five, eighty-six, and eighty-seven west; township one hundred thirty-eight north of ranges eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, and ninety west; township one hundred thirty-nine north of ranges eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, and ninety west; and township one hundred forty north of ranges eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, and ninety west, lying within the county of Morton, and shall be entitled to one senator and two representatives;
37. The thirty-seventh legislative district shall consist of township one hundred thirty-seven north of ranges ninety-six, ninety-seven, ninety-eight, and ninety-nine west; township one hundred thirty-eight north of ranges ninety-six, ninety-seven, ninety-eight, and ninety-nine west; township one hundred thirty-nine north of ranges ninety-six, ninety-seven, ninety-eight, and ninety-nine

west; and township one hundred forty north of ranges ninety-six, ninety-seven, ninety-eight, and ninety-nine west lying within the county of Stark, and shall be entitled to one senator and two representatives;

38. The thirty-eighth legislative district shall consist of the counties of Bowman, Slope, and Adams; and township one hundred thirty-three north of ranges ninety-four, ninety-five, ninety-six, and ninety-seven west; township one hundred thirty-four north of ranges ninety-four, ninety-five, ninety-six, and ninety-seven west; township one hundred thirty-five north of ranges ninety-four, ninety-five, ninety-six, and ninety-seven west; township one hundred thirty-six north of ranges ninety-four, ninety-five, ninety-six, and ninety-seven west, lying within the county of Hettinger, and shall be entitled to one senator and two representatives;
39. The thirty-ninth legislative district shall consist of the counties of Sioux and Grant; and township one hundred thirty-two north of ranges ninety-one, ninety-two, ninety-three, and ninety-four west; township one hundred thirty-three north of ranges ninety-one, ninety-two, and ninety-three west; township one hundred thirty-four north of ranges ninety-one, ninety-two, and ninety-three west; township one hundred thirty-five north of ranges ninety-one, ninety-two, and ninety-three west; township one hundred thirty-six north of ranges ninety-one, ninety-two, and ninety-three west, lying within the county of Hettinger, and shall be entitled to one senator and two representatives.

§ 2. Numbering Legislative Districts—Classes of Senators to Provide Staggered Terms.) Except in the case of legislative districts having more than one senator, the senators shall be divided into two classes, those elected in legislative districts designated by even numbers shall constitute one class, and those elected in legislative districts designated by odd numbers shall constitute the other class. The senators of one class elected in the year 1966 shall hold their office for two years, those of the other class shall hold their office four years, and the determination of the two classes shall be by lot, so that one-half of the senators, as nearly as practicable, may be elected biennially. The president of the senate shall perform the lot in the presence of the majority and minority floor leaders of the senate and shall certify in writing the results of such lot to the secretary of state within thirty days after the effective date of this Act. In the case of legislative districts having more than one senator, the term of senators within each such district shall be determined and certified by lot in the presence of the

majority and minority floor leaders of the senate in the same manner as provided for the two classes of senators above, so that one-half of the senators from each such district, as nearly as practicable, may be elected biennially.

§ 3. Legislative Subdistricting—Methods.) Upon a petition accompanied by a map showing the boundaries of the proposed subdistricts and accompanied by a written description thereof filed with the secretary of state containing the signatures of at least twenty-five percent of the qualified electors of a legislative district as determined by the total number of votes cast for the office of governor at the most recent general election at which such office was voted upon, asking that such legislative district be subdistricted into single-member representative districts or, in legislative districts with more than one senator, to be subdistricted into single-member senatorial districts, or both, the secretary of state shall determine and count the number of signatures and if such petitions contain the required number of signatures, such petition shall be submitted to the qualified electors of the district for their approval or rejection at the next special, primary, or general election held in such district.

§ 4. Election on Petition — Ballot Form — Vote Required.) The ballots used for submitting the question of subdistricting legislative districts in all cases wherein an election is required shall be in substantially the following form:

“Shall the (number of legislative district) legislative district be subdivided into (senatorial or representative districts or both) described as follows:

(here insert description of subdistrict as described in the petition)?

YES.....

NO

If there shall be more than one petition for subdistricting of the same legislative district, each different description of the subdistricts shall be placed upon such ballot and the ballot shall be marked “VOTE FOR ONE ONLY”.

If one of the subdistricting descriptions as presented on the ballot shall receive a majority of the legal votes cast at such election, the secretary of state shall issue a proclamation stating such legislative district to be subdistricted pursuant to such description. Thereafter, senators or representatives shall reside in and be elected from such subdistricts as set forth in the approved petition for subdistricting. The question of subdistricting a legislative district shall not be voted upon more than once every two years.

§ 5. Amendment to United States Constitution — Results.) Upon the effective date of any amendment to the United States Constitution which delegates to the states the right to apportion their legislatures in a manner to be determined by each state or its citizens or in accordance with the amendment to the United States Constitution, the provisions of sections 1 and 2 of this Act shall become null and void and the apportionment of the representatives and senators of the legislative assembly of this state shall be as provided by the laws of North Dakota in effect on July 1, 1963, except that if the effective date of such amendment be a date after a primary election in which candidates for the legislative assembly are voted upon, then sections 1, 2, 3, and 4 of this Act shall not become null and void until the following primary election.

Filed March 20, 1965.

Not approved or disapproved by governor.

CHAPTER 339

S. B. No. 32

(Lips, Van Horn)

(Recommended by Legislative Audit and Fiscal Review Committee)

POWERS AND DUTIES OF LEGISLATIVE AUDIT AND
FISCAL REVIEW COMMITTEE

AN ACT

To amend and reenact section 54-03-06 of the North Dakota Century Code and section 54-35.1-02 of the 1963 Supplement to the North Dakota Century Code, relating to powers and duties of the legislative audit and fiscal review committee.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 54-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-06. Chairman of Committee May Administer Oath.) Any member of a committee or interim committee of the legislative assembly, while acting as chairman of such committee, may administer oaths to such persons as shall be examined before the committee of which he is a member.

§ 2. Amendment.) Section 54-35.1-02 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-35.1-02. Powers and Duties.) It shall be the duty of the committee to study and review audit reports submitted by the state auditor, confer with the auditor and deputy auditors in regard to such reports, and when necessary to confer with representatives of the department, agency, or institution audited in order to obtain full and complete information in regard to any and all fiscal transactions and governmental operations of any department, agency, or institution of the state. Each department, agency, or institution shall furnish to the committee such aid, information, and assistance in regard to fiscal transactions and governmental operations as it may from time to time request. Whenever the committee may determine or have reason to believe that there may have been a violation of law relating to the receipt, custody, or expenditure of public funds by any state officer or employee, the committee shall present such evidence or information as may be in its possession to the attorney general. The attorney general shall receive and accept such evidence or information, and shall immediately commence such additional investigation as he shall deem necessary. Upon completion of the investigation, if the evidence supplied by the committee and through the investigation shall indicate the probability of a violation of law by any state official or employee, the attorney general shall immediately prosecute such official or employee as provided by law. The committee, through its members or such persons as may be directed or employed by it, shall be authorized, within the limits of legislative appropriations, to make such additional or supplemental audits, examinations, or studies of the fiscal transactions or governmental operations of departments, agencies, or institutions of the state as it may deem necessary.

Approved March 2, 1965.

CHAPTER 340

H. B. No. 891

(Ruddy, Haugland, Borstad, Bergman, Schoenwald, Christopher,)
(Unruh, Hertz, Brown, Lundene, Staven, Tough)

LEGISLATORS' EXPENSES

AN ACT

To amend and reenact section 54-03-20 of the North Dakota Century Code, providing for the members of the legislative assembly to receive thirty-five dollars for each month of the biennium for which they were elected for uncompensated expenses incurred while carrying out their legislative duties, and providing an effective date.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 54-03-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***54-03-20. Allowance for Living Expenses of Members of Legislative Assembly.)** Each member of the legislative assembly of the state of North Dakota shall be entitled to, and shall receive the sum of twelve hundred dollars as reimbursement for his living expenses, including meals, lodging and uncompensated travel, and other necessary expense during the legislative session and thirty-five dollars for each month of the biennium for which he was elected for uncompensated expenses incurred in the execution of his public duties during the biennium and while the legislative assembly is not in session, which total sum of two thousand forty dollars shall be payable as follows: One-half of said sum payable at the end of the thirtieth day of the session and the remaining one-half thereof to be paid at the close of the legislative session. Attendance at the biennial session of the legislative assembly by any member thereof shall be a conclusive presumption of the expenditure of such expense allowance for the purposes set forth in this section and shall be excluded from gross income for income tax purposes. Said sum shall be paid in the same manner as the regular per diem of the members of the legislative assembly is paid. The provisions of this Act shall be retroactive to January 1, 1965.

Approved March 4, 1965.

***Note:** See subdivision 20, section 3, chapter 28, 1965 S.L., page 39.

CHAPTER 341

S. B. No. 36

(Reichert, Longmire, Sinner)

(From LRC Study)

MANNER OF CALLING SPECIAL LEGISLATIVE SESSION

AN ACT

To provide for a procedure whereby the legislative assembly may call itself into special session and providing an effective date.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Special Session—Manner of Calling by Members of the Legislative Assembly.) When one-sixth of the members of the legislative assembly, in writing, request the legislative research committee to conduct a poll by mail of all members of the legislative assembly on the question of whether a special session of the legislative assembly should be called at a designated date, the legislative research committee shall forthwith conduct such poll. If two-thirds of all members of the legislative assembly approve the calling of such special session, the special session shall be called at the time requested. The necessary proclamation calling a special session of the legislative assembly shall be given by the legislative research committee in the name of the legislative assembly, and the legislative research committee shall make the necessary preparations for such special session.

§ 2. Effective Date of Act.) This Act shall not become operative unless and until the people approve the constitutional amendment submitted for approval to the electorate of this state at the general election in 1966 as designated in Senate Concurrent Resolution "A"* of the Thirty-ninth Legislative Assembly.

Approved February 26, 1965.

*Note: See section 13, chapter 483, 1965 S.L.

CHAPTER 342

S. B. No. 44

(Longmire, Becker, Reichert, Luick, Thompson)
(From LRC Study)

LEGISLATIVE MEETING PRIOR TO REGULAR SESSION

AN ACT

Providing for meetings of legislators and legislators-elect in advance of regular legislative sessions.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Declaration of Purpose.) As a result of the growth of modern government and the increasingly complex problems with which the legislative assembly must deal in almost one thousand measures placed before it in every session, it has become apparent that insufficient time exists in a hurried and limited sixty-day session to give full and adequate consideration to each bill and problem with which the legislative assembly is confronted. In order that the beginning days of the legislative assembly can be more profitably and fully utilized there is hereby created a pre-session legislative conference.

§ 2. Time and Place of Meeting—Who Must Attend.) In each even numbered year on the first Tuesday after the first Monday in the month of December, all persons elected at the previous November general election as members of the succeeding legislative session, and members of the senate whose terms do not expire during the following session of the legislative assembly, shall meet in the state capitol in the city of Bismarck, or at such other place as may be designated, at the hour of nine o'clock a.m. for the purpose of conducting a pre-session legislative conference. The legislative research committee shall call such conference and make such arrangements as may be necessary for the operation of the conference.

§ 3. Agenda.) The agenda of the pre-session legislative session shall include, but not be limited to, the following:

1. Orientation classes upon legislative rules and procedure for new legislators;
2. Presentation of reports by legislative interim boards or committees;
3. Party caucuses to determine which party has a majority in each house of the legislative assembly and thereafter

- proceed to select party nominees for officers of each body;
4. Appointment of pre-session employment committees to process applications for positions of employment with the legislative assembly and make recommendations for hiring the selected employees when the legislature convenes;
 5. Appointment of an interim senate committee on committees;
 6. Each legislator shall present his committee appointment preferences to the nominee for speaker of the majority party or the chairman of the interim senate committee on committees; and
 7. All other similar matters, in order that the legislative assembly be fully organized and ready to begin its business by the second day of the session.

§ 4. Compensation for Attending Legislators.) Each person attending the orientation conference shall be entitled to receive the sum of twenty dollars per day as reimbursement for his living expenses, including meals, lodging and uncompensated travel, and other necessary expense and, in addition thereto, shall be paid the sum of five dollars per day, and ten cents for every mile of necessary travel in going to and returning from the state capitol on the most usual route. Per diem and expense allowances shall be payable for a maximum period of five days, including travel time.

Provided, however, if the amendments to the Constitution of the state of North Dakota as contained in Senate Concurrent Resolution "A"* authorizing a meeting of the legislative assembly for organizational and orientation purposes shall be approved by the electorate at the general election held in November 1966, then and in that event the legislative assembly shall convene at nine o'clock a.m. on the eighth day of December 1966 for not more than three calendar days for organizational and orientation purposes as provided in the Constitution.

Approved March 17, 1965.

*Note: See section 12, chapter 483, 1965 S.L.

CHAPTER 343

S. B. No. 239
(Kadlec, Sinner)

PETTY CASH FUNDS OF STATE DEPARTMENTS

AN ACT

To authorize all departments, institutions or agencies of the state that collect money which is required to be paid over to the state treasurer, to maintain, subject to approval of the director of the department of accounts and purchases, the state auditor and the state treasurer, such reasonable minimum balances as may be necessary, and to authorize minimum petty cash funds and the establishment of bank accounts, which may be in the Bank of North Dakota, for the clearing or cashing of checks and making change, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) All departments, institutions or agencies of the state that collect money which is required to be paid over to the state treasurer may, subject to approval of the director of the department of accounts and purchases, the state auditor, and the state treasurer, maintain such reasonable minimum balance as may be necessary for clearing or cashing of checks and making change. Such departments are hereby authorized, subject to approval of director of the department of accounts and purchases, the state auditor and the state treasurer, to maintain minimum petty cash funds and may establish bank accounts in the Bank of North Dakota. It is not the intent hereof to deny to any state institution or agency located outside of Bismarck the right to establish bank accounts in other state or federally chartered banks.

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

Approved March 6, 1965.

CHAPTER 344

S. B. No. 263
(Holand, Reichert)

SALARIES OF ELECTED STATE OFFICIALS

AN ACT

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

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 4-01-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-01-21. Salary of Commissioner of Agriculture and Labor.) The commissioner of agriculture and labor shall receive an annual salary of eleven thousand dollars.

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

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

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

26-01-03. Salary of Commissioner of Insurance.) The annual salary of the commissioner of insurance shall be eleven thousand dollars.

§ 4. **Amendment.)** Section 49-01-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-01-05. Salary of Commissioners.) The salary of each commissioner shall be eleven thousand dollars per annum which shall be full compensation for all official services. All

fees received or charged by any such commissioner for any act or service rendered in any official capacity, shall be accounted for and paid over by him monthly to the state treasurer and shall be credited to the general fund of the state.

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

54-07-04. Salary of Governor.) The governor shall receive an annual salary of eighteen thousand dollars for all services performed by him.

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

54-08-03. Salary of Lieutenant Governor.) The lieutenant governor shall receive an annual salary of two thousand dollars for all services performed by him.

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

54-09-05. Salary of Secretary of State.) The secretary of state shall receive an annual salary of eleven thousand dollars.

§ 8. Amendment.) Section 54-10-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-10. Salary of State Auditor.) The state auditor shall receive an annual salary of eleven thousand dollars.

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

54-11-13. Salary of State Treasurer.) The state treasurer shall receive an annual salary of eleven thousand dollars.

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

54-12-11. Salary of Attorney General.) The attorney general shall receive an annual salary of thirteen thousand dollars.

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

57-01-04. Salary.) The annual salary of the state tax commissioner shall be twelve thousand dollars.

§ 12. Effective Date.) Consistent with the provisions of section 84 of the Constitution the provisions of this Act shall not become effective until January 1, 1969, and shall thereafter apply to salaries of officials whose terms of office commence on or after such date.

Approved March 15, 1965.

CHAPTER 345

S. B. No. 220
(Holand)

FISCAL RECORDS

AN ACT

To amend and reenact sections 54-11-04 and 54-44-05 of the North Dakota Century Code, relating to the keeping of permanent records by the state treasurer and the information to be contained on warrants.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 54-11-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-11-04. Records of State Treasurer.) The state treasurer shall keep as permanent records of the state the following:

1. A cash book in which shall be entered the amount of all moneys received or paid out, showing from whom received or to whom paid and on what account or fund;
2. A ledger in which shall be kept an account with each fund;
3. A daily balance book in which shall be shown the amount in state depositories and the amount in cash on hand; and
4. Such other books as the state examiner shall prescribe.

§ 2. Amendment.) Section 54-44-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-44-05. Warrants — Numbered — Show Funds on Which Drawn — Not Drawn Unless Authorized.) Warrants drawn by the department of accounts and purchases and signed by the state auditor on the state treasurer shall be numbered consecutively in the order in which they are drawn. Every warrant shall be drawn upon the fund out of which it is payable. A warrant shall not be drawn by the department of accounts and purchases and signed by the state auditor unless authorized by law, and unless there are funds in the treasury applicable to the payment thereof to meet the same. In case of an emergency, and in anticipation of taxes already levied and in the process of collection, the department of accounts and purchases may prepare warrants to be signed by the state auditor in payment of duly authorized vouchers even though funds at such time do not exist to honor the warrants. Warrants so issued shall be payable by the state treasurer out of any funds in his hands other than sinking funds, or funds dedicated by the Constitution of this state for other purposes.

Approved March 6, 1965.

CHAPTER 346

H. B. No. 530

(Christensen, Poling)

(Recommended by Legislative Audit and Fiscal Review Committee)

REPORTING OF SALARIES OF ATTORNEYS GENERAL

AN ACT

Requiring that all departments that pay salaries or expenses of special assistant attorneys general, report monthly such expenditures to the attorney general upon such forms as attorney general may prescribe.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Special Assistant Attorneys General Report of Salaries and Expenses.) All departments that pay salaries or expenses of special assistant attorneys general shall report all such expenditures monthly to the attorney general upon such forms as shall be prescribed by the attorney general. And all such salaries and expenses shall be approved by the attorney general.

Approved March 17, 1965.

CHAPTER 347

S. B. No. 31

(Lips, Van Horn)

(Recommended by Legislative Audit and Fiscal Review Committee)

USE OF EMERGENCY COMMISSION FUNDS

AN ACT

To amend and reenact sections 54-16-04 and 54-16-09 of the North Dakota Century Code, relating to the emergency commission and use of emergency funds, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 54-16-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-16-04. May Order Transfer of Moneys Between Funds—Order May Draw from State Treasury.) Whenever it is made to appear to the emergency commission by an itemized, verified petition of any board, commission, or officer authorized to expend public funds that an emergency exists, the emergency commission shall assume that an emergency exists and may order money transferred from one fund to another fund belonging to or appropriated from the same institution or board or the same state enterprise, or in an extremity may authorize money to be drawn from the state treasury to meet the emergency until such time as the legislative assembly can make an appropriation available therefor. The term "emergency" shall be limited to calamities or unforeseen happenings subsequent to the time such appropriation was made and which were clearly not within the contemplation of the legislative assembly and the governor.

§ 2. Amendment.) Section 54-16-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-16-09. Warrant on Contingency Fund—Requirements Before Drawn.) The state emergency commission, before directing the department of accounts and purchases to prepare any warrants upon the state contingency fund, shall require the department or institution for whose benefit such warrant is issued to file with the emergency commission and with the department of accounts and purchases a written and itemized statement of the material, services, purposes, or other considerations for which the warrant is required and the necessity

therefor. The commission shall certify that the material, services, purposes, or other considerations therein named are necessary and proper materials to be paid from such fund, and if an appropriation for such purpose was made by the legislative assembly that the appropriation for such purpose is insufficient. The department of accounts and purchases and commission shall file such statement and certificate as authority for issuing the warrant therein directed.

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

Approved February 24, 1965.

CHAPTER 348

H. B. No. 545

(Fossum, Hoffner, Reimers, Streibel)

(From LRC Study)

EMERGENCY COMMISSION GRANTS TO BOARD OF HIGHER EDUCATION

AN ACT

To create and enact section 54-16-12 of the North Dakota Century Code, relating to the granting by the state emergency commission of funds to institutions of higher education.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Section 54-16-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-16-12. Grants to Board of Higher Education.) Whenever it is made to appear to the satisfaction of the state emergency commission upon application by the board of higher education that real property is available in close proximity to one of the state institutions of higher education, the emergency commission may approve the acquisition of such property, and if requested and found necessary may make funds available from the state contingency fund to the board of higher education for the purpose of acquiring such property if the following shall appear:

1. The property is needed for expansion in the foreseeable future;
2. The property in all probability will not again be offered for sale at a similar price in the foreseeable future; and

3. The legislative assembly has not previously rejected a similar request, and the time during which such purchase must be consummated does not permit the obtaining of a legislative appropriation.

The provisions of this chapter shall govern the granting of funds under this section wherever consistent with this section, but a determination of an existing emergency shall not be a condition precedent to the approval of such purchase or the approval of a grant of funds from the contingency fund for the purchase of such real property except as is provided in this section.

Approved February 24, 1965.

CHAPTER 349

H. B. No. 722
(Brown)

REPEAL OF INDUSTRIAL ALCOHOL PLANT

AN ACT

To repeal chapter 54-19 of the North Dakota Century Code, relating to the establishment of a state industrial alcohol plant.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Repeal.) Chapter 54-19 of the North Dakota Century Code is hereby repealed.

Approved February 24, 1965.

CHAPTER 350

H. B. No. 608

(Anderson, Miller, Tough, Bruner, Wilkie)

STATE CONSTRUCTION SUPERINTENDENT

AN ACT

To amend and reenact section 54-21-17 of the North Dakota Century Code, relating to the employment of a state construction superintendent.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 54-21-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21-17. Construction Superintendent — Appointment — Duties.) The secretary of state may employ a qualified construction superintendent for the purpose of giving professional advice in purchasing, planning, setting depreciation schedules, evaluation for insurance and assisting in and coordinating the construction of buildings by departments, institutions, and agencies of the state. A person so employed shall possess a minimum of ten years experience in construction methods and procedures. The person so employed may be called upon by a state agency to approve, before the letting of bids, plans, and specifications for any building construction. And may maintain such surveillance during construction as might be necessary to insure insofar as is practicable that:

1. The building will be suitable to meet the needs it is intended to serve;
2. Plans and specifications will meet any construction requirements of the state and assure economical construction consistent with sound construction practices;
3. Expenditures for the construction are kept within the limits of legislative appropriation; and
4. Plans and specifications will harmonize with a master plan for future growth and development of any state institution in regard to matters of architectural style.

§ 2.) The provisions of this Act shall also require compliance by the board of higher education and all other agencies of the state of North Dakota.

Approved March 19, 1965.

CHAPTER 351

S. B. No. 346
(Van Horn, Lips)

INVENTORIES OF INSTITUTIONS UNDER BOARD
OF ADMINISTRATION

AN ACT

To amend and reenact sections 54-23-24, 54-23-25, 54-23-38, of the North Dakota Century Code, relating to inventory of assets of a permanent nature, moneys remitted to state treasurer, supplies of institutions and duties of officers of institutions under the board of administration.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 54-23-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-23-24. Inventory of Assets of a Permanent Nature (or Inventory of Fixed Assets.) 1. The board, annually on June thirtieth of each year, shall require the chief executive officer of each institution under its charge to make a complete, minute, and accurate inventory of all assets of a permanent nature or fixed assets, and such inventory shall be in accordance with the provisions of section 44-04-07 of the North Dakota Century Code. The inventory of the twine plant shall be taken September first of each year.

§ 2. **Amendment.)** Section 54-23-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***54-23-25. Moneys Remitted to State Treasurer.)** All moneys belonging to the state, derived from any source at any of the institutions under the control of the board shall be accounted for and remitted to the state treasurer on the tenth day of each month for the preceding month. The state treasurer shall maintain a special operating fund within the state treasury for each remitting institution. All rents, interest, or income from land, money or property donated or granted by the United States and allocated to specific penal or charitable institutions under the terms of the Enabling Act and the state Constitution shall be deposited in such special operating fund of each institution and expended in accordance with the provi-

***Note:** Section 54-23-25 was also amended by section 27, chapter 181, 1965 S.L.

sions of section 159 of the Constitution. The state treasurer upon direction of accounts and purchases and institutions shall make periodic transfers from each institutional general fund appropriation to the appropriate institutional special operating fund whenever its balance falls so low as to require supplementation. All funds for necessary expenditures of such institutions shall be drawn from the special operating fund in the state treasury as provided by this chapter.

§ 3. **Amendment.)** Section 54-23-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-23-38. Supplies of Institutions—Duty of Officers.) The officer of each institution who is designated by the board to have charge of and to be accountable for all the supplies and stores of the institution shall be charged therewith at their invoice value, and shall:

1. Direct all purchases of such institution as may be ordered by the department of accounts and purchases under the estimates as provided in section 54-23-30, in conjunction with the chief executive officer of each institution;
2. Issue all the supplies upon requisition approved by the superintendent or other officer designated by the board. The requisition shall be his voucher therefor;
3. Examine and register all goods delivered, according to their amount and quality, and if found to correspond with the samples and in good order and correct in charge, he shall certify the bills, and
4. Make a consolidated report of all purchases to the department of accounts and purchases and the board of administration and all other transactions of his department to the board as of June thirtieth of each year.

Approved March 15, 1965.

CHAPTER 352

S. B. No. 270
(Longmire)

STATE AND LOCAL LIBRARIES

AN ACT

To provide for the deposit of state publications with the state library commission for distribution to certain depository libraries; to provide a means for the consolidation of library services; to amend and reenact sections 26-24-09, 40-38-01, 40-38-02, 40-38-03, 40-46-09, 54-24-03, and 57-15-08 of the North Dakota Century Code, to provide insurance against damage caused by vandalism; to provide for the mandatory establishment of public libraries when approved by the people; to provide higher mill levy limitations for libraries; to provide a limitation on the number of terms a member of a public library board can serve; to provide a retirement pension for librarians; and to provide additional duties for the state library commission and to repeal sections 54-24-04, 54-24-05, and 54-24-06 of the North Dakota Century Code, relating to the rules, administration and duties of the state library commission.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Distribution of Certain State Publications for Certain Libraries Required.) All state departments, offices, and agencies shall deposit with the state library commission ten copies of all publications issued by them, whether printed, mimeographed or duplicated in any way, which are not issued solely for use within the issuing office. The state library commission shall transmit these copies to depository libraries distributed geographically over the state, which libraries shall be those of the state historical society, North Dakota state university, the university of North Dakota, Minot public library, and Dickinson state college, plus five others which the state library commission shall determine.

§ 2. Consolidation of Library Services Allowed if Approved by the Voters Affected.) In accordance with section 54-40-08 an agreement for the merger or consolidation of the public library services of any political subdivision of this state with other existing library services in that political subdivision or any other political subdivision may be executed and thereafter such public library services may be provided in accordance with such agreement.

§ 3. Amendment.) Section 26-24-09 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-24-09. Commissioner to Provide Insurance on All Public Buildings.) Upon application the commissioner shall provide for insurance against loss by fire, lightning, inherent explosion, windstorm, cyclone, tornado and hail, explosions, riot attending a strike, aircraft, smoke, and vehicles, all in the manner and subject to the restrictions of the standard fire insurance policy and standard extended coverage endorsement, and no other hazards, in the fund, on all buildings owned by the state, state industries, and political subdivisions of the state, and the fixtures and permanent contents in such buildings, to the extent of not to exceed ninety percent of the full insurable value of such property, as such value is determined by the commissioner and approved by the officer or board having control of such property, or, in case of disagreement, by approval through arbitration as hereinafter provided.

All public libraries owned by the state or the political subdivisions of the state may, in addition to the coverage provided for in this section, be covered against damage through vandalism. If such coverage cannot be extended to the public libraries situated within this state, such libraries may contract for such coverage with private insurance companies, provided that such coverage meets the recommendations of the insurance code of the American Library Association.

§ 4. Amendment.) Section 40-38-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-38-01. Public Library and Reading Room — Establishment — Election.) The governing body of any municipality or county upon petition of not less than fifty-one percent of the voters of such municipality or county as determined by the total number of votes cast at the last general election shall have power to establish and maintain public library service within its geographic limits by means of a public library and reading room or other public library service, either singly or in cooperation with the state library commission, or with one or more municipalities or counties, or by participation in an approved state plan for rendering public library service under the Library Services Act, Public Law 597, 84th Congress, 2nd Session, and Act amendatory thereof.

§ 5. Amendment.) Section 40-38-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-38-02. Library Fund—Levy—Collection—Kept Separate.) For the purpose of establishing and maintaining public library service, the governing body of a municipality or county authorizing the same shall establish a library fund by annually

levying and causing to be collected as other taxes are collected, a municipal or county tax not to exceed four mills on the net taxable assessed valuation of property in such municipality and not to exceed two mills on the net taxable assessed valuation of property in such county. The treasurer of the municipality or county shall keep such fund separate and apart from the other money of the county or municipality, and it shall be used exclusively for the establishment and maintenance of public library service. Whenever a tax for county library service is levied, any municipality already levying a tax for public library service under the provisions of this section, shall upon written application to the county board of such county be exempted from such county tax levy to the extent that the municipality making such application levies taxes for a library fund during the year for which such tax levy is made. If such municipality has been totally exempted from participation in any prospective county library program, the phrase "not less than fifty-one percent of the voters of such municipality or county as determined by the total number of votes cast at the last general election" as stated in section 40-38-01 shall mean fifty-one percent of the total number of votes cast at the last general election in such county less the total number of votes cast at the last general election in such municipality.

§ 6. Amendment.) Section 40-38-03 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-38-03. Board of Directors—Appointment—Term of Office—No Compensation—Filling Vacancies—Organization.) The school board of a city or village establishing a public library and reading room, or of the school district within which such city or village is included, or the board of county commissioners for a county library, shall appoint a board of five directors representing both sexes from the citizens of the county, city or village as the case may be, to govern such library and reading room. One of the directors of a municipal library shall be a member of the school board, and one member of a county board of directors shall be a member of the board of county commissioners. The terms of office of the members of the first board of directors shall be as follows: one member shall hold office for one year; two members shall hold office for two years; and two members shall hold office for three years. The members, at their first meeting, shall determine the length of their respective terms by lot. Thereafter, the number of directors required to fill expired terms shall be appointed each year, and each such director shall hold office for a term of three years from the first day of July in the

year of his appointment and until his successor has been appointed. No member of such board shall serve for more than two consecutive terms, after which an interval of one year must elapse before the same member may be reappointed. All vacancies on the board of directors shall be reported by such board to the school board or board of county commissioners, as the case may be, and shall be filled thereby. Appointments made to fill unexpired terms shall be for the residue of the term only. No compensation shall be paid or allowed to a director. Immediately after the appointment of its members, the board of directors shall meet and organize by electing a president and a secretary from among its number.

§ 7. **Amendment.)** Section 40-46-09 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-46-09. Who May Be Retired on Pension—Amount Paid to Retiring Employee.) Any appointed full-time employee, including but not limited to librarians and other employees of a public library, of a city having an employees' pension fund who shall have served two hundred forty months or more, whether or not consecutive, as an employee and shall have reached the age of sixty years, or who, while employed by such city, shall suffer permanent mental or physical disability so that he is unable to discharge his duties, shall be entitled to be retired. Upon retirement, he shall be paid out of the pension fund of such city a monthly pension of not to exceed sixty percent of one-twelfth of his highest five-year average annual earnings as provided for in the plan adopted by the governing body of the city. If any member shall have served two hundred forty months in such city employment but shall not have reached the age of sixty years, he shall be entitled to retirement, but no pension shall be paid while he lives until he reaches the age of sixty years.

§ 8. **Amendment.)** Section 54-24-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-24-03. Powers and Duties of Library Commission.) The state library commission shall:

1. Make rules and regulations according to which the business of the state library commission shall be done;
2. Provide and care for all books and library materials in all collections of the state library commission, general, reference, and special, and make all rules regarding the loaning and returning of library materials;

3. Employ qualified library personnel to care for all library procedures;
4. Make library materials available to libraries throughout the state, to individuals connected with departments of state, and to citizens of North Dakota who do not have adequate library facilities, under the rules and regulations of the state library commission;
5. Promote and assist by counsel and encouragement the formation of libraries and the improvement of those already established, in keeping with state and national standards, and be available to librarians and trustees of libraries in the state for assistance in organization, maintenance, or administration of the libraries;
6. Coordinate the efforts of librarianship throughout the state, advising and assisting the extension of qualified public libraries into centers of county or regional (multi-county) libraries;
7. Compile statistics of the free public libraries of North Dakota and their larger counterparts of county and regional libraries, and of the work done at the state library commission, and make a full biennial report to the state board of administration and the governor;
8. Collect, maintain, and make available a reference and reading collection of books, slides, films and other graphic materials such as will supplement and support the needs of all libraries in the state, either by direct loan or by consultation, and such as will form a reference source for the officers of the state in the performance of their duties;
9. Collect and maintain a collection of the publications of the departments and agencies of state government, including the enacted laws of this state, current session laws and journals appertaining, distributing copies of such publications to depository libraries throughout the state as the board of administration shall determine;
10. Conduct, or arrange to have conducted, research into the conditions of library service in the state and produce written plans for the development and betterment of such service;
11. Compile, or arrange to have compiled, union lists of resources of libraries throughout the state, and make such lists available for consultation;

12. Establish levels of certification for librarians of the state such as will meet the standards recommended by the American Library Association.

§ 9. **Amendment.)** Section 57-15-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-08. Tax Levy Limitations in Cities.) The aggregate amount levied for general city purposes shall not exceed such an amount as will be produced by a levy of twenty-six mills on the net taxable assessed valuation of property in the city, provided that in cities with a population over five thousand they be permitted to levy an additional one-half of one mill for each additional one thousand population in excess of five thousand and provided further that the maximum levy for general city purposes shall not exceed twenty-eight mills, and that in a city supporting a band or public library an additional levy, not to exceed one mill on the net taxable assessed valuation of property in such city, may be made for a band, and an additional levy not to exceed four mills on the net taxable assessed valuation of property in such city may be made for a public library.

§ 10. **Repeal.)** Sections 54-24-04, 54-24-05, and 54-24-06 of the North Dakota Century Code are hereby repealed.

Approved March 17, 1965.

CHAPTER 353

S. B. No. 269
(Longmire)

INTERSTATE LIBRARY COMPACT

AN ACT

Entering into the interstate library compact.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Interstate Library Compact.)** The Interstate Library Compact is hereby enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

ARTICLE I

Policy and Purpose

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis, and to authorize cooperation and sharing among localities, states, and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

ARTICLE II

Definitions

As used in this compact:

1. "Public library agency" means any unit or agency of local or state government operating or having power to operate a library.
2. "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.
3. "Library agreement" means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

ARTICLE III

Interstate Library Districts

1. Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain, and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor, Any private library agency or agencies within an interstate

library district may cooperate therewith, assume duties, responsibilities, and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

2. Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

3. If a library agreement provides for joint establishment, maintenance, or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

- a. Undertake, administer, and participate in programs or arrangements for securing, lending, or servicing of books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.
- b. Accept for any of its purposes under this compact any and all donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and receive, utilize, and dispose of the same.
- c. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.
- d. Employ professional, technical, clerical, and other personnel, and fix terms of employment, compensation, and other appropriate benefits; and, where desirable, provide for the in-service training of such personnel.
- e. Sue and be sued in any court of competent jurisdiction.
- f. Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

- g. Construct, maintain, and operate a library, including any appropriate branches thereof.
- h. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

ARTICLE IV

Interstate Library Districts Governing Board

1. An interstate library district which establishes, maintains, or operates any facilities or services in its own right shall have a governing board of not more than five members to be selected by the boards of the participating agencies which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement; but, in no event shall a governing board meet less often than twice a year.

2. Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

ARTICLE V

State Library Agency Cooperation

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing, and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services, or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service, or arrangement shall contain provisions covering the subjects detailed in Article VI of the compact for interstate library agreements.

ARTICLE VI

Library Agreements

1. In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

- a. Detail the specific nature of the services, programs, facilities, arrangements, or properties to which it is applicable.
- b. Provide for the allocation of costs and other financial responsibilities.
- c. Specify the respective rights, duties, obligations, and liabilities of the parties.
- d. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

2. No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement, any power prohibited to such agency by the Constitution or statutes of its state.

3. No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

ARTICLE VII

Approval of Library Agreements

1. Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder

within ninety days of its submission shall constitute approval thereof.

2. In the extent that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to subsection 1 of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

ARTICLE VIII

Other Laws Applicable

Nothing in this compact or in any library agreement shall be construed to supersede, alter, or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

ARTICLE IX

Appropriations and Aid

1. Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

2. Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

ARTICLE X

Compact Administrator

Each state shall designate a compact administrator with whom copies of all library agreements to which his state or any public library agency thereof is party shall be filed.

The administrator shall have such other powers as may be conferred upon him by the laws of his state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

ARTICLE XI

Entry Into Force and Withdrawal

1. This compact shall enter into force and effect immediately upon its enactment into law by any two states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.

2. This compact shall continue in force with respect to a party state and remain binding upon such state until six months after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this compact from any obligation of that agreement prior to the end of its duration as provided therein.

ARTICLE XII

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the Constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§ 2. Must Comply with State and Local Laws.) No city, township, or county of this state shall be party to a library agreement which provides for the construction or maintenance of a library pursuant to subdivision g of subsection 3 of Article III of the compact, nor pledge its credit in support of such a library, or contribute to the capital financing thereof, except after compliance with any laws applicable to such cities,

townships, or counties relating to or governing capital outlays and the pledging of credit.

§ 3. Definition.) As used in the compact, "state library agency", with reference to this state, means the state library commission.

§ 4. Entitled to State Aid.) An interstate library district lying partly within this state may claim and be entitled to receive state aid in support of any of its functions to the same extent and in the same manner as such functions are eligible for support when carried on by entities wholly within this state. For the purposes of computing and apportioning state aid to an interstate library district, this state will consider that portion of the area which lies within this state as an independent entity for the performance of the aided function or functions and compute and apportion the aid accordingly. Subject to any applicable laws of this state, such a district also may apply for and be entitled to receive any federal aid for which it may be eligible.

§ 5. Interstate Library Compact Director—Appointment—Deputy.) The governor shall appoint an officer of this state who shall be the compact administrator pursuant to Article X of the compact. The governor shall also appoint one or more deputy compact administrators pursuant to said article.

§ 6. Duties of Governor in Case of Withdrawal.) In the event of withdrawal from the compact the governor shall send and receive any notices required by subsection 1 of Article XI of the compact.

Approved March 6, 1965.

CHAPTER 354

S. B. No. 64

(Morgan, Ringsak, Chesrown)

SERVING OLEOMARGARINE OR SEPARATED MILK
AT STATE INSTITUTIONS

AN ACT

To amend and reenact section 54-25-03 of the North Dakota Century Code, relating to the serving of oleomargarine or separated milk at state institutions.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 54-25-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-25-03. Officer or Employee of State Institution Prohibited from Purchasing Oleomargarine or Serving Separated Milk.) No officer, agent, or employee of any state institution shall:

1. Purchase for use for any inmate of such institution any oleomargarine or substitute for butter except upon the order or prescription of a physician; or
2. Serve as a beverage, to any inmate thereof under the age of sixteen years, any separated milk, except upon the order or prescription of a physician.

Approved March 6, 1965.

CHAPTER 355

H. B. No. 840

(Williamson, Opedahl, Bloom, Sanstead, Johnson (Barnes),
(Boustead, Gietzen)

OFFICE OF ECONOMIC OPPORTUNITY

AN ACT

To provide an agency for the implementation of and state and local participation in Public Law 88-452 known as the Economic Opportunity Act of 1964, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Office of Economic Opportunity.) There is hereby created the Office of Economic Opportunity as a division of and under the supervision of the economic development commission of the state of North Dakota in order that the state may participate in the program provided under Public Law 88-452 and amendments thereto known as the Economic Opportunity Act of 1964. The economic development commission shall employ such other personnel as may be necessary in order to carry out the provisions of this Act.

The economic development commission shall be authorized to accept federal funds available for the operation of this program and for such state projects or programs under Public Law 88-452, as amended, as may be available to departments, institutions, and agencies of the state. It shall aid and assist political subdivisions of this state in matters pertaining to their participation in projects and programs under such law. All departments, institutions, and agencies, within the limits of personnel and legislative appropriations available, shall provide such assistance to the economic development commission as may be requested by it to insure the maximum utilization of all resources available in carrying out projects and programs under the provisions of Public Law 88-452 as amended.

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

Approved March 18, 1965.

CHAPTER 356

S. B. No. 121

(Bopp, Hernet, Sorlie, Holand)
(Budget Board Recommendation)

LEGISLATIVE SUPPLIES

AN ACT

To provide that the legislative research committee shall make necessary preparations prior to each legislative session; for the custody of legislative equipment; and approval of delayed expense vouchers after the adjournment of the legislative assembly.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Preparation for Legislative Assembly — Custody of Equipment—Approval of Delayed Vouchers.) The legislative research committee is hereby authorized, on behalf of the legislative assembly, to make all necessary arrangements prior to each legislative session, for the procurement of necessary supplies, equipment, services, excluding the employment of legislative employees, building space, or any other preparations or arrangements it deems necessary or desirable to be made prior to the commencement of each legislative session in order to facilitate the proper convening and operation of the legislative assembly. The legislative research committee shall act as the custodial agency to ensure the proper storage and safekeeping of legislative supplies and equipment during the interim periods between legislative sessions, and shall be authorized to approve vouchers on behalf of the legislative assembly, or may authorize its director to do so, for the payment from legislative appropriations of delayed billings for legislative expenses after the adjournment of the legislative session.

Approved February 26, 1965.

CHAPTER 357

S. B. No. 324
(Holand)

LEGISLATIVE BUDGET ANALYST AND AUDITOR

AN ACT

To provide for a legislative budget analyst and auditor and describing the powers and duties of such office and making an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Legislative Budget Analyst and Auditor.) The legislative research committee shall appoint a legislative budget analyst and auditor. No person shall be eligible for such appointment unless he holds a baccalaureate degree from a recognized institution of higher learning or is a certified public accountant or has had five years' experience in government accounting. The appointment of the legislative auditor shall be based upon qualifications of eligible persons without reference to partisan politics. His salary shall be determined by the committee and it may employ such additional persons as may be necessary to carry out the provisions of this Act.

§ 2. Personnel—Compensation—Expenses.) The salaries, travel, and other expenses of the legislative budget analyst and auditor and other personnel within his office shall be submitted, approved, and paid in the same manner as other employees of the legislative research committee.

§ 3. Powers and Duties of Legislative Budget Analyst and Auditor.) The legislative budget analyst and auditor shall attend all budget hearings carried on by the executive budget officer and shall have access to all budget material submitted to the executive budget officer and all studies carried on by him; he shall analyze the executive budget when prepared, with special reference to sources of revenue, trends in governmental spending and finance, policies followed and inconsistencies in such policies, and proposed new or substantially expanded or reduced areas of spending and prepare a report of his analysis for the legislative assembly. He shall report thereon to the committees of the senate and house of representatives in joint meeting and shall perform such services for such committees during the legislative session as they shall reasonably request. The legislative audit and fiscal review committee may call upon the legislative budget analyst and auditor for such assistance as it may deem necessary in the

analysis of any audit submitted to such committee. Each department, institution, and agency shall furnish such records and information to the legislative budget analyst and auditor as he may request in the performance of his duties.

§ 4. **Appropriation.**) There is hereby appropriated out of any unappropriated moneys in the state treasury the sum of thirty-five thousand dollars, or so much thereof as may be necessary, for the purpose of implementing this Act for the biennium beginning July 1, 1965, and ending June 30, 1967, to wit:

Salaries and wages	\$ 30,300.00
Fees and services	3,600.00
Supplies and equipment	400.00
Office equipment	700.00
	\$ 35,000.00
Total	

Approved March 10, 1965.

CHAPTER 358

S. B. No. 222
(Holand)

EXECUTIVE OFFICE OF THE BUDGET

AN ACT

To provide for an office of the budget within the department of accounts and purchases for the executive branch of state government and to amend and reenact sections 15-10-15, 15-12-06.1, 18-03-05, 18-03-06, and 54-42-04 of the North Dakota Century Code, relating to the state budget board, and to repeal subsections 1, 2, 3, 4, 6, and 7 of section 54-44-04, chapter 54-15, and section 54-27-09 of the North Dakota Century Code, relating to the state budget board and providing for a penalty.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Definitions.**) As used in this Act, unless the context otherwise requires, the term "budget unit" means a department, institution, board, commission, agency, or other unit of government for which separate or distinct appropriations are made.

§ 2. **Office of the Budget—Director—Employees—Powers.**) The office of the budget is hereby established in the department of accounts and purchases, for the purpose of promoting economy and efficiency in the fiscal management of the state

government. The director of the department of accounts and purchases shall be ex officio director of the budget.

The director of the budget shall appoint a budget analyst who shall hold a baccalaureate degree from a recognized institution of higher learning and such appointment shall be based upon the qualifications of eligible persons, without reference to partisan politics. Special consideration shall be given to persons who hold a degree in law, political science, business administration, or a combination thereof and who are experienced in governmental processes. The budget analyst shall serve at the pleasure of the director of the budget. The budget director shall employ such other professional, technical, and clerical personnel as he may deem necessary to carry out the duties prescribed in this Act and shall fix the salary of all employees within the office of the budget and within the limits of the legislative appropriations. All personnel within the office of the budget shall be allowed their actual and necessary travel expenses at the same rate as for other employees of the state.

§ 3. Powers and Duties of the Director of the Budget.) The director of the budget, or such subordinate officer as he shall designate shall:

1. Be vested with the duties, powers, and responsibilities involved in securing budget estimates and work programs from the several departments and agencies of the state government;
2. Be vested with the duties, powers, and responsibilities involved in the preparation of revenue and fixed expense estimates;
3. Develop financial policies and plans as the basis for budget recommendations to the legislature, and prepare detailed documents in accordance with such financial policies and plans for presentation to the legislature;
4. Coordinate the fiscal affairs and procedures of the state to assure the carrying out of the financial plans and policies approved by the legislature;
5. Exercise continual control over the execution of the budget affecting the departments, institutions, and agencies of the executive branch of the state government involving approval of all commitments for conformity with the program provided in the budget, frequent comparison of actual revenues and budget estimates, and control of the rate of expenditures through a system of semiannual, quarterly, or monthly allotments;

6. Investigate, examine, and make exhaustive studies:
 - a. Of the structure and operation of the entire executive branch of government and of every office, institution, and agency thereof;
 - b. Of all the functions, duties, and services of all executive branch offices, departments, institutions, industries, boards, bureaus, and commissions;
 - c. Of all the books, records, and methods of accounting of each office or agency of the executive branch to ascertain and determine whether their policies, practices, and systems of accounting are sound, necessary, practical, and efficient;
7. Develop a long-term capital improvements budget for consideration by the legislature;
8. Have the authority to procure from the various officers, departments, agencies, and employees such information as may be necessary for the preparation and execution of the budget;
9. Provide such assistance as the legislature may request and be available to assist its appropriations committees with any needed information or material and make its records and information available at all times to the legislature and its committees and designees; and
10. Perform all other necessary duties to carry out the provisions of this Act.

§ 4. Budget Estimates of Budget Units Filed with the Office of the Budget—Deadline.) The head of each budget unit, not later than July fifteenth of each year next preceding the session of the legislative assembly, shall submit to the office of the budget, estimates of financial requirements of his budget unit for the next two fiscal years, on the forms and in the manner prescribed by the office of the budget, with such explanatory data as is required by the office of the budget and such additional data as the head of the budget unit wishes to submit. The estimates so submitted shall bear the approval of the board or commission of each budget unit for which a board or commission is constituted. The director of the budget in his discretion may extend the filing date for any budget unit for not more than forty-five days if he finds there is some unusual circumstance which makes it absolutely impossible to file an estimate of financial requirements for such budget unit. If a budget unit has not submitted its estimate of financial requirements by the required date or within a period of extension set by the director of the budget, the director of the

budget shall prepare such budget unit's estimate of financial requirements except such estimate shall not exceed ninety percent of such budget unit's previous biennial appropriation. The director of the budget or such subordinate officer as he shall designate shall examine the estimates and shall afford to the heads of budget units reasonable opportunity for explanation in regard thereto and, when requested, shall grant to the heads of budget units a hearing thereon which shall be open to the public.

§ 5. Federal Aid Budget Requests—Filed with the Office of the Budget.) Every agency of the state government when making requests for budgets to be submitted to the federal government for funds, equipment, material, or services shall have such request or budget filed in the office of the budget before submitting it to the proper federal authority. When such federal authority has approved the request or budget, in whole or in part, the agency of the state government shall re-submit it to the office of the budget for recording before any allotment or encumbrance of the federal funds can be made.

§ 6. Preparation of the Budget Data — Contents.) The director of the budget, through the office of the budget, shall prepare budget data which shall contain and include the following:

1. Summary statements of the financial condition of the state, accompanied by such detailed schedules of assets and liabilities as the director of the budget deems desirable, which shall include, but not be limited to, the following:
 - a. A comparative consolidated balance sheet showing all the assets and liabilities of the state and the surplus or deficit, as the case may be, at the close of the first fiscal year of the current biennium;
 - b. Summary statements of fund balances and assets showing in detail for each fund the surplus or deficit at the beginning of each of the two fiscal years of the previous biennium and the first fiscal year of the present biennium, the actual revenue for those years, the total appropriations for the previous and present biennium, and the total expenditures for those fiscal years;
 - c. Similar summary statements of the estimated fund balances and assets for the current fiscal year and each of the fiscal years of the next biennium.
2. Statements of actual revenue for the previous biennium, the first year of the present biennium, and the estimated

revenue of the current fiscal year and of the next biennium, and a statement of unappropriated surplus expected to have accrued in the state treasury at the beginning of the next fiscal year. The statements of revenue and estimated revenue shall be classified by sources and by budget unit collecting them. Existing sources of revenue shall be analyzed as to their equity, productivity, and need for revision, and any proposed new sources of revenue shall be explained.

3. Summary statements of expenditures of the previous biennium and first year of the present biennium, itemized by budget units and classified as prescribed by the director of the budget.
4. Detailed comparative statements of expenditures and requests for appropriations by funds, budget units and classification of expenditures, showing the expenditures for the previous biennium, the first fiscal year of the present biennium, the budget of the current biennium, and the governor's recommendation for appropriations for each budget unit for the next biennium, all distributed according to the prescribed classification of expenditures. Following the lists of actual and proposed expenditures of each budget unit there shall be a brief explanation of the functions of the unit and comments on its policies and plans and on any considerable differences among the amounts recommended, with such descriptive, quantitative, comparative, and other data as to work done, unit costs, and like information as may be considered necessary or desirable. For capital outlay expenditures involving construction projects to be completed in two or more fiscal years, there shall be shown the total estimated cost of each such project and the amount thereof recommended to be appropriated and expended in each ensuing fiscal year until completion of the project. Capital outlay needs may be projected for at least two years beyond the period covered by the budget.
5. A detailed statement showing the estimate of all moneys required to be raised or appropriated for the payment of interest upon the funded debt of the state and its other obligations bearing interest, and the amount of money required to be contributed in the two next ensuing fiscal years to the general sinking funds maintained for the redemption and payment of the debts of the state.
6. A summary statement of the unappropriated fund balance estimated to be available at the beginning of the

next biennium, and the estimated revenue of the next biennium, as compared with the total recommended amounts of appropriation for all classes of expenditures for the next biennium, and if the total of the recommended expenditures exceeds the total of the estimated resources, recommendations as to how the deficiency is to be met and estimates of any proposed additional revenue.

7. Drafts of a proposed general appropriations Act and special appropriations Acts embodying the budget data and recommendations of the governor for appropriations for the next biennium, and drafts of such revenues and other Acts recommended by the governor for putting into effect the proposed financial plan. The recommended general appropriation for each budget unit shall be specified in a separate section of the general appropriations Act.
8. Such other information as the director of the budget deems desirable or as is required by law.

§ 7. Presentation of Budget Data—How Presented to the Legislature.) The director of the budget or his designated subordinate shall present the budget data information in section 6 of this Act, including the budget and revenue proposals recommended by the governor, and make available sufficient copies thereof to a special subcommittee of the legislative research committee on budget review. The budget data shall be completed and made available to the legislative research committee in such form as may be acceptable to it by December first of each year next preceding the session of the legislature. The chairman of the legislative research committee or its subcommittee on budget review shall set the time and place at which such budget data is to be presented.

§ 8. Printed Budget Report—Contents—When Submitted to Legislature.) A printed budget report shall be transmitted by the governor to all holdover legislators and legislators-elect not later than three days after the commencement of the session of the legislative assembly. Such report shall contain the budget and revenue proposals recommended by the governor and the information required in subsections 1, 2, 3, 5, and 6 of section 6 of this Act and all other data and information as the governor shall decide. The budget director shall make available any and all information regarding budget data to the governor, the legislature and its designees, legislators, and to the governor-elect as may be requested. The governor may present any additional budget information in any manner to the legislative assembly as he may desire.

§ 9. All Expenditures Must Be Appropriated.) All expenditures of the state and of its budget units of moneys drawn from the state treasury shall be made under authority of biennial appropriations Acts, which shall be based upon a budget as provided by law, and no money shall be drawn from the treasury, except by appropriation made by law as required by section 186 of the Constitution of the state of North Dakota.

§ 10. Payments Made Pursuant to Law Only.) No payment shall be made and no obligation shall be incurred against any appropriation unless such payment or obligation has been authorized as provided by law. Every official authorizing payments in violation of this Act shall be subject to the penalties and provisions of chapter 12-10.

§ 11. Department of Accounts and Purchases to Cancel Unexpended Appropriations—When They May Continue.) The department of accounts and purchases, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations, which shall have remained undrawn after the expiration of the biennial period during which they became available under the law. The chairman of the appropriations committees of the senate and house of representatives of the legislative assembly with the auditing board may continue appropriations or balances in force for new construction projects and for major repair or improvement projects for not more than two years after the expiration of the biennial period during which they became available upon recommendation of the director of the budget.

§ 12. Control Over Rate of Expenditures.) The director of the budget shall exercise continual control over the execution of the budget affecting the departments and agencies of the executive branch of the state government, involving approval of all commitments for conformity with the program provided in the budget, frequent comparison of actual revenues and budget estimates, and control of the rate of expenditures through a system of semiannual, quarterly, or monthly allotments.

§ 13. Budget Requests for Legislative and Judicial Branches.) The budget requests and expenditures for the legislative and judicial branches of this state shall not be subject to the provisions of this Act and such budget requests shall be submitted directly to the legislative assembly with informational copies of such budgets provided to the director of the budget not later than November fifteenth in each year preceding a session of the legislative assembly.

§ 14. Biennial Report to Legislature.) The director of the budget or such member of that office as he shall designate may

prepare and transmit to the governor and upon approval by him may transmit to the members of the legislative assembly at least sixty days prior to the commencement of an ensuing legislative session a report which shall contain definite and specific proposals and recommendations to accomplish the following purposes:

1. To simplify the governmental structure of the state so as to render it more economical and efficient;
2. To eliminate all obsolete and unnecessary offices, departments, institutions, boards, bureaus, and commissions of the state;
3. To consolidate the functions, services, and activities of state offices and agencies thereof so as to eliminate duplication of service and expense wherever it exists;
4. To correlate the functions and services of the several offices and agencies of the state government;
5. To eliminate obsolete methods, unnecessary functions and services carried on by the state government and to render those functions and services which are determined to be absolutely essential and more economical and efficient.

§ 15. Amendment.) Section 15-10-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-15. Budget Requests—Duties of Institution Heads.) The heads of the several institutions under the control of the state board of higher education shall submit to the board budget requests for the biennial appropriations for said institutions, respectively, and the board shall consider the budgets and shall revise the same as in its judgment shall be for the best interests of the educational system of the state. Thereafter, the board shall prepare and present to the director of the budget a single unified budget request covering the needs of all of the institutions under its control. The appropriations for all of the institutions shall be contained in the same legislative measure.

§ 16. Amendment.) Section 15-12-06.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-12-06.1. Treasurer to Receive Funds Appropriated by Congress.) Pursuant to section 2 of an Act of Congress of the United States signed August 30, 1890, providing for the further endowment and support of colleges of agriculture and

the mechanic arts, the treasurer of the North Dakota agricultural college, Fargo, North Dakota is hereby designated as the officer to receive from the secretary of the treasury, all funds appropriated for North Dakota by the Congress under authority of the said Act and of any amendments to said Act, and of any enactments supplementary to said Act. He shall make quarterly reports of all funds so received to the director of the budget.

§ 17. **Amendment.)** Section 18-03-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-03-05. Statement of Desired Appropriation Submitted to Office of the Budget.) Not later than July first of each year next preceding a regular session of the legislative assembly, the director of the budget shall send to the secretary of the North Dakota firemen's association a suitable blank form to be filled out by such secretary with an itemized statement of the amount of money he considers necessary to promote the efficiency and growth of the different fire departments of the association, and to conduct the regional fire schools to be held during the succeeding biennium under the direction of the association. The secretary shall return the blanks properly filled out as provided in section 54-15-05.

§ 18. **Amendment.)** Section 18-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-03-06. Director of the Budget to Prepare Estimate for Firemen's Association.) The director of the budget shall include with its estimates, an estimate of the amounts necessary to be appropriated to promote the efficiency and growth of the different fire departments of the association and to conduct regional fire schools.

§ 19. **Amendment.)** Section 54-42-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-42-04. Budget — Acceptance of Federal Funds.) The merit system council shall submit a budget to the director of the budget in the same manner as other state agencies and any and all funds provided by the state of North Dakota for the operation of the merit system council may be appropriated by the legislative assembly in one bill of appropriation or as separate items of appropriation in the appropriation measures of the agencies served by the merit system council. The merit system council shall be authorized to accept federal funds provided through grant-aided agencies for the purpose of oper-

ating a merit system and expend such funds to carry out the provisions of this chapter. A full and complete statement of all federal grants of funds received during any biennium for the operation of the merit system council shall be included in the budget request submitted to the director of the budget, and shall include an estimate of anticipated future federal grants of funds that will become available during the succeeding biennium for use of the merit system council.

§ 20. Repeal.) Section 54-27-09, subsections 1, 2, 3, 4, 6, and 7 of section 54-44-04, and chapter 54-15 of the North Dakota Century Code are hereby repealed.

Approved March 6, 1965.

CHAPTER 359

S. B. No. 214
(Becker, Sorlie)

NATURAL RESOURCES COUNCIL MEMBERSHIP

AN ACT

To amend and reenact sections 54-49-03 and 54-49-05 of the North Dakota Century Code, relating to the membership and funds of the natural resources council.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 54-49-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-49-03. Membership.) There is hereby created a natural resources council of state agencies consisting of the governor as chairman, the chairmen of both senate and house natural resources committees, the commissioner of agriculture and labor, the attorney general, executive secretary of state soil conservation committee, the game and fish commissioner, the state land commissioner, the state geologist, the secretary of the state water commission, the state forester, the dean of agriculture of the North Dakota state university of agriculture and applied science, the superintendent of the state historical society, the director of the economic development commission, the state highway commissioner, the state health officer, or the duly assigned staff representative of any herein named.

§ 2. **Amendment.)** Section 54-49-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-49-05. Funds.) No funds shall be appropriated for the functioning of the council except funds may be appropriated for the per diem and expenses of the council's legislative members. Members of the council and subcommittees thereof shall receive no salary as such members but shall be reimbursed for their travel and other expenses incurred in attendance upon meetings of the council or while in the performance of their duties, as such members, by the agency which they represent. State agency members of the council may contribute and the council may accept funds for purposes of compiling, publishing and distributing information gathered by the council.

Approved March 19, 1965.

CHAPTER 360

H. B. No. 807

(Shorma, Sanstead, Obie, Hauf, Hardmeyer, Stallman,
(Erickson (Ward))

INTERCHANGE OF GOVERNMENT EMPLOYEES

AN ACT

Relating to the state of North Dakota; providing for the interchange of government employees.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Declaration of Policy.)** The state of North Dakota recognizes that intergovernmental cooperation is an essential factor in resolving problems affecting this state and that the interchange of personnel between and among governmental agencies at the same or different levels of government is a significant factor in achieving such cooperation, and increasing the skills and efficiency of governmental personnel.

§ 2. **Definitions.)** For the purposes of this Act the following words and phrases have the meanings ascribed to them in this chapter:

1. "Sending agency" means any department or agency of the federal government or a state government which sends any employee thereof to another government agency under this Act.

2. "Receiving agency" means any department or agency of the federal government or a state government which receives an employee of another government under this Act.

§ 3. Authority to Interchange Employees.) Any department, agency, or instrumentality of the state is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the federal government, or another state, as a sending or receiving agency.

§ 4. Duration of Exchange.) The period of individual assignment or detail under an interchange program shall not exceed twelve months, nor shall any person be assigned or detailed for more than twelve months during any thirty-six month period. Details relating to any matter covered in this Act may be the subject of an agreement between the sending and receiving agencies. Elected officials shall not be assigned from a sending agency nor detailed to a receiving agency.

§ 5. Status of Employees of This State.) Employees of a sending agency participating in an exchange of personnel as authorized in section 3 may be considered during such participation to be on detail to regular work assignments of the sending agency.

§ 6. Salary and Benefits.) Employees who are on detail shall be entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the sending agency for all other purposes except that the supervision of their duties during the period of detail may be governed by agreement between the sending agency and the receiving agency.

§ 7. Death or Injury of Employee.) Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending agency's employee compensation program, as an employee, as defined in such Act, who has sustained such injury in the performance of such duty, but shall not receive benefits under that Act for any period for which he is entitled to and elects to receive similar benefits under the receiving agency's employee compensation program.

§ 8. Travel Expenses of Employees of This State.) A sending agency in this state may, in accordance with the travel regulations of the state, pay the travel expenses of employees assigned to a receiving agency on either a detail or leave basis, but shall not pay the travel expenses of such employees

incurred in connection with their work assignments at the receiving agency. During the period of assignment, the sending agency may pay a per diem allowance to the employee on assignment or detail.

§ 9. Status of Employees of Other Governments.) The following provisions shall control the status of any employees within the state by virtue of this Act:

1. When any unit of government of this state acts as a receiving agency, employees of the sending agency who are assigned under authority of this Act may be considered to be on detail to the receiving agency.
2. Appointments of persons so assigned may be made without regard to the laws or regulations governing the selection of employees of the receiving agency. Such person shall be in the unclassified service of the state.
3. Employees who are detailed to the receiving agency shall not by virtue of such detail be considered to be employees thereof, except as provided in subsection 4, nor shall they be paid a salary or wage by the receiving agency during the period of their detail. The supervision of the duties of such employees during the period of detail may be governed by agreement between the sending agency and the receiving agency.
4. Any employee of a sending agency assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of receiving agency's employee compensation program, as an employee, as defined in such Act, who has sustained such injury in the performance of such duty, but shall not receive benefits under that Act for any period for which he elects to receive similar benefits as an employee under the sending agency's employee compensation program.

§ 10. Travel Expenses of Employees of Other Governments.) A receiving agency in this state may, in accordance with the travel regulations of the state, pay travel expenses of persons assigned thereto under this Act during the period of such assignments on the same basis as if they were regular employees of the receiving agency.

§ 11. Reports of Participating Agencies.) Each department, agency or instrumentality of the state which participates in the interchange of employees as provided in this Act shall annually

report the details of the travel expenses of each employee and same shall be reported to the department of the accounts and purchases.

Approved March 15, 1965.

CHAPTER 361

S. B. No. 164

(Lips, Trenbeath, Becker, Urdahl, Mahoney, Sinner)

STATE EMPLOYEES' RETIREMENT PROGRAM

AN ACT

To provide for the general welfare of state employees by authorizing the adoption by the state of North Dakota and all of its departments, boards, institutions, commissions, and agencies of a retirement plan supplementary to social security in accordance with the provisions of this Act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Definition of Terms.) As used in this Act, unless the context otherwise requires:

1. "Beneficiary" shall mean any person in receipt of a benefit provided by this plan or any person designated by a participating member to receive benefits;
2. "Eligible employee" shall mean all permanent employees who meet all of the eligibility requirements set by this Act and who are twenty-one years or more of age, and shall include appointive and elective officials at their sole election;
3. "Employee" shall mean any person employed by the state of North Dakota whose compensation is paid out of state funds or funds controlled or administered by a state department, or paid by the federal government through any of its executive or administrative officials;
4. "Funding agent" or "agents" shall mean the insurance company, trust bank or other financial institution whom the retirement board selects to hold and invest the employers, and members, contributions and pay certain benefits;
5. "Participating member" shall mean all eligible employees who through payment into the plan have established a claim against the plan;

6. "Permanent employee" shall mean a state employee who has been employed by the state for five continuous months, is employed for more than twenty hours per week and more than five months each year;
7. "Prior service" shall mean state service or state employment prior to January 1, 1965;
8. "Prior service credit" shall mean such credit toward a retirement benefit as the retirement board may determine under the provisions of this Act;
9. "Retirement board" or "board" shall mean the five persons designated by this Act as the governing authority for the retirement system created;
10. "Retirement" shall mean the acceptance of a retirement allowance under this Act upon termination of employment;
11. "Vested interest" shall mean all of the employee's contribution, plus credited earnings thereon, and that part of the agency contribution, plus credited earnings thereon, as shown on the vesting schedule provided for in this Act; and
12. "Wages" and "salaries" shall mean the actual dollar compensation paid to or for an employee for his services.

§ 2. Formulation of Plan—Exclusion of Employees Covered by Plans in Existence.) All departments, boards, institutions, commissions or agencies of the state of North Dakota, hereinafter referred to as agency, shall participate in a retirement system which will provide for the payment of benefits to state employees or to their beneficiaries thereby enabling the employees to care for themselves and their dependents and which by its provisions will improve state employment, reduce excessive personnel turnover and offer career employment to high grade men and women. Employees presently covered by a pension plan or retirement plan to which the state has contributed, except social security, shall not be eligible for duplicate coverage.

§ 3. Governing Authority.) There is hereby created a governing authority of the system to consist of a board of five persons known as the retirement board. No more than one member of the board shall be in the employ of a single department, institution or agency of the state.

1. One member of the board shall be appointed by the governor to serve a term of five years. The appointee shall be a North Dakota citizen who is not a state

- employee and who by experience is familiar with money management. The citizen member shall be chairman of the board.
2. One member of the board shall be appointed by the attorney general from his legal staff and shall serve a term of five years.
 3. Three board members shall be elected from among the state employees. The initial elected members shall be elected for terms which shall expire two years, three years, and four years after the date of establishment. Future members shall be elected to a five-year term, pursuant to an election called for by the board.
 4. Members of the board shall receive a honorarium of twenty-five dollars for each month during which the board has been in session. This shall be in addition to any other pay or allowance due the member, plus an allowance for expenses they may incur through service on the board.
 5. A board member shall serve a five-year term and until his successor qualifies. Each board member shall be entitled to one vote, and three of the five board members shall constitute a quorum. Three votes shall be necessary for resolution or action by the board at any meeting.
 6. The state auditor and the state examiner shall be ex officio, non-voting, and advisory members of the board.

§ 4. Board Authority.) The board shall have the following powers and duties:

1. The board shall have the power and duty, subject to the limitations of this Act, of managing the system. It shall have the powers and privileges of a corporation, including the right to sue and be sued in its own name as such board. The venue of all actions in which the board is a party shall be Burleigh County, North Dakota.
2. The board shall appoint an executive secretary to serve at its discretion. The executive secretary shall be bonded by a commercial carrier as may be required by the board and shall perform such duties as assigned by the board.
3. The board shall authorize the creation of whatever staff it deems necessary for sound and economical administration of the system. The executive secretary shall hire the staff, subject to the approval of the board.

4. The board shall arrange for actuarial and medical advisors for the system. It shall cause a qualified, competent actuary to be retained on a consulting basis. During the first year of operation of the system and at least once every three years thereafter, the actuary shall make a general investigation of the stability of the system. The actuary shall also perform such other duties as may be assigned by the board.
5. The board shall be provided by the state with the retirement systems office or offices to be used for the meetings of the board and for the general purposes of the administrative personnel.
6. The board shall select the funding agent or agents and establish an investment agreement contract. The contract shall authorize the funding agent or agents to hold and invest moneys for the system. No moneys of the system shall be invested by the board. Said moneys shall be placed for investment only with a firm or firms whose primary endeavor is money management, and only after a trust agreement or contract has been executed. All securities, agreements, contracts, or instruments of value shall be delivered to the Bank of North Dakota, or its agents.

§ 5. Membership Fee and Assessments.) Every eligible permanent state employee concurring in the plan shall so state in writing and all future eligible employees shall be participating members. Each member shall pay to the treasurer of the retirement fund a membership fee to be fixed by the retirement board in an amount not exceeding five dollars, which shall be paid into the administrative expense and benefit fund. An eligible employee shall be a permanent employee who has been employed by the state for five months, has reached age twenty-one, and is employed for more than twenty hours per week for more than five months each year. Each member shall be assessed and required to pay monthly four percent of the monthly salary or wage paid to him, and such assessment shall be deducted and retained out of such salary in equal monthly installments.

§ 6. Agency's Contribution to Retirement Plan — Limitations.) Each agency shall match four percent of the monthly salary or wage of a participating member, but not to exceed a matching payment in excess of three hundred dollars annually. Each agency shall pay such contributions into the retirement fund from its funds appropriated for payroll and salary or any other funds available for such purposes.

§ 7. Agency Contribution Retirement Contribution.) The agency contribution to a retirement plan shall be considered a retirement contribution and not an additional compensation. This shall apply specifically to elected and appointed officials where maximum annual compensation is set by the statute or by state boards or commissions. The retirement contribution shall not be considered by the employee as income in computing his net income for purposes of state income tax until such time as the moneys come under the control of the employee.

§ 8. State Income Tax Deductions.) For the purposes of state income tax, the assessment imposed by this Act on the employee shall be treated in accordance with existing state statutes on state income tax.

§ 9. State Premium Tax.) Premiums, consideration for annuities and membership fees shall be construed as being exempt from premium taxes payable pursuant to section 26-01-11 of the North Dakota Century Code.

§ 10. Allocation of Funds.) For the purpose of internal accounting records of the board, and not for the purpose of the segregation of moneys on deposit, or investment, there shall be created:

1. An "employee account fund", consisting of the employee contribution plus credited earnings thereon;
2. A "vesting fund", consisting of three of each four dollars of agency contribution plus credited earnings thereon; and
3. An "administrative expense and benefit fund", consisting of one of each four dollars of agency contribution.

Any and all expenses incurred by or for the operation of the retirement plan shall be paid from the latter fund. From the latter fund the board shall have the authority to provide prior service benefits and such other benefits as the board may determine, provided the board provides such benefits as a part of sound retirement planning, and that portion of such fund not needed for administrative expense shall be used to provide for such benefits. The funds allocated in subsections 1 and 2 hereof shall constitute the "employees' retirement fund".

§ 11. Vesting—Vesting Schedule of Agency Contribution.) Upon severance of the employment of a participating member, either voluntarily or involuntarily, for any reason other than set forth in this section, the contribution of the participant plus credited earnings thereon shall be vested in him. Three out of every four dollars of agency contribution shall be

vested in the employee according to years of state employment including state employment prior to this Act. The employees' vested interest in the "vesting fund" shall be as follows:

Years of State Employment	Percentage of Vesting Fund Interest
0 years through 3 years	None
Over 3 years through 7 years.....	20% plus credited earnings thereon
Over 7 years through 11 years.....	30% plus credited earnings thereon
Over 11 years through 15 years.....	40% plus credited earnings thereon
Over 15 years through 18 years.....	60% plus credited earnings thereon
Over 18 years through 20 years.....	80% plus credited earnings thereon
Over 20 years.....	100% plus credited earnings thereon

An employee's one hundred percent vesting fund interest plus credited earnings thereon shall be vested, and nonforfeitable, when the employee reaches the age of sixty-five, or is permanently disabled; and an employee's one hundred percent vesting fund interest shall be vested in the beneficiary of the employee in case of the employee's death. At the age of sixty-five, or less as may be determined by the board, all interests vested in an employee shall be available to him for payment of retirement benefits as may be provided for under this Act. Amounts forfeited under the vesting fund interest shall be paid into the administrative expense and benefit fund.

§ 12. Exemption from Taxation and Judicial Process — Assignability.) The right of a person to retirement benefits, any optional benefits, any other rights accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all money and investments and income thereof, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever.

§ 13. Deposit of Moneys.) All moneys committed by any agency based on total payroll of participating members, all moneys received as employee contribution and all moneys received from grants, donations, legacies and devises for the benefit of such fund, shall be paid into the Bank of North Dakota to the credit of the board, which board shall disburse the same in accordance with the plan adopted hereunder.

§ 14. Acceptance of Money and Property by the Board.) The board may take by gift, grant, devise or bequest, any money or real or personal property or any other thing of value for the benefit of the employees' retirement fund, and when received, said property shall become a part of such fund.

§ 15. Accounting Requirements.) The board shall have all accounts and funds under their control audited by a firm of certified public accountants once in each four-year period or at a more frequent interval if so desired. Funds and accounts to be audited shall be those held by the board and not those held by a trust company, insurance company or other money management firm with whom a management contract exists. The results of each audit made shall be filed with the state auditor, the state examiner, and the legislative audit and fiscal review committee.

§ 16. Insurance Contracts—Trust Agreements.) The board may enter into an insurance contract, agreement or purchase an insurance policy or policies covering all or any part of the retirement plan adopted, provided the assuring company is a North Dakota corporation or authorized to do business in the state of North Dakota, or may enter into a contract with any qualified trust company or companies, or combinations of insurance contracts and trust contracts, for the purpose of carrying out this Act.

§ 17. Formulation of Plan.) The board in formulation of the retirement plan shall make provisions in such plan for:

1. Eligibility for retirement;
2. Eligibility for retirement because of disability, and the method of determining disability;
3. Provisions for optional retirement benefits;
4. Provisions for payments to a surviving widow, surviving husband, and surviving children upon death of a participating member;
5. Provisions for the re-examination of a member retired by reason of physical or mental disability; and
6. Provisions for credit of time to participating members while serving in the armed forces of the United States or the armed forces reserve thereof when the United States is involved in organized conflict, or crisis within the country.

Together with such other provisions deemed advisable to the board which are not in conflict with the terms and provisions of this Act.

§ 18. Apportionment of Benefits.) Should the sums of money in the employees' retirement fund ever be insufficient to meet the demands of the withdrawals due to disability or retirement benefits, the board shall apportion on a pro rata basis, the interests described in section 11, in accordance with such section, as may be available, among the persons entitled to payments.

§ 19. Prior Service.) The retirement board shall from any funds committed to the administrative expense and benefit fund but not needed for administrative expense provide prior service minimum benefits to long term employees. As of January 1, 1965, a prior service credit shall be computed for all employees who have been employed continuously since December 31, 1959. Prior service credit shall be given for years of state employment while the employee was age fifty but not over age sixty-four, provided that five years of service will not count. The five years not to be counted may be before, after or during the period between age fifty through age sixty-four.

§ 20. Prior Service — Register — Benefits.) This provision is to provide benefits to long term state employees. The board shall maintain a register of members for whom a prior service benefit has been computed. Prior service minimum benefits shall be as determined by the retirement board, but shall not provide benefits to other than the employee member and then only at time of retirement.

§ 21. Plan Not Employment Contract.) The adoption of or participation in a retirement plan by an agency shall not be deemed to give an employee the right to be retained in the employ of the state or to interfere with the right of the agency to discharge any employee at any time.

§ 22. Interpretation Clause.) This Act shall not be construed so as to commit the state of North Dakota, or the agency to any liability either moral or legal to any benefits to any beneficiary under the plan or plans resulting from enactment of this chapter.

§ 23. Savings Clause—Internal Revenue Service.) If the internal revenue service shall not approve of certain sections or phraseology of certain sections of this Act as being in compliance with the statutes or rules governing the internal revenue service, the board in the adoption of the plan shall adopt such terminology with respect to such sections as will comply therewith.

§ 24. Planning and Organizing Funds.) The board is hereby granted authority to negotiate a loan of twenty thousand

dollars, or so much thereof as may be necessary, from the Bank of North Dakota. Said loan shall be for the purpose of meeting the initial expenses of planning and organizing the system. The loan shall be repaid as an administrative expense of the plan.

Approved March 17, 1965.

CHAPTER 362

S. B. No. 356

(Committee on Delayed Bills)

EMERGENCY GRANT OF FUNDS BY EMERGENCY COMMISSION

AN ACT

Relating to the grant of funds by the emergency commission from the contingency fund for the protection of life and property from conditions caused by natural disasters, providing for the termination of the Act, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Natural Disaster Assistance.) Notwithstanding other provisions of chapter 54-16, the state emergency commission is hereby authorized to make grants from the state contingency fund, in the case of emergencies caused by natural disasters, to political subdivisions of this state or to expend such funds in their behalf to aid them in meeting their extraordinary emergency expenses in protecting life and property from conditions resulting from natural disasters. Such grants shall specifically not be subject to limitations contained in section 54-16-04 in regard to increases in appropriations and shall not be limited to agencies or purposes for which appropriations have been made by the Thirty-eighth Legislative Assembly.

The emergency commission, by rules adopted by it, shall determine the basis of grants under this section, and shall to the extent practical and feasible require the prior expenditure of funds by the political subdivision in protecting life and property and the matching of state funds granted under this section by funds of the political subdivision concerned to the maximum extent feasible.

Funds granted or expended under the provisions of this section shall not exceed the sum of fifty thousand dollars.

§ 2. Disaster Operations of the National Guard.) Notwithstanding any limitation contained in chapter 54-16, and specifically in section 54-16-04 in regard to grants increasing appro-

priations, the state emergency commission shall make grants of funds from the contingency fund to the national guard for the purpose of reimbursing such agency for costs incurred, or as anticipated will be incurred, in carrying out emergency operations in the case of natural disasters for the protection of life and property. Such grants may be made for expenditures incurred or anticipated to be incurred by the national guard through the use of its own personnel and equipment or incurred or anticipated to be incurred by contract or agreement with any state department, agency, political subdivision, or private contractor in carrying out its duties in the protection of life and property from conditions resulting from natural disasters. Funds granted to the national guard under the provisions of this section shall be over and above limitations upon grants prescribed in section 1 of this Act.

§ 3. Termination of Act.) The provisions of this Act shall be in effect through June 30, 1965, and shall expire in all respects upon such date, except that grants for obligations incurred prior to such date may be made by the emergency commission prior to August 1, 1965.

§ 4. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 1, 1965.

Note: See chapter 363, 1965 S.L.

CHAPTER 363

S. B. No. 357

(Committee on Delayed Bills)

MANNER OF COLLECTING EMERGENCY FUNDS

AN ACT

Providing for the collection of funds expended under the provisions of Senate Bill No. 356 of the 1965 Legislative Session for disaster relief on private land and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Natural Disaster Assistance — Collection of Certain Expenditures.) Any funds expended under the provisions of Senate Bill No. 356 of the 1965 Legislative Session for snow removal or other action in the protection of life and property on private land for which reimbursement by the owner or

lessee of such private land may be required by the governor or emergency commission, the county share under Senate Bill No. 356 may be charged against such land by the board of county commissioners of the county in which such land is located in the same manner as personal or real estate taxes are collected.

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

Approved March 15, 1965.

Note: See chapter 362, 1965 S.L.

CHAPTER 364

H. B. No. 773
(Wagner)

"WIDE AREA TELEPHONE SERVICE"

AN ACT

To amend and reenact section 2 of chapter 320 of the 1963 Session Laws, relating to "wide area telephone service".

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 2 of chapter 320 of the 1963 Session Laws is hereby amended and reenacted to read as follows:

§ 2.) Each office, agency, or institution provided with "wide area telephone service" shall pay to the board of administration a proportionate share of the cost of such service, as determined by the board of administration based upon studies and recommendations made by the company furnishing such service. Each office or institution located on the capitol grounds shall subscribe to "wide area telephone service" and shall pay such charge as determined by the board of administration on July 1, 1965, and on July 1, 1966. "Wide area telephone service" shall be made available to all departments, agencies, and institutions not located upon the capitol grounds on an optional basis and in such cases where this service is determined to be economical and feasible by the board of administration. The board of administration is authorized to expend funds received hereunder for the payment of "wide area telephone service" charges during the biennium begin-

ning July 1, 1965 and ending June 30, 1967, and within thirty days after the end of such biennium any unexpended balance shall be transferred to the general fund.

Approved March 15, 1965.

CHAPTER 365

H. B. No. 943
(Delayed Bills Committee)

HIGHER EDUCATION LANDS QUITCLAIM
TO HIGHWAY DEPARTMENT

AN ACT

To authorize the state board of higher education to quitclaim its interest in certain lands to the state highway department for use as highway rights-of-way.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) The state board of higher education is hereby authorized to quitclaim to the state of North Dakota for the use and benefit of the state highway department, its interest in certain lands described as follows:

A portion of the northeast quarter of section five, township one hundred and fifty-one north, range fifty west.

All necessary documents to accomplish the transfer of the above described land may be executed by the governor and attested by the secretary of state.

Approved March 15, 1965.

CHAPTER 366

H. B. No. 803

(Fossum, Anderson, Solberg, Rosendahl)

LAND CONVEYANCE BY BOARD OF HIGHER EDUCATION

AN ACT

To authorize the state board of higher education to sell and convey certain land owned by the state of North Dakota used for the raising of trees, the proceeds of which shall be used to buy land for the same purposes and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) The state board of higher education is hereby authorized to sell and convey certain land owned by the state of North Dakota by public bids, except that such board may negotiate sales with local park districts, which land is described and located in the

East half of the southwest quarter and the west half of the southeast quarter of section twenty-five of township one hundred sixty-two north, range seventy-six west, Bottineau County, North Dakota,

which land is presently used to raise trees for windbreaks and shelterbelt purposes. Such conveyance shall reserve to the state all mineral rights in and under the premises conveyed. The board of higher education may subdivide and sell such land by tracts or in such a manner that the present program of raising trees shall not be unduly interrupted.

§ 2.) Upon the sale of any part or all of such land, the proceeds shall be deposited in a special fund in the state treasury and are hereby appropriated to the state board of higher education for the purpose of acquiring and developing a new tree nursery site, which site shall be developed in such a manner as to maintain the level of the present tree production program on the land being sold.

§ 3.) Any proceeds from such sale which shall be in excess of the amount needed to comply with sections 2 and 3 of this Act as determined by the board of higher education shall be used for other capital improvements for the state forestry program in the manner authorized by such board and are hereby appropriated for such purpose.

§ 4.) All documents necessary to carry out the provisions of this Act shall be executed by the governor and attested by the secretary of state.

§ 5.) The state shall not be responsible for the payment of any special assessments levied and assessed by any taxing district against property subject to sale and conveyance pursuant to this Act unless such special assessments have been spread prior to the effective date of this Act.

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

Approved March 17, 1965.

CHAPTER 367

H. B. No. 786

(Schoenwald, Hauf, Hertz, Gengler, Haugland, Williamson,
(Erickson (Ward), Meschke)

CONVEYANCE OF LANDS TO CITY OF MINOT

AN ACT

To authorize the state board of higher education to convey the title to certain land owned by the state of North Dakota to the city of Minot for road purposes.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Authorization is hereby granted to the state board of higher education for the conveyance of the title to certain land owned by the state of North Dakota to the city of Minot for the consideration of one dollar, such land presently having a roadway upon it built by the city of Minot, which land is located and described as follows:

Beginning at the southeast corner of the plat of Marian Heights Second Addition; thence north zero (0) degrees, six (6) minutes east a distance of four hundred sixty-nine and two-tenths (469.2) feet; thence south eighty-nine (89) degrees, fifty-four (54) minutes east a distance of sixty-six (66) feet to the southwest corner of lot 10, block 1, Marian Heights First Addition; thence southwesterly along a fourteen (14) degree, thirty-nine (39) minute curve a distance of one hundred ninety-five and sixty-eight hundredths (195.68) feet to a point which is thirty-three (33) feet east

of the first described line; thence south zero (0) degrees, six (6) minutes west to a point on the north line of the southwest quarter of the northeast quarter of section fourteen (14), township one hundred fifty-five (155) north, range eighty-three west; thence west along the last described line a distance of thirty-three (33) feet to the point of beginning,

and all documents necessary to make such conveyance shall be executed by the governor and attested by the secretary of state.

Approved February 24, 1965.

CHAPTER 368

H. B. No. 787

(Olienyk, Gengler, Elkin, Bier)

SALE OF LAND TO DICKINSON PUBLIC SCHOOL DISTRICT No. 1

AN ACT

To authorize the state board of higher education to sell and transfer certain land owned by the state of North Dakota for the benefit and use of the North Dakota state university of agriculture and applied science to Dickinson Public School District No. 1, Dickinson, North Dakota, and appropriating the proceeds of sale to the state board of higher education for the purpose of acquiring other land.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) The state board of higher education is hereby authorized to sell and transfer to Dickinson Public School District No. 1, Dickinson, North Dakota, for a purchase price of \$1,000.00 per acre, land owned by the state of North Dakota and held for the benefit and use of the Dickinson experiment station of the North Dakota state university of agriculture and applied science, which land is located in the northwest quarter (NW¼) of section four (4), township one hundred thirty-nine (139), range ninety-six (96), Stark County, North Dakota, and is more particularly described as follows:

Beginning at a point 33 feet east and 33 feet south of the northwest corner of said section 4; thence south and parallel to the west line of said section 4 a distance of 1,235.1 feet; thence east and parallel to the north line of said section 4 a distance of 1,372 feet more or less to the west line of a

certain roadway which is a northerly extension of 13th avenue west, Dickinson, North Dakota; thence along the west line of said north and south roadway a distance of 1,235.1 feet more or less to a point 33 feet south of the north line of said section 4; thence west and parallel to the north line of said section 4 a distance of 1,372 feet more or less to the point of beginning. Tract contains 38.9 acres more or less. Such conveyance shall reserve to the state all mineral rights in and under the premises conveyed.

Upon the sale of such land, the proceeds of sale are hereby appropriated to the state board of higher education for the purpose of acquiring replacement land, as determined by the state board of higher education, in the name of the state of North Dakota for the use and benefit of the Dickinson branch experiment station of the North Dakota state university of agriculture and applied science. Upon the sale of the above-described land, the deed to the purchaser shall be executed by the governor and attested by the secretary of state, and shall contain a proviso that when said lands are no longer used as a location for public school buildings and public uses related to public education and training, excepting portions of the lands above described which may be needed and used for public rights-of-way or public utility installations, that in such event the state board of higher education, or its successor, shall have the first option to repurchase such property, or any part thereof, within a period of four years after notice, at a purchase price constituting the then value of the property as negotiated by the parties but not greater than one thousand dollars per acre for the acreage reacquired.

Approved March 17, 1965.

CHAPTER 369

S. B. No. 99
(Kelly, Beck, Strinden)

CONVEYANCE OF LANDS TO VALLEY CITY

AN ACT

Authorizing the state board of higher education to grant and convey certain state-owned lands to the city of Valley City, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Grant and Conveyance.) In consideration of the benefit to be derived by Valley City state college from the construction of a road across a portion of the campus, the state board of higher education is hereby authorized to grant and convey to the city of Valley City, Barnes County, North Dakota, a municipal corporation, all its interest in certain tracts of land described as follows for the construction of said road:

A tract of land in block 8 of Andrus and Siftons Addition to Valley City, North Dakota, more particularly described as follows: beginning at the southeast corner of said block, thence north along the east line of said block 105 feet; thence north $89^{\circ}29'$ west 297.9 feet; thence south $58^{\circ}35'$ west 198.5 feet to a point on the south line of said block; thence south $89^{\circ}29'$ east along said south line 466.4 feet to the point of beginning. Said tract of land contains 0.92 acres more or less. A strip of land lying in that tract of land owned by the state of North Dakota in the south half of the northeast quarter of section twenty-eight, township one hundred forty north, range fifty-eight west of the fifth principal meridian; said strip of land being 160 feet wide, 80 feet on either side of a center line more particularly described as follows: beginning at a point which is the intersection of the east line of the said northeast quarter and the center line of Seventh Street southeast in the city of Valley City, North Dakota; thence north $89^{\circ}29'$ west along said center line extended 1.5 feet; thence by a 6° curve to the left 532.2 feet; thence south $58^{\circ}35'$ west 173.9 feet; thence by a 4° curve to the right 780.8 feet; thence south $89^{\circ}49'$ west parallel with and with a width of 80 feet more or less on the left from the south line of the above described tract 575.1 feet; thence by a 14° curve to the left 258.8 feet to a point on said south line, excepting therefrom all that part lying within that part of block 8 of Andrus and Siftons Addition to Valley

City, North Dakota, described as follows: beginning at the southeast corner of said block 8, thence north along the east line of said block 105 feet; thence north $89^{\circ}29'$ west 297.9 feet; thence south $58^{\circ}35'$ west 198.5 feet to a point on the south line of said block; thence south $89^{\circ}29'$ east along said south line 466.4 feet to the point of beginning. The above strip of land contains 7.60 acres more or less.

The grant and conveyance of such land shall be executed by the governor and attested by the secretary of state.

§ 2. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval. As a condition of this conveyance the state shall not be subject to nor responsible for any special assessments hereinafter levied for the construction of a roadway upon the conveyed premises, nor the surfacing thereof.

Approved March 17, 1965.

CHAPTER 370

S. B. No. 206
(Ecker)

SALE OF LANDS TO HETTINGER SCHOOL DISTRICT No. 13

AN ACT

To authorize the state board of higher education to sell and transfer certain land owned by the state of North Dakota for the benefit and use of the North Dakota state university of agriculture and applied science to Hettinger Public School District No. 13, Hettinger, North Dakota, and appropriating the proceeds of sale to the state board of higher education for the purpose of acquiring other land.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) The state board of higher education is hereby authorized to sell and transfer to Hettinger Public School District No. 13, Hettinger, North Dakota, for a purchase price of \$500.00 per acre, land owned by the state of North Dakota and held for the benefit and use of the Hettinger experiment station of the North Dakota state university of agriculture and applied science, which land is located in the southeast quarter ($SE\frac{1}{4}$) of section eleven (11), township one hundred twenty-nine (129), range ninety-six (96), Adams County, North Dakota, and is more particularly described as follows:

Beginning at a point 186 feet north and 33 feet west of the southeast corner of said section 11; thence north and parallel to the east line of said section 4 a distance of 900 feet; thence west and parallel to the south line of said section 11 a distance of 400 feet; thence south and parallel to the east line of said section 11 a distance of 900 feet; thence east and parallel to south line of said section 11 a distance of 400 feet to the point of beginning. Tract contains 8.2 acres more or less.

The purchaser agrees to install a six-foot cyclone fence around the area bordering the experiment station property.

Upon sale of such land, the proceeds of sale are hereby appropriated to the state board of higher education for the purpose of acquiring replacement land, as determined by the state board of higher education, in the name of the state of North Dakota for the use and benefit of the Hettinger branch experiment station of the North Dakota state university of agriculture and applied science. Upon the sale of the above-described land, the deed to the purchaser shall be executed by the governor and attested by the secretary of state, and shall contain a proviso that title to the lands above described, or any portion of the lands above described, shall revert to the state of North Dakota for the use and benefit of the Hettinger branch experiment station of the North Dakota state university of agriculture and applied science when said lands are no longer used as a location for public school buildings and public uses related to public education and training, with the exception of any portions of the lands above described which may be needed and used for public rights-of-way or public utility installations. Any such reversions shall be at no cost to the state of North Dakota.

Approved February 26, 1965.

CHAPTER 371

S. B. No. 354
(Committee on Delayed Bills)

SALE OF ARMORY TO HILLSBORO

AN ACT

To authorize the state board of armory supervisors to convey certain described property by quitclaim deed to the city of Hillsboro, North Dakota.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) WHEREAS, the state of North Dakota conveyed certain land to the city of Hillsboro, North Dakota, in March, 1927, to be used for public purposes and which was used as an armory and for public purposes and that such property has since ceased to be used for such purposes and under a questionable reversion clause in the deed the property has possibly reverted to the state of North Dakota; and

WHEREAS, the armory building has become a dilapidated and hazardous building not worthy of repair and the city of Hillsboro desires to obtain a clear title to such property in order to dispose of such building. For these reasons the state of North Dakota declares its policy to assist in every manner in curing any defects which may now exist in the title to such property.

§ 2.) The state board of armory supervisors is hereby authorized to convey by quitclaim deed in behalf of the state of North Dakota, to the city of Hillsboro, North Dakota, disclaiming all right, title, and interest in and to such property, for the purpose of curing the title to the property described as follows:

The real property in the city of Hillsboro, Traill County, North Dakota, described as commencing at the northwest corner of lot 12, in block 6, White's First Addition to Hillsboro, thence running southerly on the west boundary line of said lot 12, 125 feet, thence running easterly at right angles 52 feet, thence running northerly on a line parallel to and 2 feet distant from the westerly line of lot 10 in said block 125 feet to the north boundary line of said lot 10, thence westerly on the north boundary line of lots 10, 11, and 12, 52 feet to the place of beginning, according to the plat thereof on file in the office of the register of deeds in and for said county and state,

such conveyance to be free of all reservations, restrictions, or rights of reversion. All necessary documents to accomplish the transfer of the above-described lands shall be executed by the governor and attested by the secretary of state.

Approved March 15, 1965.

CHAPTER 372

S. B. No. 91

(Urdaahl, Van Horn, Trenbeath)

SALE OF LANDS TO JAMESTOWN

AN ACT

Authorizing the board of administration to sell, convey and transfer to the city of Jamestown, North Dakota, certain described real properties for the purpose of a proposed James River diversion plan and which includes the construction of a new bridge over the James River as access to the state hospital of North Dakota, and exchange of lands with R. J. Linn as a part of said plan, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) The board of administration of the state of North Dakota is hereby authorized for the consideration of one dollar and other good and valuable considerations, to convey to the city of Jamestown, Stutsman County, North Dakota, for the purpose of a proposed James River diversion plan which includes the construction of a new bridge giving access to the state hospital of North Dakota and covering the following described parcels, to wit:

All that portion of the north half of the northeast quarter of section one, township one hundred thirty-nine north, range sixty-four west of the fifth meridian, lying southerly of the south bank of the James River, and within a strip of land two hundred feet wide, said strip lying one hundred feet on each side and measured at right angles to the following described centerline; beginning at the northeast corner of the northeast quarter of said section one, thence south along the east line of said northeast quarter a distance of three hundred feet, thence south sixty-eight degrees, thirty-five minutes west, a distance of six hundred fifty feet, more or less, until said centerline crosses the northeasterly line of board of administration property, which is the point of beginning; thence continuing south sixty-eight degrees, thirty-five minutes west, a distance of three hundred feet

more or less until said strip crosses the south bank of the James River as it is today. Tract contains one and thirty-eight hundredths acres, more or less; and all that portion of the north half of the northwest quarter of section six, township one hundred thirty-nine north, range sixty-three west of the fifth meridian, lying within a strip of land of various widths, lying on both sides and measured at right angles to the following described centerline; beginning at the northwest corner of the northwest quarter of said section six, thence south along the west line of said northwest quarter a distance of three hundred feet to a point of beginning, thence a strip of land two hundred feet wide, lying one hundred feet on each side of a line running north sixty-eight degrees, thirty-five minutes east a distance of four hundred seventy-five feet to a point where the width of the strip changes to one hundred fifty feet, lying seventy-five feet on each side and measured at right angles to a centerline running from the aforementioned point easterly parallel to the north line of said section six a distance of nine hundred fifty feet, more or less, until said strip crosses the westerly bank of the James River as it is today, excepting that portion of the north half of the northwest quarter of section six previously deeded to the city of Jamestown as a public thoroughfare. Tract contains four and twenty-five hundredths acres, more or less.

As an additional part of the said river diversion plan the board of administration is further authorized to convey to R. J. Linn of Jamestown, North Dakota, the following described parcels for the consideration of a conveyance by the said R. J. Linn to the state of North Dakota, which real property is described as follows, to wit:

All that portion of the southwest quarter of section thirty-one, township one hundred forty north, range sixty-three west of the fifth meridian, lying east of James River and west of state hospital road and south of a line four hundred fifty-four and two-tenths feet north of and parallel to the south section line. Said tract contains seventy-eight hundredths acres more or less; and

All that portion of the northwest quarter of section six, township one hundred thirty-nine north, range sixty-three west of the fifth meridian, more particularly described as follows: beginning at the northwest corner of section six, township one hundred thirty-nine north, range sixty-three west of the fifth meridian, thence south zero degrees, zero minutes east along the west section line a distance of one hundred eighty and eleven hundredths feet, thence north seventy degrees, forty-eight minutes east a distance of three

hundred feet, more or less to the west right-of-way line of the state hospital road, thence northerly along said right-of-way line a distance of one hundred feet more or less to the north line at said section six, thence west along said north line to the point of beginning. Tract contains eighty-five hundredths acres more or less.

Said real property to be conveyed by R. J. Linn to the state of North Dakota being described as follows, to wit:

Beginning at the northeast corner of section one, township one hundred thirty-nine north, range sixty-four west of the fifth meridian, thence south zero degrees, zero minutes east along the east line of said section six a distance of three hundred ninety-one and eight-nine hundredths feet to the point of beginning, thence continuing south zero degrees, zero minutes east a distance of three hundred fifty-two and eleven hundredths feet, thence north sixty-eight degrees, thirty-five minutes west a distance of four hundred eighty feet more or less to a point, thence north seventy degrees, forty-eight minutes east a distance of four hundred eighty feet more or less to the point of beginning. Tract contains two and two hundredths acres more or less.

§ 2.) The board of administration shall reserve in favor of the state of North Dakota the right of ingress and egress to the James River as diverted over and across said above-described real property for the purpose of obtaining water from the James River for irrigation purposes.

§ 3.) That all conveyances above authorized, excepting the conveyance to R. J. Linn, shall contain a clause providing that if said property above described shall cease to be used for the purpose intended, that such property shall revert to the state of North Dakota, however, any improvements located thereon may be removed at the time of such reversion, and that said real property shall be conveyed by quitclaim deed executed in the name of the state of North Dakota by the governor, and attested by the secretary of state.

§ 4.) That all state agencies, departments, or municipalities involved in this conveyance are authorized to accept and receive, and to share and participate in federal and state funds and projects, when such funds are available.

§ 5. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 1, 1965.

CHAPTER 373

S. B. No. 92

(Urdahl, Van Horn, Trenbeath)

SALE OF LAND TO CITY OF JAMESTOWN

AN ACT

Authorizing the board of administration to sell, convey and transfer to the city of Jamestown, North Dakota, certain described real property for the purpose of a proposed recreational area and providing access to a proposed James River diversion area and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) The board of administration of the state of North Dakota is hereby authorized for the consideration of one dollar and other good and valuable considerations, to convey to the city of Jamestown, Stutsman County, North Dakota, for the purpose of a proposed recreational area and access to the proposed James River diversion area and covering the following described real property, to wit:

A portion of the north half of the northeast quarter of section one, township one hundred thirty-nine north, range sixty-four west of the fifth meridian, more particularly described as follows: beginning at the northwest corner of the northeast quarter of section one, township one hundred thirty-nine north, range sixty-four west of the fifth meridian, which is the point of beginning, thence south zero degrees, zero minutes east along the quarter line a distance of six hundred thirty feet, thence north ninety degrees, zero minutes east a distance of three hundred feet, thence south zero degrees, zero minutes east parallel to the quarter line a distance of six hundred feet, thence north ninety degrees, zero minutes east a distance of eight hundred feet, thence north zero degrees, zero minutes east a distance of three hundred feet, thence north seventy degrees, forty-eight minutes east a distance of seven hundred feet, thence north nineteen degrees, twelve minutes west a distance of one hundred forty feet, more or less to the southerly bank of the James River, thence westerly along the southerly bank of the James River to the point of beginning. Tract contains twenty-four and three-tenths acres, more or less.

§ 2.) The board of administration shall reserve in favor of the state of North Dakota the right of ingress and egress to the James River over and across said above-described real

property for the purpose of obtaining water from the James River for irrigation purposes.

§ 3.) That said conveyance above authorized, shall contain a clause providing that if said property above described shall cease to be used for the purpose intended, that such property shall revert to the state of North Dakota, however, any improvements located thereon may be removed at the time of such reversion, and that said real property shall be conveyed by quitclaim deed executed in the name of the state of North Dakota by the governor, and attested by the secretary of state.

§ 4.) That all state agencies, departments, or municipalities involved in this conveyance are authorized to accept and receive, and to share and participate in federal and state funds and projects, when such funds are available.

§ 5. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 1, 1965.

CHAPTER 374

H. B. No. 774
(Wagner)

BOARD OF ADMINISTRATION SALE OF LAND TO STATE WATER COMMISSION

AN ACT

Authorizing the board of administration to sell, transfer and convey certain real property now owned by the board of administration for the benefit of the state penitentiary and to convey certain real property to the state water commission.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Authorizing the Board of Administration to Sell, Transfer and Convey Certain Real Property Owned by the State for the Benefit of the State Penitentiary.)** The board of administration may sell, transfer and convey, and is hereby authorized to sell, transfer and convey certain real property owned by the state for the use and benefit of the state penitentiary, or so much thereof as is necessary to effect the purpose of this Act, said property being described as follows:

In the north $\frac{1}{2}$ of section two, township one hundred thirty-eight north range eighty west of the fifth principal meridian, Burleigh County, North Dakota, and beginning at the northwest corner of said section two, which shall be called the point of beginning, thence running in a southerly direction along the west boundary of said section two for a distance of seven hundred seventy-four and six tenths feet; thence running, in section two, for a distance of three thousand three hundred feet, more or less, on a line parallel to the north boundary of said section two, to the west right-of-way boundary of the Minneapolis, St. Paul and Sault Ste. Marie Railroad; thence running along that right-of-way boundary in a northerly and easterly direction to the north boundary of said section two; thence running in a westerly direction along the north boundary of said section two, to the northwest corner of said section two, which is the point of beginning.

Less all rights-of-way and easements heretofore granted. The above-described tract of land contains fifty-four and seven-tenths acres of land, more or less.

§ 2.) The proceeds from the sale of such land shall be used by the board of administration to purchase additional land for the state penitentiary.

§ 3.) The board of administration shall transfer the following described land to the state water commission: A tract of land lying in the northwest quarter of section two, township one hundred thirty-eight north, range eighty west of the fifth principal meridian, Burleigh County, North Dakota, and described as follows:

Commencing at the northwest corner of said section two; thence running in a southerly direction along west boundary of said section two for a distance of nine hundred twenty-four and six-tenths feet to a point which shall be called the point of beginning; thence running in an easterly direction with an interior angle of $90^{\circ}22'$ for a distance of eight hundred eighty-nine and nine-tenths feet; thence running in a southerly direction with an interior angle of $89^{\circ}38'$ to intersect the Minneapolis, Saint Paul and Sault Ste. Marie Railroad right-of-way; thence running in a westerly direction along said railroad right-of-way to a point of intersection with the west boundary of said section two; thence running in a northerly direction along the west boundary of said section two for a distance of four hundred seventy-two and one-tenth feet to the point of beginning. Including all of the property bounded by the above described line, less existing rights-of-way and less a 2.41 acre tract of land

presently owned by the North Dakota state water commission, and containing 6.46 acres of land, more or less.

§ 4.) Any such property, sold, transferred and conveyed, shall be conveyed by quitclaim deed executed in the name of the state of North Dakota, by the governor and the board of administration, and attested by the secretary of state.

Approved March 8, 1965.

CHAPTER 375

H. B. No. 821
(Poling)

CONVEYANCE OF FORT UNION HISTORIC SITE

AN ACT

To amend and reenact chapter 365, House Bill No. 744, conveyance of Fort Union historic site, to permit the state historical society to transfer by deed and title the parcel of land known as Fort Union Historic Site.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 1 of chapter 365 of the 1963 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

Authorization for the transfer by deed and title, ten and twenty-six hundredths acres, more or less of land in township one hundred fifty-two, range one hundred four west, section seven, Williams County to that division of federal government, normally the National Park Service, Department of Interior with the understanding that they shall further develop the area as a national historic landmark.

Approved February 24, 1965.

CHAPTER 376

H. B. No. 529

(Christensen, Poling)

(Recommended by Legislative Audit and Fiscal Review Committee)

TRANSFER OF MINERAL RIGHTS BY STATE EXAMINER

AN ACT

Granting authority to the state examiner to transfer certain mineral rights now in his custody.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Transfer of Mineral Rights Authorized.) The state examiner may transfer to the state treasurer, or may transfer to the Bank of North Dakota as agent for the state examiner for purposes of administration or sale, those mineral rights now in the custody of the state examiner and more particularly described as the mineral rights in the north half of section seventeen, township two north of range thirty-two west of the first principal meridian in the Province of Saskatchewan, Canada.

Approved March 2, 1965.

CHAPTER 377

H. B. No. 947

(Committee on Delayed Bills)

ACQUISITION OF FORT ABRAHAM LINCOLN

AN ACT

Relating to the acquisition of Fort Abraham Lincoln by the state.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Statement of Legislative Intent.)

WHEREAS, Fort Abraham Lincoln, located 2 miles south and east of the city of Bismarck is scheduled to be deactivated as a military post, and will be turned over to the General Services Administration for disposal; and

WHEREAS, the legislative assembly of the state of North Dakota finds that it may be to the advantage of the state to

acquire the buildings and grounds of Fort Lincoln for the use of the state, its departments, agencies, and political subdivisions; and

WHEREAS, it is the desire of the legislative assembly to explore all avenues relating to the use for Fort Lincoln for the benefit of the state and its political subdivisions and thereafter to acquire such property for such purposes if it shall be determined that such acquisition is in the best interests of the state.

§ 2. **Authority to Acquire Fort Lincoln.**) Upon a determination by the emergency commission, including the legislative members thereof, that the state or its political subdivisions have need for the buildings and grounds of Fort Lincoln and that it is to the advantage of the state to acquire such property, the emergency commission may take such action as may be necessary to acquire such property from the United States upon such terms and conditions as it shall deem to be in the best interests of the state. Notwithstanding other provisions of chapter 54-16, the emergency commission shall be authorized to grant funds from the contingency fund for the purpose of carrying out such acquisition and the maintenance and preservation of the property. Such property shall be under the jurisdiction of the state board of administration for the purpose of management, maintenance, and preservation if it shall be acquired.

Approved March 15, 1965.

CHAPTER 378

H. B. No. 913

(Brown, Wagner, Boustead, Coles)

ANNUAL LEAVE FOR STATE EMPLOYEES

AN ACT

To provide for annual leave and sick leave for state employees.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Annual Leave and Sick Leave for State Employees To Be Provided.**) Annual leave and sick leave shall be provided for all persons in the permanent employment of this state who are not employed under a written contract of hire setting forth the terms and conditions of their employment, within the limitations, terms and provisions of this Act. Annual leave for an employee entitled thereto shall be within a range of a mini-

imum of one working day per month of employment to a maximum of two working days per month of employment, based on tenure of employment, to be fixed by rules and regulations adopted by the employing unit. Sick leave for an employee entitled thereto shall be within a range of a minimum of one working day per month of employment to a maximum of one and one-half working days per month of employment, based on tenure of employment, to be fixed by rules and regulations adopted by the employing unit. Annual leave shall be compensated for on the basis of full pay for the number of working days leave credited to the employee. Sick leave shall be compensated for on the basis of full pay for absence due to illness on working days during tenure of employment. Any state agency, unit or entity which has such employee or employees is authorized and directed to formulate and adopt such rules and regulations governing the granting of annual leave and sick leave as will effectuate the purpose of this Act and best suit the factors of employment of that particular employing unit. Each employee shall be required to take an annual leave, as provided for in this section. The accumulation of sick leave shall be limited to a total of 120 days.*

§ 2. Rules and Regulations To Be Filed with Department of Accounts and Purchases.) Each employing unit, upon passage of this Act, shall file with the department of accounts and purchases a copy of the rules and regulations adopted. Thereafter, any amendments or additions thereto shall also be so filed.

Approved March 20, 1965.

***Note:** The Senate and House Journals indicate that the last two sentences of section 1 of House Bill No. 913 were inserted by the adoption by the House of Representatives of a Conference Committee report that was rejected by the Senate. These sentences read as follows: "Each employee shall be required to take an annual leave, as provided for in this section. The accumulation of sick leave shall be limited to a total of 120 days." Subsequently, the Senate receded from its amendments through the adoption of a second Conference Committee report, which Conference Committee report was also approved by the House of Representatives. The Senate approved House Bill No. 913 on final passage as amended by its approved Conference Committee report and a communication from the House of Representatives indicated that the House of Representatives had already approved the bill in that form and no approval by the House was necessary. The Journals, therefore, indicate that the last two sentences of section 1 of House Bill No. 913 were not intended to be a part of the bill.