

STATE GOVERNMENT

CHAPTER 486

HOUSE BILL NO. 1305
(Streibel, Hoffner)

MAINTENANCE OF LEGISLATIVE ORGANIZATION FOR SPECIAL SESSION

AN ACT to amend and reenact section 54-03-04 of the North Dakota Century Code, relating to the officers of the senate and of the house of representatives, and to the maintenance of legislative organization in the event a special legislative session is called.

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

SECTION 1. AMENDMENT.) Section 54-03-04 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-04. ORGANIZATIONAL SESSIONS CALLED TO ORDER BY SECRETARY AND CHIEF CLERK - PRESIDENT AND SPEAKER - OFFICERS - TERM OF OFFICE - OFFICERS AND CHAIRMEN TO REMAIN IN OFFICE DURING SPECIAL SESSION.) The secretary and officers of the senate and chief clerk and officers of the house serving at the close of a regular session, unless otherwise removed, shall remain in office until the first day of the organizational session of the legislative assembly. On the first day of the organizational session of the legislative assembly, at a time scheduled by the legislative council pursuant to section 54-03.1-02, the president of the senate and the speaker of the house, or in the absence of either, then some member or other person appointed by the members present, shall call the members of their respective houses so enrolled to order. The members of the respective houses then may proceed to the election of the necessary officers. The secretary and officers of the senate and chief clerk and officers of the house of representatives, and the chairmen of all procedural and substantive standing legislative committees shall continue to serve in those positions during any special legislative session which may be called, except in case of the death, resignation, or removal of one of those persons, whereupon the position shall be filled, upon the convening of the special session, in the manner provided by law or legislative rule. Members serving on procedural or substantive standing committees of the senate or house during a regular session shall continue to serve on those committees during any special legislative session which may be called following that regular session.

CHAPTER 487

HOUSE BILL NO. 1144
(Streibel, Hoffner, Strinden)

LEGISLATIVE COMPENSATION

AN ACT to amend and reenact sections 54-03-10, 54-03-20, 54-03-20.1, and 54-35-10 of the North Dakota Century Code, relating to compensation and mileage reimbursement for members and officers of the legislative assembly, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 54-03-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-10. COMPENSATION OF SPEAKER, FLOOR LEADERS, COMMITTEE CHAIRMEN, AND EMPLOYEES.) The speaker of the house, the house majority floor leader, the senate majority floor leader, the house minority floor leader, and the senate minority floor leader shall each receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of five dollars per day for each calendar day during any regular, special, or organizational session. Chairmen of the substantive standing committees shall receive additional compensation of three dollars for each calendar day during any regular, special, or organizational session. The additional compensation provided by this section shall be paid in the manner provided in section 54-03-20. The legislative assembly, by concurrent resolution, shall fix the compensation of the other officers and employees elected or appointed. The provisions of this section shall be retroactive to January 1, 1971.

SECTION 2. AMENDMENT.) Section 54-03-20 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

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

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

Attendance at any organizational, special, or regular session of the legislative assembly by any member thereof shall be a conclusive presumption of the expenditure of such expense allowances for the purposes set forth in this section and shall be excluded from gross income for income tax purposes. The provisions of this section shall be retroactive to January 1, 1971.

SECTION 3. AMENDMENT.) Section 54-03-20.1 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-20.1. COMPENSATION FOR ATTENDING LEGISLATORS.) Each member of the legislative assembly shall receive as compensation for his services at any organizational, special, or regular session, five dollars per day and ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly by the most usual route. No member of the legislative assembly shall make claim for reimbursement for more than seven trips to and from the place of meeting of the legislative assembly during any regular session. The provisions of this section shall be retroactive to January 1, 1971.

SECTION 4. AMENDMENT.) Section 54-35-10 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-35-10. COMPENSATION OF MEMBERS AND LEADERSHIP.)

1. The members of the council and the members of any committee of the council shall be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of thirty dollars per day and shall also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.

2. In addition to the compensation provided in subsection 1 of this section, the chairman of the council shall receive an additional five dollars for each day spent in attendance at

sessions of the council and of its committees, and the chairman of each of the council's committees shall receive three dollars for each day spent in attendance at sessions of the council or of the committee which he chairs.

SECTION 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 February 3, 1971

CHAPTER 488

HOUSE BILL NO. 1306
(Streibel, Hoffner)

LEGISLATIVE ENROLLING AND ENROSSING

AN ACT to amend and reenact sections 54-04-01, 54-04-03, and 54-04-04 of the North Dakota Century Code, relating to the enrolling and engrossing of legislative measures and the employment of an enroller and engrosser; and to repeal section 54-04-02 of the North Dakota Century Code, relating to regulations governing enrolling and engrossing.

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

SECTION 1. AMENDMENT.) Section 54-04-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-04-01. ENROLLING AND ENROSSING BILLS, ARRANGEMENT FOR - ADVERTISEMENTS.) The President of the Senate and the majority leaders of the House and Senate at the organizational meeting shall constitute a negotiating committee and shall make all necessary arrangements for the engrossing and enrolling of bills and resolutions passed by each house of the Legislative Assembly. The negotiating committee may negotiate with any person or persons and may enter into and execute contracts to perform the necessary engrossing and enrolling bills and resolutions. The President of the Senate shall advertise that, on the first day of the legislative organizational meeting in December, the committee will receive written proposals for engrossing and enrolling of bills and resolutions and invite persons who are interested to submit proposals. The advertisement shall be published in a newspaper at the seat of government at least once each week for two successive weeks commencing on the first Wednesday in October of the year preceding the regular session of the Legislative Assembly. The negotiating committee, however, shall not be limited to written proposals received. After examining and reviewing proposals submitted, it may award the contract to any person or persons on a negotiated basis.

SECTION 2. AMENDMENT.) Section 54-04-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-04-03. SURETY FOR PERFORMANCE - CONTRACT MUST BE WITH RESIDENT.) The negotiating committee shall require a surety bond

for the performance of the work in awarding the contract for enrolling and engrossing bills and resolutions of the Legislative Assembly. The amount of the surety bond shall be commensurate with the amount of work to be performed and shall be set by the negotiating committee. Such contract may be awarded only to a bona fide resident of this state.

SECTION 3. AMENDMENT.) Section 54-04-04 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-04-04. CONTENTS OF CONTRACT - FORM, STYLE, AND MECHANICS OF ENROLLING AND ENGROSSING.) The Legislative Council shall determine the form and style of the engrossed and enrolled bills and resolutions and shall determine the mechanical or other methods by which the engrossing or enrolling is to be done. The negotiating committee shall determine the charges to be made, which shall be set forth in the contract. The negotiating committee may also determine the number of employees to be employed by the person with whom it has contracted or will contract to enroll and engross bills and resolutions. The negotiating committee may also require and provide in the contract for specific provisions which will expedite, improve and facilitate enrolling and engrossing services to the Legislative Assembly.

SECTION 4. REPEAL.) Section 54-04-02 of the North Dakota Century Code is hereby repealed.

Approved March 29, 1971

CHAPTER 489

SENATE BILL NO. 2039
(Goldberg, L. Larson, Lowe, Melland, Wenstrom, Wilhite)
(From Legislative Council Study)

REPORTS OF AGENCIES CHARGING FEES

AN ACT to require all state agencies, departments, and institutions which charge fees for licensing, inspection, or regulation of private business activities or products to make reports.

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

SECTION 1. STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS CHARGING FEES SHALL MAKE REPORTS.) All state agencies, departments, and institutions which license, inspect, or regulate private business activities or products and charge fees for such services shall prepare and submit to the state auditor's office, before August 31 of each year, a report for the last fiscal year giving information about the costs of providing each service and the fees charged for the granting or providing of such service. The report shall accurately present the costs and revenues in accordance with the various categories of service and such report shall be completed and supported by such accounting records and allocation procedures as are acceptable to the state auditor. The report shall be filed with the committee on budget of the legislative council, in addition to other filings as required by law.

Approved February 20, 1971

CHAPTER 490

HOUSE BILL NO. 1067
(Hoffner, Streibel, Strinden)
(Legislative Council Study)

ISSUANCE AND RETURN
OF CAPITOL KEYS

AN ACT to create and enact sections 44-08-18, 54-06-15, and 54-21-17.1 of the North Dakota Century Code, relating to keys issued to the state capitol building, and offices therein; providing for retention of a state official's or employee's final wage or salary check upon failure to return an issued key; providing for payment of a fee in lieu of return of a key; providing the procedures for enforcement; and declaring an emergency.

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

SECTION 1.) Section 44-08-18 of the North Dakota Century Code is hereby created and enacted to read as follows:

44-08-18. OFFICIALS AND EMPLOYEES OF AGENCIES LOCATED IN CAPITOL BUILDING RESPONSIBLE FOR KEYS ISSUED TO THEM - RETURN UPON TERMINATION OF EMPLOYMENT - AGENCY HEAD RESPONSIBILITY.) Every elected and appointed state official and all state employees employed by or administering any agency, department, board, commission, or other governmental organization with offices located in the state capitol building shall be responsible for the safekeeping and return of keys allowing entrance to any of such offices or to the capitol building proper which may have been issued to them by the director of institutions. Each official or employee shall, upon or prior to termination of employment in the state capitol, return any and all keys which may have been issued to him by the director of institutions or by the legislative council to the person in charge of such keys in the office or department in which he was employed. The person in charge, or his designee, shall see to the return of the keys to the director of institutions in a manner provided by rules and regulations which shall be promulgated by the director of institutions. Failure to return a key shall be handled as provided in section 54-06-15.

SECTION 2.) Section 54-06-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-06-15. FAILURE OF OFFICIALS AND EMPLOYEES WORKING IN CAPITOL BUILDING TO RETURN KEYS UPON TERMINATION OF EMPLOYMENT - DUTY OF PERSON IN CHARGE OF EMPLOYING UNIT - PAYMENT OF FEE IN LIEU OF RETURN - RETENTION OF FINAL WARRANT FOR SALARY OR WAGE.) Each elective or appointive official or state employee employed by, or in charge of, an employing unit with offices in the state capitol building who fails or is unable to return a key, or keys, issued to him pursuant to section 54-21-17.1 shall have his final warrant-check for payment of salary or wages retained by the person in charge of the employing unit, or his designee, until the key, or keys, issued to him are returned, or until the fee in lieu of return provided in this section has been paid. Each official or employee who fails or is unable to return keys issued to him in the manner provided in section 44-08-18 shall pay a fee of five dollars for each key not returned, which fee shall be in lieu of return of a key. Upon receipt of the in lieu fee, the person in charge of the employing unit, or his designee, shall release the official's or employee's final warrant-check for payment of salary or wages. When an official or employee terminates his employment and fails or is unable to return a key, or keys, issued to him, the person in charge of the employing unit, or his designee, shall retain the final warrant-check for payment of the salary or wages of that official or employee until this section has been complied with. As used in this section the phrase "employing unit" shall mean any agency, department, board, commission, or other governmental unit, including the supreme court, the legislature, and the legislative council, which has offices located in the state capitol building. The phrase "person in charge" shall mean the person who has the overall supervisory and administrative control over the employing unit.

SECTION 3.) Section 54-21-17.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-21-17.1. DIRECTOR OF INSTITUTIONS TO SECURE INTERIOR OF CAPITOL BUILDING - ISSUANCE AND RETURN OF KEYS.) The director of institutions shall see to the security of the state capitol building, and shall have control over the issuance and return of keys allowing entry to the building proper, or any door located therein. Keys to doors in the legislative wing shall be issued and controlled by the legislative council when so requested by the director of institutions. The director of institutions shall promulgate rules and regulations regarding the manner in which keys are to be issued and returned, including the procedure for receiving and recording the payment of fees in lieu of return of keys provided in section 54-06-15.

SECTION 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 20, 1971

CHAPTER 491

HOUSE BILL NO. 1503
(Metzger, Halcrow, Olienyk, DeGroot, Lundene)

MINIMUM WAGE FOR STATE EMPLOYEES

AN ACT setting forth minimum wage standards for employees of the state of North Dakota.

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

SECTION 1. MINIMUM WAGE STANDARDS FOR EMPLOYEES OF STATE.) To promote efficiency in government, to assure services received for money expended, to be competitive with private industry and labor, and taking into account the cost of living, the following minimum wage standards shall apply to all employees of the state of North Dakota:

1. Employees hired on a full-time monthly basis shall receive a minimum pay of not less than:
 - a. Three hundred dollars per month after June 30, 1971;

Except that students, working as part-time help shall be exempt from these provisions.

Approved March 27, 1971

CHAPTER 492

HOUSE BILL NO. 1548
(Opedahl, Jacobson, B. Miller, Anderson)

GOVERNOR'S APPOINTMENT POWER

AN ACT to provide that the governor shall have authority to appoint a majority of the members of certain boards and commissions within the first six months of his regular term, and providing an effective date.

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

SECTION 1. GOVERNOR TO HAVE POWER TO APPOINT MAJORITY OF MEMBERS OF CERTAIN BOARDS AND COMMISSIONS - LIMITATIONS.) Notwithstanding the provisions of chapters 2-05, 4-13, 4-18.1, 4-27, 6-01, 6-09.1, 12-55, 12-59, 12-60, 15-21, 15-38, 15-39, 15-52, 15-65, 20-02, 23-01, 23-25, 36-01, 37-14, 37-15, 37-18, 50-10, 50-26, 51-10, 53-01, 54-03, 54-34, 54-54, 55-01, 55-05, 55-08, 61-02, 61-28, and 65-02 of the North Dakota Century Code, all members of the following boards and commissions shall, subject to the limitations of this Act, be considered to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor: North Dakota aeronautics commission, poultry improvement board, milk stabilization board, dairy products promotion commission, state banking board, state credit union, advisory board of directors of the Bank of North Dakota, board of pardons, parole board, bureau of criminal identification and apprehension, state board of public school education, teachers' professional practices commission, teachers' insurance and retirement fund trustees, medical center advisory council, educational broadcasting council, game and fish department advisory board, state health council, air pollution control advisory council, livestock sanitary board, veterans' aid commission, soldiers' home trustees, advisory committee to department of veterans' affairs, crippled children's commission, governor's council on human resources, North Dakota trade commission, state athletic commission, legislative compensation commission, business and industrial development commission, North Dakota council on the arts and humanities, state historical board, international peace garden, inc., state park advisory council, state water conservation commission, water pollution prevention agency board, and workmen's compensation bureau. The governor shall have the option of reappointing any member to any board or commission to complete the term to which he was appointed, or the governor may appoint a simple majority of any board or commission to complete the terms of those resigned

members who do not receive reappointments. In order to assure continuity, the governor shall reappoint for the completion of their original terms no fewer than one less than a simple majority of the former members of each board or commission.

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

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

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

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

SECTION 2. EFFECTIVE DATE.) The provisions of this Act shall be effective with the expiration of each regular term of governor beginning on January 1, 1973.

Approved March 30, 1971

CHAPTER 493

SENATE BILL NO. 2451
(Holand)

CHARGES FOR AUDITS
BY STATE AUDITOR

AN ACT to amend and reenact subsection 2 of section 54-10-01, section 54-10-13 and section 54-10-14 of the North Dakota Century Code, relating to charges and actual costs for audits performed by state auditor, and providing an effective date.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 54-10-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 2. AMENDMENT.) Section 54-10-13 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-13. COUNTY AGENCIES - AUDITS - FEES.) The state auditor by his duly appointed deputy auditors or other authorized person or persons shall audit at least once every two years, or at more frequent intervals if the state auditor, in his discretion, deems it advisable, the official financial records, accounts, and proceedings of boards of county commissioners, county auditors, county treasurers, clerks of district court, county judges, registers of deeds, county superintendent of schools, sheriffs, public administrators, governing boards of irrigation districts and flood irrigation districts, clerks or secretaries of said boards and treasurers of said districts. The state auditor shall charge an amount equal to the fair value of the audit and other services rendered plus actual costs incurred by the state auditor to the county agencies in making and otherwise preparing the reports of examinations herein provided for. The fees herein provided shall be paid by the counties and districts examined to the state treasurer, and by him credited to the general fund of the state. Provided, further, that the board of county commissioners may provide for an annual audit by a certified public accountant for any or all of the offices and boards set forth in this section, and such audit report shall be in such form and contain such information as the state auditor may require in addition to other information, and in such case the state auditor shall not be required to make the examination heretofore provided for in this section. Two copies of such audit reports shall be filed with the state auditor and one copy with the state bonding fund by the certified public accountant making such audit at the same time that the report is delivered to the officer or board audited, and the board of county commissioners shall not pay the fee for such audit until evidence of such filing is furnished. The state auditor may require the correction of any irregularities, objectionable accounting procedures, or illegal actions on the part of such officers or boards disclosed by such audit reports, and failure to make such corrections shall result in audits being resumed by the state auditor until such irregularities, procedures, or illegal actions are corrected, and fees for such audits, so resumed, shall be paid in accordance with this section.

SECTION 3. AMENDMENT.) Section 54-10-14 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

1. City councils and commissions;
2. City auditors and treasurers;
3. Park district clerks and treasurers;
4. School boards and boards of education;
5. School districts clerks, treasurers, and secretaries; and
6. Trustees and officials of the firemen's relief association.

Audits may be conducted at more frequent intervals if the state auditor, in his discretion, deems it advisable. The governing board of any such city, park board, or school district may provide for an audit annually by a certified public accountant, and such audit report shall be in such form and contain such information as the state auditor may require in addition to other information, and in such case the state auditor shall not be required to make the examination heretofore provided for in this section. Two copies of such audit reports shall be filed with the state auditor and one copy with the state bonding fund by the certified public accountant making such audit at the same time that the report of audit is delivered to said city, park board, or school district, and the governing board of such subdivision shall not pay the fee for such audit until evidence of such filing is furnished. The state auditor may require the correction of any irregularities, objectionable accounting procedures, or illegal actions on the part of the governing boards and officers of such subdivisions disclosed by such audit reports, and failure to make such corrections shall result in audits being resumed by the state auditor until such irregularities, procedures or illegal actions are corrected and fees for such audits, so resumed, shall be paid in accordance with this section. The state auditor shall charge an amount equal to the fair value of the audit and other services rendered plus actual costs incurred by the state auditor to the political subdivisions in making and otherwise preparing the reports of audits herein provided for. All fees for the audits herein provided shall be paid by the subdivision audited to the state treasurer and by him credited to the general fund of the state.

SECTION 4. EFFECTIVE DATE.) The provisions of this Act shall become effective July 1, 1973.

Approved March 11, 1971

CHAPTER 494

HOUSE BILL NO. 1459
(Bunker, Hilleboe)

ATTORNEY GENERAL TO GIVE
OPINIONS TO CITIES

AN ACT to create and enact subsection 17 of section 54-12-01 of the North Dakota Century Code, relating to duties of the attorney general.

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

SECTION 1.) Subsection 17 of section 54-12-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

17. Give written opinions, when requested by the governing body or city attorney of a city in the state of North Dakota.

Approved March 8, 1971

CHAPTER 495

SENATE BILL NO. 2275
(Litten)

GUARANTEED STUDENT
LOAN TRUST FUND

AN ACT to create a state trust to hold unpaid guaranteed student loans belonging to the state of North Dakota; to authorize preparation, sale, and issuance of special coupon bonds of the state of North Dakota against such United States government guaranteed student loans so held; and to make such bonds eligible for investment of the funds of banks, savings and loan associations, and public trust funds of this state, and making an appropriation.

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

SECTION 1. STATE TRUST CREATED.) The North Dakota industrial commission is hereby authorized and directed to acquire and to hold in trust all unpaid United States government guaranteed student loans belonging to the state of North Dakota or to any of its agencies, departments, or institutions which may be endorsed or assigned to it, such guaranteed student loans a trust as security for special coupon bonds of the state to be issued as and in the manner the commission shall decide. All guaranteed student loans so held in trust and the collections therefrom and the increments thereto shall be held in a special fund as the source of payment of special coupon bonds of North Dakota to be issued, none of which bonds shall constitute indebtedness of the state.

SECTION 2. BONDS AUTHORIZED.) Whenever the North Dakota industrial commission shall decide that it is in the public interest to diminish the investment of state funds in United States government guaranteed student loans, that it will be difficult to divest the state of appreciable amounts of such loans by piecemeal offering to the investing and saving public, that business conditions are favorable to a state sponsored program to consolidate state held student loans, and to enlarge private participation in such loans, then the North Dakota industrial commission may by plenary resolution duly adopted in accordance with the provisions hereof authorize preparation, sale, and issuance of special coupon revenue bonds of North Dakota in such amounts and at such times and in such form as the commission shall determine to be for the public good. Such bonds shall be a paramount charge upon a sufficient designated portion of the resources of the student loan trust, subject only to necessary administrative expenses of the trust duly appropriated out of

the interest earning resources thereof. The bonds may bear such rate or rates of interest as the commission may provide, not exceeding seven percent per annum, may be sold on the basis of par plus accrued interest to date of delivery, average interest cost to maturity not exceeding seven percent per annum. Such bonds shall have all of the qualities and incidents of negotiable paper and shall not be subject to taxation by the state of North Dakota or by any county, municipality, or political subdivision therein. The bonds shall be payable solely out of resources generated from collection of payments on and earnings and proceeds of United States government guaranteed student loans, and shall so recite. They shall not be indebtedness of the state of North Dakota or of any agency, board, department, or officer or agent thereof.

SECTION 3. BONDS ELIGIBLE FOR INVESTMENT.) Special coupon bonds issued under this act may be acquired and held by banks and by savings and loan associations of this state as well as by all public trust funds. They may be issued and sold at public or private sale or by negotiation as the industrial commission may direct.

SECTION 4. APPROPRIATION.) There is hereby appropriated for the expenses of the North Dakota industrial commission government guaranteed student loan trust, including the expenses of preparing, selling, and issuing revenue bonds thereof, the sum of thirty thousand dollars; but only out of the interest earnings of such trust.

Approved March 3, 1971

CHAPTER 496

HOUSE BILL NO. 1492
(Dornacker)

VIETNAM VETERANS' BONUS BONDS
AND SURTAX

AN ACT to provide and appropriate funds for the payment of adjusted compensation payments to North Dakota veterans of the Vietnam conflict and to the industrial commission for the issuance of bonds; providing for the issuance, sale, and delivery of general obligation bonds; creating a sinking fund; and providing for a surtax and fund transfers for the servicing and retirement of such bonds.

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

SECTION 1. DESIGNATION OF BONDS.) Bonds to be issued under the provisions of this Act shall be known as state of North Dakota general obligation bonds, Vietnam conflict adjusted compensation series.

SECTION 2. AUTHORITY FOR ISSUING BONDS OF NORTH DAKOTA VIETNAM CONFLICT ADJUSTED COMPENSATION SERIES - PURPOSE OF ISSUE.) An issue of not to exceed fifteen million dollars general obligation bonds of the state of North Dakota is hereby authorized and directed under the conditions, in the manner, and for the purpose stated in the amendment to the Constitution of North Dakota, adopted by the forty-first legislative assembly of the state of North Dakota as Senate Concurrent Resolution No. 17 and approved by the people at the primary election held in September 1970, and the generally applicable provisions of the Constitution and statutes of the state of North Dakota. The preparation, handling, issuance, sale, and delivery of such issue of bonds shall be under the supervision and control of the industrial commission of North Dakota, which commission is hereby authorized and directed to negotiate a satisfactory sale of such issue of bonds as soon after the effective date of this Act as may be necessary to provide funds for the payment of adjusted compensation to veterans of the Vietnam conflict. Such issue of bonds is authorized for the purpose of providing funds to be used in payment of adjusted compensation to North Dakota veterans of the Vietnam conflict and the administrative expenses resulting therefrom and such funds are hereby appropriated for such purpose.

SECTION 3. PREPARATION OF BONDS.) Bonds issued under this Act shall be executed by the governor and by the state treasurer

under the great seal of the state of North Dakota and shall be attested by the secretary of state. The state auditor and secretary of state shall endorse and sign, on each bond issued, a certificate showing that such bond is issued pursuant to law and is within the state debt limit. The manner and form of execution shall be determined by the industrial commission. The issue of bonds under this Act shall be of serial maturities, and the industrial commission shall fix the maximum rate of interest they shall bear. The first installment of principal of bonds sold at any one time shall fall due not more than two years from the date of the bonds, and the last installment shall fall due not more than fifteen years after the date of first issue. Annual installments of principal shall be such that the increase thereof from year to year approximately shall equal the decrease from year to year of the amount of interest on unpaid bonds, so that the aggregate of principal and interest shall be approximately equal year by year. All bonds issued under this Act shall be in denominations of not more than ten thousand dollars each and shall be fully negotiable with semiannual interest coupons attached, except that the first interest payment shall be one year from and after the date of issuance of the bonds. Bonds issued under this Act from and after the year 1972 until the year 1981, inclusive, shall not be callable prior to maturity. Bonds issued under this Act from and after the year 1982 may be called prior to maturity, in inverse numerical order. All bonds issued under this Act shall contain a provision that interest thereon shall cease at maturity unless the holder thereof shall present the same for payment and payment is refused. The principal and interest of bonds issued under this Act shall be payable at the office of the state treasurer in Bismarck, North Dakota, or at the Bank of North Dakota, or at a bank or trust company in the city of Chicago or New York, as the industrial commission may determine.

SECTION 4. SALE AND DELIVERY OF BONDS BY INDUSTRIAL COMMISSION - DEPOSIT OF PROCEEDS.) The industrial commission shall act as agent of the state for the negotiation, sale, and delivery of all bonds issued under this Act. Such bonds shall be sold in whole or in part from time to time for cash at not less than par and accrued interest to the best advantage of the state. In offering such bonds for sale, the industrial commission shall reserve the right to reject any or all bids therefor. Purchasers and holders of such bonds may have ownership registered in the office of the state treasurer. All of the proceeds of such bonds shall be received by the industrial commission and by it placed in a separate fund in the state treasury in the custody of the state treasurer to be used only for the purpose for which such bonds are issued.

SECTION 5. BONDS TAX EXEMPT.) All bonds issued under the provisions of this Act and interest thereon shall be exempt from all state, county, and municipal taxes.

SECTION 6. BONDS A GENERAL OBLIGATION OF STATE OF NORTH

DAKOTA.) Upon receipt of payment therefor, the industrial commission shall deliver to each purchaser of bonds issued under this Act, the bonds purchased by him, and upon the delivery of such bonds the full faith and credit and unlimited taxing resources of the state of North Dakota shall stand pledged for the punctual payment of each and all of such bonds and the interest thereon to the lawful holder and owner thereof as the same become due and are presented for payment.

SECTION 7. SURTAX ON INCOME.) An additional tax, or surtax, is hereby imposed on the income of every individual, estate, trust, and corporation that is required to file an income tax return pursuant to the provisions of chapter 57-38. This surtax shall be placed on the state income tax return as a separate line item entitled "Vietnam bonus surtax", shall be paid annually by each such taxpayer, and shall be computed as follows:

1. For an individual, estate, or trust the tax shall be computed at the rate of one percent of the taxable income of such individual, estate, or trust as determined pursuant to the provisions of chapter 57-38, but shall not be less than two dollars and fifty cents nor more than twelve dollars and fifty cents.
2. For a corporation the tax shall be computed at the rate of one percent of the taxable income of the corporation as determined pursuant to the provisions of chapter 57-38, provided that the amount of tax shall not be less than ten dollars nor more than twenty-five dollars.

For purposes of administering the provisions of this section, the provisions of chapter 57-38, pertaining to the administration of income tax, including but not limited to the withholding of income taxes, the payment of income taxes and interest and penalties thereon, refunds, attachment of liens for failure to pay such taxes and interest and penalties thereon, and civil and criminal penalties for failure to comply with the provisions of chapter 57-38, shall govern the administration of the surtax levied in this section. All of the proceeds of this surtax, including penalties and interest thereon, collected and received by the tax commissioner shall be paid by him into the sinking fund established for the payment of bonds issued under this Act. When the director of the department of accounts and purchases shall determine, in consultation with the industrial commission, that sufficient funds are available in the sinking fund for the payment of Vietnam veterans' bonus bonds to retire all bonds outstanding with interest thereon, he shall certify the same to the tax commissioner, whereupon the surtax imposed by this section shall terminate and the last taxable year of each taxpayer that ends before such certification shall be the last taxable year for which the tax shall be imposed on and collected from such taxpayer.

The provisions of this section shall be effective for all taxable years beginning on or after January 1, 1972.

SECTION 8. SINKING FUND.) The sinking fund for the payment of bonds issued under this Act and interest thereon shall be established and maintained in the office of the state treasurer who shall be custodian of such fund and shall at all times maintain adequate records thereof. The state treasurer shall make reports of the condition of such sinking fund to the industrial commission on request. All taxes levied and all sums appropriated and transferred for the payment of bonds issued under this Act shall be deposited in the sinking fund therefor and shall be disbursed by the state treasurer in payment of such bonds and interest thereon directly or through a paying agent to be designated by the industrial commission. On request of the industrial commission, the state treasurer shall supply any deficiency of such sinking fund out of any available monies of the state in his custody, provided that all monies so used shall be returned at the earliest practicable opportunity.

SECTION 9. TRANSFER OF BALANCE.) Upon the retirement of all bonds provided for in this Act, together with the interest thereon, any balance remaining in the sinking fund shall be transferred by the treasurer to the general fund.

SECTION 10. INVESTMENT OF SINKING FUND.) Monies in the sinking fund for bonds issued under this Act shall be deposited in the Bank of North Dakota. The Bank of North Dakota shall pay interest thereon as directed by the industrial commission, which interest shall be credited to the sinking fund and shall be used for the payment of the principal of the bonds or interest thereon.

SECTION 11. PROTECTION OF PURCHASER.) The purchaser of any bonds issued under this Act shall not be obliged to see to the application of the purchase price thereof but shall be protected fully in paying for such bonds by the receipt of the industrial commission or of its agent delivering such bonds as herein provided.

SECTION 12. LIMITATION OF ACTION.) No action shall be brought or maintained in any court in this state questioning the validity of any bonds issued under this Act, or of any tax levied under this Act, unless such action shall have been commenced within sixty days after the adoption of the resolution of the industrial commission awarding the sale of such bonds.

SECTION 13. TAXES IRREPEALABLE.) All taxes levied, appropriations, and transfers provided to pay bonds issued under the provisions of this Act and interest thereon shall not be repealed until such bonds and interest are fully paid.

* SECTION 14. APPROPRIATION.) There is hereby appropriated out of any monies in the general fund in the state treasury, not

*NOTE: Section 14 was vetoed by the Governor. See chapter 613, 1971 Session Laws.

otherwise appropriated, the sum of \$2 million for transfer upon order of the director of the department of accounts and purchases to the sinking fund for the payment of Vietnam veterans' bonus bonds during the biennium beginning July 1, 1971, and ending June 30, 1973.

SECTION 15. APPROPRIATION TO INDUSTRIAL COMMISSION.) There is hereby appropriated out of any monies in the Vietnam veterans' bonus adjusted compensation fund, not otherwise appropriated, the sum of \$50,000.00, or so much thereof as may be necessary, to the industrial commission for administrative and legal expenses for the issuance of bonds authorized by this Act, for the biennium beginning July 1, 1971, and ending June 30, 1973.

SECTION 16. APPROPRIATION FOR BONDS.) There is hereby appropriated the funds required for the payment of interest and principal of all bonds issued and sold under this Act.

Approved March 31, 1971

CHAPTER 497

SENATE BILL NO. 2068
(Doherty, Longmire, Pyle, Schultz, Unruh)
(From Legislative Council Study)

CONTRACTING FOR INCARCERATION
IN OTHER STATES

AN ACT to create and enact section 54-21-25 of the North Dakota Century Code, providing the authorization for the director of institutions to contract with other governmental agencies for the custody and treatment of persons lawfully committed to his control.

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

SECTION 1.) Section 54-21-25 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-21-25. AUTHORITY TO CONTRACT WITH OTHER GOVERNMENTAL AGENCIES FOR PRISONERS.) If the director of institutions determines that suitable state facilities or services are not available for inmates under his control he may contract for same with the proper authorities of the United States, another state, another agency in this state or a political subdivision of this state. The director may also contract, without cost to the state, to provide services or facilities for persons held by any of the jurisdictions mentioned in this paragraph.

Approved February 20, 1971

CHAPTER 498

SENATE BILL NO. 2511
(Committee on Delayed Bills)

LAND LEASING BY
DIRECTOR OF INSTITUTIONS

AN ACT to allow the director of institutions to lease land under his control to others.

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

SECTION 1. DIRECTOR OF INSTITUTIONS MAY LEASE LAND TO OTHERS.) The director of institutions may, when he deems such action to be in the best interest of the state, lease land under his control to other persons if the land is not necessary for the operation of any buildings, institutions, or farming units under the jurisdiction of the state. The lease period shall not exceed three years in duration and shall be upon such terms and conditions as the director of institutions may prescribe.

Approved March 11, 1971

CHAPTER 499

SENATE BILL NO. 2318
(Sorlie, Lips)

UNSAFE PUBLIC BUILDINGS

AN ACT authorizing the removal or sale of a public building when it is obsolete or a fire hazard or is otherwise unsafe and is of no future use to the state where it is located, and setting out the procedures to be followed, and declaring an emergency.

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

SECTION 1. REMOVAL OR SALE OF UNSAFE PUBLIC BUILDING--PROCEDURE.) The superintendent of the institution, the warden of the institution, the commanding general of the national guard, or the head of an agency, department, bureau, board, or commission, as the case may be, having the responsibility of supervising and maintaining a public building belonging to the state of North Dakota, may sell or remove such building whenever it is found to be obsolete, a fire hazard, in unsafe condition so as to constitute a hazard to life or limb, and is of no future use to the state where it is located, by obtaining the written approval of the state director of institutions if under his supervision or the head of the department having supervision, the state fire marshal, and the state superintendent of construction.

A copy of such findings and approvals shall be filed with and kept in the custody of the state superintendent of construction.

Economics shall dictate whether or not the sale or removal shall be by advertising for public bids and awarding same to the lowest responsible bidder. If the building is to be destroyed, every effort shall be made to salvage and store any material which will be beneficial to the state, or which will have a saleable value.

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

Approved March 8, 1971

CHAPTER 500

HOUSE BILL NO. 1147
(Boustead, Wagner)

UNIFORM STANDARDS CODE
FOR MOBILE HOMES

AN ACT to provide for a uniform standard code of construction, for methods of inspection of construction for mobile homes, and for remedies and penalties for violation of the construction code.

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

SECTION 1. SHORT TITLE.) This chapter shall be known and may be cited as the "Uniform Standards Code for Mobile Homes Act".

SECTION 2. DEFINITIONS.) Unless clearly indicated otherwise by the context, the following words when used in this chapter, for the purposes of this chapter only, shall have the following meanings:

1. "Mobile Home" means a portable dwelling over thirty two feet in length and eight feet or more in width, constructed to be moved on its own chassis, and designed without a permanent foundation for year-round occupancy when connected to utilities. It may be a portable dwelling composed of a single unit or it may be one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or it may be two or more units separately towable, but designed to be joined into one integral unit.
2. "Construction Superintendent" means the construction superintendent of the State of North Dakota employed pursuant to section 54-21-17 of the North Dakota Century Code.
3. "Recognized inspection agency" means an inspection agency having inspection services approved by the construction superintendent and designated by him as an inspection agency for the purposes of this chapter. The construction superintendent shall designate as a "recognized inspection agency" the Underwriters Laboratories or similar inspection services.

SECTION 3. STATEMENT OF POLICY.) Mobile homes, because of the manner of their construction and assembly (including heating, plumbing and electrical systems) like other finished products having concealed vital parts, may present hazards to the health, life and safety of persons and to the safety of property unless properly manufactured. Inspections of the construction of mobile homes frequently cannot satisfactorily be performed after the unit has been manufactured and delivered to this state. It is the policy and purpose of this state to provide protection to the public against possible hazards and for that purpose to forbid the manufacture and sale of mobile homes which are not constructed so as to provide reasonable safety and protection to their owners. Further, a mobile home may during the period of its use be situated in several, various, communities of this state. It is the policy of this state to provide one uniform code of construction for the various localities in which the home may be situated from time to time so that it is possible to manufacture at an economic price a mobile home which may be used without modification in all parts of the state.

SECTION 4. RULE MAKING POWER.) The construction superintendent shall prepare a Uniform Standards Code for Mobile Homes, containing standards for plumbing, heating, and electrical systems and for body and frame design and construction requirements of mobile homes. This code shall be in conformity with proper methods of construction for health and safety. On July 1, 1971, the construction superintendent shall adopt the standard now designated as Standard ANSI 119.1 by the American National Standards Institute (ANSI), formerly known as the United States of American Standards Institute (USASI), successor to the American Standards Institution (ASA) as the Uniform Standards Code for Mobile Homes. Following July 1, 1971, the construction superintendent may adopt any changes in, or additions to, the standards of the American National Standards Institute or its successor as changes in, or addition to, the Uniform Standards Code for Mobile Homes. Before adopting any changes or additions to the code, the construction superintendent shall consult the State Electrical Board, the State Plumbing Board, the State Fire Marshall and the North Dakota Mobile Home Association for their recommendations. The Uniform Standards Code for Mobile Homes shall be promulgated as a regulation of the construction superintendent. The code shall have the force and effect of law.

SECTION 5. UNIFORM STATE STANDARD.) No other regulation of any local unit of government shall be in variance with the Uniform Standards Code for Mobile Homes. No regulatory agency or local unit of government shall adopt different or more stringent requirements for mobile homes in regard to any item covered by the Uniform Standards Code for Mobile Homes.

SECTION 6. COMPLIANCE WITH COMMISSIONER'S RULES.)

1. Factory inspection by approved inspection agency: Any mobile home which bears the label or seal of compliance of a recognized inspection agency approved by the construction superintendent and designated by him as an inspection agency, shall be acceptable as meeting the Uniform Standards Code for Mobile Homes without further inspection or fees. A mobile home bearing such a label or seal is subject only to the following local requirements for inspection: zoning, foundations, outside lines, connections and facilities, and alterations and additions made after the mobile home leaves the point of manufacture.

2. Inspection after manufacture: All mobile homes not bearing the label or seal of compliance of a recognized inspection agency approved by the construction superintendent and designated by him as an inspection agency shall be subject to inspection and fees as otherwise authorized or provided by law, to insure that the mobile home has been manufactured in accordance with the Uniform Standards Code for Mobile Homes.

SECTION 7. LIST OF RECOGNIZED INSPECTION AGENCIES; RECIPROCITY WITH OTHER STATES.) The construction superintendent shall have available for the public a list of the recognized inspection services which he has approved. If the construction superintendent determines that standards for mobile homes which have been prescribed in this state's Uniform Standards Code for Mobile Homes are met or exceeded by the statutes or regulations of another state, and further determines that the inspection services for that state are of equal quality with those of this state's recognized inspection agencies, then the construction superintendent shall place such state on a reciprocity list. Any mobile home which bears the appropriate seal of any state which has been placed on the reciprocity list shall be treated the same as a mobile home which bears the seal of the recognized inspections service, provided for by this act, showing compliance with this state's Uniform Standards Code for Mobile Homes.

SECTION 8. NO MANUFACTURE OR SALE OF HOMES NOT COMPLYING CODE.) After January 1, 1972, no persons, firm or corporation may manufacture for sale in North Dakota, or sell in North Dakota, any new mobile home which has been constructed after January 1, 1972, unless such mobile home has been constructed in accordance with the Uniform Standards Code for Mobile Homes. Mobile homes which have been used as living quarters by a consumer shall not be subject to this prohibition against sale.

SECTION 9. ILLEGAL MANUFACTURE OR SALE - ADDITIONAL CIVIL REMEDIES OF PURCHASERS.) If any mobile home is sold in violation of the previous section, then the purchaser, within three years of the date of the sale, at the option of the purchaser, may make written demand on the seller specifying the defect and demanding the defect existing at the time of sale be corrected to conform to the Uniform Standards Code for Mobile Homes. If the seller fails to make such correction within ninety days after receipt of such demand to make such correc-

tions, then the sale may be rescinded, the mobile home returned to the seller, and the seller shall be liable to return to the purchaser the full purchase price paid. The ninety-day period may be extended by the length of time of periods of weather, strikes, civil disturbances, or other acts beyond the control of the seller which prevent correction during such period. Any manufacturer who has sold a mobile home to a licensed mobile home dealer in this state, when such mobile home does not meet the requirements of this chapter, shall be liable to the mobile home dealer for all costs, losses and damages which the dealer may sustain by reason of the manufacturer's failure to comply with this chapter.

SECTION 10. ENFORCEMENT BY GOVERNMENT INSPECTORS.) This chapter shall be enforced by the construction superintendent. In addition: the electrical provisions of the code may be enforced by the State Electrical Board; the plumbing sections of the code may be enforced by the State Plumbing Board; and the heating sections of the code may be enforced by the State Fire Marshall. All building inspectors of local governmental units also may enforce this chapter.

SECTION 11. VIOLATION A MISDEMEANOR.) Any person who shall knowingly manufacture or sell a mobile home contrary to section 8 of this act shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not to exceed one hundred dollars for each offense.

SECTION 12. OTHER REMEDIES OF GOVERNMENT INSPECTORS.) The construction superintendent or any of the others named in section 10 of this chapter may institute any appropriate action or proceeding to restrain violations of this chapter or to prevent the occupancy or use of a mobile home manufactured after January 1, 1972, but not complying with the Uniform Standards Code for Mobile Homes, until such violations are corrected.

Approved March 8, 1971

CHAPTER 501

SENATE BILL NO. 2123

(Christensen, Litten, Sorlie)

(From Legislative Audit and Fiscal Review Committee Study)

FOOD AND LODGING FOR
INSTITUTIONAL OFFICERS AND EMPLOYEES

AN ACT providing a declaration of legislative intent relating to the allowance of free meals, lodging, and food supplies to officers and employees of state charitable and penal institutions, and to repeal sections 12-46-08, 12-47-09, and 25-01-09 of the North Dakota Century Code.

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

SECTION 1. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that officers and employees of institutions under the supervision of the director of institutions, the state health department, and the board of trustees of the soldiers' home shall not receive lodging or meals at such institutions unless a charge is made therefor, which charge shall be equal to the fair value of the meals and lodging provided. If an officer or employee is required by law to live at the institution, his lodging shall be furnished free of charge. Food supplies, other than meals for which a charge is made, shall not be provided to officers and employees of institutions under the supervision of the director of institutions, the state health department, and the board of trustees of the soldiers' home.

SECTION 2. REPEAL.) Sections 12-46-08, 12-47-09, and 25-01-09 of the North Dakota Century Code are hereby repealed.

Approved March 11, 1971

CHAPTER 502

SENATE BILL NO. 2220
(Swedlund, Sorlie)

COUNTY FEES FOR STATEWIDE
LAW ENFORCEMENT COMMUNICATIONS

AN ACT to amend and reenact section 54-23.1-07 of the North Dakota Century Code, providing for increased fees to counties for law enforcement system.

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

SECTION 1. AMENDMENT.) Section 54-23.1-07 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-23.1-07. COUNTIES TO PAY FOR LAW ENFORCEMENT SYSTEM.) The director of institutions shall be paid by each county for approximately fifty percent of the cost of the law enforcement teletypewriter system, with charges to begin accruing on the first day the system becomes operational. Payments shall be made on the basis of the following schedule of charges:

1. Counties having a population of five thousand or less shall pay thirty dollars per month.
2. Counties having a population more than five thousand but less than ten thousand shall pay sixty dollars per month.
3. Counties having a population more than ten thousand but less than fifteen thousand shall pay ninety dollars per month.
4. Counties having a population more than fifteen thousand but less than twenty-five thousand shall pay one hundred twenty dollars per month.
5. Counties having a population in excess of twenty-five thousand shall pay one hundred sixty dollars per month.

Said payments shall be deposited in the communications account of the office of the director of institutions.

Approved March 3, 1971

CHAPTER 503

SENATE BILL NO. 2135
(Goldberg, Sanstead, Christensen)

DISTRIBUTION OF PUBLICATIONS
BY STATE LIBRARY

AN ACT to amend and reenact section 54-24-09 of the North Dakota Century Code, relating to the state library's distribution of certain publications.

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

SECTION 1. AMENDMENT.) Section 54-24-09 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-24-09. DISTRIBUTION OF CERTAIN STATE PUBLICATIONS FOR CERTAIN LIBRARIES REQUIRED.) All state departments, offices, and agencies shall deposit with the state library commission twelve 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 keep one copy on file in its own library, transmit one copy to the library of congress, and transmit the remaining 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.

Approved February 19, 1971

CHAPTER 504

HOUSE BILL NO. 1410
(Wagner)

AVAILABILITY OF APPROPRIATIONS

AN ACT to amend and reenact section 54-27-10 of the North Dakota Century Code, relating to the availability of appropriations and the allocation of same.

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

SECTION 1. AMENDMENT.) Section 54-27-10 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-10. APPROPRIATIONS - WHEN AVAILABLE.) Unless otherwise authorized as provided in this section seventy-five percent of the total of all appropriations and of each separate item thereof made by the legislative assembly for the maintenance of any state institution, department, board, commission, or bureau for the biennium, except institutions under the jurisdiction and supervision of the state board of higher education, shall become available on the first day of July next succeeding the enactment by the legislative assembly. The remaining twenty-five percent of any such appropriation shall be available only at the beginning of the fourth quarter of the biennium. No state institution, department, board, commission, or bureau for which an appropriation is made shall disburse more than seventy-five percent of the appropriation during the first eighteen months of the biennium nor incur any expense or liability which shall be discharged from such appropriation or for which such appropriation shall become available. The term "maintenance" shall not apply to nor include moneys appropriated for the payment of the cost of any buildings or equipment or for making improvements and repairs to buildings and grounds, or any other special appropriations exempted from the operation of this section by the act making such appropriation. Whenever it is made to appear to the emergency commission by a verified petition submitted by a state institution, department, board, commission, or bureau that the percentage of the appropriation allocated for the first three-quarters of the biennium will not be adequate to properly perform its duties and functions, because of seasonal or other unusual circumstances, it may authorize a revision of the allocated percentage in any item, except salaries and wages, provided it will not deprive such state institution, department, board, commission, or bureau from maintaining its office for the fourth quarter of the biennium.

Approved March 22, 1971

CHAPTER 505

SENATE BILL NO. 2091
(Butler, Forkner, L. Larson, Rait)
(From Legislative Council Study)

ALLOCATION OF HIGHWAY TAX

AN ACT to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to allocating highway tax distribution funds directly to cities and to establish a separate fund for the moneys received from the highway tax distribution fund.

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

SECTION 1. AMENDMENT.) Section 54-27-19 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

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

to each county to the incorporated cities within such county on the basis of the per capita population of all of the incorporated cities situated within such county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 of the North Dakota Century Code in case of a city incorporated subsequent to such census. The moneys sent to the incorporated cities by the state treasurer shall be deposited by the cities in a separate fund and shall only be used in accordance with article 56 of the North Dakota Constitution.

Approved March 29, 1971

CHAPTER 506

HOUSE BILL NO. 1539
(Solberg, Halcrow, Wagner, Linderman, Reimers)

INDIAN DEVELOPMENT FUND

AN ACT to create an Indian development fund under the supervision of the North Dakota business and industrial development department, and making an appropriation.

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

SECTION 1. INDIAN DEVELOPMENT FUND - ADMINISTRATION.) The business and industrial development department shall administer the Indian development fund as provided in this Act.

SECTION 2. PURPOSE.) It is declared that the Indian people of North Dakota need the assistance of their state to take full advantage of the opportunities they have to improve their economic well-being. It is further declared that increased economic strength and stability among the Indian people of North Dakota are clearly in the best interests of the entire state. Therefore, the Indian development fund is created to provide Indian communities with matching funds for federal economic expansion programs as may be required by the various agencies of the United States government, and thus provide additional opportunities for the Indian people of North Dakota to take full advantage of such programs.

SECTION 3. DEFINITIONS.)

1. "Indian people" shall mean any people of American Indian ancestry living on the Indian reservations of Fort Berthold, Turtle Mountain, Fort Totten, or Standing Rock, and located within the boundaries of the state of North Dakota.
2. "Federal agency" shall mean and include the president of the United States of America and any department of, or any corporation, agency, or instrumentality heretofore or hereinafter created, designated, or established by the United States of America.
3. "Matching funds" shall mean the portion of state or local funds that may be required as a condition for receiving funds from a federal agency.
4. "Development project" shall mean any business or

industry to be owned and operated by Indian people to provide permanent employment for Indian people and located on a North Dakota Indian reservation.

SECTION 4. DEVELOPMENT PROJECT ELIGIBILITY.) Moneys from the Indian development fund may be used only for state or local matching funds as may be required by a federal agency for participation in federal Indian development projects. Such projects must be carried out by a tribal council or a corporation approved by the tribal council and organized by Indian people for the purpose of improving their economic well-being.

SECTION 5. APPLICATION FOR FUNDS.) The tribal council or corporation organized by Indian people shall make application for funds to the director of the North Dakota business and industrial development department. Such application shall include a description of the projects for which the funds will be used, along with copies of the applications to the federal agencies which are to provide major portions of the funds for the project. The director of the business and industrial development department shall consider each project on its merits and feasibility, and either approve or deny the application. The director of the business and industrial development department shall confer with appropriate state and federal officials and the tribal council as he deems necessary to properly analyze the feasibility of such a project or projects.

SECTION 6. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$10,000.00 to the director of the business and industrial development department for use in carrying out the provisions of this Act. The maximum total of grants to Indian people on any single reservation in North Dakota shall be \$2,500.00. Any amount of this appropriation not spent or committed by June 30, 1973, shall be returned to the state treasury.

Approved March 29, 1971

CHAPTER 507

HOUSE BILL NO. 1505
(Raymond, Wilkie, Giffey)

INDIAN AFFAIRS COMMISSION

AN ACT to amend and reenact sections 54-36-01 and 54-36-03 of the North Dakota Century Code relating to the North Dakota Indian affairs commission and its powers and duties.

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

SECTION 1. AMENDMENT.) Section 54-36-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-36-01. COMMISSION - MEMBERS - OFFICERS - EXPENSES OF MEMBERS.) The North Dakota Indian affairs commission shall consist of the governor, executive director of the public welfare board of North Dakota, state health officer, director of the North Dakota employment security bureau, and the tribal chairmen of the Standing Rock, Fort Berthold, Fort Totten, and Turtle Mountain Indian Reservations or their designees; and a representative of the North Dakota county commissioners' association who lives on or adjacent to an Indian reservation, a representative of the league of North Dakota cities, and two members at large who shall be at least one-fourth degree of Indian blood and appointed by the governor. The commission may call upon the state director of the business and industrial department for consultation upon business and industrial matters involved in the operation of the commission. The governor or his authorized representative shall act as chairman of the commission and the commission shall select one of its members as secretary. All members of the commission or their designees shall receive the mileage and expenses allowed state officers which shall be paid from the appropriation made to such commission except mileage and expenses of state officials shall be paid from the appropriation for the department they represent.

SECTION 2. AMENDMENT.) Section 54-36-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-36-03. POWERS AND DUTIES.) The commission shall have the power to assist and to mobilize the support of state and federal agencies in assisting Indian individuals and groups in

North Dakota, especially the four tribal councils, as they seek to develop their own goals, project plans for achieving those goals, and implement those plans. The commission's duties shall be:

1. To investigate any phase of Indian affairs and to assemble and make available the facts needed by tribal, state, and federal agencies to work effectively together;
2. To assist tribal, state, and federal agencies in developing programs whereby Indian citizens may achieve more adequate standards of living;
3. To assist tribal groups in developing increasingly effective institutions of self government;
4. To work for greater understanding and improved relationships between Indians and non-Indians;
5. To seek increased participation by Indian citizens in local and state affairs;
6. To confer with and coordinate officials and agencies of other governmental units and congressional committees with regard to Indian needs and goals.

Approved March 4, 1971

CHAPTER 508

SENATE BILL NO. 2292
(Lips)

DIVISION OF ALCOHOLISM
AND DRUG ABUSE

AN ACT to amend and reenact sections 54-38-01, 54-38-02, 54-38-05, 54-38-06, 54-38-07 and 54-38-09 relating to the creation of a division of alcoholism and drug abuse within the State Department of Health and repealing sections 54-38-03, 54-38-04 and 54-38-08 of the North Dakota Century Code, relating to the state commission on alcoholism.

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

SECTION 1. AMENDMENT.) Section 54-38-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-38-01. DEFINITIONS.) In this chapter unless the context or subject matter otherwise requires:

1. "Alcoholic" shall mean any person who chronically and habitually uses alcoholic beverages to the extent that he has lost the power of self-control with respect to the use of such beverages, or while chronically or habitually under the influence of alcoholic beverages, endangers public morals, health, safety, or welfare;
2. "Department" shall mean the state department of health;
3. "Patients" shall mean persons who are under the supervision or care of the department;
4. "Alcoholism" shall mean the pathological condition attendant upon the excessive and habitual use of alcoholic beverages;
5. "Division" shall mean the division of alcoholism and drug abuse within the state department of health;
6. "Drug abuse" shall mean the use of drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent prescribed in the course of medical treatment or in a program of research operated under the direction of a physician or pharmacologist; and

7. "Drug dependent persons" shall mean any person who has developed a state of psychic or physical dependence, or both, upon a drug following administration of that drug upon a repeated periodic or continuous basis.

SECTION 2. AMENDMENT.) Section 54-38-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-38-02. DIVISION OF ALCOHOLISM AND DRUG ABUSE.) There shall be a division of alcoholism and drug abuse within the department.

SECTION 3. AMENDMENT.) Section 54-38-05 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-38-05. DUTIES OF DEPARTMENT.) The department shall:

1. Study alcoholism and drug abuse and related problems, including methods and facilities available for the care, custody, detention, treatment, employment, and rehabilitation of resident alcoholics and drug dependent persons;
2. Promote meetings and programs for the discussion of alcoholism and drug abuse or any of their aspects, disseminate information on the subject of alcoholism and drug abuse for the guidance and assistance of individuals, courts, and public or private agencies for the prevention of alcoholism and drug abuse, and inform and educate the general public on problems of alcoholism and drug abuse, their prevention and treatment, to the end that alcoholism and drug abuse may be prevented and that persons suffering from alcoholism or drug dependency may be disposed to seek available treatment;
3. Conduct, promote, and finance, in full or in part, studies, investigations, and research, independently or in cooperation with universities, colleges, scientific organizations, and public or private agencies;
4. Accept for examination, diagnosis, guidance, and treatment, insofar as funds permit, any resident of the state coming to the department of his own volition for advice and guidance;
5. Establish, from time to time, policies governing the acceptance, care, and treatment of alcoholics and drug dependent persons; and
6. Employ such assistants as may be necessary. The present

staff of Chapter 54-38 may be transferred to the newly created Division of Alcoholism and Drug Abuse within the State Department of Health.

SECTION 4. AMENDMENT.) Section 54-38-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-38-06. DEPARTMENT MAY CONTRACT FOR SERVICES OF OTHER AGENCIES - TRAINING OF PERSONNEL.) The department may contract for such educational, research, casework, institutional and medical facilities, personnel and services of public or private agencies as may be necessary to carry out the provisions of this chapter. It may accept for training under its direction such medical, technical, and clinical personnel as may be desirable.

SECTION 5. AMENDMENT.) Section 54-38-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-38-07. FACILITIES FOR TREATMENT OF ALCOHOLISM.) The department may establish facilities for the treatment of alcoholics and drug dependent persons.

SECTION 6. AMENDMENT.) Section 54-38-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-38-09. REIMBURSEMENT FOR TREATMENT - RATES - DISPOSITION OF REVENUE AND AID - EXPENDITURES.) The department, insofar as may be possible, shall seek to be reimbursed by the patient or persons liable for the support of the patient for any or all items of expense incurred by the department in connection with the care, custody, treatment, and rehabilitation and may make such financial arrangements concerning necessary expenses as it deems best. No patient shall be charged at a rate greater than actual cost of the care, treatment, or rehabilitation furnished such patient. The department may accept funds, property, or services from any source, and all revenue received from gifts and grants-in-aid is hereby appropriated and shall be used in carrying out the provisions of this chapter.

SECTION 7. REPEAL.) Sections 54-38-03, 54-38-04 and 54-38-08 of the North Dakota Century Code are hereby repealed.

Approved March 11, 1971

CHAPTER 509

SENATE BILL NO. 2076
(Nething)
(From Legislative Council Study)

INTERGOVERNMENTAL COOPERATION

AN ACT to amend and reenact section 54-40-08 of the North Dakota Century Code, relating to joint or cooperative action by political subdivisions in carrying out functions or duties which may be assigned to one or more of them.

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

SECTION 1. AMENDMENT.) Section 54-40-08 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-40-08. JOINT FUNCTIONS - WHO MAY PARTICIPATE.) Any municipality, county, park district, school district, or other political subdivision of this state upon approval of its respective governing body may enter into agreements with one another for joint or cooperative action, on a cost-sharing basis, or otherwise, to carry out any function or duty which may be authorized by law or assigned to one or more of them, and to expend funds of such municipality, county, park district, school district, or other political subdivision pursuant to such agreement, to use unexpended balances of their respective current funds, to enter into lease-option to buy and contract for deed agreements between themselves and with private parties, and to accumulate funds from year to year for the provision of services and facilities, and to otherwise share or contribute property in accordance with such agreement in jointly and cooperatively carrying out such function or duty.

Approved March 19, 1971

CHAPTER 510

SENATE BILL NO. 2120
(Christensen, Litten)

(From Legislative Audit and Fiscal Review Committee Study)

DEPOSIT OF MONEYS OF
OCCUPATIONAL AND PROFESSIONAL BOARDS

AN ACT to create and enact section 54-44-12; to amend and reenact sections 27-11-17, 27-11-23, 27-12-04, 27-12-06, 43-01-04, 43-04-07, subsections 6 and 8 of section 43-12-07, sections 43-13-07, 43-15-05, 43-19.1-09, 43-23-04, 43-26-05, and subsection 4 of section 43-27-04; and to repeal sections 43-02-07, 43-03-07, 43-04-08, subsection 2 of section 43-05-07, sections 43-06-06, 43-09-08, 43-10-09, 43-11-09, 43-15-11, 43-17-15, 43-18-07, 43-21-07, 43-25-15, 43-28-07, 43-32-15, and 43-34-06, all of the North Dakota Century Code, relating to the deposit and disbursement of the moneys received by all occupational and professional boards, associations, and commissions.

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

SECTION 1. AMENDMENT.) Section 27-11-17 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-11-17. FEE PAYABLE BY ALL APPLICANTS FOR ADMISSION TO BAR - DISPOSITION OF FEES.) The state bar board shall receive a fee of twenty dollars from each applicant for admission to the bar of this state who submits to examination by the state bar board and shall receive a fee of one hundred dollars from each applicant for admission to the bar of this state who seeks admission upon motion in accordance with the provisions of sections 27-11-25 and 27-11-26. All such fees received shall be deposited and disbursed in accordance with section 54-44-12.

SECTION 2. AMENDMENT.) Section 27-11-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-11-23. FEES FROM ANNUAL LICENSES TO BE DEPOSITED IN STATE BAR FUND.) The secretary-treasurer of the state bar board shall deposit and disburse all fees and moneys collected by the board in accordance with section 54-44-12.

SECTION 3. AMENDMENT.) Section 27-12-04 of the 1969

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

27-12-04. MONEYS PAYABLE FROM STATE BAR FUND TO STATE BAR ASSOCIATION.) The state bar association of North Dakota, out of the state bar fund, annually shall receive eighty per cent of the annual license fees paid by licensed members, for the purpose of paying for the printing and distribution of the annual report and proceedings of said association and for the payment of other necessary expenses of the association. Such sum shall be paid quarterly to the association by the state bar board upon vouchers drawn in accordance with section 54-44-12.

SECTION 4. AMENDMENT.) Section 27-12-06 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-12-06. METHOD OF EXPENDITURE OF ASSOCIATION'S FUNDS - ANNUAL REPORT OF RECEIPTS AND DISBURSEMENTS.) Expenditures of funds from the state bar association special fund which consists of all moneys or fees collected or received by the association and which is deposited or disbursed in accordance with section 54-44-12, shall be approved by the president and executive director of said association. The secretary-treasurer of said association, in addition to the duties imposed upon him by the constitution, bylaws, and rules of the association, annually shall file in the office of the secretary-treasurer of the state bar board an itemized statement of the receipts and disbursements of said association.

SECTION 5. AMENDMENT.) Section 43-01-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-01-04. COMPENSATION.) A member of the board shall receive five dollars for each day he actually is engaged in the performance of the duties of his office and such mileage as is provided for in section 54-06-09. In addition thereto, he shall receive for expenses five dollars a day while absent from home. All funds collected or received by the board shall be deposited and disbursed in accordance with section 54-44-12.

SECTION 6. AMENDMENT.) Section 43-04-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-04-07. COMPENSATION - MILEAGE - HOW PAID.) Each member of said board shall receive twelve dollars per day for actual services and shall also be paid his actual expenses as provided by law incurred in attending said meetings and in the performance of his official duties. All funds collected or received by the board shall be deposited and disbursed in accordance with section 54-44-12.

SECTION 7. AMENDMENT.) Subsections 6 and 8 of section 43-12-07 of the 1969 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

6. Receive all fees and moneys collected under sections 43-12-01 through 43-12-24, and deposit and disburse them in accordance with section 54-44-12;
8. Report all receipts and expenditures of said funds at the close of each fiscal year to the governor and the legislative assembly. Any balance of such fees after payment of such compensation and expenditures is to be used only in administering sections 43-12-01 through 43-12-24.

SECTION 8. AMENDMENT.) Section 43-13-07 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-13-07. COMPENSATION AND EXPENSES OF BOARD MEMBERS.) Each member of the board shall receive twenty-five dollars as compensation for each day he actually is engaged in performing the duties of his office, and such mileage and travel expenses as are provided for in section 54-06-09 and additional allowance for other necessary expenses incurred in attending said meeting not to exceed five dollars per day. All funds collected or received by the board shall be deposited and disbursed in accordance with section 54-44-12.

SECTION 9. AMENDMENT.) Section 43-15-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-15-05. COMPENSATION OF BOARD - DISPOSITION OF FEES.) Each member of the board shall receive a per diem of twenty dollars for attendance at board meetings, and all actual and necessary expenses incurred in attending such meetings and in performing other official duties. The mileage and travel expense allowed shall not exceed the amount provided for in section 54-06-09. All funds collected or received by the board shall be deposited and disbursed in accordance with section 54-44-12.

SECTION 10. AMENDMENT.) Section 43-19.1-09 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-19.1-09. RECEIPTS AND DISBURSEMENTS.) The secretary of the board shall receive and account for all moneys derived under the provisions of this chapter, and shall deposit and disburse the same in accordance with section 54-44-12. The secretary shall give a surety bond to the state in such sum as may be required by the laws of this state. The premium on said bond shall be regarded as a proper and necessary expense of the board.

The secretary shall receive such salary as the board shall determine. The board shall employ such clerical or other assistants as are necessary for the proper performance of its work, and shall make expenditures of this fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this chapter, including but not limited to the expenses of the board's delegates to meetings of, and membership fees to, the national council of state boards of engineering examiners and any of its subdivisions. Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided for in this chapter exceed the amount of moneys collected.

SECTION 11. AMENDMENT.) Section 43-23-04 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-23-04. COMMISSION - COMPENSATION.) The members of the commission shall receive twenty-five dollars for each day actually engaged in the service of the commission and shall be paid actual and necessary traveling expenses to be paid only from the fund derived from fees collected in the administration of this chapter. All moneys or fees collected or received by the commission shall be deposited and disbursed in accordance with section 54-44-12.

SECTION 12. AMENDMENT.) Section 43-26-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-26-05. OFFICERS - DUTIES - COMPENSATION.) Annually a president, vice president, and secretary shall be elected by the board from its members to serve for one year or until their successors are elected and qualified. The state examining committee shall serve in an advisory capacity to the state board of medical examiners in matters pertaining to physical therapists, and the state board of medical examiners shall have authority to prescribe reasonable rules and regulations relative to the qualification and examination of physical therapist applicants. As to any matters coming under its jurisdiction, the state examining committee may take such testimony as it may deem necessary in the exercise of its powers and the performance of its duties under the provisions of this chapter, and any member of said committee shall have the power to administer oaths in the taking of such testimony.

A simple majority of the committee shall constitute a quorum for the transaction of business. The secretary shall keep a record of all proceedings of said committee. The examining committee shall meet at such time and at such place as the president shall direct, under the direction of the state board of medical examiners, except that the committee shall conduct the examination for the registration of physical therapists at least once each year. The board of medical exam-

iners may appoint and fix the compensation of such employees as may be necessary to assist the examining committee and the board of medical examiners shall have the power to employ such expert assistance as it may deem necessary to carry out the purposes of this chapter. No member of the examining committee shall receive any compensation for time spent in the performance of his duties but shall receive actual expenses and travel expenses payable out of the funds of the board. All funds collected or received by the board shall be deposited and disbursed in accordance with section 54-44-12.

SECTION 13. AMENDMENT.) Subsection 4 of section 43-27-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. The secretary shall collect the fees and moneys and deposit and disburse the same in accordance with section 54-44-12.

SECTION 14.) Section 54-44-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-44-12. DEPOSIT AND DISBURSEMENT OF FUNDS OF OCCUPATIONAL AND PROFESSIONAL BOARDS.) All occupational and professional boards, associations, and commissions created by law shall deposit all fees and other moneys received in any bank selected by the majority vote of the governing body of the board, association, or commission. Checks may be drawn against the bank account, opened pursuant to this section, for the authorized expenditures of the board, association, or commission on the signature or signatures of the person or persons authorized to so act by the governing body. All moneys in accounts opened pursuant to this section are hereby appropriated for the use of the occupational or professional board, association, or commission opening the account.

SECTION 15. REPEAL.) Sections 43-03-07, 43-04-08, subsection 2 of section 43-05-07, sections 43-06-06, 43-09-08, 43-10-09, 43-11-09, 43-15-11, 43-17-15, 43-18-07, 43-25-15, and 43-28-07, of the North Dakota Century Code; and sections 43-02-07, 43-21-07, 43-32-15, and 43-34-06 of the 1969 supplement to the North Dakota Century Code are hereby repealed.

Approved February 19, 1971

CHAPTER 511

SENATE BILL NO. 2232
(Sanstead, Christensen, Doherty, Lips)

DELINQUENT REPAYMENT OF FEDERAL
DISASTER MONEY OVERPAYMENT

AN ACT to authorize the state department of accounts and purchases to withhold funds due a political subdivision if the subdivision is delinquent in repaying overpayments made under federal natural disaster laws.

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

SECTION 1. FAILURE OF POLITICAL SUBDIVISIONS TO REPAY NATURAL DISASTER OVERPAYMENTS - ACCOUNTS AND PURCHASES AUTHORIZED TO WITHHOLD FUNDS.) Whenever an overpayment made to any state political subdivision under Public Law 91-606, passed by the Ninety-first Congress and entitled the Disaster Relief Act of 1970, and all Acts amendatory and supplemental thereto, is not repaid by the following July first, the state department of accounts and purchases shall:

1. Upon certification from the governor's natural disaster representative that a political subdivision is delinquent in repaying such overpayment, withhold all funds, grants-in-aid, tax shares, and other similar moneys due the subdivision from the state until the subdivision repays either the federal or state government.
2. Cease to withhold funds when the governor's natural disaster representative certifies that the subdivision has repaid the overpayment.

Approved March 3, 1971

CHAPTER 512

HOUSE BILL NO. 1198

(Hilleboe, Strinden, Bunker, Hentges, W. Erickson, Rivinius)

DISPOSAL OF PUBLIC RECORDS

AN ACT to amend and reenact section 54-46-08 of the North Dakota Century Code, providing for the disposal of records, and to repeal section 46-04-20 of the North Dakota Century Code, relating to the destruction of public records.

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

SECTION 1. AMENDMENT.) Section 54-46-08 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-46-08. DISPOSAL OF RECORDS.) No type or class of record shall be destroyed or otherwise disposed of by any agency of the state, unless it is determined by the administrator, after consultation with the official or department head concerned, the attorney general, and a representative of the historical society, that the type or class of record is unnecessary and has no further administrative, legal, fiscal, research, or historical value. The administrator shall annually survey the state agencies and, if he shall find that any agency has failed to dispose of any records which have been determined to have no further value pursuant to the provisions of this section, he shall order the disposal of such records.

SECTION 2. REPEAL.) Section 46-04-20 of the 1969 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 4, 1971

CHAPTER 513

HOUSE BILL NO. 1043
(Bunker, Strinden)
(From Legislative Council Study)

CENTRAL MICROFILM UNIT

AN ACT to provide for a central microfilm unit in the office of the secretary of state; to provide for the transfer of certain microfilm equipment to the secretary of state; and providing an appropriation.

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

SECTION 1. CENTRAL MICROFILM UNIT.) The secretary of state, in his capacity as state records administrator, shall establish and maintain a central microfilm unit and microfilm any record of any state office, agency, or department in either the executive, legislative, or judicial branch of state government, if he shall determine the cost of such microfilming is reasonable in relation to such record's historical significance or the frequency and type of use of such record. Each office, agency, and department shall reimburse the central microfilm unit for the actual costs incurred in microfilming its records, which collections shall be deposited in a special fund in the state treasury. Expenditures required for the operation of the central microfilm unit shall be made from such fund and limited to such amounts as appropriated by the legislative assembly. The secretary of state shall employ such other professional, technical, and clerical personnel as he may deem necessary to carry out the duties prescribed in this Act and shall, within the limits of the legislative appropriation, fix the salaries of all employees within the central microfilm unit. All personnel within the central microfilm unit shall be allowed their actual and necessary travel expenses at the same rate as for other employees of the state. The central microfilm unit shall be located in the state capitol building.

SECTION 2. TRANSFER OF EQUIPMENT - EXCEPTION - ALTERNATIVE SERVICES.) All microfilming equipment, except microfilm readers and reader-printers, in the state capitol building, the state highway department building, the state office building, and all other buildings on the capitol grounds shall, upon the effective date of this Act, be subject to transfer and control by the secretary of state. The secretary of state shall have the authority to transfer such equipment to the central microfilm unit if, in his judgment, the needs of the central microfilm unit require such transfer and there

are no special circumstances which justify an exception. Where any such equipment so transferred from any office, agency, or department was purchased from a dedicated fund or trust fund, the secretary of state shall credit such office, agency, or department with an amount equal to the fair market value or fair rental value, if leased, of such equipment, and charges thereafter made to such office, agency, or department for services rendered by the central microfilm unit shall be offset against such credit. The secretary of state shall have the authority to authorize an office, agency, or department to make other arrangements for microfilm services if the central microfilm unit is unable to perform the services required or if, in his judgment, the special needs of such office, agency, or department justify such an exception.

SECTION 3. REPRODUCTIONS ADMISSIBLE IN EVIDENCE - PREPARATION OF ENLARGED COPIES.) A photographic, microphotographic, or microfilm copy of any record, or a certified copy thereof, shall be admissible as evidence in any court or proceeding and shall have the same force and effect as though the original record has been produced and proved. It shall be the duty of the custodian of such records to prepare enlarged copies of the records whenever their production is required by law.

SECTION 4. DUPLICATE STORAGE OF MICROFILM RECORDS.) Whenever any record or document is copied or reproduced as provided in this Act, the secretary of state shall provide for duplicate storage of such photographic reproductions. The secretary of state may enter into contracts for duplicate storage services if, in his judgment, such contracts are necessary for the safekeeping of photographic reproductions.

SECTION 5. RESTRICTION ON PURCHASES AND CONTRACTS FOR MICROFILM EQUIPMENT AND SERVICES.) No state office, agency, or department located in the city of Bismarck shall enter into any contract or agreement for the purchase or lease of any microfilm equipment or services without the express approval of the secretary of state.

SECTION 6. PROMULGATION OF RULES AND REGULATIONS.) The secretary of state shall have the authority to issue rules and regulations to establish standard procedures and practices in the development and use of the central microfilm unit.

SECTION 7. SECRECY PROVISION.) The personnel of the central microfilm unit are hereby authorized to receive from the various departments, and the employees of the various departments are hereby authorized to provide for the central microfilm unit, any information from the files and records of the various departments necessary to effect the purposes of this Act without regard to the confidential or secret nature of the information; provided, however, the personnel of the central microfilm unit shall be subject to the same restrictions

and penalties regarding the dissemination of this information as are the personnel of the department involved.

SECTION 8. APPROPRIATION - TRANSFERS.) There is hereby appropriated out of any unappropriated funds in the central microfilm unit special fund in the state treasury derived from transfers, income, and collections, the sum of \$107,200.00, or so much thereof as may be necessary, for the operation of the central microfilm unit for the biennium beginning July 1, 1971, and ending June 30, 1973, to wit:

| | |
|------------------------|---------------------|
| Salaries and wages | \$ 63,000.00 |
| Fees and services | 10,000.00 |
| Supplies and materials | 15,000.00 |
| Equipment | 19,200.00 |
| Total | <u>\$107,200.00</u> |
| Less estimated income | <u>77,200.00</u> |
| Total general fund | <u>\$ 30,000.00</u> |

The sum of \$30,000.00 is hereby transferred from the general fund in the state treasury to the central microfilm unit special fund.

Approved March 27, 1971

CHAPTER 514

SENATE BILL NO. 2426
(Christensen)

NATURAL RESOURCES AND
ENVIRONMENTAL MANAGEMENT COUNCIL

AN ACT to amend and reenact section 54-49-01 of the North Dakota Century Code, relating to the name of the Natural Resources Council.

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

SECTION 1. AMENDMENT.) Section 54-49-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-49-01. SHORT TITLE.) This chapter may be known as the Natural Resources and Environmental Management Council Law. Wherever the terms "natural resources council" or "council" appears in this chapter they shall mean "natural resources and environmental management council".

Approved March 27, 1971

CHAPTER 515

SENATE BILL NO. 2282
(Doherty, Morgan)

EMPLOYEES' RETIREMENT SYSTEM
COVERAGE

AN ACT to amend and reenact subsections 3 and 6 of section 54-52-01 and section 54-52-02 of the North Dakota Century Code, relating to definitions and formulation of plans under the state employees' retirement system, and to provide a legislative intent relating to prior service benefits for District Health Unit qualified employees.

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

SECTION 1. AMENDMENT.) Subsections 3 and 6 of section 54-52-01 of the 1969 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

3. "Employee" shall mean any person employed by the state of North Dakota, or by a county or city thereof, or the Garrison Conservancy District, or District Health Units, or any noncertified employee of any school district, including all public school districts and the Fargo school district, whose compensation is paid out of state, county, city, or school district funds, or funds controlled or administered by a state department, county, city, or school district, or paid by the federal government through any of its executive or administrative officials; noncertified employees of a school district shall mean those employees not eligible to participate in the teachers' insurance and retirement fund;
6. "Permanent employee" shall mean a state, county, city, Garrison Conservancy District, District Health Units, or noncertified school district employee who has been employed by the state, county, city, or school district for five continuous months, and is employed for more than twenty hours per week and more than five months each year;

SECTION 2. AMENDMENT.) Section 54-52-02 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-02. FORMULATION OF PLAN - EXCLUSION OF EMPLOYEES

COVERED BY PLANS IN EXISTENCE.) All departments, boards, institutions, commissions, or agencies of the state of North Dakota, the Garrison Conservancy District, and the District Health Units, 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.

SECTION 3. LEGISLATIVE INTENT.) It is the intent of the Legislative Assembly that employees coming into the plan by virtue of this Act shall be granted the same prior service benefits which they would have received, had they enrolled under the original State Employee Retirement Act, provided that it is actuarially possible.

Approved March 29, 1971

CHAPTER 516

SENATE BILL NO. 2148
(Erdman)

PRIOR SERVICE CREDITS FOR
POLITICAL SUBDIVISION EMPLOYEES

AN ACT to create and enact subsection 4 of section 54-52-02.1 of the North Dakota Century Code, relating to the authority for city, county, and school district employees to join the public employees' retirement system.

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

SECTION 1.) Subsection 4 of section 54-52-02.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

4. Notwithstanding the provisions of subsection 3 of this section, any city, county, or school district entering into an agreement for retirement benefits under the provisions of this chapter between the dates of November 1, 1969, and January 1, 1972, shall be eligible for prior service credits for its employees. Such prior service credits shall be calculated in the same manner as in sections 54-52-19 and 54-52-20, except that the dates of January 1, 1969, and December 31, 1963, shall be substituted for the dates set forth in section 54-52-19. Any membership fees and assessments required to be placed in a city, county, or school district administrative expense and benefit fund by this chapter that are received through an agreement entered into under this subsection shall be placed in separate city, county, or school district administrative expense and benefit funds created for this purpose from which the prior service benefits authorized by this subsection shall be paid.

Approved February 19, 1971

CHAPTER 517

HOUSE BILL NO. 1093
(W. Erickson, Hickle, Hilleboe, Rivinius, Rundle)
(From Legislative Council Study)

UNIFORM GROUP INSURANCE PROGRAM

AN ACT to provide for a uniform group insurance program for state employees, for its administration, and for a state contribution; to amend and reenact section 54-52-04 of the North Dakota Century Code, relating to powers and duties of the state employees' retirement board; and to repeal chapter 52-12 of the North Dakota Century Code, relating to state employees' medical and life insurance plans.

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

SECTION 1. DEFINITIONS.) As used in this Act, unless the context otherwise requires:

1. "Eligible employee" shall mean all permanent employees who are employed by the state. Eligible employees shall also include members of the legislative assembly, judges of the supreme court, elective state officers as defined by subsection 1 of section 54-06-01, and disabled permanent employees who are receiving compensation from the North Dakota workmen's compensation fund. As used in this subsection, "permanent employee" shall mean any person hired with the intent that he shall be employed for more than twenty hours per week for more than five months each year.
2. "Board" shall mean the state employees' retirement board.
3. "Hospital benefits coverage" shall mean a plan which either provides coverage for, or pays, or reimburses expenses for hospital services incurred in accordance with the uniform contract.
4. "Medical benefits coverage" shall mean a plan which either provides coverage for, or pays, or reimburses expenses for medical services in accordance with the uniform contract.
5. "Life insurance benefits coverage" shall mean a plan which provides both term life insurance and accidental death and dismemberment insurance in amounts determined

by the board, with a minimum of one thousand dollars provided for the term life insurance portion of the coverage.

6. "Carrier" shall mean:

- a. For the hospital benefits coverage, an insurance company authorized to do business in the state, or a nonprofit hospital service association, or a prepaid group practice hospital care plan authorized to do business in the state.
- b. For the medical benefits coverage, an insurance company authorized to do business in the state, or a nonprofit medical service association, or a prepaid group practice medical care plan authorized to do business in the state.
- c. For the life insurance benefits coverage, an insurance company authorized to do business in the state.

7. "Department, board, or agency" shall mean the departments, boards, agencies, or associations of this state, and shall include the charitable, penal, and higher educational institutions, the Bank of North Dakota, and the state mill and elevator association.

SECTION 2. UNIFORM GROUP INSURANCE PROGRAM CREATED - FORMATION INTO SUBGROUPS.) In order to promote the economy and efficiency of employment in the state's service, reduce personnel turnover, and offer an incentive to high-grade men and women to enter and remain in the service of state employment, there is hereby created a uniform group insurance program. The uniform group shall be composed of eligible employees, and be formed to provide hospital benefits coverage, medical benefits coverage, and life insurance benefits coverage in the manner set forth in this Act. The uniform group may be divided into subgroups at the discretion of the board.

SECTION 3. EMPLOYEE PARTICIPATION IN PLAN - EMPLOYEE TO FURNISH INFORMATION - BENEFITS TO CONTINUE UPON RETIREMENT OR TERMINATION.) Any eligible employee may be enrolled in the uniform group insurance program created by this Act by requesting enrollment with the employing department. An eligible employee who requests enrollment shall be enrolled with the board by the employing department within five days after the expiration of the payroll period during which enrollment was requested. The employee's insurance coverage shall become effective on the date of his enrollment. Upon the retirement of an eligible employee who is entitled to a retirement allowance from a department, board, or agency, or upon the termination of employment of an eligible employee not of retirement age who, upon retirement, will receive a deferred retirement allowance from a department,

board, or agency, such employee may continue as a member of the uniform group under the provisions of this Act, provided that no state contribution for such employee shall be made, and the employee shall pay the premiums directly to the board. Upon the termination of employment where the employee is not entitled to either retirement benefits or a deferred retirement allowance, such employee shall not continue as a member of the uniform group, but may continue on an individual basis with the carrier, with such coverage to be offered at the lowest possible rate, to be determined by the board. Each eligible employee requesting enrollment shall furnish the appropriate person in the employing department, board, or agency with such information and in such form as prescribed by the board to enable the enrollment of himself, or himself and his dependents, in the uniform group insurance program created by this Act. In the event the participating employee is a teacher in a state charitable, penal, or educational institution who receives a salary or wages on a nine-month basis and has signed a contract to teach for the next ensuing school year, the agency shall make arrangements to include such employee in the insurance program on a twelve-month basis and make the contribution authorized by this section for each month of the twelve-month period.

SECTION 4. BOARD TO CONTRACT FOR INSURANCE.) The board shall receive bids for the providing of hospital benefits coverage, medical benefits coverage, and life insurance benefits coverage for a specified term, and shall accept the bid of and contract with the carrier that in the judgment of the board shall best serve the interests of the state and its eligible employees. A solicitation for bids shall be made within ninety days of the effective date of this Act. Subsequent solicitations shall be made not later than ninety days prior to the expiration of an existing uniform group insurance contract. Bids shall be solicited by advertisement in such manner as selected by the board that will provide reasonable notice to prospective bidders. In preparing bid proposals and evaluating bids, the board may utilize the services of consultants on a contract basis in order that the bids received can be uniformly compared and properly evaluated. In determining which bid, if any, will best serve the interests of eligible employees and the state, the board shall give adequate consideration to the following factors:

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

The board may reject any or all bids and, in the event it does so, shall again solicit bids as provided in this section.

SECTION 5. PROVISIONS OF CONTRACT.) Each uniform group insurance contract entered into by the board shall be consistent with the provisions of this Act, shall be signed for the state of North Dakota by the chairman of the board, and shall include the following:

1. As many optional coverages as deemed feasible and advantageous by the board.
2. A detailed statement of benefits offered, including maximum limitations and exclusions, and such other provisions as the board may deem necessary or desirable.

SECTION 6. STATE CONTRIBUTION - SALARY DEDUCTION FROM EMPLOYEE.) Each department, board, or agency shall pay to the board each month from its funds appropriated for payroll and salary amounts a state contribution in the sum of seven and one-half dollars for each of its eligible employees enrolled in the uniform group insurance program, such amount to be applied towards payment of the uniform group insurance cost for each such employee. In addition, the department, board, or agency shall cause to be withheld from each such employee's salary, wages, or other compensation, such amount as will equal the remainder of the uniform group insurance cost for that individual employee, and shall forward such amount to the board. The board shall then pay the necessary and proper premium amount for the uniform group insurance program to the proper carrier or carriers on a monthly basis. Any refund, rebate, dividend, experience rating allowance, discount, or other reduction of premium amount shall be credited at least annually to the uniform group insurance program to reduce the amount of premium amounts paid monthly by enrolled eligible employees. In the event an enrolled eligible employee is not entitled to receive salary, wages, or other compensation for a particular calendar month, he may make direct payment of the required premium to the board to continue his coverage, and the employing department, board, or agency shall provide for the giving of a timely notice to the employee of his right to make such payment at the time such right arises.

SECTION 7. OPTIONAL COVERAGE FOR EMPLOYEE'S FAMILY.) Each eligible employee enrolled in the uniform group insurance program may elect to include his spouse and all qualified dependents (as provided for in the plan) within the hospital benefits coverage and medical benefits coverage, the employee to be assessed the entire cost of such coverage. Such assessment shall be deducted and retained out of his salary, wages, or other compensation, in equal monthly installments and forwarded to the board as in section 6 of this Act.

SECTION 8. ADMINISTRATION - BOARD TO PROMULGATE RULES AND REGULATIONS.) It shall be the responsibility of the board to

account for and disburse premium payments, maintain records, prepare reports, and to perform such other functions as may be necessary to carry out the provisions of this Act. The board may promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

SECTION 9. REPORTS.) Each department, board, or agency shall keep such records, make such certifications, and furnish the board or carriers with such information and reports as may be necessary to enable the board or carriers to carry out their functions under the provisions of this Act. Carriers that have entered into a contract with the board shall be required to furnish such reasonable reports as the board determines to be necessary, and to permit the board to examine those records that relate to the uniform group insurance program.

SECTION 10. STATE PREMIUM TAX.) All premiums, consideration for annuities, policy fees, and membership fees collected under the provisions of this Act, shall be exempt from the tax payable pursuant to section 26-01-11 of the North Dakota Century Code.

SECTION 11. AMENDMENT.) Section 54-52-04 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-04. 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 chapter, 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 director to serve at its discretion. The executive director shall be bonded by the state bonding fund in the amount 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 director 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. Except for dispensing money to the funding agent or agents, paying prior service benefits, or making withdrawal payments and refunds, the board shall expend money only for administrative purposes by preparing an appropriate voucher and submitting such voucher to the department of accounts and purchases and as limited by the appropriation first made by the legislative assembly.
7. The board shall administer the provisions of the Act providing for a uniform group insurance program for state employees.

SECTION 12. REPEAL.) Chapter 52-12 of the 1969 Supplement to the North Dakota Century Code is hereby repealed.

Approved February 26, 1971

CHAPTER 518

SENATE BILL NO. 2181
(Ringsak, Morgan, Thoreson)

ESCHEAT OF POSTAL SAVINGS
SYSTEM ACCOUNTS

AN ACT relating to the escheat of unclaimed accounts of the Postal Savings System held by the United States Treasury Department; providing an appropriation; and declaring an emergency.

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

SECTION 1. DECLARATION OF ESCHEAT.) All Postal Savings System accounts created by the deposits of persons whose last known addresses are in this state which have not been claimed by the persons entitled thereto before May 1, 1971, are presumed to have been abandoned by their owners and are declared to escheat and become the property of the state.

SECTION 2. OBTAINING INFORMATION ON ACCOUNTS.) The treasurer shall request from the Bureau of Accounts of the United States Treasury Department records providing the following information: the names of depositors at the post office of this state whose accounts are unclaimed, their last address as shown by the records of the Post Office Department, and the balance in each account. He shall agree to return to the Bureau of Accounts promptly all account cards showing last addresses in another state.

SECTION 3. PROCEEDING TO ADJUDICATE ESCHEAT.) The state treasurer may bring proceedings in the district court for the county of Burleigh to escheat unclaimed Postal Savings System accounts held by the United States Treasury Department. A single proceeding may be used to escheat as many accounts as may be available for escheat at one time.

SECTION 4. NOTICE.) The state treasurer shall notify depositors whose accounts are to be escheated as follows:

1. A letter advising that a Postal Savings System account in the name of the addressee is about to be escheated and setting forth the procedure by which a deposit may be claimed shall be mailed by first class mail to the named depositor at the last address shown on the account records for each account to be escheated having an unpaid principal balance of more than twenty-five dollars.

2. A general notice of intention to escheat Postal Savings System accounts shall be published once in each of three successive weeks in one or more newspapers which combine to provide general circulation throughout this state.
3. A special notice of intention to escheat the unclaimed Postal Savings System accounts originally deposited in each post office must be published once in each of three successive weeks in a newspaper published in the county in which the post office is located or, if there is none, in a newspaper having general circulation in the county. This notice must list the names of the owners of each unclaimed account to be escheated having a principal balance of three dollars or more.

SECTION 5. COLLECTION AND DEPOSIT OF FUNDS.) The state treasurer shall present a copy of each final judgment of escheat to the United States Treasury Department for payment of the principal due and the interest computed under regulations of the United States Treasury Department. The payment received shall be deposited in the general fund in the state treasury.

SECTION 6. INDEMNIFICATION OF THE UNITED STATES.) This state shall indemnify the United States for any losses suffered as a result of the escheat of unclaimed Postal Savings System accounts. The burden of indemnification falls upon the fund into which the proceeds of the escheated accounts have been paid.

SECTION 7. SHORT TITLE.) This Act may be cited as the Escheat of Postal Savings System Accounts Act.

SECTION 8. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of one thousand dollars, or so much thereof as may be necessary, to the state treasurer for the purpose of administering this Act for the biennium beginning July 1, 1971, and ending June 30, 1973.

SECTION 9. 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 27, 1971

CHAPTER 519

SENATE BILL NO. 2209
(Kautzmann)

LEASING LAND TO
NORTHWESTERN BELL TELEPHONE COMPANY

AN ACT to authorize the North Dakota director of institutions to grant to northwestern bell telephone company an easement over certain tracts of state land.

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

SECTION 1. AUTHORITY TO GRANT EASEMENT.) Authorization is hereby granted to the North Dakota director of institutions to execute an easement to northwestern bell telephone company for the purpose of construction, operation, maintenance, replacement, and enlargement of buried or underground telephone and communication lines, cables, wires, conduits, manholes, drains and splicing boxes, surface testing materials, markers, and other appurtenances, under, through, across, and upon certain property owned by the state of North Dakota and under the control of the director of institutions, said property described as follows:

1. A tract of land sixteen and one-half feet wide, being eight and one-quarter feet on either side of the first cable placed, situated in section four, township one hundred thirty-eight north, range eighty-one west, in Morton County, North Dakota, and along a line described as follows: Commencing at a point approximately one thousand six hundred feet north and one thousand eight hundred feet west of the southeast section corner, and running south, parallel to and one hundred fifteen feet west of the center line of North Dakota highway number six to the south section line.
2. Three tracts of land sixteen and one-half feet wide, being eight and one-quarter feet on either side of the first cable placed, situated in section nine, township one hundred thirty-eight north, range eighty-one west, in Morton County, North Dakota, and along lines described as follows:
 - a. Commencing at a point on the north section line approximately one thousand two hundred seventy feet west of the northeast section corner, and running southeast, parallel to and one hundred fifteen feet west of the center line of North Dakota highway number six for a distance of approximately one

thousand three hundred ninety feet, hence south, parallel to and six hundred feet west of the east section line to the south section line.

- b. Commencing at a point on the east section line approximately one thousand one hundred seventy-five feet south of the northeast section corner and running southwest for a distance of approximately six hundred twenty feet to a point of intercept with tract A one hundred fifteen feet west of the center line of North Dakota highway number six.
- c. Commencing at a point approximately one thousand two hundred ninety feet west and eighty feet north of the southeast section corner and running east, parallel to and eighty feet north of the south section line to the east section line.

Approved March 3, 1971

CHAPTER 520

SENATE BILL NO. 2315
(Litten)

FUNDING OF
COUNCIL ON ARTS AND HUMANITIES

AN ACT to repeal section 8 of chapter 397 of the 1967 Session Laws of North Dakota, prohibiting the funding of the council on the arts and humanities from the state's general fund.

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

SECTION 1. REPEAL.) Section 8 of chapter 397 of the 1967 Session Laws of North Dakota is hereby repealed.

Approved March 11, 1971

CHAPTER 521

SENATE BILL NO. 2401
(Jones)

SALE OF LAND OF
SCHOOL FOR THE DEAF

AN ACT to provide for the sale of city lot managed and controlled by the school for the deaf.

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

SECTION 1. THE DIRECTOR OF INSTITUTIONS MAY SELL CERTAIN LAND OF THE SCHOOL FOR THE DEAF OF NORTH DAKOTA.) The director of institutions is hereby authorized to sell certain state lands under the control and management of the school for the deaf of North Dakota, and to have the land appraised, and may sell the land for not less than its appraised value, and is authorized to negotiate its sale.

The land, consisting of part of a city lot, is described as follows:

The west sixty-seven feet of the south one-half of lot one of Francis T. Richardson Subdivision of a part of the southeast one-fourth of section twenty-seven, in township one hundred fifty-four, north of range sixty-four, west of the fifth principal meridian.

The 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.

Such conveyance shall reserve to the state all mineral rights in and under the premises conveyed.

SECTION 2.) The state shall not be responsible for the payment of any special assessment levied and assessed by any taxing district against property subject to sale and conveyance pursuant to this Act.

Upon the sale of such land, the proceeds shall be deposited in a special fund in the state treasury and the funds so deposited shall be appropriated by the legislature for the use and benefit of the school for the deaf at Devils Lake.

Approved March 3, 1971

CHAPTER 522

SENATE BILL NO. 2416
(Jones)

SALE OF LAND TO
DEVILS LAKE SCHOOL DISTRICT

AN ACT to amend and reenact section 1 of chapter 409 of the 1969 Session Laws of North Dakota, relating to the sale of land belonging to the school for the deaf.

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

SECTION 1. AMENDMENT.) Section 1 of chapter 409 of the 1969 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

SECTION 1. DIRECTOR OF INSTITUTIONS MAY SELL CERTAIN LANDS OF THE SCHOOL FOR THE DEAF OF NORTH DAKOTA TO DEVILS LAKE PUBLIC SCHOOL DISTRICT.) The director of institutions is hereby authorized to sell certain state lands under the control and management of the school for the deaf of North Dakota to the Devils Lake public school district number one for the use of the lake region junior college, described as follows:

That portion of the east one-half of the northwest one-quarter of section twenty-seven, township one hundred fifty-four north, range sixty-four west of the fifth principal meridian, county of Ramsey, state of North Dakota, more particularly described as starting at a point one thousand three hundred twenty-one and one-tenth feet north eighty-nine degrees fifty-five minutes east of the northwest corner of said section twenty-seven, thence south zero degrees three minutes west two thousand six hundred forty-three and five tenths feet along the west boundary of the east one-half of the northwest one-quarter of said section twenty-seven thence north eighty-nine degrees fifty-six minutes east one thousand forty-one and seven-tenths feet along the northern boundary of the lake region junior college property, thence north two degrees twelve minutes east two thousand six hundred forty-six feet along the west right-of-way of North Dakota highway number twenty, thence south eighty-nine degrees fifty-five minutes west one thousand one hundred forty and one-tenth feet to the point of beginning, the described tract to contain sixty-six and twenty-one hundredths acres, more or less.

The director of institutions shall cause the above described property to be appraised in accordance with its value for agricultural purpose and set the minimum sale price for said land. The said director of institutions is authorized to negotiate the sale of the aforescribed real estate, but, under no conditions may negotiate for the sale of the land in an amount less than that appraised by the board of university and school lands. Such conveyance shall reserve to the state all mineral rights in and under the premises conveyed. Further, the quitclaim deed shall recite that if the land is ever no longer used for school purposes, then the land shall revert to the state of North Dakota upon the payment to the school district, the same price for which it was purchased.

Upon the sale of such land, the proceeds shall be deposited in a special fund in the state treasury and the funds so deposited shall be appropriated by the legislature for the use and benefit of the school of the deaf at Devils Lake.

The 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.

Approved March 11, 1971

CHAPTER 523

SENATE BILL NO. 2443
(Kautzmann)

SALE OF LAND OF
STATE INDUSTRIAL SCHOOL

AN ACT authorizing the director of institutions to lease certain property now owned by the state and under the control of the state industrial school.

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

SECTION 1.) Whereas the board of administration, pursuant to Chapter 366 of the 1963 Session Laws and Chapter 409 of the 1967 Session Laws, was authorized to lease certain property to the Supercrete Industries. The director of institutions may lease, upon terms and conditions deemed equitable to the state, to Supercrete Industries the following described lands and pursuant to the hereinafter mentioned conditions:

A tract of land lying in the southwest quarter of section twenty-eight, township one hundred thirty-nine north, range eighty-one west and the northwest quarter of section thirty-three, township one hundred thirty-nine north, range eighty-one west in Morton County, North Dakota.

Such lease shall be for a term not to exceed seventeen years at an annual rental payable in advance as may be approved by the director of institutions. The lease shall be upon such terms and conditions as the director of institutions shall prescribe, but shall specifically contain provisions that such property shall only be used for the storage of materials and equipment of the Supercrete Industries and that the land shall be filled and leveled by such company as determined by the director.

SECTION 2.) If said property should be offered for sale during the duration of said lease or on termination date, the Supercrete Industries will be given the first right of refusal.

Approved March 4, 1971

CHAPTER 524

HOUSE BILL NO. 1173
(Wagner)

SALE OF PENITENTIARY LAND

AN ACT to amend and reenact sections 1 and 2 of chapter 408 of the 1969 Session Laws of North Dakota, relating to authorization of the sale and transfer of certain real property owned by the state for the benefit of the state penitentiary.

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

SECTION 1. AMENDMENT.) Section 1 of chapter 408 of the 1969 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

SECTION 1. THE DIRECTOR OF INSTITUTIONS MAY SELL, TRANSFER, AND CONVEY CERTAIN REAL PROPERTY OWNED BY THE STATE FOR THE BENEFIT OF THE STATE PENITENTIARY.) The director of institutions may sell, transfer, and convey by public bid in accordance with sections 54-01-05.1 and 54-01-05.2 the real property described in this section owned by the state for the use and benefit of the state penitentiary. The director of institutions may sell the property as one unit or as logically divisible units of such size as the director of institutions may determine, each based upon maximum, estimated proceeds from the sale or sales. The director of institutions shall provide an independent appraisal of the property and the total sales price shall equal or exceed said appraised value. The property is described as follows:

A tract of land lying in the north one-half of section two, township one hundred thirty-eight north, range eighty west of the fifth principal meridian, Burleigh County, North Dakota, described as follows: commencing at the northwest corner of said section two; thence 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 turning at a right angle to the left and traveling due east along a line which is parallel to the north boundary of said section two for a distance of eight hundred eighty-nine and nine-tenths feet to a point which shall be called the point of beginning; thence turning a deflection angle of ninety degrees and twenty-two minutes to the right and traveling in a southerly direction a distance of six hundred eighty-four and twenty-eight hundredths feet to a point which intersects the north edge of the Minneapolis, St. Paul and Sault Ste. Marie Railroad right-of-way boundary, and thence traveling in an easterly and northeasterly direction along said railroad right-of-way

to a point where said railroad right-of-way intersects a line which is parallel to and forty feet south of the north boundary of said section two; thence traveling in a westerly direction along said line forty feet south and parallel to the north boundary of said section two to a point which lies one thousand five hundred seven feet east of the west boundary of said section two; also known as the northeast corner of lot four; thence south along a line which is parallel to the west boundary of said section two for a distance of seven hundred thirty-four and six-tenths feet, to a point which is also known as the southeast corner of lot six; thence turning at a right angle to the right and traveling due west a distance of six hundred seventeen and one-tenth feet to the point of beginning, said tract containing sixty-six and forty-seven hundredths acres of land, more or less, and all that part of the north half of section two, township one hundred thirty-eight north, range eighty west, of the fifth principal meridian, lying within a tract of land located on the easterly side of the Minneapolis, St. Paul and Sault Ste. Marie Railroad Company right-of-way and on the northerly side of present United States highway number ten, excepting all that portion previously acquired for public highway right-of-way and all that portion lying within thirty-three feet of the section lines, said tract containing twenty-seven and five one-hundredths acres, more or less.

SECTION 2. AMENDMENT.) Section 2 of chapter 408 of the 1969 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

SECTION 2. MINERAL RESERVATIONS - UTILIZATION OF FUNDS - ACQUISITION OF PROPERTY.) The transactions authorized in sections 1 and 2 of this Act shall not be subject to the provisions of section 38-09-01 of the North Dakota Century Code. Only such mineral reservations shall be included in the conveyances executed hereunder as are deemed appropriate by the director of institutions after due consideration of all factors relevant to the situation, including but not limited to, the appraisal of same, prices actually received, and rights and title received in exchange therefor. Upon the sale of the land described in section 1 hereof, or any part of same, the proceeds of sale shall be deposited in a special fund in the state treasury for replacement of same, including but not limited to, purchase price, monetary damages, appraisal fees, and incidental expenses, which said fund is hereby appropriated to be used for such purposes.

Acquisition of full fee simple title to the property described as:

All that part of the southeast quarter of section two, township one hundred thirty-eight range eighty west of the fifth principal meridian, Burleigh County, North Dakota, lying to the north and east of the situs of old highway number ten, which situs is described as a tract

of land in the southeast quarter of section two, township one hundred thirty-eight north range eighty west of the fifth principal meridian, described as beginning with a strip two hundred sixteen feet wide lying thirty-three feet right and one hundred eighty-three feet left of the following described survey line, beginning at a point on the west line of said southeast quarter one thousand four hundred fourteen and two-tenths feet, north of the southwest corner thereof, thence running south fifty-six degrees thirty-seven minutes east eight hundred thirty-nine and six-tenths feet, thence continuing with a strip sixty-six feet wide lying thirty-three feet on each side of said survey line south fifty-six degrees thirty-seven minutes east one thousand one hundred eleven and two-tenths feet, thence along a three-degree curve left one thousand one hundred one and seven-tenths feet, more or less, to the east line of said section two, which situs has heretofore been conveyed to Burleigh County, North Dakota, by instrument dated on the eighteenth day of May in the year 1960,

is essential to the maintenance of adequate security at the North Dakota state penitentiary.

The director of institutions shall proceed to acquire said described premises in the following manner:

- a. Purchase any and all parts of the tracts described in this section for its value as determined by such independent appraisal with such part of the proceeds of the sale of the premises described in section 1 of this Act, as is necessary for same, or
- b. Proceed by the process of eminent domain, as set out in chapter 32-15 of the North Dakota Century Code, as amended to date, to acquire same. The estates and rights to be taken in the above-described property for this purpose is the same as is taken for public buildings and grounds as prescribed in subsection 1 of section 32-15-03 of the North Dakota Century Code, to-wit, a fee simple.

Approved March 3, 1971

CHAPTER 525

HOUSE BILL NO. 1342
(Kingsbury, Berg)

SALE OF LAND TO
GRAFTON PARK DISTRICT

AN ACT authorizing the director of institutions to convey certain land owned by the state of North Dakota to the Grafton park district.

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

SECTION 1.) The director of institutions is hereby authorized to convey certain land owned by the state of North Dakota to the Grafton park district, which land is described and located as follows:

Commencing at a point where at the effective date of this Act the north boundary line of fifth street in the city of Grafton intersects the boundary line between the property owned by the state of North Dakota and the park district of the city of Grafton; thence north along said boundary line a distance of four hundred feet to the point of beginning; thence west ninety degrees a distance of one hundred fifty feet; thence north on a line parallel to said boundary line to the center line of the Park River; thence southeasterly along the center line of the Park River to the intersection of said boundary line; thence south along said boundary line about six hundred thirty-five feet to the place of beginning. Said tract contains two and one-fourth acres, more or less, and is situated in section thirteen, township one hundred fifty-seven north, range fifty-three west, county of Walsh.

SECTION 2.) The director of institutions shall arrange for an appraisal of the property described in section 1 of this Act prior to its sale. This appraisal shall be accomplished by one or more individuals or firms who are deemed competent in the field of appraisal work, by the director of institutions, and are basically familiar with land valuations within the general vicinity. Such appraisal shall be based upon and consistent with current land valuations and recent sale prices of comparable land in this vicinity. No sale shall be consummated at a price less than appraised value.

Conveyance shall be executed in accordance with section 54-01-05.1 of the North Dakota Century Code and the quit claim deed issued shall also be countersigned by the director of institutions. All minerals and mineral substances therein, including but not limited to oil, gas, coal, cement materials, sodium sulphate, sand and gravel, road material, building stone, chemical substances, metallic ores, uranium ores, and colloidal or other clays shall be reserved and excepted to the state of North Dakota.

SECTION 3.) The proceeds of the sale shall be deposited in the state treasury and credited to the Grafton state school operating fund, and are hereby appropriated to be used in maintenance and operation of the said Grafton state school operating fund for the biennium 1971 to 1973. All expenses incurred by the director of institutions in preparation of and consummation of sale shall be paid from the Grafton state school appropriation.

Approved March 22, 1971

CHAPTER 526

HOUSE BILL NO. 1484
(Hoffner, Streibel)

CONSTITUTIONAL CONVENTION

AN ACT to provide that state agencies shall render reasonable assistance to the convention; and that the director of institutions shall provide space for the convention; and to amend and reenact sections 9, 10, and 12 of chapter 462 of the 1969 Session Laws of the state of North Dakota, relating to the periods during which the constitutional convention can meet in plenary session, to provide the procedures for submission of propositions, to provide for the organizational meeting and procedures, to provide for the registration of lobbyists; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 9 of chapter 462 of the 1969 Session Laws is hereby amended and reenacted to read as follows:

SECTION 9.) It shall be the duty of the delegates elected as provided in this Act to assemble at the state capitol building at ten o'clock a.m. on the first Tuesday after the first Monday in April 1971, for an organizational meeting. At that meeting each delegate shall take an oath to support the Constitution of the United States and to faithfully discharge the duties of a convention delegate. This meeting shall be for the purpose of electing permanent convention officers, adopting rules of procedure, and providing for such interim committees and staff members as may be necessary to prepare for the plenary meeting of the convention which shall convene at the state capitol building in the house chamber on the first Monday of the following January. The convention shall then remain in session for not longer than thirty natural days, excluding Sundays, of actual meetings, provided that the convention may recess from time to time as it sees fit, but not for more than a total of ten natural days, and committees of the convention may meet during such recess period or periods. Thereafter, the finished draft of the proposed Constitution shall be certified by the president and secretary of the convention to the secretary of state, and the secretary of state shall thereafter provide for the publication of the full text thereof in the same manner as provided by law for publication of

initiative and referendum measures to be voted upon by the electors of this state. The convention shall expend such funds as may be necessary to publish and distribute a report and related information to the people explaining its proposals.

SECTION 2. AMENDMENT.) Section 10 of chapter 462 of the 1969 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

SECTION 10.) The governor shall preside at the organizational meeting of the convention until the president of the convention is selected, and the governor may vote in case of a tie vote in the selection of the president. A majority of the total number of delegates shall constitute a quorum, and a majority of the total number of delegates shall be required for approval of any section to be included in a proposed constitution or amendments to the Constitution. The convention shall elect its own officers, and shall be sole judges of the qualifications and election of its own membership. All meetings and records of the convention shall be open to the public. The convention shall keep a journal of its proceedings and shall keep an abstract of the proceedings of its committees, and a record of its debates, and shall provide for the collection, storage, and publication thereof. The convention may also provide for the collection, storage, and publication of any other of its documents and reports. The convention shall employ a qualified historian, archivist, librarian, or a person of similar training, as its chief records clerk. This clerk shall see that the proper journals and records of the convention and its committees are kept. He shall also see to the preservation and collection of all proposals, reports, records, books, correspondence, documents, reference material, and other similar papers of the convention and its committees. The chief records clerk shall see that all of the materials under his care and supervision are deposited with the state library for preservation, cataloging, and safekeeping. The chief records clerk shall also urge all convention delegates and staff, as well as any other state officials, private individuals, or groups that have any type of correspondence or other material pertaining to the convention, to give this material to him for deposit with the state library. Copies of the convention journals and all revisions, alterations, or amendments to the Constitution, agreed to and adopted by the convention, shall also be recorded and filed with the secretary of state. All provisions of chapter 54-05 of the North Dakota Century Code concerning lobbying shall apply to the constitutional convention and its committees.

SECTION 3. AMENDMENT.) Section 12 of chapter 462 of the 1969 Session Laws is hereby amended and reenacted to read as follows:

SECTION 12.) The convention may submit a new Constitution as one proposal to be voted on by the people, and it may submit proposed parts or alternative parts of a new Constitution. The proposals of the convention shall be submitted to the electors of this state for adoption or rejection at a special election held next following adjournment sine die called by the governor not less than sixty days nor more than one hundred fifty days next succeeding the date of adjournment of the constitutional convention. The returns of such issue at such special election shall be made, canvassed, and the results thereof declared in the same manner as provided by law for the initiated and referred measures. If a majority of the electors of the state voting thereon at such special election shall vote for the proposed new Constitution, the same shall become effective on the date and in the manner provided in the proposed Constitution, or if no effective date shall be provided in the proposed new Constitution, the same shall become effective as now provided by law with reference to initiated measures. If a majority of the electors of the state voting thereon at such special election shall vote against the proposed new Constitution, the same shall be deemed rejected by the electors, and the existing Constitution of this state, as amended, shall continue to be the Constitution of this state. If proposed parts or alternative parts of the new Constitution are submitted separately, and the people shall vote against any part, such part shall be deemed rejected and shall be of no force and effect, but any proposed part or alternative part which receives a majority of the votes of the qualified electors voting thereon shall become effective on the date and in the manner provided for in such proposed part, or if no effective date is provided, such proposed part shall become effective as now provided by law with reference to initiated measures.

SECTION 4. STATE AGENCIES TO ASSIST CONSTITUTIONAL CONVENTION.) Each department, office, agency, and institution of the state of North Dakota shall provide such reasonable aid, information, and assistance to the North Dakota constitutional convention as such convention may request, and shall make such reasonable arrangements for the reimbursement of such direct cost as may result from such aid or assistance as may be mutually agreeable. The director of institutions shall make available without cost to the constitutional convention the chamber of the house of representatives and such other space as the convention shall need.

* SECTION 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.

*NOTE: For amount appropriated for the Constitutional Convention, see chapter 33, this volume.

Approved March 27, 1971