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Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1436
with Conference Committee Amendments

HOUSE BILL NO. 1436

Introduced by

Representatives Carlson, Boucher, Monson

Senators Stenehjem, O'Connell

A BILL for an Act to amend and reenact section 1-02-06.1, subsection 2 of section 1-02-09, sections 1-02-09.2, 4-05.1-19, 15-10-42, 15-10-43, and 15-11-39, subsection 5 of section 15-39.1-05.2, subsection 3 of section 15.1-02-13, section 15.1-02-15, subsection 3 of section 15.1-06-08, subsection 4 of section 15.1-06-08.1, sections 15.1-21-10 and 16.1-01-17, subsection 5 of section 18-11-15, section 24-02-46, subsection 3 of section 25-01.3-02, subsection 3 of section 25-02-01.1, sections 26.1-36.4-06, 28-32-03, 28-32-06, and 28-32-07, subsection 1 of section 28-32-10, sections 28-32-15, 28-32-17, 28-32-18, 28-32-19, and 28-32-20, subsection 3 of section 34-11.1-01, subsection 2 of section 40-63-03, sections 44-04-18.6, 48-08-04, and 48-10-01, subsection 4 of section 49-23-03, subsections 3 and 4 of section 50-09-29, sections 52-02-18, 54-03-02, 54-03-04, and 54-03-19.2, subsection 2 of section 54-03-20, sections 54-03-26, 54-03-27, 54-03.1-02, 54-03.2-02, and 54-05.1-02, subsections 3 and 4 of section 54-06-25, sections 54-06-31, 54-35-01, 54-35-02, 54-35-02.1, 54-35-02.2, 54-35-02.3, 54-35-02.4, 54-35-02.5, 54-35-02.6, 54-35-02.7, 54-35-02.8, 54-35-03, 54-35-04, 54-35-05, 54-35-06, 54-35-07, 54-35-08, 54-35-09, 54-35-10, 54-35-11, 54-35-12, 54-35-15, 54-35-15.1, 54-35-16, 54-35-17, 54-35-18, 54-35-22, 54-35-23, 54-35.2-01, 54-35.2-02, 54-35.2-04, and 54-35.2-05, subsection 3 of section 54-40-01, sections 54-44.1-12.1, 54-52.1-08.2, 54-55-01, 54-55-04, 54-58-03, 54-59-07, 54-59-11, 54-59-12, and 54-59-23, subsection 10 of section 54-60-03, and sections 54-60-11, 54-62-03, 57-40.6-12, 61-24-04, 61-24.5-04, 65-02-30, and 65-06.2-09 of the North Dakota Century Code, relating to differentiation between the legislative management and the legislative council as an agency of the legislative branch; to repeal section 49-21-22.2 of the North Dakota Century Code, relating to the regulatory reform review commission; and to authorize replacement of obsolete terms.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 1-02-06.1 of the North Dakota Century Code is amended and reenacted as follows:

1-02-06.1. Journal entry rule - Presumption of validity of legislation. A bill or resolution passed by the senate and the house of representatives of the legislative assembly as evidenced by the journals of the senate and house is presumed to be the bill or resolution that is signed by the presiding officers of the senate and house, presented to the governor, and filed with the secretary of state. If there is a difference between versions of a bill, the legislative council ~~staff~~ shall direct the publisher of the code to publish the law according to this section. The law as published must be presumed valid until determined otherwise by an appropriate court.

SECTION 2. AMENDMENT. Subsection 2 of section 1-02-09 of the North Dakota Century Code is amended and reenacted as follows:

2. Whenever two or more concurrent resolutions, adopted during the same session of the legislative assembly, propose to create or amend, or amend and repeal, the same section of the Constitution of North Dakota, the secretary of state, in consultation with the attorney general, shall determine if the proposals are irreconcilable, and if they are irreconcilable, the resolution last adopted by the legislative assembly, as determined by the legislative council ~~or its designee~~, must be placed on the ballot for the appropriate election for approval or disapproval by the electorate.

SECTION 3. AMENDMENT. Section 1-02-09.2 of the North Dakota Century Code is amended and reenacted as follows:

1-02-09.2. Reconciliation of conflicting proposed amendments to the constitution. If two or more concurrent resolutions propose to amend or create the same section of the Constitution of North Dakota, and the proposed sections are reconcilable, the legislative council~~, or its designee,~~ shall prepare a reconciled text and submit it to the secretary of state for inclusion in the appropriate ballot.

SECTION 4. AMENDMENT. Section 4-05.1-19 of the North Dakota Century Code is amended and reenacted as follows:

4-05.1-19. State board of agricultural research and education - Duties. Within the policies of the state board of higher education, the state board of agricultural research and education is responsible for budgeting and policymaking associated with the agricultural experiment station and the North Dakota state university extension service. The state board of agricultural research and education shall:

1. Determine the causes of any adverse economic impacts on crops and livestock produced in this state;
2. Develop ongoing strategies for the provision of research solutions and resources to negate adverse economic impacts on crops and livestock produced in this state;
3. Develop ongoing strategies for the dissemination of research information through the extension service;
4. Implement the strategies developed under subsections 2 and 3, subject to approval by the state board of higher education;
5. Develop, with the agricultural experiment station and the North Dakota state university extension service, an annual budget for the operations of these entities;
6. Develop a biennial budget request and submit that request to the president of North Dakota state university and the state board of higher education;
7. Maximize the use of existing financial resources, equipment, and facilities to generate the greatest economic benefit from research and extension efforts and to promote efficiency;
8. Annually evaluate the results of research and extension activities and expenditures and report the findings to the legislative ~~council~~ management and the state board of higher education;
9. Advise the president of North Dakota state university regarding the recruitment, selection, and performance of the vice president of agricultural affairs, the extension service director, and the station director; and
10. Present a status report to the budget section of the legislative ~~council~~ management.

SECTION 5. AMENDMENT. Section 15-10-42 of the North Dakota Century Code is amended and reenacted as follows:

15-10-42. Faculty - English pronunciation - Policy - Report. The state board of higher education shall create a policy for all institutions under its control, relating to the assessment of faculty and teaching assistant communication skills, including the ability to speak English clearly and with good pronunciation, the notification to students of opportunities to file complaints, the process for responding to student complaints, and the resolution of reported communication problems. ~~Before July 1, 2006, the state board of higher education shall report to the legislative council regarding implementation of the policy.~~

SECTION 6. AMENDMENT. Section 15-10-43 of the North Dakota Century Code is amended and reenacted as follows:

15-10-43. Veterinary medical education program - Kansas state university - Contract.

1. In addition to any contracts under section 15-10-28.2, the state board of higher education may contract with Kansas state university to provide an opportunity for up to five eligible students to enroll in the veterinary medical education program at Kansas state university.
2. Eligible students must be residents of this state and must have been selected for enrollment by an admissions committee consisting of one faculty member from the department of veterinary and microbiological sciences at North Dakota state university, one veterinarian practicing in this state, one member of the legislative assembly, and one livestock producer, all of whom must be appointed by the legislative ~~council~~ <u>management</u>, and the chairman of the admissions committee at the Kansas state university school of veterinary medicine. The legislative ~~council~~ <u>management</u> and the chairman of the admissions committee at the Kansas state university school of veterinary medicine may select an alternative for each of the designated positions to serve as necessary.
3. The admissions committee shall determine the criteria to be used in the selection of eligible students, with eligible students interested in large animal veterinary medicine receiving a priority.

SECTION 7. AMENDMENT. Section 15-11-39 of the North Dakota Century Code is amended and reenacted as follows:

15-11-39. Nursing education consortium - Continuing appropriation.

1. The university of North Dakota college of nursing shall establish and administer a nursing education consortium for the purpose of addressing common concerns in nursing education which produce obstacles in meeting the state's current and future nursing needs, with a focus on the specific needs of rural communities.
2. The consortium membership must include representation of the university of North Dakota college of nursing, the university of North Dakota center for rural health, and the board of nursing. In addition, each nursing program in this state which is approved by the board of nursing and each nursing program with approval pending which is located in this state must be invited to have representation in the consortium. The consortium members may invite interested persons to join the consortium membership or to participate in consortium activities. Interested persons may include the North Dakota nurses association nursing practice council leadership team; North Dakota hospital association; workforce partners, including job service North Dakota, the department of commerce division of workforce development, rural leadership of North Dakota, and the North Dakota workforce development council; employer partners; and other interested public and private parties. The dean of the university of North Dakota college of nursing shall serve as chairman of the consortium from July 1, 2007, through December 31, 2009, during which the dean shall report to the legislative ~~council~~ management. After 2009, the chairman must be chosen by the members.
3. If the consortium secures nonstate funds to cover the capital costs of a mobile clinical nursing simulation laboratory program, the consortium may establish a mobile clinical nursing simulation laboratory program to travel the state and provide clinical education for nursing students of nursing education programs in the state and provide clinical education on current and emerging approaches to nursing excellence to medical facility staff.
4. If the consortium establishes a mobile clinical nursing simulation laboratory program, the consortium shall establish a strategic plan for the ongoing activities of the simulation laboratory program, including goals and benchmarks for the implementation of the simulation laboratory program.

5. The consortium may contract with a third party in conducting the duties of the consortium and may seek, receive, and accept from any source aid or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of the consortium. Any money received by the consortium as gifts, grants, or donations is appropriated as a continuing appropriation for the purpose of funding the simulation laboratory program and the activities of the consortium.

SECTION 8. AMENDMENT. Subsection 5 of section 15-39.1-05.2 of the North Dakota Century Code is amended and reenacted as follows:

5. Shall submit to the legislative ~~council's~~ management's employee benefits programs committee any necessary or desirable changes in statutes relating to the administration of the fund.

SECTION 9. AMENDMENT. Subsection 3 of section 15.1-02-13 of the North Dakota Century Code is amended and reenacted as follows:

3. The superintendent of public instruction shall:
   a. Compile the information required by this section in a manner that allows for accurate comparisons; and
   b. Forward a copy of the compiled information to the governor and the ~~chairman of the~~ legislative council.

SECTION 10. AMENDMENT. Section 15.1-02-15 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-15. No Child Left Behind Act - Information required. Whenever the superintendent of public instruction determines that any bill or amendment under consideration by an interim committee of the legislative ~~council~~ management or by a standing committee or a conference committee of the legislative assembly contains a provision required by the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301, et seq.] or by federal regulations promulgated to implement that Act, the superintendent shall provide the members of the appropriate committee with the specific language of the No Child Left Behind Act which sets forth the requirement, together with the statutory citation for that language, or the specific language of the federal regulations which sets forth the requirement, together with the citation for the regulations.

SECTION 11. AMENDMENT. Subsection 3 of section 15.1-06-08 of the North Dakota Century Code is amended and reenacted as follows:

3. If the superintendent of public instruction, after receipt and consideration of an application for a waiver of a rule governing the accreditation of schools under this section approves the waiver, the superintendent shall file a report with ~~a committee designated by~~ the legislative council. The report must cite the accreditation rule that was waived, provide a detailed account of the reasons for which the rule was waived, and state the time period for which the rule was waived. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the ~~committee designated by the~~ legislative council. If requested ~~by the chairman of the committee~~, the superintendent shall appear ~~before the committee~~ and respond to questions regarding the approval or denial of any application for a waiver.

SECTION 12. AMENDMENT. Subsection 4 of section 15.1-06-08.1 of the North Dakota Century Code is amended and reenacted as follows:

4. If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with ~~a committee designated by~~ the legislative council. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the ~~committee designated by the~~ legislative council. If requested ~~by the chairman of the committee~~, the superintendent shall appear ~~before the committee~~ and respond to questions regarding the approval or denial of any application for a waiver under this section.

SECTION 13. AMENDMENT. Section 15.1-21-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-10. Test scores - Publication. Upon receiving notice that the compilation of test scores has been completed, the superintendent of public instruction shall inform the legislative council. The superintendent shall present the test scores publicly for the first time at a meeting of a legislative committee designated by the legislative ~~council~~ <u>management</u>. At the

meeting, the superintendent and representatives of the testing service that created the tests shall provide detailed testimony regarding the testing instrument, the methodology used to test and assess the students, the established cut scores, the methodology used to determine the cut scores, the validation of all test products, and the significance of the test scores.

SECTION 14. AMENDMENT. Section 16.1-01-17 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-17. Estimated fiscal impact of an initiated measure. At least ninety days before a statewide election at which an initiated measure will be voted upon, the legislative council shall coordinate the determination of the estimated fiscal impact of the initiated measure. Upon notification from the secretary of state that signed petitions have been submitted for placement of an initiated measure on the ballot, the legislative ~~council~~ management shall hold hearings, receive public testimony, and gather information on the estimated fiscal impact of the measure. Each agency, institution, or department shall provide information requested in the format and timeframe prescribed by the legislative council ~~or its designated committee~~ for identifying the estimated fiscal impact of an initiated measure. At least thirty days ~~prior to~~ before the public vote on the measure, the legislative council shall submit a statement of the estimated fiscal impact of the measure to the secretary of state. Upon receipt, the secretary of state shall include a notice within the analysis required by section 16.1-01-07 specifying where copies of the statement of the estimated fiscal impact can be obtained. Within thirty days of the close of the first complete fiscal year after the effective date of an initiated measure approved by the voters, the agencies, institutions, or departments that provided the estimates of the fiscal impact of the measure to the legislative ~~council~~ management under this section shall submit a report to the legislative council on the actual fiscal impact for the first complete fiscal year resulting from provisions of the initiated measure and a comparison to the estimates provided to the legislative ~~council~~ management under this section and the legislative council shall issue a report of the actual fiscal impact of the initiated measure.

SECTION 15. AMENDMENT. Subsection 5 of section 18-11-15 of the North Dakota Century Code is amended and reenacted as follows:

5. With the consent of the governing body of the city involved, upon the advice of its actuary that the pension schedule can be implemented on an actuarially sound

basis and notification to the legislative ~~council's~~ management's employee benefits programs committee, and in substitution for the pension payment schedule provided in subsection 1, 3, or 4, a firefighters relief association shall pay a monthly service pension to members of the association with the following qualifications, the following amount:

Years of service	Years of age	Percent of first-class firefighter's monthly salary on January first during year the pension is paid
10	50	20%
11	50	22%
12	50	24%
13	50	26%
14	50	28%
15	50	30%
16	50	32%
17	50	34%
18	50	36%
19	50	38%
20	50	40%
21	51	43%
22	52	46%
23	53	49%
24	54	52%
25	55	55%
26	56	58%
27	57	61%
28	58	64%
29	59	67%
30	60	70%

SECTION 16. AMENDMENT. Section 24-02-46 of the North Dakota Century Code is amended and reenacted as follows:

24-02-46. Multistate highway transportation agreement. The director may join the multistate highway transportation agreement to promote uniformity among participating jurisdictions in vehicle size and weight standards. The legislative council shall review the guidelines for eligible voting members of the cooperating committee formed by the agreement and the legislative management shall appoint a member of the house standing transportation committee and a member of the senate standing transportation committee or their designees as the legislative members representing this state to the cooperating committee formed by the agreement.

SECTION 17. AMENDMENT. Subsection 3 of section 25-01.3-02 of the North Dakota Century Code is amended and reenacted as follows:

3. The appointments and terms of committee members are as follows:
   a. The governor shall appoint two committee members for two-year terms, beginning on August first in each even-numbered year.
   b. The legislative ~~council~~ management shall appoint one member from each house of the legislative assembly for two-year terms, beginning on August first in each odd-numbered year.
   c. The governing board of the arc of North Dakota shall appoint one committee member for a three-year term, beginning August first in each year that is evenly divisible by three.
   d. The governing board of a North Dakota nonprofit advocacy group for people with disabilities shall appoint one committee member for a three-year term, beginning on August first in each year that is divisible by three with a remainder of one. Whenever an appointment to this position is to be made, the other members of the committee shall select a North Dakota nonprofit advocacy group for people with disabilities to make this appointment.
   e. The governing board of the mental health association in North Dakota shall appoint one committee member for a three-year term, beginning on August first in each year that is divisible by three with a remainder of two.

SECTION 18. AMENDMENT. Subsection 3 of section 25-02-01.1 of the North Dakota Century Code is amended and reenacted as follows:

3. The governing body must be composed of the executive director of the department of human services; the director of the division of mental health services of the department, who shall serve as chairman of the governing body; the state hospital superintendent; the state hospital medical director; a representative of the fiscal management of the state hospital; a mental health services consumer selected by the mental health association; and a legislator selected by the legislative ~~council~~ management. The governing body may include other persons as appointed by the governing body.

SECTION 19. AMENDMENT. Section 26.1-36.4-06 of the North Dakota Century Code is amended and reenacted as follows:

26.1-36.4-06. Modified community rating. Premium rates for individual policies are subject to the following:

1. For any class of individuals, the premium rates charged during a rating period to the individuals in that class for the same or similar coverage may not vary by a ratio of more than six to one after August 1, 1995, and by a ratio of more than five to one after August 1, 1996, when age, industry, gender, and duration of coverage of the individuals are considered. Gender and duration of coverage may not be used as a rating factor for policies issued after January 1, 1997.
2. An insurer, in addition to the factors set forth in subsection 1, may use geography, family composition, healthy lifestyles, and benefit variations to determine premium rates.
3. The commissioner shall design and adopt reporting forms to be used by an insurer to report information as to insurer's experience as to insurance provided under this chapter on a periodic basis to determine the impact of the reforms and implementation of modified community rating contained in this chapter and the commissioner shall report to the legislative assembly or ~~a committee designated by~~ the legislative council the findings of the commissioner.

SECTION 20. AMENDMENT. Section 28-32-03 of the North Dakota Century Code is amended and reenacted as follows:

28-32-03. Emergency rules.

1. If the agency, with the approval of the governor, finds that emergency rulemaking is necessary, the agency may declare the proposed rule to be an interim final rule effective on a date no earlier than the date of filing with the legislative council of the notice required by section 28-32-10.
2. A proposed rule may be given effect on an emergency basis under this section if any of the following grounds exists regarding that rule:
   a. Imminent peril threatens public health, safety, or welfare, which would be abated by emergency effectiveness;
   b. A delay in the effective date of the rule is likely to cause a loss of funds appropriated to support a duty imposed by law upon the agency;
   c. Emergency effectiveness is reasonably necessary to avoid a delay in implementing an appropriations measure; or
   d. Emergency effectiveness is necessary to meet a mandate of federal law.
3. A final rule adopted after consideration of all written and oral submissions respecting the interim final rule, which is substantially similar to the interim final rule, is effective as of the declared effective date of the interim final rule.
4. The agency's finding, and a brief statement of the agency's reasons for the finding, must be filed with the ~~office of the~~ legislative council with the final adopted emergency rule.
5. The agency shall take appropriate measures to make interim final rules known to every person who may be affected by them.
6. An interim final rule is ineffective one hundred eighty days after its declared effective date unless first adopted as a final rule.

SECTION 21. AMENDMENT. Section 28-32-06 of the North Dakota Century Code is amended and reenacted as follows:

28-32-06. Force and effect of rules. Upon becoming effective, rules have the force and effect of law until amended or repealed by the agency, declared invalid by a final court decision, suspended or found to be void by the administrative rules committee, or determined repealed by the ~~office of the~~ legislative council because the authority for adoption of the rules is repealed or transferred to another agency.

SECTION 22. AMENDMENT. Section 28-32-07 of the North Dakota Century Code is amended and reenacted as follows:

28-32-07. Deadline for rules to implement statutory change. Any rule change, including a creation, amendment, or repeal, made to implement a statutory change must be adopted and filed with the ~~office of the~~ legislative council within nine months of the effective date of the statutory change. If an agency needs additional time for the rule change, a request for additional time must be made to the legislative council. The legislative council may extend the time within which the agency must adopt the rule change if the request by the agency is supported by evidence that the agency needs more time through no deliberate fault of its own.

SECTION 23. AMENDMENT. Subsection 1 of section 28-32-10 of the North Dakota Century Code is amended and reenacted as follows:

1. An agency shall prepare a full notice and an abbreviated notice of rulemaking.
   a. The agency's full notice of the proposed adoption, amendment, or repeal of a rule must include a short, specific explanation of the proposed rule and the purpose of the proposed rule, a determination of whether the proposed rulemaking is expected to have an impact on the regulated community in excess of fifty thousand dollars, identify at least one location where interested persons may review the text of the proposed rule, provide the address to which written comments concerning the proposed rule may be sent, provide the deadline for submission of written comments, provide a telephone number at which a copy of the rules and regulatory analysis may be requested, and, in the case of a substantive rule, provide the time and place set for each oral hearing. The agency's full notice must be filed with the ~~office of the~~ legislative council, and the agency shall request publication of an abbreviated newspaper publication notice at least once in each official county newspaper published in this state. The notice filed with the ~~office of the~~ legislative council must be accompanied by a copy of the proposed rules.
   b. The abbreviated newspaper publication of notice must be in a display-type format with a minimum width of one column of approximately two inches [5.08 centimeters] and a depth of from three inches [7.62 centimeters] to four inches [10.16 centimeters] with a headline describing the general topic of the

proposed rules. The notice must also include the telephone number or address to use to obtain a copy of the proposed rules, the address to use and the deadline to submit written comments, and the location, date, and time of the public hearing on the rules.

SECTION 24. AMENDMENT. Section 28-32-15 of the North Dakota Century Code is amended and reenacted as follows:

28-32-15. Filing of rules for publication - Effective date of rules.

1. A copy of each rule adopted by an administrative agency, a copy of each written comment and a written summary of each oral comment on the rule, and the attorney general's opinion on the rule must be filed by the adopting agency with the ~~office of the~~ legislative council for publication of the rule in the North Dakota Administrative Code.

2. a. Nonemergency rules approved by the attorney general as to legality, adopted by an administrative agency, and filed with the ~~office of the~~ legislative council and not voided or held for consideration by the administrative rules committee become effective according to the following schedule:

   (1) Rules filed with the legislative council from August sixteenth through November fifteenth become effective on the immediately succeeding January first.

   (2) Rules filed with the legislative council from November sixteenth through February fifteenth become effective on the immediately succeeding April first.

   (3) Rules filed with the legislative council from February sixteenth through May fifteenth become effective on the immediately succeeding July first.

   (4) Rules filed with the legislative council from May sixteenth through August fifteenth become effective on the immediately succeeding October first.

   b. If publication is delayed for any reason other than action of the administrative rules committee, nonemergency rules, unless otherwise provided, become effective when publication would have occurred but for the delay.

c. A rule held for consideration by the administrative rules committee becomes effective on the first effective date of rules under the schedule in subdivision a following the meeting at which that rule is reconsidered by the committee.

SECTION 25. AMENDMENT. Section 28-32-17 of the North Dakota Century Code is amended and reenacted as follows:

28-32-17. Administrative rules committee objection. If the legislative ~~council's~~ management's administrative rules committee objects to all or any portion of a rule because the committee deems it to be unreasonable, arbitrary, capricious, or beyond the authority delegated to the adopting agency, the committee may file that objection in certified form ~~in the office of~~ with the legislative council. The filed objection must contain a concise statement of the committee's reasons for its action.

1. The ~~office of the~~ legislative council shall attach to each objection a certification of the time and date of its filing and, as soon as possible, shall transmit a copy of the objection and the certification to the agency adopting the rule in question. The ~~office of the~~ legislative council also shall ~~also~~ maintain a permanent register of all committee objections.
2. The ~~office of the~~ legislative council shall publish an objection filed pursuant to this section in the next issue of the code supplement. In case of a filed committee objection to a rule subject to the exceptions of the definition of rule in section 28-32-01, the agency shall indicate the existence of that objection adjacent to the rule in any compilation containing that rule.
3. Within fourteen days after the filing of a committee objection to a rule, the adopting agency shall respond in writing to the committee. After receipt of the response, the committee may withdraw or modify its objection.
4. After the filing of a committee objection, the burden of persuasion is upon the agency in any action for judicial review or for enforcement of the rule to establish that the whole or portion thereof objected to is within the procedural and substantive authority delegated to the agency. If the agency fails to meet its burden of persuasion, the court shall declare the whole or portion of the rule objected to invalid and judgment must be rendered against the agency for court

costs. These court costs must include a reasonable attorney's fee and must be payable from the appropriation of the agency which adopted the rule in question.

SECTION 26. AMENDMENT. Section 28-32-18 of the North Dakota Century Code is amended and reenacted as follows:

28-32-18. Administrative rules committee may void rule - Grounds - Amendment by agreement of agency and committee.

1. The legislative ~~council's~~ management's administrative rules committee may find that all or any portion of a rule is void if that rule is initially considered by the committee not later than the fifteenth day of the month before the date of the administrative code supplement in which the rule change is scheduled to appear. The administrative rules committee may find a rule or portion of a rule void if the committee makes the specific finding that, with regard to that rule or portion of a rule, there is:
   a. An absence of statutory authority.
   b. An emergency relating to public health, safety, or welfare.
   c. A failure to comply with express legislative intent or to substantially meet the procedural requirements of this chapter for adoption of the rule.
   d. A conflict with state law.
   e. Arbitrariness and capriciousness.
   f. A failure to make a written record of its consideration of written and oral submissions respecting the rule under section 28-32-11.
2. The administrative rules committee may find a rule void at the meeting at which the rule is initially considered by the committee or may hold consideration of that rule for one subsequent meeting. Within three business days after the administrative rules committee finds that a rule is void, the ~~office of the~~ legislative council shall provide written notice of that finding and the committee's specific finding under subdivisions a through f of subsection 1 to the adopting agency and to the chairman of the legislative ~~council~~ management. Within fourteen days after receipt of the notice, the adopting agency may file a petition with the chairman of the legislative ~~council~~ management for review by the legislative ~~council~~ management of the decision of the administrative rules committee. If the adopting agency does

not file a petition for review, the rule becomes void on the fifteenth day after the notice from the ~~office of the~~ legislative council to the adopting agency. If within sixty days after receipt of the petition from the adopting agency the legislative ~~council~~ management has not disapproved by motion the finding of the administrative rules committee, the rule is void.

3. An agency may amend or repeal a rule or create a related rule if, after consideration of rules by the administrative rules committee, the agency and committee agree that the rule amendment, repeal, or creation is necessary to address any of the considerations under subsection 1. A rule amended, repealed, or created under this subsection is not subject to the other requirements of this chapter relating to adoption of administrative rules and may be published by the legislative council as amended, repealed, or created. If requested by the agency or any interested party, a rule amended, repealed, or created under this subsection must be reconsidered by the administrative rules committee at a subsequent meeting at which public comment on the agreed rule change must be allowed.

SECTION 27. AMENDMENT. Section 28-32-19 of the North Dakota Century Code is amended and reenacted as follows:

28-32-19. Publication of administrative code and code supplement.

1. The ~~office of the~~ legislative council shall compile, index, and publish all rules filed pursuant to this chapter in a publication which must be known as the North Dakota Administrative Code, in this chapter referred to as the code. The code also must ~~also~~ contain all objections filed with the ~~office of the~~ legislative council by the administrative rules committee pursuant to section 28-32-17. ~~The code must be printed or otherwise duplicated in looseleaf form.~~ The ~~office of the~~ legislative council shall revise all or part of the code as often as the legislative council ~~deems~~ determines necessary.

2. The ~~office of the~~ legislative council may prescribe a format, style, and arrangement for rules which are to be published in the code and may refuse to accept the filing of any rule that is not in substantial compliance therewith. In arranging rules for publication, the ~~office of the~~ legislative council may make such corrections in spelling, grammatical construction, format, and punctuation of the rules as ~~deemed~~

determined proper. The ~~office of the~~ legislative council shall keep and maintain a permanent code of all rules filed, including superseded and repealed rules, which must be open to public inspection during office hours.

3. The ~~office of the~~ legislative council shall compile and publish the North Dakota Administrative Code supplement according to the schedule of effective dates of rules in section 28-32-15.

   a. The code supplement must contain all rules that have been filed with the ~~office of the~~ legislative council or which have become effective since the compilation and publication of the preceding issue of the code supplement.

   b. The code supplement must contain all objections filed with the ~~office of the~~ legislative council by the administrative rules committee pursuant to section 28-32-17.

   ~~c. The code supplement must be printed or duplicated in the same style as the code so as to permit changes to be inserted as pages in the code in lieu of the pages containing superseded material and to permit additions to the code.~~

4. The ~~office of the~~ legislative council, with the consent of the adopting agency, may omit from the code or code supplement any rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the rule in printed or duplicated form is made available on application to the agency, and if the code or code supplement contains a notice stating the general subject matter of the omitted rule and stating how a copy may be obtained.

5. The code must be arranged, indexed, and printed or duplicated in a manner to permit separate publication of portions thereof relating to individual agencies. An agency may print as many copies of such separate portions of the code as it may require. If the ~~office of the~~ legislative council does not publish the code supplement due to technological problems or lack of funds, the agency whose rules would have been published in the code supplement shall provide a copy of the rules to any person upon request. The agency may charge a fee for a copy of the rules as allowed under section 44-04-18.

SECTION 28. AMENDMENT. Section 28-32-20 of the North Dakota Century Code is amended and reenacted as follows:

28-32-20. Printing, sales, and distribution of code and code supplement.

1. The secretary of state shall distribute the code and code supplement and shall distribute copies of the code, revisions, and the code supplement without charge to the following:
   a. Governor, one copy.
   b. Attorney general, one copy.
   c. Each supreme court judge, one copy.
   d. Each district court judge, one copy.
   e. Each county auditor of this state, for the use of county officials and the public, one copy.
   f. Supreme court library, one copy.
   g. State library, one copy.
   h. Law library of the university of North Dakota, one copy.
   i. Each of the five depository libraries in this state, one copy, upon request.
   j. Secretary of state, one copy.
   k. Legislative council, four copies.
   l. Each member of the legislative assembly, one copy, upon request.
2. The ~~office of the~~ legislative council, each county auditor in the state, and the librarians for the supreme court library, the state library, the university of North Dakota law library, and the five depository libraries as designated according to subsection 1 and section 54-24-09 shall maintain a complete, current set of the code, including revisions and the code supplement.
3. The secretary of state shall make copies of and subscriptions to the code and code supplement available to any person upon payment of the appropriate subscription fee.
4. The ~~office of the~~ legislative council shall determine the appropriate fee for subscribing to the code and code supplement.
5. All fees collected by the secretary of state must be deposited in the general fund of the state treasury.

6. ~~The~~ If applicable, the administrative code, revisions to the administrative code, and the code supplement must be considered sixth-class printing under sections 46-02-04 and 46-02-09.

SECTION 29. AMENDMENT. Subsection 3 of section 34-11.1-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Employee" means any person, whether employed, appointed, or under contract, providing services for the state, county, city, or other political subdivision, for which compensation is paid. "Employee" also includes a person subject to the civil service or merit system or civil service laws of the state government, governmental agency, or a political subdivision. "Employee" does not include:
   a. A person elected to public office in the state or in a political subdivision.
   b. A member of the legislative council ~~staff~~.
   c. A person holding an appointive statutory office.
   d. One deputy or principal assistant for each elected official or appointive statutory official.
   e. One secretary for each elected or appointive statutory official.
   f. All members of the governor's staff.

SECTION 30. AMENDMENT. Subsection 2 of section 40-63-03 of the North Dakota Century Code is amended and reenacted as follows:

2. The department of commerce division of community services shall:
   a. Review all applications for renaissance zone designation against the criteria established in this section and designate zones.
   b. Approve or reject the duration of renaissance zone status as submitted in an application.
   c. Approve or reject the geographic boundaries and total area of the renaissance zone as submitted in an application.
   d. Promote the renaissance zone program.
   e. Monitor the progress of the designated renaissance zones against submitted plans in an annual plan review.
   f. Report on renaissance zone progress to the governor and the legislative ~~council~~ management on an annual basis until all designated zones expire.

SECTION 31. AMENDMENT. Section 44-04-18.6 of the North Dakota Century Code is amended and reenacted as follows:

44-04-18.6. Access to legislative records and information. The following records, regardless of form or characteristic, of or relating to the legislative council, the legislative management, the legislative assembly, the house of representatives, the senate, or a member of the legislative assembly are not subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota: a record of a purely personal or private nature, a record that is ~~attorney~~ legislative council work product or is ~~attorney-client~~ legislative council-client communication, a record that reveals the content of private communications between a member of the legislative assembly and any person, and, except with respect to a governmental entity determining the proper use of telephone service, a record of telephone usage which identifies the parties or lists the telephone numbers of the parties involved. This section does not apply to any record distributed at a meeting subject to section 44-04-19 and section 5 of article XI of the Constitution of North Dakota.

SECTION 32. AMENDMENT. Section 48-08-04 of the North Dakota Century Code is amended and reenacted as follows:

48-08-04. Use of legislative assembly rooms and halls. During the interim between legislative sessions, the committee rooms, halls, passageways, and other space in the capitol used by the legislative assembly may not be used without authorization of the legislative council ~~or its designee~~.

SECTION 33. AMENDMENT. Section 48-10-01 of the North Dakota Century Code is amended and reenacted as follows:

48-10-01. Capitol grounds planning commission. The capitol grounds planning commission consists of the lieutenant governor as chairman and eight other members selected biennially as provided in this section. The governor shall appoint two citizens, one licensed architect, and one representative from the state historical society as members, the president of the senate shall appoint two senators as members, and the speaker of the house of representatives shall appoint two representatives as members. Appointment to the commission is for a term of two years. Legislative and citizen members of the planning commission are entitled to per diem payments and expenses in such amount and in the same manner as provided by law for members of the legislative ~~council~~ management.

SECTION 34. AMENDMENT. Subsection 4 of section 49-23-03 of the North Dakota Century Code is amended and reenacted as follows:

4. A nonprofit corporation shall govern the notification center. The initial incorporators of the corporation may solicit bids for any services provided for the operation of the center. The corporation shall provide advance notice of the first organizational meeting by publication in qualified legal newspapers and in appropriate trade journals and by written notice to all appropriate trade associations.

   a. The nonprofit corporation must be incorporated by seventeen initial incorporators, with one member representing the house of representatives and one member representing the senate appointed by the legislative ~~council~~ management, one member representing telecommunications companies offering local exchange service to fewer than fifty thousand subscribers, one member representing telecommunications companies offering local exchange service to fifty thousand or more subscribers, one member representing rural water systems, one member representing rural electric cooperatives, one member representing investor-owned electric utilities, one member representing investor-owned natural gas utilities, one member representing cable television systems, one member representing cities with a population of fewer than five thousand, one member representing cities with a population of at least five thousand, one member representing counties, one member representing underground interstate carriers of gas, one member representing interstate carriers of petroleum, one member representing interstate carriers of telecommunications services, one member representing contractors who perform excavation services, and one member representing the production sector of the American petroleum institute. The initial incorporators must represent and be designated by operators, excavators, and other persons eligible to participate in the center. The legislative members are entitled to the same compensation and expenses as provided for members of committees of the legislative ~~council~~ management. The legislative council shall pay the compensation for the legislative members.

b. The initial incorporators shall establish, before August 1, 1996, a board of directors of the nonprofit corporation which consists of eight members representing the participants in the center. The board shall establish a competitive bidding procedure to select a vendor to provide the notification service, establish a procedure by which members of the center share the costs of the center on a fair, reasonable, and nondiscriminatory basis, and do all other things necessary to implement the purpose of the center. Any agreement between the center and a vendor for the notification service may be modified from time to time by the board, and any agreement shall be reviewed by the board at least once every three years, with an opportunity to receive new bids, if desired, by the board. An operator may submit a bid and be selected to contract to provide the notification center service.

c. Members of the board and any of its agents are immune from any liability of any kind based on any acts or omissions in the course of the performance of responsibilities in an official capacity except for bodily injury arising out of accidents caused by or contributed to by the negligence of the board member or agent.

d. The board shall aid the state's attorneys of the various counties in the enforcement of this chapter and the prosecution of any violations. The board may institute a civil action for an injunction to enjoin violations of this chapter without proof that anyone suffered actual damages.

e. The notification center must be in operation by March 1, 1998.

SECTION 35. AMENDMENT. Subsections 3 and 4 of section 50-09-29 of the North Dakota Century Code are amended and reenacted as follows:

3. If the department of human services determines, subject to the approval of the legislative ~~council~~ management, that there is insufficient worker opportunity, due to increases in the unemployment rate, to participate in work activities, the department may administer the temporary assistance for needy families program in a manner different than provided in subsection 1.

4. If the department of human services determines, subject to the approval of the legislative ~~council~~ management, that administration of the temporary assistance for

needy families program, in the manner provided by subsection 1, causes otherwise eligible individuals to become a charge upon the counties under chapter 50-01, the department may administer the program in a manner that avoids that result.

SECTION 36. AMENDMENT. Section 52-02-18 of the North Dakota Century Code is amended and reenacted as follows:

52-02-18. Independent performance audit. The state auditor ~~shall~~, upon request of the legislative audit and fiscal review committee, shall cause a performance audit of job service North Dakota to be conducted within twelve months after receipt of the request. The state auditor may appoint an independent audit firm, with extensive expertise in job service practices and standards, to complete a performance audit or the state auditor may conduct the performance audit. If the state auditor completes the audit, the state auditor may contract with a consulting firm to aid in the state audit or to complete the audit and shall charge job service North Dakota for the audit, including the services of the consulting firm. The executive director of job service North Dakota and the auditor shall present the audit report and any action taken as a result of the audit to the ~~legislative council's~~ legislative audit and fiscal review committee and to the house and senate industry, business and labor standing committees during the next regular session of the legislative assembly following the audit.

SECTION 37. AMENDMENT. Section 54-03-02 of the North Dakota Century Code is amended and reenacted as follows:

54-03-02. When legislative assembly meets.

1. The legislative assembly shall meet at the seat of government in the month of December following the election of the members thereof for organizational and orientation purposes and shall thereafter recess until the time provided in subsection 2.
2. The legislative assembly shall reconvene at twelve noon on the first Tuesday after the third day in January of the year following the organizational session as provided in subsection 1 or at twelve noon on a date selected by the legislative ~~council~~ management but not earlier than January second nor later than January eleventh of the year following the organizational session and, following the close of business of the regular session, shall adjourn subject to subsection 3.

3. Notwithstanding a motion to adjourn sine die, the legislative assembly shall reconvene as determined by the legislative ~~council~~ management. The number of natural days used may not exceed the number of natural days available under the constitution which have not been previously used by that legislative assembly in regular session under subsection 2.

SECTION 38. AMENDMENT. Section 54-03-04 of the North Dakota Century Code is amended and reenacted as follows:

54-03-04. Organizational session - Calling to order - 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. On the first day of the organizational session, at a time scheduled by the legislative ~~council~~ management pursuant to section 54-03.1-02, the president of the senate and the speaker of the house from the previous session, if reelected, or in the speaker's absence a member of the majority party of the house with seniority based upon terms of service in the house, shall call the members of their respective houses so enrolled to order. In the absence of the president of the senate, the president pro tempore shall call the members of the senate to order. In the absence of both the president of the senate and the president pro tempore, then some member or other person selected by the members present shall call the members of the senate to order. If the speaker of the house from the previous session is not reelected and if no party has a majority in the house, the member of the house with seniority based upon terms of service in the house shall call the house to order. If two or more members of the house are tied for seniority and seniority is a factor in determining who shall call the house to order, the persons so tied for seniority shall draw lots to determine who shall call the house 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 must 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.

SECTION 39. AMENDMENT. Section 54-03-19.2 of the North Dakota Century Code is amended and reenacted as follows:

54-03-19.2. Meetings - Powers and duties - Expenses. The commission shall meet at the call of the chairman as often as may be necessary, but at least once during each biennium. The commission shall determine levels of legislative compensation, expense allowance, and insurance benefits to be paid for service upon interim committees and during legislative sessions, which permit citizens to hold legislative office without undue financial sacrifice or disadvantage. In formulating recommendations, the commission may consult with the leadership of the legislative assembly, and review compensation, expense allowance, and insurance benefits for legislative service in other states and in other areas of state and federal service and private industry. The commission shall report its findings and recommendations regarding legislative compensation policy to the legislative assembly. The commission may file with the legislative council a bill incorporating its recommendations. Members of the legislative compensation commission must be compensated for time spent in attendance at meetings of the commission and for other travel as approved by the chairman of the legislative ~~council~~ <u>management</u> at the rate of sixty-two dollars and fifty cents per day and must be reimbursed for their actual and necessary expenses incurred in the same manner as other state officials. The expense allowance must be paid from appropriations then in effect for the legislative assembly. The commission may solicit the assistance of the ~~staff of the~~ legislative council to provide information, aid, and assistance in carrying out its duties.

SECTION 40. AMENDMENT. Subsection 2 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

2. a. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a maximum of nine hundred dollars per calendar month for lodging in state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session.

   b. Notwithstanding subdivision a:

(1) A member of the legislative assembly may elect to be reimbursed for less than the amount to which the legislator is entitled under this subsection by claiming the lesser amount on a voucher submitted with the receipt required by section 44-08-04.

(2) The legislative ~~council~~ management may establish guidelines that may result in a reduced maximum reimbursement for a single dwelling in which two or more legislators share lodging and the total rent for that dwelling exceeds the amount to which a legislator is entitled under subdivision a.

SECTION 41. AMENDMENT. Section 54-03-26 of the North Dakota Century Code is amended and reenacted as follows:

54-03-26. Personal computers and associated software used by legislators - Fee - Continuing appropriation. Notwithstanding any other provision of law, a member of the legislative assembly who is assigned a computer may use that computer and its associated equipment and software for any use that is not in violation of section 16.1-10-02 upon payment of a computer usage fee established by the legislative ~~council~~ management.

SECTION 42. AMENDMENT. Section 54-03-27 of the North Dakota Century Code is amended and reenacted as follows:

54-03-27. Service in the legislative assembly - Leave of absence from employment. The executive officer in charge of a state agency, department, or institution or the governing body of any political subdivision or any other employer in this state may grant a leave of absence from employment to a full-time employee of that governmental entity or of that employer who is a member of the legislative assembly for service during any regular or special session of the legislative assembly and for attendance at a meeting of the legislative ~~council~~ management or any of its committees. The leave of absence may be without pay, and the employer may reduce or eliminate the payment of any additional benefits normally due the employee while the employee is performing legislative service. If the leave of absence is granted, the employer may not terminate the employment of an employee solely due to the fact that the employee is absent from employment as the result of service in the legislative assembly.

SECTION 43. AMENDMENT. Section 54-03.1-02 of the North Dakota Century Code is amended and reenacted as follows:

54-03.1-02. Time and place of meeting - Who must attend. In each even-numbered year on the first Monday in the month of December or on a date selected by the legislative ~~council~~ management but not earlier than December first nor later than December fifteenth, all persons elected at the previous November general election as members of the succeeding legislative session, and members whose terms do not expire until the first day of December following the next November general election, shall meet in the state capitol in the city of Bismarck, or at such other place as may be designated, at a time designated by the legislative ~~council~~ management for the purpose of conducting an organizational session. The legislative ~~council~~ management shall call the organizational session and the legislative council shall make such arrangements as may be necessary for ~~its~~ operation of the session.

SECTION 44. AMENDMENT. Section 54-03.2-02 of the North Dakota Century Code is amended and reenacted as follows:

54-03.2-02. Definitions. As used in this code:

1. "Hearing" means any meeting in the course of an investigatory proceeding, other than a preliminary conference or interview at which no testimony is taken under oath, conducted by an investigating committee for the purpose of taking testimony or receiving other evidence. A hearing may be open to the public or closed to the public.
2. "Investigating committee" means any of the following:
   a. A standing or select committee of either house of the legislative assembly.
   b. A joint committee of both houses.
   c. An authorized subcommittee of a legislative committee.
   d. The legislative ~~council~~ management and any interim committee of the ~~council~~ legislative management if specifically designated by the ~~council~~ legislative management as an investigating committee with subpoena powers.
   e. Any other body created by law, the members of which may include nonlegislators.

   Investigating committees ~~shall~~ have the power to issue subpoenas and subpoenas duces tecum in the manner provided for in section 54-03.2-08. Nothing in this

chapter may be construed as in derogation of any power to issue subpoenas which is inherent in the legislative assembly or any of its committees.

3. "Public hearing" means any hearing open to the public or the proceedings of which are made available to the public.

SECTION 45. AMENDMENT. Section 54-05.1-02 of the North Dakota Century Code is amended and reenacted as follows:

54-05.1-02. Applicability - Meaning of lobbyist.

1. This chapter applies to any person who, in any manner whatsoever, directly or indirectly, performs any of the following activities:
   a. Attempts to secure the passage, amendment, or defeat of any legislation by the legislative assembly or the approval or veto of any legislation by the governor of the state.
   b. Attempts to influence decisions made by the legislative ~~council~~ management or by an interim committee of the legislative ~~council~~ management.
2. This chapter does not apply to any person who is:
   a. A legislator.
   b. A private citizen appearing on the citizen's own behalf.
   c. An employee, officer, board member, volunteer, or agent of the state or its political subdivisions whether elected or appointed and whether or not compensated, who is acting in that person's official capacity.
   d. Invited by the chairman of the legislative ~~council~~ management, an interim committee of the legislative ~~council~~ management, or a standing committee of the legislative assembly to appear before the ~~council~~ legislative management, interim committee, or standing committee for the purpose of providing information.
   e. An individual who appears before a legislative committee for the sole purpose of presenting testimony on behalf of a trade or professional organization or a business or industry if the individual is introduced to the committee by the registered lobbyist for the trade or professional organization or the business or industry.

3. For the purposes of this chapter, persons required to register under this chapter because of the performance of the activities described in subsection 1 must be known as "lobbyists".

SECTION 46. AMENDMENT. Subsections 3 and 4 of section 54-06-25 of the North Dakota Century Code are amended and reenacted as follows:

3. The commission shall meet at the call of the chairman as often as may be necessary, but at least once during each year of the biennium. The commission shall consider proper levels of compensation and fringe benefits for state employees and make its recommendations on these issues to the governor in time for consideration in preparation of the executive budget to be submitted to the next legislative assembly. The commission shall also submit its recommendations to the legislative ~~council~~ management at the biennial meeting at which the legislative ~~council~~ management receives the reports of its interim committees.

4. The members of the legislative assembly who are commission members are entitled to receive compensation from the legislative council for each day in attendance at commission meetings in the same manner as provided for members of the legislative ~~council~~ management and reimbursement from the legislative council for travel and other necessary expenses incurred in performing commission duties in the amounts provided for state employees under section 54-06-09. The state employee members of the commission are entitled to receive reimbursement for necessary expenses incurred in attending commission meetings at the rates provided for state employees under section 54-06-09 and may not be assessed any annual leave or loss of salary for attendance at meetings of the commission. The employing agency of state employee members shall pay their expenses.

SECTION 47. AMENDMENT. Section 54-06-31 of the North Dakota Century Code is amended and reenacted as follows:

54-06-31. State employee recruitment and retention bonus programs - Criteria - Limitations. State agencies may develop programs to provide bonuses to recruit or retain employees in hard-to-fill occupations.

1. State agencies may pay recruitment and retention bonuses under this section only if:
   a. The agency has a written policy in place identifying eligible positions or occupations and provisions for providing and receiving bonuses;
   b. The agency has filed a copy of the written policy with the North Dakota human resource management services; and
   c. The agency reports to the North Dakota human resource management services each bonus provided to an employee under the program.
2. State agencies must fund bonus programs from within the agency salaries and wages budget.
3. The North Dakota human resource management services shall report periodically ~~report~~ to ~~a legislative committee designated by~~ the legislative ~~council~~ management on the implementation, progress, and bonuses provided under agency recruitment and retention bonus programs.
4. Bonuses paid under this section are not fiscal irregularities under section 54-14-03.1.

SECTION 48. AMENDMENT. Section 54-35-01 of the North Dakota Century Code is amended and reenacted as follows:

54-35-01. ~~Council~~ Legislative management - Created - Members - Vacancy - Terms. The North Dakota legislative ~~council, in this chapter referred to as the legislative council or the council,~~ management consists of the majority and minority leaders of the house and of the senate plus six senators and seven representatives chosen biennially before the close of each regular legislative session. In the house of representatives the speaker of the house shall appoint to the ~~council~~ legislative management four members recommended by the majority leader and three members recommended by the minority leader, except that the speaker must by virtue of office be one of the four members appointed from the speaker's faction. In the senate the lieutenant governor shall appoint to the ~~council~~ legislative management four members recommended by the majority leader and two members recommended by the minority leader. Any vacancy occurring when the legislative assembly is not in session must be filled by the selection of another member of the legislative assembly belonging to the same faction as the member originally appointed, the selection to be made by

the remaining senate or house members of the ~~council~~ legislative management, depending upon which body has the vacancy. Each senator and each representative chosen to serve on the ~~council~~ legislative management shall serve until a new ~~council~~ legislative management has been selected at the next regular legislative session; provided, however, that no senator, not a holdover, who is not reelected to the senate, and no representative, who is not reelected to the house of representatives, may serve as a member of the ~~council~~ legislative management beyond the closing day of the term to which elected. Any vacancy occurring because any member of the ~~council~~ legislative management is not reelected must be filled for the period from the beginning of the session until a new ~~council~~ legislative management is selected, in the same manner as the original ~~council~~ legislative management is selected.

SECTION 49. AMENDMENT. Section 54-35-02 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02. Powers and duties. In addition to the other applicable provisions of this chapter, the ~~council~~ legislative management has the following powers and duties:

1. To study, consider, accumulate, compile, and assemble information on any subject upon which the legislative assembly may legislate, and upon such subjects as the legislative assembly may by concurrent or joint resolution authorize or direct, or any subject requested by a member of the legislative assembly; provided, that the ~~council~~ legislative management may screen and prioritize studies assigned by concurrent or joint resolution to maintain its workload within the limitations of time and legislative appropriations.
2. To collect information concerning the government and general welfare of the state and of its political subdivisions.
3. To study and consider important issues of public policy and questions of general interest.
4. To study and promote uniformity of legislation in the United States upon subjects upon which uniformity is desirable and to ~~confer with the commissioners or similar groups appointed for the same purpose by any other state in drafting uniform laws to be submitted for the approval and adoption by the several states and through such member or members or council staff persons as the council may appoint to meet annually with the conference of commissioners on uniform state laws for the~~

~~promotion of uniformity of legislation in the United States and join with it in such measures as may be deemed most expedient to advance the objects of such conference. The council shall~~ receive, review, and make recommendations on uniform and model laws recommended to it by the state commission on uniform state laws.

5. To prepare proposed bills and resolutions for consideration of the succeeding legislative assembly.

6. To call to its assistance other members of the legislative assembly, and it may create committees consisting of its own members, or one or more of its own members and one or more other members of the legislative assembly and delegate by written resolution to such committees such of its powers and rights as it may deem advisable. Committees of the ~~council~~ legislative management may also include nonlegislator members. Any member of the legislative assembly has the right to attend any meeting of the ~~council~~ legislative management and may present that member's views on any subject which the ~~council~~ legislative management may at any particular time be considering.

7. To issue subpoenas or subpoenas duces tecum in the manner provided in sections 54-03.2-08 and 54-03.2-09. Committees of the ~~council~~ legislative management may issue subpoenas and subpoenas duces tecum in the same manner if specifically authorized by the ~~council~~ legislative management. Failure to obey a subpoena issued by the ~~council~~ legislative management, or one of its committees, is contempt.

8. To control the use of the legislative chambers and permanent displays in memorial hallway. Guidelines may be established pursuant to this subsection and the legislative council~~, or its designee,~~ shall administer any guidelines ~~which~~ that are established.

9. To determine access to legislative information services and impose fees for providing legislative information services and copies of legislative documents. This authority may not be exercised in a manner that contravenes access to legislative documents as otherwise provided by law.

SECTION 50. AMENDMENT. Section 54-35-02.1 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.1. Legislative audit and fiscal review committee. For the purposes of studying and reviewing the financial transactions of this state; to assure the collection and expenditure of its revenues and moneys in compliance with law and legislative intent and sound financial practices; and to provide the legislative assembly with formal, objective information on revenue collections and expenditures for a basis of legislative action to improve the fiscal structure and transactions of this state, the legislative ~~council~~ management shall ~~create a division of the budget section of the legislative council entitled~~ appoint the legislative audit and fiscal review committee. The members of the committee must be appointed in the same manner as other members of ~~legislative council~~ interim committees of the legislative management.

SECTION 51. AMENDMENT. Section 54-35-02.2 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.2. Powers and duties of the legislative audit and fiscal review committee. ~~It is the duty of the~~ The legislative audit and fiscal review committee ~~to~~ shall study and review audit reports as selected by the committee from those submitted by the state auditor, confer with the auditor and deputy auditors in regard to such reports, and when necessary, ~~to~~ confer with representatives of the department, agency, or institution audited in order to obtain full and complete information in regard to any and all fiscal transactions and governmental operations of any department, agency, or institution of the state. Each department, agency, or institution shall furnish to the committee such aid, information, and assistance in regard to fiscal transactions and governmental operations as it may from time to time request. Whenever the committee may determine or have reason to believe that there may have been a violation of law relating to the receipt, custody, or expenditure of public funds by any state officer or employee, the committee shall present such evidence or information as may be in its possession to the attorney general. The attorney general shall receive and accept such evidence or information and shall immediately commence such additional investigation as the attorney general ~~deems~~ determines necessary. Upon completion of the investigation, if the evidence supplied by the committee and through the investigation indicates the probability of a violation of law by any state official or employee, the attorney general ~~shall~~ immediately shall

prosecute such official or employee as provided by law. The legislative ~~council~~ management, through its committee on legislative audit and fiscal review, or such persons as may be directed or employed by ~~it~~ the legislative council, is authorized, within the limits of legislative appropriations, to make such audits, examinations, or studies of the fiscal transactions or governmental operations of departments, agencies, or institutions of the state as ~~it~~ the legislative management may ~~deem~~ determine necessary.

SECTION 52. AMENDMENT. Section 54-35-02.3 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.3. Employee benefits programs committee - Appointment - Selection of chairman. The legislative ~~council~~ management, during each biennium, shall appoint an employee benefits programs committee in the same manner as the ~~council~~ legislative management appoints other interim committees. The ~~council~~ legislative management shall appoint five members of the house of representatives and four members of the senate to the committee. The ~~council~~ legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative ~~council~~ management interim committees.

SECTION 53. AMENDMENT. Section 54-35-02.4 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.4. Employee benefits programs committee - Powers and duties.

1. The employee benefits programs committee shall consider and report on those legislative measures and proposals over which it takes jurisdiction and which affect, actuarially or otherwise, the retirement programs of state employees or employees of any political subdivision, and health and retiree health plans of state employees or employees of any political subdivision. The committee shall make a thorough review of any measure or proposal which it takes under its jurisdiction, including an actuarial review. The committee shall take jurisdiction over any measure or proposal that authorizes an automatic increase or other change in benefits beyond the ensuing biennium which would not require legislative approval. The committee must include in the report of the committee a statement that the proposal would allow future changes without legislative involvement. The committee shall report its findings and recommendations, along with any

necessary legislation, to the legislative ~~council~~ management and to the legislative assembly.

2. To carry out its responsibilities, the committee, or its designee, may:

   a. Enter ~~into~~ contracts, including retainer agreements, with an actuary or actuarial firm for expert assistance and consultation. Each retirement, insurance, or retiree insurance program shall pay, from its retirement, insurance, or retiree health benefits fund, as appropriate, and without the need for a prior appropriation, the cost of any actuarial report required by the committee which relates to that program.

   b. Call on personnel from state agencies or political subdivisions to furnish such information and render such assistance as the committee may from time to time request.

   c. Establish rules for its operation, including the submission and review of proposals and the establishing of standards for actuarial review.

3. The committee may solicit draft measures and proposals from interested persons during the interim between legislative sessions, and may also study measures and proposals referred to it by the legislative assembly or the legislative ~~council~~ management.

4. A copy of the committee's report concerning any legislative measure shall, if that measure is introduced for consideration by a legislative assembly, be appended to the copy of that measure which is referred to a standing committee.

5. A legislative measure affecting a public employees retirement program, public employees health insurance program, or public employee retiree health insurance program may not be introduced in either house unless it is accompanied by a report from the committee. A majority of the members of the committee, acting through the chairman, has sole authority to determine whether any legislative measure affects a program.

6. Any amendment made during a legislative session to a legislative measure affecting a public employees retirement program, public employees health insurance program, or public employee retiree health insurance program may not

be considered by a standing committee unless it is accompanied by a report from the employee benefits programs committee.

7. Any legislation enacted in contravention of this section is invalid and of no force and effect, and any benefits provided under such legislation must be reduced to the level current prior to enactment.

SECTION 54. AMENDMENT. Section 54-35-02.5 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.5. Administrative rules committee. The legislative ~~council~~ management, during each biennium, shall appoint an administrative rules committee in the same manner as the ~~council~~ legislative management appoints other interim committees. The legislative ~~council~~ management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative ~~council~~ management interim committees. The membership of the administrative rules committee must include at least one of the members who served during the most recently completed regular session of the legislative assembly from each of the standing committees of either the house of representatives or the senate.

SECTION 55. AMENDMENT. Section 54-35-02.6 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.6. Rules reviewed by administrative rules committee - Committee responsibility. The administrative rules committee shall review administrative rules adopted under chapter 28-32. The committee shall consider oral and written comments received concerning administrative rules. The committee shall study and review administrative rules and related statutes to determine whether:

1. Administrative agencies are properly implementing legislative purpose and intent.
2. There is dissatisfaction with administrative rules or with statutes relating to administrative rules.
3. There are unclear or ambiguous statutes relating to administrative rules.

The committee may make rule change recommendations to the adopting agency and may make recommendations to the legislative ~~council~~ management for the amendment or repeal of statutes relating to administrative rules. The committee's failure to review proposed rules prior to publication in the North Dakota Administrative Code does not prevent rules from taking

effect. Except for action pursuant to section 28-32-17 or 28-32-18, the recommendations or opinions of the committee do not affect the legality of any rule as determined by the attorney general.

SECTION 56. AMENDMENT. Section 54-35-02.7 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.7. Garrison diversion overview. The legislative ~~council~~ management is responsible for legislative overview of the Garrison diversion project and related matters and for any necessary discussions with adjacent states on water-related topics.

SECTION 57. AMENDMENT. Section 54-35-02.8 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.8. Legislative ethics committee. The legislative ~~council~~ management, during each biennium, shall appoint an ethics committee to consider or prepare a legislative code of ethics. The committee may recommend legislation relating to legislative ethics. The committee shall operate according to the laws and procedures governing the operation of other legislative ~~council~~ management interim committees.

SECTION 58. AMENDMENT. Section 54-35-03 of the North Dakota Century Code is amended and reenacted as follows:

54-35-03. State departments, officers, and employees to cooperate. Each department, board, commission, agency, officer, or employee in the state government shall furnish such information and render such assistance to the legislative council and to the legislative management as the legislative council or the legislative management or its committees may from time to time request.

SECTION 59. AMENDMENT. Section 54-35-04 of the North Dakota Century Code is amended and reenacted as follows:

54-35-04. Meetings - When held - How called - Quorum. The ~~council~~ legislative management or committee appointed by it, may sit at such time and place as it may deem advisable, but the ~~council~~ legislative management shall meet at least once in each year and shall meet at any time upon the call of the chairman or a call signed by seven members of the ~~council~~ legislative management. At any meeting of the ~~council~~ legislative management, seven members constitute a quorum and a majority of such quorum has the authority to act in any matter falling within the jurisdiction of the ~~council~~ legislative management.

SECTION 60. AMENDMENT. Section 54-35-05 of the North Dakota Century Code is amended and reenacted as follows:

54-35-05. Governor sending messages to meetings. The governor may send messages to such meetings of the ~~council~~ legislative management as the governor ~~deems~~ determines advisable.

SECTION 61. AMENDMENT. Section 54-35-06 of the North Dakota Century Code is amended and reenacted as follows:

54-35-06. Officers - Accept funds - Expenditures. The ~~council~~ legislative management shall select a chairman and a vice chairman from its own members and may prescribe its own rules of procedure. ~~It~~ The legislative management may appoint a secretary who need not be a member, and shall appoint a director who must be in charge of the ~~offices and staff of the~~ legislative council and who must be paid such salary as the ~~council~~ legislative management may determine. The ~~council~~ director may employ such ~~other~~ persons and obtain the assistance of such research agencies as ~~it may deem~~ determined necessary. The legislative management and the legislative council ~~is authorized to~~ may accept and use any funds made available ~~to it~~ through the terms of any agreement ~~that it may make~~ made with any agency whatsoever for the accomplishment of the purpose of this chapter. Expenditures of funds made available ~~to the council~~ by legislative appropriation must be made in accordance with rules or motions duly approved by the ~~council~~ legislative management.

SECTION 62. AMENDMENT. Section 54-35-07 of the North Dakota Century Code is amended and reenacted as follows:

54-35-07. Records - Reports. The ~~council~~ legislative management shall keep minutes of its meetings and a record of all its transactions and shall at the beginning of each biennial legislative session, and may at any other time, make a report of its activities and recommendations to the members of the legislative assembly and to the governor.

SECTION 63. AMENDMENT. Section 54-35-08 of the North Dakota Century Code is amended and reenacted as follows:

54-35-08. Recommended legislation may be required in advance. The ~~council~~ legislative management may require that any recommendation for legislation, which is to be presented by any department, board, commission, agency, officer, official, or employee of the

state desiring the consideration of the ~~council~~ legislative management, be presented to it at least sixty days in advance of any regular legislative session.

SECTION 64. AMENDMENT. Section 54-35-09 of the North Dakota Century Code is amended and reenacted as follows:

54-35-09. Recommendations - When made public - Distribution. The recommendations of the ~~council~~ legislative management must be completed and made public prior to any session of the legislative assembly at which such recommendations are to be submitted; and a copy of ~~said~~ the recommendations must be ~~mailed~~ distributed to each member-elect of the legislative assembly, to each elective state officer, and to the state law library.

SECTION 65. AMENDMENT. Section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

54-35-10. (Effective through June 30, 2009) Compensation of members and leadership.

1. The members of the ~~council~~ legislative management and the members of any committee of the ~~council~~ legislative management are entitled to be compensated for the time spent in attendance at sessions of the ~~council~~ legislative management and of its committees at the rate of one hundred eight dollars per day and must 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, the chairman of the ~~council shall~~ legislative management is entitled to receive an additional five dollars for each day spent in attendance at sessions of the ~~council~~ legislative management and of its committees, and the chairman of each of the ~~council's~~ legislative management's committees ~~shall~~ is entitled to receive five dollars for each day spent in attendance at sessions of the ~~council~~ legislative management or of the committee which the person chairs.

(Effective after June 30, 2009) Compensation of members and leadership.

1. The members of the ~~council~~ legislative management and the members of any committee of the ~~council~~ legislative management are entitled to be compensated

for the time spent in attendance at sessions of the ~~council~~ legislative management and of its committees at the rate of one hundred thirty-five dollars per day and must 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, the chairman of the ~~council shall~~ legislative management is entitled to receive an additional five dollars for each day spent in attendance at sessions of the ~~council~~ legislative management and of its committees, and the chairman of each of the ~~council's~~ legislative management's committees ~~shall~~ is entitled to receive five dollars for each day spent in attendance at sessions of the ~~council~~ legislative management or of the committee which the person chairs.

SECTION 66. AMENDMENT. Section 54-35-11 of the North Dakota Century Code is amended and reenacted as follows:

54-35-11. Preparation for and assistance to legislative assembly - Custody of equipment - Approval of delayed vouchers. The legislative council ~~is hereby authorized~~, on behalf of the legislative assembly, ~~to~~ may make all necessary arrangements ~~prior to~~ before each legislative session~~,~~ for the procurement of necessary supplies, equipment, services~~,~~ ~~excluding~~ other than the employment of legislative employees, building space, or any other preparations or arrangements ~~it deems~~ the legislative council determines necessary or desirable to be made ~~prior to~~ before the commencement of each legislative session in order to facilitate the proper convening and operation of the legislative assembly. The legislative council shall act as the custodial agency to ensure the proper storage and safekeeping of legislative supplies and equipment during the interim periods between legislative sessions, and ~~is authorized to~~ may approve vouchers on behalf of the legislative assembly~~, or may authorize its director to do so,~~ for the payment from legislative appropriations of delayed billings or other billings for legislative expenses during periods when the legislative assembly is not in session. ~~It~~ The legislative council shall~~, through its own actions or through its staff,~~ carry out such duties or projects and provide such service and assistance to the legislative assembly or its committees, the legislative management or its committees, and members of the legislative assembly as may be requested by concurrent resolution of the legislative assembly or ~~deemed~~

determined necessary or desirable in assisting the legislative assembly or the legislative management in meeting its responsibilities and carrying out its duties during the legislative session or the interim between sessions.

SECTION 67. AMENDMENT. Section 54-35-12 of the North Dakota Century Code is amended and reenacted as follows:

54-35-12. Legislative budget analyst and auditor. The legislative ~~council~~ management shall appoint a legislative budget analyst and auditor. A person is not eligible for the appointment unless the person holds a baccalaureate degree from a recognized institution of higher learning, is a certified public accountant, or has had five years' experience in government accounting. The appointment of the legislative auditor must be based upon qualifications of eligible persons without reference to partisan politics. The salary of the legislative budget analyst and auditor must be determined by the legislative council and it may employ additional persons as necessary to carry out sections 54-35-12 through 54-35-14.

SECTION 68. AMENDMENT. Section 54-35-15 of the North Dakota Century Code is amended and reenacted as follows:

54-35-15. Information technology program - Staff - Powers and duties.

1. The legislative council~~, or its designee,~~ shall provide information technology research and staff services to the legislative branch. The services must be provided in accordance with the existing statutory authority of the legislative council and within the framework of its other staff services.
2. The legislative council ~~staff office~~ shall provide information technology services, ~~and the council, or its designee,~~ may hire such ~~additional~~ staff as are necessary, and set compensation for any additional staff within the limits of legislative appropriations.
3. The legislative council~~, or its designee,~~ shall structure the provision of information technology services and assistance to the legislative assembly and shall receive such cooperation and assistance from other state agencies as ~~it may~~ the council reasonably may request.

SECTION 69. AMENDMENT. Section 54-35-15.1 of the North Dakota Century Code is amended and reenacted as follows:

54-35-15.1. Information technology committee - Appointment. The legislative ~~council~~ management, during each biennium, shall appoint an information technology committee in the same manner as the ~~council~~ legislative management appoints other interim committees. The ~~council~~ legislative management shall appoint six members of the house of representatives and five members of the senate to the committee. The chief information officer of the state is an ex officio, nonvoting member of the committee. The ~~council~~ legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative ~~council~~ management interim committees.

SECTION 70. AMENDMENT. Section 54-35-16 of the North Dakota Century Code is amended and reenacted as follows:

54-35-16. Authority to determine if legislative assembly meets. The ~~council~~ legislative management may issue a call for the legislative assembly to convene after it has adjourned under subsection 2 of section 54-03-02. The length of a legislative session called under this section may not exceed the number of natural days available under the constitution which have not been used by that legislative assembly. The ~~council~~ legislative management may exercise this authority, and the legislative assembly shall meet, regardless of whether the motion to close the regular session of the legislative assembly was to recess to a time certain, adjourn to a time certain, or adjourn sine die.

SECTION 71. AMENDMENT. Section 54-35-17 of the North Dakota Century Code is amended and reenacted as follows:

54-35-17. Retention of legal counsel. When the legislative assembly is in session, either house by resolution may authorize, or both houses by concurrent resolution may direct, the legislative council to appoint or retain legal counsel to appear in, commence, prosecute, defend, or intervene in any action, suit, matter, cause, or proceeding in any court or agency when ~~deemed~~ determined necessary or advisable to protect the official interests of the legislative branch. When the legislative assembly is not in session, the legislative ~~council~~ management, by a majority vote, may authorize the legislative council to appoint or retain legal counsel to appear in, commence, prosecute, defend, or intervene in any action, suit, matter, cause, or proceeding in any court or agency when ~~deemed~~ determined necessary or advisable

to protect the official interests of the legislative branch. Section 54-12-08 does not apply to a person appointed or retained under this section.

SECTION 72. AMENDMENT. Section 54-35-18 of the North Dakota Century Code is amended and reenacted as follows:

54-35-18. (Effective through August 1, 2011) Energy development and transmission committee. The legislative ~~council~~ management, during each biennium, shall appoint an energy development and transmission committee in the same manner as the ~~council~~ legislative management appoints other interim committees. The ~~council~~ legislative management shall appoint six members of the house of representatives, four of whom must be from the majority political party and two of whom must be from the minority political party, and six members of the senate, four of whom must be from the majority political party and two of whom must be from the minority political party. The chairman of the legislative ~~council~~ management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative ~~council~~ management interim committees. The committee shall study the impact of a comprehensive energy policy for the state and the development of each facet of the energy industry, from the obtaining of the raw natural resource to the sale of the final product in this state, other states, and other countries. The study may include the review of and recommendations relating to policy affecting extraction, generation, processing, transmission, transportation, marketing, distribution, and use of energy, and the taxation of shallow gas to reduce energy costs for all North Dakota residents.

SECTION 73. AMENDMENT. Section 54-35-22 of the North Dakota Century Code is amended and reenacted as follows:

54-35-22. Workers' compensation review committee.

1. During each interim, a legislative ~~council~~ management's interim workers' compensation review committee must be appointed as follows: two members of the senate appointed by the majority leader of the senate of the legislative assembly; one member of the senate appointed by the minority leader of the senate of the legislative assembly; two members of the house of representatives appointed by the majority leader of the house of representatives; and one member of the house of representatives appointed by the minority leader of the house of

representatives. The chairman of the legislative ~~council~~ management shall designate the chairman of the committee. The committee shall operate according to the laws and procedures governing the operation of other legislative ~~council~~ management interim committees. The committee may recommend legislation relating to workers' compensation. The committee shall meet once each calendar quarter or less often if the committee chairman determines a meeting that quarter is not necessary because there are no claims to review.

2. The committee shall review workers' compensation claims that are brought to the committee by injured workers for the purpose of determining whether changes should be made to the laws relating to workers' compensation. A claim may not be reviewed by the committee unless workforce safety and insurance has issued a final determination and either the injured worker has exhausted the administrative and judicial appeals process or the period for appeal has expired. In order for the committee to review a claim, the injured worker must first sign a release of information for constituent authorization to allow the committee and legislative council ~~staff~~ to review the injured worker's workforce safety and insurance records and to allow the committee members and workforce safety and insurance representatives to discuss the records in an interim committee hearing. Notwithstanding any open meeting requirements, except as otherwise provided under this section, the workforce safety and insurance records of an injured worker whose case is reviewed by the committee are confidential. However, pursuant to the constituent's authorization, information contained in the records may be discussed by the committee members and workforce safety and insurance representatives in an interim committee hearing.

3. The committee shall accept testimony of an injured worker and of a representative designated by the injured worker. After the committee has received the testimony of the injured worker and the injured worker's representative, the committee shall request that workforce safety and insurance provide testimony.

SECTION 74. AMENDMENT. Section 54-35-23 of the North Dakota Century Code is amended and reenacted as follows:

54-35-23. (Effective through July 31, 2009) Committee on tribal and state relations - Membership - Duties.

1. The committee on tribal and state relations is composed of seven members as follows:
   a. The chairman of the legislative ~~council~~ management or the chairman's designee;
   b. Three members of the house of representatives, two of whom must be selected by the leader representing the majority faction of the house of representatives and one of whom must be selected by the leader representing the minority faction of the house of representatives; and
   c. Three members of the senate, two of whom must be selected by the leader representing the majority faction of the senate and one of whom must be selected by the leader representing the minority faction of the senate.
2. The chairman of the legislative ~~council~~ management or the chairman's designee, shall serve as chairman of the committee.
3. The committee shall meet at such times and places as determined by the chairman. The legislative council shall provide staffing for the committee.
4. The committee shall conduct joint meetings with the native American tribal citizens' task force to study tribal-state issues, including government-to-government relations, the delivery of services, case management services, child support enforcement, and issues related to the promotion of economic development. After the joint meetings have concluded, the committee shall meet to prepare a report on its findings and recommendations, together with any legislation required to implement those recommendations, to the legislative ~~council~~ management.
5. The members of the committee are entitled to compensation from the legislative council for attendance at committee meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.
6. a. The native American tribal citizens' task force is composed of six members as follows:

(1) The executive director of the Indian affairs commission, or the executive director's designee;

(2) The chairman of the Standing Rock Sioux Tribe, or the chairman's designee;

(3) The chairman of the Spirit Lake Tribe, or the chairman's designee;

(4) The chairman of the Three Affiliated Tribes, or the chairman's designee;

(5) The chairman of the Turtle Mountain Band of Chippewa Indians, or the chairman's designee; and

(6) The chairman of the Sisseton-Wahpeton Sioux Tribe, or the chairman's designee.

b. If the executive director of the Indian affairs commission or any of the tribal chairmen appoint a designee to serve on the task force, only one individual may serve as that designee during the biennium. A substitute designee may be appointed by the executive director of the Indian affairs commission or a tribal chairman in the event of the death, incapacity, resignation, or refusal to serve of the initial designee.

SECTION 75. AMENDMENT. Section 54-35.2-01 of the North Dakota Century Code is amended and reenacted as follows:

54-35.2-01. Advisory commission on intergovernmental relations - Membership - Terms - Meetings.

1. The advisory commission on intergovernmental relations consists of twelve members:

a. The North Dakota league of cities executive committee shall appoint two members of the commission.

b. The North Dakota association of counties executive committee shall appoint two members of the commission.

c. The North Dakota township officers association executive board of directors shall appoint one member of the commission.

d. The North Dakota recreation and park association executive board shall appoint one member of the commission.

e. The North Dakota school boards association board of directors shall appoint one member of the commission.

f. The governor or the governor's designee is a member of the commission.

g. The legislative ~~council~~ management shall appoint four members of the legislative assembly as members of the commission.

2. The legislative ~~council~~ management shall designate the chairman and vice chairman of the commission.

3. All members of the commission shall serve for a term of two years, beginning July first of each odd-numbered year, and may be reappointed for additional terms.

4. If any member of the commission resigns or ceases to be a member of the class the member represents, that person's membership on the commission ceases immediately and the appropriate appointing authority may appoint a new member for the remainder of the term.

5. The commission shall meet at least semiannually.

SECTION 76. AMENDMENT. Section 54-35.2-02 of the North Dakota Century Code is amended and reenacted as follows:

54-35.2-02. Functions and duties. The advisory commission on intergovernmental relations shall:

1. Serve as a forum for the discussion of resolution of intergovernmental problems.

2. Engage in activities and studies relating to the following subjects:

a. Local governmental structure.

b. Fiscal and other powers and functions of local governments.

c. Relationships between and among local governments and the state or any other government.

d. Allocation of state and local resources.

e. Interstate issues involving local governments, including cooperation with appropriate authorities of other states.

f. Statutory changes required to implement commission recommendations.

3. Present reports and recommended legislative bills to the legislative ~~council~~ management for consideration in the same manner as ~~interim~~ legislative ~~council~~ management interim committees.

4. Prepare model ordinances or resolutions for consideration by officials of political subdivisions.

SECTION 77. AMENDMENT. Section 54-35.2-04 of the North Dakota Century Code is amended and reenacted as follows:

54-35.2-04. Finances.

1. A member of the advisory commission on intergovernmental relations who is a member of the legislative assembly is entitled to receive, from funds available to the commission, compensation per day for each day spent in attendance at commission meetings in the same amount as provided for members of the legislative ~~council~~ management and reimbursement for travel and other necessary expenses incurred in the performance of official duties in the amounts provided by law for other state officers. Members of the advisory commission on intergovernmental relations who are appointed by an organization representing political subdivisions may be reimbursed for attendance at commission meetings by the organization by which they were appointed.
2. The commission may apply for, contract for, receive, and expend for its purposes any appropriation or grant from any public or private source.
3. Political subdivisions of the state may appropriate funds to the commission to share in the cost of its operations.

SECTION 78. AMENDMENT. Section 54-35.2-05 of the North Dakota Century Code is amended and reenacted as follows:

54-35.2-05. Reports. The advisory commission on intergovernmental relations shall report its findings and recommendations and any proposed legislation necessary to implement the recommendations to the legislative ~~council~~ management at the time and in the manner reports are made by interim committees of the legislative ~~council~~ management. The legislative ~~council~~ management may accept, reject, or amend the report of the advisory commission on intergovernmental relations. The legislative ~~council~~ management shall include the report, or any portion of it, as accepted, rejected, or amended, in the ~~council's~~ legislative management's final report. Copies of the report of the advisory commission on intergovernmental relations, as accepted, rejected, or amended by the legislative ~~council~~ management, must be available to counties, cities, townships, appropriate state departments and agencies, and the public.

SECTION 79. AMENDMENT. Subsection 3 of section 54-40-01 of the North Dakota Century Code is amended and reenacted as follows:

3. An agency, department, or institution of this state may enter an agreement with the state of South Dakota to form a bistate authority to jointly exercise any function that the entity is authorized by law to perform. Any agreement entered under this subsection must be submitted to the legislative assembly or, if the legislative assembly is not in session, to the legislative ~~council or a committee designated by the legislative council~~ management for approval or rejection and may not become effective until approved by the legislative assembly or the legislative ~~council~~ management.

SECTION 80. AMENDMENT. Section 54-44.1-12.1 of the North Dakota Century Code is amended and reenacted as follows:

54-44.1-12.1. Implementation of legislative intent - Legislative objection to execution of budget - Effect of objection.

1. The budget section of the legislative ~~council~~ management may object to any allotment made under section 54-44.1-12, any expenditure of a budget unit, or any failure to make an allotment or expenditure if the budget section ~~deems~~ determines that the allotment or expenditure or the failure to make an allotment or expenditure is contrary to legislative intent as recorded in any reliable legislative records. The budget section shall file that objection in certified form ~~in the office of~~ with the legislative council. The filed objection must contain a concise statement of the budget section's reasons for the objection.
2. The ~~office of the~~ legislative council shall attach to each objection a certification of the time and date of the filing of the objection and, as soon as possible, shall transmit a copy of the objection and the certification to the director of the budget and the affected budget unit. The ~~office of the~~ legislative council shall maintain a permanent register of all objections under this section.
3. Within fourteen days after the filing of an objection, the affected budget unit shall respond in writing to the budget section. After receipt of that response, the budget section may withdraw or modify its objection.

4. After the filing of an objection, the burden of persuasion is upon the budget unit in any action for judicial review of whether the allotment or expenditure or the failure to make an allotment or expenditure is contrary to law. If the budget unit fails to meet its burden of persuasion, the court shall render judgment against the budget unit for court costs. These court costs must include reasonable attorney's fees and must be payable from the appropriation of the budget unit.

SECTION 81. AMENDMENT. Section 54-52.1-08.2 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-08.2. Uniform group insurance program - Compliance with federal requirements - Group purchasing arrangements. If the board determines that any section or the phraseology of any section of this chapter does not comply with applicable federal statutes or rules, the board shall adopt appropriate terminology with respect to that section to comply with the federal statutes or rules, subject to the approval of the legislative ~~council's~~ management's employee benefits programs committee. The board may assume responsibility for group purchasing arrangements as provided by federal law. Any plan modifications made by the board under this section are effective until the effective date of any measure enacted by the legislative assembly providing the necessary amendments to this chapter to ensure compliance with the federal statutes or rules.

SECTION 82. AMENDMENT. Section 54-55-01 of the North Dakota Century Code is amended and reenacted as follows:

54-55-01. Commission on uniform state laws - Membership. The commission on uniform state laws consists of an individual engaged in the practice of law in this state, the dean or a full-time member of the faculty of the law school of the university of North Dakota, a law-trained judge of a court of record in this state, a member of the house of representatives and a member of the senate of the legislative assembly, and a member of the legislative council ~~staff~~. The commission also consists of any residents of this state who, because of long service in the cause of uniformity of state legislation, have been elected life members of the national conference of commissioners on uniform state laws, and may also consist of any residents of this state who have been previously appointed to at least five years of service on the commission. Commissioners, except the members of the legislative assembly, the member of the legislative council ~~staff~~, and life members, must be appointed by the governor for terms

of four years each, commencing on the first day of September following each presidential election, and shall serve until their respective successors are appointed. The members of the legislative assembly on the commission must be appointed by the legislative ~~council~~ management for a term not to exceed four years as prescribed by the legislative ~~council~~ management, and the member of the legislative council ~~staff~~ must be appointed by the chairman of the legislative ~~council~~ management.

SECTION 83. AMENDMENT. Section 54-55-04 of the North Dakota Century Code is amended and reenacted as follows:

54-55-04. Duties of commissioners and commission. Each commissioner shall attend the annual meeting of the national conference of commissioners on uniform state laws and shall promote uniformity in state laws on those subjects where uniformity may be deemed desirable and practicable. The commission shall also promote as far as practicable the uniform judicial application and construction of all uniform state laws. During the interim between legislative sessions, the commission may submit its recommendations for enactment of uniform and model laws to the legislative ~~council~~ management for its review and recommendation. Commissioners shall provide such assistance to the legislative ~~council~~ management as the legislative ~~council~~ management requests with respect to its review of uniform and model laws. During each biennial legislative session, and at any other time as the commission may deem proper, the commission shall report to the legislative assembly an account of its transactions and its advice and recommendations for legislation. The report must include the recommendations of the legislative ~~council~~ management with respect to uniform and model laws recommended by the commission.

SECTION 84. AMENDMENT. Section 54-58-03 of the North Dakota Century Code is amended and reenacted as follows:

54-58-03. Tribal-state gaming compact - Creation, renewals, and amendments. The governor or the governor's designee may represent the state in any gaming negotiation in which the state is required to participate pursuant to 25 U.S.C. 2701 et seq. by any federally recognized Indian tribe and, on behalf of the state, may execute a gaming compact between the state and a federally recognized Indian tribe, subject to the following:

1. If the legislative assembly is not in session at the time gaming negotiations are being conducted, the chairman and vice chairman of the legislative ~~council~~

management or the designee of the chairman or vice chairman may attend all negotiations and brief the legislative ~~council~~ management on the status of the negotiations.

2. If the legislative assembly is in session at the time negotiations are being conducted, the majority and minority leaders of both houses, or their designees, may attend all negotiations and brief their respective houses on the status of the negotiations.

3. The compact may authorize an Indian tribe to conduct gaming that is permitted in the state for any purpose by any person, organization, or entity.

4. For the purposes of this chapter, the term "gaming that is permitted in the state for any purpose by any person, organization, or entity" includes any game of chance that any Indian tribe was permitted to conduct under a tribal-state gaming compact that was in effect on August 1, 1997.

5. The compact may not authorize gaming to be conducted by an Indian tribe at any off-reservation location not permitted under a tribal-state gaming compact in effect on August 1, 1997, except that in the case of the tribal-state gaming compact between the Turtle Mountain Band of Chippewa and the state, gaming may be conducted on land within Rolette County held in trust for the Band by the United States government which was in trust as of the effective date of the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497; 102 Stat. 2467; 25 U.S.C. 2701 et seq.].

6. The compact may not obligate the state to appropriate state funds; provided, however, the state may perform services for reimbursement.

7. The negotiations between the tribe and the state must address the possibility of a mutual effort of the parties to address the issue of compulsive gambling.

8. If the legislative assembly is not in session when the negotiations are concluded, the governor shall forward a copy of the compact as finally negotiated to each member of the legislative ~~council~~ management at least twenty-one days before the compact is signed.

9. If the legislative assembly is in session when the negotiations are concluded, the governor shall forward a copy of the compact as finally negotiated to each member of the legislative assembly at least twenty-one days before the compact is signed.

10. Before execution of any proposed tribal-state gaming compact or amendment thereto, the governor shall conduct one public hearing on the proposed compact or amendment.

SECTION 85. AMENDMENT. Section 54-59-07 of the North Dakota Century Code is amended and reenacted as follows:

54-59-07. State information technology advisory committee. The state information technology advisory committee consists of the chief information officer; the commissioner of higher education or the commissioner's designee; the attorney general or the attorney general's designee; the secretary of state or the secretary of state's designee; the tax commissioner or the commissioner's designee; the chief justice of the supreme court or the chief justice's designee; two members of the legislative assembly appointed by the legislative ~~council~~ management; a minimum of eight members representing state agencies, appointed by the governor; and two members with technology management expertise representing private industry, appointed by the governor. The appointees of the governor serve at the pleasure of the governor. The governor shall designate the chairman of the committee. Additional members may be asked to participate at the request of the chairman. The department shall provide staff services to the committee. The members of the committee representing private industry are entitled to be compensated for time spent in attendance at meetings of the committee and for other travel as approved by the chairman of the committee at the rate of sixty-two dollars and fifty cents per day and are entitled to reimbursement for actual and necessary expenses incurred in the same manner as other state officials. The compensation and expenses are to be paid from appropriations for the department. The committee shall advise the department regarding statewide information technology planning and budgeting, services of the information technology department, and statewide information technology initiatives and policy and shall review reports on major information technology projects as required by this chapter and policies, standards, and guidelines developed by the department. The chief information officer shall submit recommendations of the committee regarding information technology issues to the information technology committee for its consideration.

SECTION 86. AMENDMENT. Section 54-59-11 of the North Dakota Century Code is amended and reenacted as follows:

54-59-11. Information technology plans. Each executive branch state agency or institution, excluding the institutions under the control of the board of higher education, shall prepare an information technology plan, subject to acceptance by the department. The plan must be submitted to the department by July fifteenth of each even-numbered year. The plan must be prepared based on guidelines developed by the department; must provide the information technology goals, objectives, and activities of the entity for the current biennium and the next two bienniums; and must include an asset management plan relating to the inventory of information technology assets owned, leased, or employed by the entity. Each entity required to file a plan shall provide interim updates to its plan if major information technology changes occur which affect its plan. The department shall review each entity's plan for compliance with statewide information technology policies and standards and may require an entity to change its plan to comply with statewide policies or standards or to resolve conflicting directions among plans. Agencies of the judicial and legislative branches shall file their information technology plans with the department by July fifteenth of each even-numbered year. Each entity required to file a plan shall prepare its budget request for the next biennium based on its information technology plan. The agency's budget request and the governor's budget recommendation must include supporting information describing in detail how the information technology plan relates to the budget request and recommendation. Any budget adjustment by the budget office must include the corresponding change to the plan. Based on the plans, the department shall prepare a statewide information technology plan and distribute copies of that plan to members of the legislative assembly as requested by the legislative council ~~or its designee~~. The statewide information technology plan must be developed with emphasis on long-term strategic goals, objectives, and accomplishments. The statewide information technology plan must contain:

1. A list of major projects started, ongoing, and completed during the biennium, including related budgeted and actual costs and the estimated implementation date for each project as well as the actual implementation date for completed projects.
2. Information regarding evaluations of cost-benefit analyses for completed projects.

3. Information regarding the information technology plans, including the department's plan review process, the number of plans reviewed, and the number of plans accepted.
4. A description of the benefits to the state resulting from its investment in information technology.

SECTION 87. AMENDMENT. Section 54-59-12 of the North Dakota Century Code is amended and reenacted as follows:

54-59-12. Coordination of activities - Reports. The department shall cooperate with each state entity providing access to any computer data base or electronically filed or stored information under subsection 4 of section 44-04-18 to assist in providing economical, efficient, and compatible access. The chief information officer shall conduct conferences and meetings with political subdivisions to review and coordinate information technology. The chief information officer and the commissioner of the board of higher education shall meet at least twice each year to plan and coordinate their information technology. The chief information officer and commissioner shall consider areas in which joint or coordinated information technology may result in more efficient and effective state government operations. Upon request, the chief information officer shall report to the legislative ~~council or its designated committee~~ management regarding the coordination of services with political subdivisions, and the chief information officer and commissioner shall report to the legislative ~~council or its designated committee~~ management regarding their findings and recommendations.

SECTION 88. AMENDMENT. Section 54-59-23 of the North Dakota Century Code is amended and reenacted as follows:

54-59-23. Information technology projects - Reports.

1. An executive, legislative, or judicial branch agency, except for institutions under the control of the state board of higher education, shall report to the state information technology advisory committee according to guidelines developed by the department and reviewed by the state information technology advisory committee regarding the plan for and status of any information technology project that is estimated to cost more than two hundred fifty thousand dollars.
2. During the life of the project, the agency shall notify the state information technology advisory committee if:

a. At a project milestone, the amount expended on project costs exceeds the planned budget for that milestone by twenty percent or more; or

b. At a project milestone, the project schedule extends beyond the planned schedule to attain that milestone by twenty percent or more.

3. A report under subsection 2 must specify corrective measures being undertaken to address any cost or time of completion issue. If the agency has not taken adequate corrective measures within ninety days after the report, the agency shall submit a report to the legislative ~~council's~~ management's information technology committee regarding the project.

4. Upon completion of the project, the agency shall notify the state information technology advisory committee if:

a. The budget for the project exceeded the original budget by twenty percent or more; or

b. The final project completion date extended beyond the original project scheduled completion date by twenty percent or more.

SECTION 89. AMENDMENT. Subsection 10 of section 54-60-03 of the North Dakota Century Code is amended and reenacted as follows:

10. Shall report between the first and tenth legislative days of each regular legislative session to a standing committee of each house of the legislative assembly as determined by the legislative ~~council~~ management and shall report annually to the foundation:

a. On the department's goals and objectives since the last report;

b. On the department's goals and objectives for the period until the next report;

c. On the department's long-term goals and objectives;

d. On the department's activities and measurable results occurring since the last report; and

e. On commerce benchmarks, including the average annual wage in the state, the gross state product exclusive of agriculture, and the number of primary sector jobs in the state;

SECTION 90. AMENDMENT. Section 54-60-11 of the North Dakota Century Code is amended and reenacted as follows:

54-60-11. Target industries - Report ~~to legislative council~~. The commissioner shall identify target industries on which the commissioner shall focus economic development efforts. The commissioner shall designate one of these target industries as a special focus target industry. In identifying and updating target industries, the commissioner shall solicit the advice of the foundation and the North Dakota university system. The commissioner may contract for the services of a third party in identifying target industries. The commissioner shall report biennially to the legislative ~~council~~ management. This report must include information regarding the process used and factors considered in identifying and updating the target industries, the specific tactics the department has used to specifically address the needs of the target industries, the unique tactics and the specific incentives the department has used to support the growth of the special focus target industry, and any recommended legislative changes necessary to better focus economic development services on these industries.

SECTION 91. AMENDMENT. Section 54-62-03 of the North Dakota Century Code is amended and reenacted as follows:

54-62-03. Advisory commission. The advisory commission on faith-based and community initiatives is composed of seven members to include the following: the executive director of the department of human services or the director's designee; the director of the department of corrections and rehabilitation or the director's designee; two members of the legislative assembly, one of whom must be selected by the members of the legislative ~~council~~ management representing the majority faction and one of whom must be selected by the members of the legislative ~~council~~ management representing the minority faction; and three public members appointed by the governor, one of whom must represent a minority population. The term of office for the public members is three years. Of the first public members appointed, one must be appointed for a term of one year, one must be appointed for a term of two years, and one must be appointed for a term of three years. No public member may be appointed to more than two consecutive terms. A chairman of the commission must be chosen annually from the membership of the commission by a majority of its members at the first meeting of the advisory commission each year. The advisory commission shall advise the director of the office of faith-based and community initiatives in the establishment of policy regarding matters affecting the faith-based and community organizations, including making recommendations concerning the future of existing state programs and initiatives. The advisory commission on

faith-based and community initiatives shall report periodically to the governor and provide the governor with information and recommendations for the governor's consideration. The members of the advisory commission are entitled to mileage and expenses as provided by law for state officers and employees.

SECTION 92. AMENDMENT. Section 57-40.6-12 of the North Dakota Century Code is amended and reenacted as follows:

57-40.6-12. Emergency services communications coordinating committee - Membership - Duties.

1. The governing body of a city or county, which adopted a fee on assessed communications services under this chapter, shall make an annual report of the income, expenditures, and status of its emergency services communication system. The annual report must be submitted to the emergency services communications coordinating committee. The committee is composed of three members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, and one appointed by the adjutant general to represent the division of state radio.
2. The committee shall:
   a. Recommend to the legislative ~~council~~ <u>management</u> changes to the operating standards for emergency services communications, including training or certification standards for dispatchers;
   b. Develop guidelines regarding the allowable uses of the fee revenue collected under this chapter;
   c. Request, receive, and compile reports from each governing body on the use of the proceeds of the fee imposed under this chapter, analyze the reports with respect to the guidelines, file its report with the legislative council by November first of each even-numbered year regarding the use of the fee revenue, and recommend to the legislative assembly the appropriate maximum fee allowed by section 57-40.6-02; and
   d. Periodically evaluate chapter 57-40.6 and recommend changes to the legislative ~~council~~ <u>management</u>.

3. The committee may initiate and administer statewide agreements among the governing bodies of the local governmental units with jurisdiction over an emergency 911 telephone system to coordinate the procurement of equipment and services, fund the research, administration, and activities of the committee, and contract for the necessary staff support for committee activities.

SECTION 93. AMENDMENT. Section 61-24-04 of the North Dakota Century Code is amended and reenacted as follows:

61-24-04. Compensation of directors. Each member of the board of directors of the district is entitled to receive as compensation from the district an amount determined by the board of directors not to exceed the amount provided for members of the legislative ~~council~~ management under section 54-35-10 per day and must be reimbursed for the member's expenses in the amounts provided in sections 44-08-04 and 54-06-09 while attending meetings of the board or otherwise engaged in the official business of the district.

SECTION 94. AMENDMENT. Section 61-24.5-04 of the North Dakota Century Code is amended and reenacted as follows:

61-24.5-04. Board of directors - Officers - Meetings - Compensation. The authority must be governed by a board of directors who must be chosen in accordance with this chapter. One director must be elected from each county within the authority, and two directors must be elected in the city of Dickinson. The director from Stark County may not be a resident of the city of Dickinson. The board shall elect from the directors a chairman, vice chairman, and secretary. A majority of the directors constitutes a quorum for the purpose of conducting the business of the board. The board shall meet at the time and place designated by the secretary. Board members are entitled to receive as compensation an amount determined by the board not to exceed the amount per day provided members of the legislative ~~council~~ management under section 54-35-10 and must be reimbursed for their mileage and expenses in the amount provided for by sections 44-08-04 and 54-06-09.

SECTION 95. AMENDMENT. Section 65-02-30 of the North Dakota Century Code is amended and reenacted as follows:

65-02-30. Independent performance evaluation - Organization development of performance measurements - Continuing appropriation. Biennially, the director shall request the state auditor to select a firm with extensive expertise in workforce safety and

insurance practices and standards to complete a performance evaluation of the functions and operations of the organization during that biennium. This may not be construed to require the firm to be a certified public accounting firm. As determined necessary by the state auditor, but at least once every other biennium, the biennial independent performance evaluation must evaluate departments of the organization to determine whether the organization is providing quality service in an efficient and cost-effective manner; evaluate the effectiveness of safety and loss prevention programs under section 65-03-04; and evaluate the board to determine whether the board is operating within section 65-02-03.3 and within the board's bylaws. The firm's report must contain recommendations for departmental improvement or an explanation of why no recommendations are being made. The director, the chairman of the board, and a representative of the firm shall present the evaluation report and any action taken to the legislative ~~council's~~ management's legislative audit and fiscal review committee and to the house and senate industry, business and labor standing committees during the next regular session of the legislative session following the performance evaluation. The director shall provide a copy of the performance evaluation report to the state auditor. The organization shall develop and maintain comprehensive, objective performance measurements. These measurements must be evaluated as part of the independent performance evaluation performed under this section. Money in the workforce safety and insurance fund is appropriated on a continuing basis for the payment of the expense of conducting the performance evaluation.

SECTION 96. AMENDMENT. Section 65-06.2-09 of the North Dakota Century Code is amended and reenacted as follows:

65-06.2-09. Safety and performance audit. The organization shall perform a safety audit of the roughrider industries work programs covered under this chapter and a performance audit of the program of modified workers' compensation coverage. The organization shall submit a report with recommendations based on the safety and performance audit to ~~an interim committee designated by~~ the legislative council no later than thirty days before the commencement of each regular session of the legislative assembly.

SECTION 97. The legislative council may replace "chairman of the legislative council" or "legislative council chairman" with "chairman of the legislative management" in North Dakota Century Code sections 4-05.1-16, 4-35-30, 14-09-09.7, 15-10.2-02, 15-52-03, 15.1-27-41,

16.1-13-10, 20.1-16-02, 24-02-37.2, 27-05.2-09, 44-02-02, 53-12.1-04, 54-03-20, 54-06-25, 54-35-20, 54-35-24, 54-61-01, and 57-39.4-31 and in any other provisions of the code.

SECTION 98. The legislative council may replace "budget section of the legislative council" or "legislative council's budget section" with "budget section of the legislative management" in North Dakota Century Code sections 15-03-04, 15-10-12.1, 15-10-12.3, 15-69-02, 15-69-05, 17-02-01, 20.1-02-05.1, 25-04-02.2, 40-23-22.1, 40-63-07, 47-30.1-24.1, 48-01.2-25, 50-06-05.1, 54-14-03.1, 54-16-04, 54-16-04.1, 54-16-04.2, 54-16-09, 54-23.3-09, 54-27-22, 54-27-23, 54-27.2-03, 54-44-04, 54-44-16, 54-44.1-13.1, 54-59-05, 57-38-01.29, 57-38-01.30, 65-04-03.1, and 65-08.1-02 and in any other provisions of the code.

SECTION 99. REPEAL. Section 49-21-22.2 of the North Dakota Century Code is repealed.