

HOUSE BILL NO. 1300
with Senate Amendments
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Introduced by

Representatives Kempenich, K. Koppelman, Olson

Senators Klein, D. Larson, Unruh

1 A BILL for an Act to amend and reenact sections 15-01-02 and 15-02-05 and subsection 2 of
2 section 28-32-01 of the North Dakota Century Code, relating to an exemption from the definition
3 of administrative agency for the administrative agencies practice act; and to provide an effective
4 date.

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

6 **SECTION 1. AMENDMENT.** Section 15-01-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15-01-02. Powers - Control of public lands and permanent funds.**

9 The board has:

- 10 1. ~~Full~~Subject to the requirements of chapter 28-32, full control of the selection,
11 appraisalment, rental, sale, disposal, and management of:
- 12 a. Lands donated or granted by or received from the United States or from any
13 other source for the support and maintenance of the common schools.
 - 14 b. All lands which fall to the state by escheat.
 - 15 c. All lands donated or granted by or received from the United States or from any
16 other source for the maintenance of the educational, penal, or charitable
17 institutions.
 - 18 d. All lands acquired by the state through the investment of the permanent school
19 funds of the state as the result of mortgage foreclosure or otherwise.
- 20 2. Full control of the investment of the permanent funds derived from the sale of any of
21 the lands described in subsection 1.
- 22 3. Full control of such percent of the proceeds of any sale of public lands as may be
23 granted to the state by the United States on such sale.

- 1 4. Full control of the proceeds of any property that fall to the state by escheat and of the
2 proceeds of all gifts and donations to the state for the support or maintenance of the
3 common schools, and of all other property otherwise acquired by the state for the
4 maintenance of the common schools. Any gift to the state not specifically appropriated
5 to any other purpose must be considered as a gift for the support and maintenance of
6 the common schools.
- 7 5. Authority to expend moneys for the purpose of making refunds in cases in which an
8 error has been made by the board, or a person dealing with the board, with regard to
9 any of the lands, minerals, funds, proceeds, or any other kind of property managed by
10 the board. Moneys expended to make refunds must come from the same fund or
11 account into which the money to be refunded was originally placed.
- 12 6. Authority to award and distribute energy infrastructure and impact grants from moneys
13 deposited in the oil and gas impact grant fund, except that grants awarded annually
14 may not exceed sixty percent of the biennial appropriation for energy infrastructure
15 and impact grants. The board may create an advisory committee to assist the board in
16 making its grant award determinations.

17 **SECTION 2. AMENDMENT.** Section 15-02-05 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **15-02-05. Powers and duties in general.**

20 The commissioner, under such directions as may be given by the board of university and
21 school lands, shall:

- 22 1. Have general charge and supervision of all lands described in section 15-01-02.
- 23 2. Act as general agent of the board in the performance of its duties.
- 24 3. Have the custody of all maps, books, and papers relating to any of the lands
25 mentioned in this title.
- 26 4. Procure the books, maps, and plats required to keep a complete record of all such
27 lands, and keep true records of all the sales, leases, permits, patents, deeds, and
28 other conveyances of lands under the commissioner's supervision made by the state
29 showing the amount of money paid, the date of sale and of payment, the description of
30 lands sold or leased, the number of acres [hectares] thereof, the name of the
31 purchaser, and the designation of the fund to be credited therewith.

1 5. Direct all appraisements, sales, and leases, and execute all contracts of sale, leases,
2 permits, and other evidences of disposal of lands, subject to approval by the board
3 and chapter 28-32.

4 6. Certify the book and page number of all contracts, leases, or permits recorded by the
5 commissioner.

6 **SECTION 3. AMENDMENT.** Subsection 2 of section 28-32-01 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 2. "Administrative agency" or "agency" means each board, bureau, commission,
9 department, or other administrative unit of the executive branch of state government,
10 including one or more officers, employees, or other persons directly or indirectly
11 purporting to act on behalf or under authority of the agency. An administrative unit
12 located within or subordinate to an administrative agency must be treated as part of
13 that agency to the extent it purports to exercise authority subject to this chapter. The
14 term administrative agency does not include:

15 a. The office of management and budget except with respect to rules made under
16 section 32-12.2-14, rules relating to conduct on the capitol grounds and in
17 buildings located on the capitol grounds under section 54-21-18, rules relating to
18 the classified service as authorized under section 54-44.3-07, and rules relating
19 to state purchasing practices as required under section 54-44.4-04.

20 b. The adjutant general with respect to the department of emergency services.

21 c. The council on the arts.

22 d. The state auditor.

23 e. The department of commerce with respect to the division of economic
24 development and finance.

25 f. The dairy promotion commission.

26 g. The education factfinding commission.

27 h. The educational technology council.

28 i. The board of equalization.

29 j. The board of higher education.

30 k. The Indian affairs commission.

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- 1 l. The industrial commission with respect to the activities of the Bank of North
2 Dakota, North Dakota housing finance agency, public finance authority, North
3 Dakota mill and elevator association, North Dakota farm finance agency, the
4 North Dakota transmission authority, and the North Dakota pipeline authority.
- 5 m. The department of corrections and rehabilitation except with respect to the
6 activities of the division of adult services under chapter 54-23.4.
- 7 n. The pardon advisory board.
- 8 o. The parks and recreation department.
- 9 p. The parole board.
- 10 q. The state fair association.
- 11 r. The attorney general with respect to activities of the state toxicologist and the
12 state crime laboratory.
- 13 s. The board of university and school lands ~~except with respect to activities under~~
14 ~~chapter 47-30.1. with respect to activities under chapters 15-01, 15-02, and~~
15 15-08, sections 21-10-01, 47-30.1-24.1, 54-01-05.5, and 54-06-04, subsection 12
16 of section 54-23.3-04, and sections 54-27-16 and 54-30-17.1, unless otherwise
17 specified in those chapters and sections.
- 18 t. The administrative committee on veterans' affairs except with respect to rules
19 relating to the supervision and government of the veterans' home and the
20 implementation of programs or services provided by the veterans' home.
- 21 u-t. The industrial commission with respect to the lignite research fund except as
22 required under section 57-61-01.5.
- 23 v-u. The attorney general with respect to guidelines adopted under section 12.1-32-15
24 for the risk assessment of sexual offenders, the risk level review process, and
25 public disclosure of information under section 12.1-32-15.
- 26 w-v. The commission on legal counsel for indigents.
- 27 x-w. The attorney general with respect to twenty-four seven sobriety program
28 guidelines and program fees.
- 29 y-x. The industrial commission with respect to approving or setting water rates under
30 chapter 61-40.

31 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective on January 1, 2018.