

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1121

Introduced by

Judiciary Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to amend and reenact subsection 2 of section 12.1-32-09.1 and subsection 2
2 of section 28-32-01 of the North Dakota Century Code, relating to sentencing violent offenders
3 and the definition of administrative agencies.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 12.1-32-09.1 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. In the case of an offender who is sentenced to a term of life imprisonment with
8 opportunity for parole under subsection 1 of section 12.1-32-01, the term "sentence
9 imposed" means the remaining life expectancy of the offender on the date of
10 sentencing. The remaining life expectancy of the offender must be calculated ~~on~~as of
11 the date of sentencing, computed by reference to a recognized mortality table as
12 established by rule by the ~~supreme court~~department of corrections and rehabilitation.

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

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

22 a. The office of management and budget except with respect to rules made under
23 section 32-12.2-14, rules relating to conduct on the capitol grounds and in
24 buildings located on the capitol grounds under section 54-21-18, rules relating to

- 1 the classified service as authorized under section 54-44.3-07, and rules relating
2 to state purchasing practices as required under section 54-44.4-04.
- 3 b. The adjutant general with respect to the department of emergency services.
- 4 c. The council on the arts.
- 5 d. The state auditor.
- 6 e. The department of commerce with respect to the division of economic
7 development and finance.
- 8 f. The dairy promotion commission.
- 9 g. The education factfinding commission.
- 10 h. The educational technology council.
- 11 i. The board of equalization.
- 12 j. The board of higher education.
- 13 k. The Indian affairs commission.
- 14 l. The industrial commission with respect to the activities of the Bank of North
15 Dakota, North Dakota housing finance agency, public finance authority, North
16 Dakota mill and elevator association, North Dakota farm finance agency, the
17 North Dakota transmission authority, and the North Dakota pipeline authority.
- 18 m. The department of corrections and rehabilitation except with respect to ~~the~~;
19 (1) The activities of the division of adult services under chapter 54-23.4; and
20 (2) Offender life expectancy mortality tables under subsection 2 of section
21 12.1-32-09.1.
- 22 n. The pardon advisory board.
- 23 o. The parks and recreation department.
- 24 p. The parole board.
- 25 q. The state fair association.
- 26 r. The attorney general with respect to activities of the state toxicologist and the
27 state crime laboratory.
- 28 s. The board of university and school lands except with respect to activities under
29 chapter 47-30.1.

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- 1 t. The administrative committee on veterans' affairs except with respect to rules
2 relating to the supervision and government of the veterans' home and the
3 implementation of programs or services provided by the veterans' home.
- 4 u. The industrial commission with respect to the lignite research fund except as
5 required under section 57-61-01.5.
- 6 v. The attorney general with respect to guidelines adopted under section 12.1-32-15
7 for the risk assessment of sexual offenders, the risk level review process, and
8 public disclosure of information under section 12.1-32-15.
- 9 w. The commission on legal counsel for indigents.
- 10 x. The attorney general with respect to twenty-four seven sobriety program
11 guidelines and program fees.
- 12 y. The industrial commission with respect to approving or setting water rates under
13 chapter 61-40.