

## **CHAPTER 54-07 GOVERNOR**

### **54-07-01. Powers and duties of governor.**

In addition to the powers and duties prescribed by the constitution, the governor:

1. Shall supervise the official conduct of all executive and ministerial officers.
2. Shall see that all offices are filled, and the duties thereof performed, or in default thereof, shall apply such remedies as the law allows. If the remedy is imperfect, the governor shall acquaint the legislative assembly therewith at its next session.
3. Shall make appointments and fill vacancies as required by law.
4. Shall be the sole official organ of communication between the government of this state and the government of any other state of the United States.
5. Whenever any suit or legal proceeding is pending against this state, which may affect the title of this state to any property or which may result in any claim against the state, may direct the attorney general to appear on behalf of the state, and may employ such additional counsel as the governor may deem expedient.
6. May require the attorney general or state's attorney of any county to inquire into the affairs or management of any corporation or limited liability company existing under the laws of this state.
7. May require the attorney general to aid any state's attorney in the discharge of the state's attorney's duties.
8. May offer rewards not exceeding one thousand dollars each, payable out of any legislative appropriation therefor, for the apprehension of any convict who has escaped from the penitentiary, or any person who has committed, or who is charged with the commission of, an offense punishable with death or life imprisonment.
9. Shall issue patents for land as prescribed by the laws of this state.
10. Has such other powers and must perform such other duties as are or may be devolved upon the governor by law.
11. Shall produce and deliver to the legislative assembly by December tenth of each even-numbered year a report on the status of children and families and proposals for addressing the needs of children and families.
12. Shall designate a lead agency to collaborate with other agencies to coordinate early intervention services for children from birth to age three who are at high risk for developmental delay or disability.

#### **54-07-01.1. Emergency powers of the governor.**

In emergencies in support of national defense, the governor may cooperate with any officer or agency of the United States in the transportation of persons or property and the conservation and utilization of vital transportation equipment, materials, and supplies, and when requested by such officer or agency, may issue executive orders related thereto which will:

1. Suspend or modify the enforcement of any statute, ordinance, or regulation relating to the operation of motor vehicles upon the highways and streets of the state where it appears that the enforcement of such statute, ordinance, or regulation would impede or interfere with the national defense.
2. Prescribe maximum rates of speed at which any motor vehicle may be operated on any highway or street in the state.
3. Prescribe the sizes and load weights of motor vehicles which may be operated on any highway or street in the state.
4. Suspend the enforcement of any statute, ordinance, or regulation that requires any motor vehicle, bus, or housetrailer, to which a valid and unexpired permit or license has been issued by another state, to obtain a permit or license from this state.
5. Prescribe reasonable regulations for the conservation and utilization of the highways and streets, and of vital transportation equipment, and materials and supplies used in connection therewith.
6. Amend, revoke, or suspend any such executive order or regulation.

The governor shall report to the legislative assembly at its next session any proceedings taken by the governor pursuant to this section. Such report must include copies of all executive orders or regulations promulgated by the governor.

**54-07-01.2. Governor to have power to appoint majority of members of certain boards and commissions - Limitations.**

1. Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1, 12-55.1-02, 12-59-01, 15-39.1-05.1, 15.1-01-01, 15.1-13-02, 20.1-02-23, 23-01-02, 23.1-01-02, 36-01-01, 37-18.1-01, 50-06-05.6, 54-34.3-10, 54-54-02, 55-01-01, and 61-02-04, all members of the following boards and commissions must, subject to the limitations of this section, be considered to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor:
  - a. The aeronautics commission.
  - b. The milk marketing board.
  - c. The dairy promotion commission.
  - d. The state banking board.
  - e. The state credit union board.
  - f. The advisory board of directors to the Bank of North Dakota.
  - g. The pardon advisory board.
  - h. The state parole board.
  - i. The state board of public school education.
  - j. The education standards and practices board.
  - k. The board of trustees of the teachers' fund for retirement.
  - l. The state game and fish advisory board.
  - m. The health council.
  - n. The environmental review advisory council.
  - o. The board of animal health.
  - p. The administrative committee on veterans' affairs.
  - q. The committee on aging.
  - r. The commission on the status of women.
  - s. The North Dakota council on the arts.
  - t. The state historical board.
  - u. The state water commission.
  - v. The state water pollution control board.
2. The governor shall have the option of reappointing any member to any board or commission to complete the term to which the member was appointed, or the governor may appoint a simple majority of any board or commission to complete the terms of those resigned members who do not receive reappointments. In order to assure continuity, the governor shall reappoint for the completion of their original terms no fewer than one less than a simple majority of the former members of each board or commission.
3. If the governor has not acknowledged in writing the resignation of any members of any board or commission prior to July first of the first year of the governor's term, the board or commission member must be considered to have been reappointed to complete the term to which the member was originally appointed. All members of boards and commissions shall continue to serve until the time they are notified of the acceptance of their resignation by the governor, and in all cases the members of boards and commissions shall continue to serve until their successors have been named and qualified.
4. In those instances where nominations for the filling of vacancies on boards and commissions are submitted to the governor pursuant to state law, the governor shall notify such persons and organizations of acceptance of the resignation of any board or commission member. Such persons and organizations shall furnish the governor with the number of required nominations to fill the vacancies within sixty days after the

notice or the governor may nominate and appoint such members as are otherwise qualified.

5. The provisions of this section do not apply to those constitutional officers who serve on boards and commissions, except insofar as a governor may count such constitutional officers among those the governor reappoints in order to conform to the continuity requirements of this section.
6. All vacancies created by resignation after July first of the first year of each term of a governor must be filled as provided by law. If any person refuses an appointment, the governor shall fill such position as otherwise provided by law.

**54-07-01.3. Governor to coordinate conversion to metric system by executive branch.**

The office of the governor may coordinate and plan for conversion to the metric system by all agencies, boards, commissions, and departments within the executive branch of state government in conformance with the Metric Conversion Act of 1975 [Pub. L. 94-168; 89 Stat. 1007; 15 U.S.C. 205a et seq.]. The governor may direct such agencies, departments, boards, and commissions to comply with any guidelines established by the United States metric board to meet the desired deadline for converting to general use of the metric system.

**54-07-01.4. Office of management and budget to be designated or appointed as administering state agency.**

The governor may designate or appoint the office of management and budget as the state agency responsible for administering any statutory function if that function is not statutorily placed in a specific state entity. The office of management and budget shall administer the statutory functions received pursuant to this section in accordance with applicable statutory provisions.

**54-07-01.5. Governor to file bills with secretary of state.**

The governor shall cause each bill passed by the legislative assembly and not vetoed by the governor to be filed with the secretary of state within five legislative days after the bill has been delivered to the governor. If the legislative assembly is not in session, the governor shall cause each bill delivered to the governor to be filed with the secretary of state within fifteen days, Saturdays and Sundays excepted, after delivery of the bill to the governor.

**54-07-01.6. Governor to receive bills.**

The governor shall accept delivery of bills passed by the legislative assembly and presented to the governor during regular business hours. The governor may coordinate with the presiding officer of the senate or the presiding officer of the house of representatives with respect to the delivery of senate or house bills outside normal business hours or during times the governor anticipates being out of the office for more than three legislative days.

**54-07-02. Records kept by governor.**

The governor shall cause to be kept the following records:

1. An account of all of the governor's official expenses and disbursements, including the incidental expenses of the governor's department, and of all rewards offered by the governor for the apprehension of criminals and persons charged with crime.
2. A register of all appointments made by the governor, with the date of the commission, name of appointee, and predecessor.

These records and the originals of all reports must be preserved in the office of the governor. Whenever any application for appointment to office is refused by the governor, the governor may return the papers relating to the application.

**54-07-03. Persons acting as governor - Powers and duties.**

Every provision of the laws of this state in relation to the powers and duties of the governor, and in relation to the acts and duties to be performed by others toward the governor, extends to the person performing for the time being the duties of governor.

**54-07-04. Salary of governor.**

The annual salary of the governor is one hundred thirty-five thousand three hundred sixty-four dollars through June 30, 2020, and one hundred thirty-eight thousand seven hundred forty-eight dollars thereafter.

**54-07-05. Highway safety assent.**

The governor, in addition to other duties and responsibilities conferred upon the governor by the constitution and laws of this state, is hereby empowered to contract and to do all other things necessary in behalf of this state to secure the full benefits available to this state under the Highway Safety Act of 1966 [Pub. L. 89-564; 80 Stat. 731; 23 U.S.C. 401 et seq.], and in so doing, to require compliance by state agencies and political subdivisions; to cooperate with federal and state agencies, agencies private and public, interested organizations, and with individuals; to effectuate the purposes of that enactment and any and all subsequent amendments thereto. The governor is the official of this state having ultimate responsibility for dealing with the federal government with respect to programs and activities pursuant to the Highway Safety Act of 1966 [Pub. L. 89-564; 80 Stat. 731; 23 U.S.C. 401 et seq.] and any amendments thereto. To that end the governor shall coordinate the activities of any and all departments and agencies of this state and its subdivisions, relating thereto.

**54-07-06. Division of economic opportunity.**

Repealed by S.L. 1979, ch. 553, § 20.

**54-07-07. Governor's prevention and advisory council duties - Continuing appropriation.**

The governor's prevention and advisory council shall contract with or grant funds to entities within this state to discourage impaired driving and alcohol and drug abuse by minors. The council may accept grants and gifts of any money, property, or service from any public or private source for the purposes of this section. Any funding obtained by the council, not otherwise appropriated, is appropriated on a continuing basis for the purposes of this section. Funding appropriated for the purposes of this section may not be used for costs associated with an initiated measure.

**54-07-08. North Dakota youth council - Creation.**

Expired under S.L. 2009, ch. 461, § 5.

**54-07-09. Youth council chairman - Meetings.**

Expired under S.L. 2009, ch. 461, § 5.

**54-07-10. Youth council powers.**

Expired under S.L. 2009, ch. 461, § 5.

**54-07-11. Youth council duties.**

Expired under S.L. 2009, ch. 461, § 5.

**54-07-12. Theodore Roosevelt presidential library and museum endowment fund - Continuing appropriation - Budget section report.**

There is created in the state treasury the Theodore Roosevelt presidential library and museum endowment fund. The governor may provide for the fund to be invested under the supervision of the board of university and school lands. The interest and earnings of the fund are appropriated to the governor on a continuing basis to pay interest expenses on a loan from the Bank of North Dakota and to provide grants pursuant to this section. The governor may provide grants to a private entity subject to the following:

1. The private entity has certified to the governor the entity has received the sum of one hundred million dollars in cash donations and binding pledged donations for the

- construction of a presidential library and museum in North Dakota and for grants to affected entities;
2. The governor has entered an agreement with the private entity in subsection 1 which includes the following provisions:
    - a. The grant funds will be spent only for operating and maintenance costs of the presidential library located in North Dakota;
    - b. Any unused grant funds will be returned to the state and deposited in the general fund if the presidential library has not been constructed within the period of time specified in the agreement or if the library ceases operations;
    - c. The private entity agrees to donate ten million dollars from the one hundred million dollars identified in subsection 1 to a higher education institution foundation in North Dakota for the purpose of creating an endowment to digitize documents relating to Theodore Roosevelt and for the creation of a Theodore Roosevelt conservation scholars program and related academic mission at a North Dakota higher education institution in collaboration with the private entity; and
    - d. The private entity agrees to donate three hundred thousand dollars to a city in North Dakota for prior costs incurred related to planning for a presidential library;
  3. The governor provides a report to the budget section which includes copies of the documentation received for the certification provided in subsection 1; and
  4. The governor provides a report to the budget section within thirty days of applying for the loan authorized by S.L. 2019, ch. 26, § 8, which includes all completed loan application documents.