

**HOUSE BILL NO. 1179**

Introduced by

Representatives Kempenich, Boehning, Brandenburg, Schmidt, Steiner

Senators Carlisle, Dever, O'Connell

1 A BILL ~~for an Act to amend and reenact section 54-17-02 of the North Dakota Century Code,~~  
2 ~~relating to the composition of the industrial commission.~~for an Act to amend and reenact  
3 subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to the  
4 administrative agency status of the industrial commission.

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

6 ~~— **SECTION 1. AMENDMENT.** Section 54-17-02 of the North Dakota Century Code is~~  
7 ~~amended and reenacted as follows:~~

8 ~~— **54-17-02. Industrial commission -- Members -- Quorum -- Meetings.**~~

9 ~~— The industrial commission of North Dakota shall consist~~consists ~~of the governor, the~~  
10 ~~attorney general, and the agriculture commissioner, the tax commissioner, and the chairman of~~  
11 ~~the public service commission. The governor and one member~~two members ~~constitute a~~  
12 ~~quorum for the transaction of business. The meetings of the commission must be held at such~~  
13 ~~times and places as the governor or a majority of the commission may determine. It~~The  
14 ~~commission must be provided by the proper authorities with suitably furnished offices at the~~  
15 ~~seat of government.~~

16 **SECTION 1. AMENDMENT.** Subsection 2 of section 28-32-01 of the North Dakota Century  
17 Code is amended and reenacted as follows:

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

- 1 a. The office of management and budget except with respect to rules made under  
2 section 32-12.2-14, rules relating to conduct on the capitol grounds and in  
3 buildings located on the capitol grounds under section 54-21-18, rules relating to  
4 the classified service as authorized under section 54-44.3-07, and rules relating  
5 to state purchasing practices as required under section 54-44.4-04.
- 6 b. The adjutant general with respect to the department of emergency services.
- 7 c. The council on the arts.
- 8 d. The state auditor.
- 9 e. The department of commerce with respect to the division of economic  
10 development and finance.
- 11 f. The dairy promotion commission.
- 12 g. The education factfinding commission.
- 13 h. The educational technology council.
- 14 i. The board of equalization.
- 15 j. The board of higher education.
- 16 k. The Indian affairs commission.
- 17 l. ~~The industrial commission with respect to the activities of the Bank of North~~  
18 ~~Dakota, North Dakota housing finance agency, public finance authority, North~~  
19 ~~Dakota mill and elevator association, North Dakota farm finance agency, the~~  
20 ~~North Dakota transmission authority, and the North Dakota pipeline authority.~~
- 21 ~~m.~~ The department of corrections and rehabilitation except with respect to the  
22 activities of the division of adult services under chapter 54-23.4.
- 23 ~~n.~~m. The pardon advisory board.
- 24 ~~o.~~n. The parks and recreation department.
- 25 ~~p.~~o. The parole board.
- 26 ~~q.~~p. The state fair association.
- 27 ~~r.~~q. The attorney general with respect to activities of the state toxicologist and the  
28 state crime laboratory.
- 29 ~~s.~~r. The board of university and school lands except with respect to activities under  
30 chapter 47-30.1.

- 1        ~~t.s.~~    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.t.~~    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.u.~~    The commission on legal counsel for indigents.
- 10       ~~x.v.~~    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.~~