

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1028
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of various state departments and institutions; to provide for a transfer from the accumulated and undivided profits of the Bank of North Dakota to the general fund; to create and enact a new section to chapter 5 of the 1995 Session Laws, relating to capital improvements at the north central research center; to amend and reenact section 4 of chapter 25 of the 1995 Session Laws, relating to state employee defense costs; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, the sums as hereinafter provided or so much of the sums as may be necessary. These sums increase the general fund and special funds appropriation authority enacted by the fifty-fourth legislative assembly to the stated departments and institutions of the state of North Dakota for the purpose of defraying their expenses, for the period beginning January 1, 1997, and ending June 30, 1997, as follows:

Subdivision 1.

OFFICE OF MANAGEMENT AND BUDGET

Administration	\$ 863,481
Facility management	<u>25,000</u>
Total general fund appropriation	\$ 888,481

Subdivision 2.

OFFICE OF THE ATTORNEY GENERAL

Grants	\$ 153,000
Total general fund appropriation	\$ 153,000

Subdivision 3.

BISMARCK STATE COLLEGE

Capital improvements	\$ 160,000
Total general fund appropriation	\$ 160,000

Subdivision 4.

DIVISION OF EMERGENCY MANAGEMENT

Operating expenses	\$3,500,000
Total general fund appropriation	\$3,500,000

Subdivision 5.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Operating expenses	\$ 852,000
Total all funds	\$ 852,000
Less estimated income	<u>245,000</u>
Total general fund appropriation	\$ 607,000
Grand total general fund appropriation H.B. 1028	\$5,523,021
Grand total special funds appropriation H.B. 1028	\$ 245,000
Grand total all funds appropriation H.B. 1028	\$5,768,021

SECTION 2. TRANSFER. If a settlement is reached with the United States department of health and human services, there is hereby transferred from the accumulated and undivided profits of the Bank of North Dakota to the general fund, an amount equal to the amount set forth in the settlement agreement for settlement of a claim made against the state for imputed interest on health professions student loan and nursing student loan program funds held by various North Dakota institutions of higher learning. The amount of the transfer provided for in this Act may not exceed \$214,540. The industrial commission shall transfer the amount necessary for payment of the settlement agreed to into the general fund within ten days of execution of an agreement between the state and the United States department of health and human services or the effective date of this Act, whichever is later. In the event section 5 of this Act does not become effective, the industrial commission shall transfer to the general fund the amount necessary to pay the settlement on July 1, 1997.

SECTION 3. APPROPRIATION. There is hereby appropriated to the North Dakota university system out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$214,540, or so much of that amount as may be necessary, to comply with the terms of a settlement agreement of claims made against the state by the United States department of health and human services for imputed interest on health professions student loan and nursing student loan program funds held by various institutions of higher learning. The North Dakota university system shall disburse the funds appropriated by this section in amounts not to exceed the amounts set forth below to the:

Nursing student loan program at North Dakota state university	\$ 25,888
Nursing student loan program at Minot state university	42,887
Health professions student loan program at the university of North Dakota	2,852
Nursing student loan program at the university of North Dakota	32,973
United States department of health and human services	109,940

The state board of higher education shall disburse the amounts set forth above, or a lesser amount as required by the settlement agreement reached with the United States department of health and human services, within ten days of the date the industrial commission makes the transfer provided for in section 3 of this Act, but in any event the board shall pay the settlement on or before July 11, 1997.

SECTION 4. A new section to chapter 5 of the 1995 Session Laws is created and enacted as follows:

NORTH CENTRAL RESEARCH CENTER CAPITAL IMPROVEMENTS. The capital improvements line item in subdivision 8 of section 1 of this Act may be used to construct a new headquarters building at the north central research center.

SECTION 5. AMENDMENT. Section 4 of chapter 25 of the 1995 Session Laws is amended and reenacted as follows:

SECTION 4. BONDING FUND. The appropriation in section 1 of this Act includes up to \$250,000, or so much of the sum as may be necessary, from the state bonding fund to the attorney general for the purpose of providing state employee defense services pursuant to section 26.1-21-10.2. The emergency commission, notwithstanding section 54-16-04, is authorized during the biennium beginning July 1, 1995, and ending June 30, 1997, to approve the expenditure of the funds from the state bonding fund appropriated in section 1 of this Act to the extent necessary and based upon applications by the attorney general. ~~Funds expended by the attorney general for state employee defense must be reimbursed to the state bonding fund through deficiency appropriation and the attorney general shall report to the budget section of the legislative council the amount of any deficiency appropriation that may be introduced to the fifty-fifth legislative assembly.~~

SECTION 6. LEGISLATIVE INTENT. It is the intent of the fifty-fifth legislative assembly that the general fund appropriation of \$863,481 included in subdivision 1 of section 1 of this Act is to be used by the administration division of the office of management and budget to pay the United States department of health and human services for its share of fire and tornado fund money previously transferred to the general fund of the state treasury. If this appropriation is not sufficient to pay the amount due, including interest, the director of the office of management and budget may request state contingencies funding from the emergency commission, use available general fund moneys

appropriated to the fiscal management division of the office of management and budget, or request a deficiency appropriation from the fifty-sixth legislative assembly to obtain funds to pay the remaining amount due.

SECTION 7. EMERGENCY. This Act is declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1028 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 97 Nays 0 Absent 0

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 2

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,
at _____ o'clock _____ M.

Secretary of State