

# APPROPRIATIONS

## CHAPTER 1

HOUSE BILL NO. 1001  
(Committee on Appropriations)

### ELECTED OFFICIALS

AN ACT making an appropriation for defraying the expenses of various elected officials of the state of North Dakota and the livestock sanitary board; to create and enact a new section to chapter 34-06 of the North Dakota Century Code, relating to the application of wage and hour standards to persons providing companionship services and family home care; to amend and reenact sections 4-01-21, 26.1-01-09, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, commissioner of insurance, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner; to provide for transfers; and to provide for a legislative council study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 to the various elected officials and the livestock sanitary board for the purpose of defraying the expenses of the various elected officials of the state of North Dakota and the livestock sanitary board, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

#### Subdivision 1.

##### GOVERNOR'S OFFICE

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$ 1,278,374 |
| Operating expenses               | 440,828      |
| Equipment                        | 4,250        |
| Grants, benefits, and claims     | 577,625      |
| Governor's office contingency    | 5,720        |
| Child abuse program              | 200,000      |
| Protection and advocacy project  | 1,945,270    |
| Employment incentives            | 40,000       |
| Roughrider awards                | 2,400        |
| Total all funds                  | \$ 4,494,467 |
| Less estimated income            | 1,704,310    |
| Total general fund appropriation | \$ 2,790,157 |

#### Subdivision 2.

##### LIEUTENANT GOVERNOR

|                    |            |
|--------------------|------------|
| Salaries and wages | \$ 231,428 |
| Operating expenses | 8,000      |

|                                  |                   |
|----------------------------------|-------------------|
| Lieutenant governor contingency  | 6,893             |
| Total general fund appropriation | <u>\$ 246,321</u> |

## Subdivision 3.

## SECRETARY OF STATE

|                                  |                     |
|----------------------------------|---------------------|
| Salaries and wages               | \$ 1,076,983        |
| Data processing                  | 258,845             |
| Operating expenses               | 200,243             |
| Equipment                        | 34,311              |
| Petition review                  | 4,800               |
| Total general fund appropriation | <u>\$ 1,575,182</u> |

## Subdivision 4.

## SECRETARY OF STATE - PUBLIC PRINTING

|                                  |                   |
|----------------------------------|-------------------|
| Operating expenses               | <u>\$ 284,512</u> |
| Total general fund appropriation | <u>\$ 284,512</u> |

## Subdivision 5.

## ATTORNEY GENERAL

|                                  |                     |
|----------------------------------|---------------------|
| Salaries and wages               | \$ 8,683,770        |
| Data processing                  | 388,141             |
| Operating expenses               | 1,821,683           |
| Controlled substances board      | 4,000               |
| Equipment                        | 210,759             |
| Arrest and return of fugitives   | 14,560              |
| Grants, benefits, and claims     | 1,565,000           |
| Court monitor                    | 253,000             |
| ARC legal fees                   | 45,000              |
| State employee defense           | 250,000             |
| Litigation fees                  | 80,381              |
| Total all funds                  | <u>\$13,316,294</u> |
| Less estimated income            | <u>5,199,754</u>    |
| Total general fund appropriation | <u>\$ 8,116,540</u> |

## Subdivision 6.

## STATE AUDITOR

|                                  |                     |
|----------------------------------|---------------------|
| Salaries and wages               | \$ 3,426,705        |
| Data processing                  | 30,250              |
| Operating expenses               | 456,261             |
| Equipment                        | 21,640              |
| Total all funds                  | <u>\$ 3,934,856</u> |
| Less estimated income            | <u>461,111</u>      |
| Total general fund appropriation | <u>\$ 3,473,745</u> |

## Subdivision 7.

## STATE TREASURER

|                                  |                   |
|----------------------------------|-------------------|
| Salaries and wages               | \$ 511,508        |
| Data processing                  | 18,681            |
| Operating expenses               | 70,061            |
| Equipment                        | 1,863             |
| Total all funds                  | <u>\$ 602,113</u> |
| Less estimated income            | <u>5,000</u>      |
| Total general fund appropriation | <u>\$ 597,113</u> |

## Subdivision 8.

## STATE TAX COMMISSIONER

|                    |              |
|--------------------|--------------|
| Salaries and wages | \$ 9,157,200 |
|--------------------|--------------|

|                                  |                     |
|----------------------------------|---------------------|
| Data processing                  | 1,295,714           |
| Operating expenses               | 1,968,962           |
| Equipment                        | 21,750              |
| City sales administrative funds  | 400,000             |
| Total all funds                  | <u>\$12,843,626</u> |
| Less estimated income            | 421,500             |
| Total general fund appropriation | <u>\$12,422,126</u> |

Subdivision 9.

LABOR COMMISSIONER

|                                  |                   |
|----------------------------------|-------------------|
| Salaries and wages               | \$ 521,631        |
| Operating expenses               | 83,864            |
| Equipment                        | 3,863             |
| Total all funds                  | <u>\$ 609,358</u> |
| Less estimated income            | 105,987           |
| Total general fund appropriation | <u>\$ 503,371</u> |

Subdivision 10.

PUBLIC SERVICE COMMISSION

|                                  |                     |
|----------------------------------|---------------------|
| Salaries and wages               | \$ 4,218,465        |
| Data processing                  | 214,421             |
| Operating expenses               | 4,037,866           |
| Equipment                        | 63,125              |
| Total all funds                  | <u>\$ 8,533,877</u> |
| Less estimated income            | 4,858,179           |
| Total general fund appropriation | <u>\$ 3,675,698</u> |

Subdivision 11.

AGRICULTURE COMMISSIONER

|                                  |                     |
|----------------------------------|---------------------|
| Salaries and wages               | \$ 1,994,967        |
| Data processing                  | 38,820              |
| Operating expenses               | 1,385,799           |
| Equipment                        | 11,496              |
| Agriculture in the classroom     | 25,000              |
| Waterbank program                | 50,000              |
| Leafcutter bees                  | 2,000               |
| Leafy spurge control             | 540,000             |
| Agriculture mediation services   | 800,000             |
| Farm credit counseling           | 700,000             |
| Total all funds                  | <u>\$ 5,548,082</u> |
| Less estimated income            | 1,932,479           |
| Total general fund appropriation | <u>\$ 3,615,603</u> |

Subdivision 12.

INSURANCE COMMISSIONER

|   |                     |
|---|---------------------|
| Salaries and wages  | \$ 2,264,965        |
| Data processing   | 968                 |
| Operating expenses  | 542,570             |
| Equipment   | 13,609              |
| Total appropriation from the insurance<br>regulatory trust fund | <u>\$ 2,822,112</u> |

Subdivision 13.

LIVESTOCK SANITARY BOARD

|                    |            |
|--------------------|------------|
| Salaries and wages | \$ 353,235 |
| Operating expenses | 167,858    |
| Equipment          | <u>900</u> |

|   |              |
|---|--------------|
| Total general fund appropriation                  | \$ 521,993   |
| Grand total general fund appropriation H.B. 1001  | \$37,867,599 |
| Grand total special funds appropriation H.B. 1001 | \$17,766,782 |
| Grand total all funds H.B. 1001                   | \$55,634,381 |

SECTION 2. APPROPRIATION - AUTHORIZATION - GOVERNOR'S OFFICE. The governor's office is hereby authorized to receive and expend any federal or private funds which are hereby appropriated that become available during the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. APPROPRIATION - TRANSFER - ATTORNEY GENERAL. There is hereby authorized, as included in the appropriation for the attorney general in subdivision 5 of section 1 of this Act, a transfer of \$577,681, or so much thereof as may be necessary, from the state bonding fund for the purpose of defraying the expenses related to the state fire marshal program including the hazardous material control officer. Such funds shall be transferred by the office of management and budget only at such times as the moneys are required for disbursement by the attorney general.

SECTION 4. INCOME AUTHORIZATION - TAX COMMISSIONER. Notwithstanding section 57-01-02.1 or any other provision to the contrary, income of up to \$400,000 received from administrative fees generated through tax collection agreements with counties or other political subdivisions initiating taxes during the biennium ending June 30, 1991, will be deposited in the tax commissioner's operating fund. All fees collected over \$400,000 will be deposited in the general fund. Funds under this section are hereby appropriated for purposes of this section and are included in subdivision 8 of section 1 of this Act.

SECTION 5. TRANSFER - GENERAL FUND. There is hereby transferred to the general fund in the state treasury, out of motor vehicle fuel taxes revenue, collected pursuant to section 57-43.1-02, the sum of \$959,268 for the purpose of reimbursing the general fund for expenses incurred in the collection of the motor vehicle fuels and special fuels taxes and the administration of the respective tax acts.

SECTION 6. TRANSFER - DEPARTMENT OF AGRICULTURE. The amount of \$700,000, or so much thereof as may be necessary, included in the estimated income line item in subdivision 11 of section 1 of this Act, is hereby appropriated and shall be transferred to the department of agriculture from the home quarter fund in quarterly installments of \$87,500, or so much thereof as is determined by the commissioner of agriculture to be necessary for the purpose of providing farm credit counseling and negotiation services for the biennium beginning July 1, 1989, and ending June 30, 1991. Transfers in excess of \$87,500 per quarter, not to exceed the total of \$700,000, may be authorized by the credit review board.

SECTION 7. TRANSFER - ATTORNEY GENERAL APPROPRIATION. There is hereby appropriated and authorized the transfer of \$36,000 from the assets forfeiture fund to the attorney general as included in estimated income in subdivision 5 of section 1 of this Act.

SECTION 8. APPROPRIATION - TRANSFER FROM STATE BONDING FUND. There is hereby appropriated as included in subdivision 12 of section 1 of this Act and authorized the transfer to the insurance regulatory trust fund in the state treasury, the sum of \$53,694, or so much thereof as may be necessary,

from the state bonding fund to pay bonding fund administrative expenses for the biennium beginning July 1, 1989, and ending June 30, 1991.

**SECTION 9. APPROPRIATION - TRANSFER FROM STATE FIRE AND TORNADO FUND.** There is hereby appropriated as included in subdivision 12 of section 1 of this Act and authorized the transfer to the insurance regulatory trust fund in the state treasury, the sum of \$331,988, or so much thereof as may be necessary, from the state fire and tornado fund to pay fire and tornado administrative expenses for the biennium beginning July 1, 1989, and ending June 30, 1991.

**SECTION 10. APPROPRIATION - TRANSFER FROM UNSATISFIED JUDGMENT FUND.** There is hereby appropriated as included in subdivision 12 of section 1 of this Act and authorized the transfer to the insurance regulatory trust fund in the state treasury, the sum of \$69,781, or so much thereof as may be necessary, from the state unsatisfied judgment fund to pay unsatisfied judgment administrative expenses for the biennium beginning July 1, 1989, and ending June 30, 1991.

**SECTION 11. TRANSFER - ATTORNEY GENERAL.** There is hereby transferred up to \$250,000, or so much thereof 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, 1989, and ending June 30, 1991, to approve the transfer of the funds from the state bonding fund appropriated in subdivision 5 of section 1 of this Act to the extent necessary and based upon applications by the attorney general. Funds appropriated and transferred to 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-second legislative assembly.

**SECTION 12. TRANSFER.** There is hereby authorized the transfer to the general fund in the state treasury, the sum of \$5,000,000 from the state bonding fund. Such moneys shall be transferred during the biennium beginning July 1, 1989, and ending June 30, 1991, as directed by the office of management and budget.

**SECTION 13. TRANSFER.** The balance remaining in the secretary of state's department fund at the close of the 1987-89 biennium is hereby authorized for transfer to the general fund in the state treasury. Such moneys shall be transferred during the biennium beginning July 1, 1989, and ending June 30, 1991, as directed by the office of management and budget.

**SECTION 14. APPROPRIATION - PUBLIC SERVICE COMMISSION.** Notwithstanding any other provisions of law, after July 1, 1989, up to \$25,513 in funds generated by the public service commission due to oil and gas meter monitoring responsibilities is hereby appropriated for the period beginning July 1, 1989, and ending June 30, 1991, as included in subdivision 10 of section 1 of this Act. Any amounts in excess of \$25,513 shall be deposited in the general fund.

**SECTION 15. APPROPRIATION - ATTORNEY GENERAL.** Notwithstanding any other provisions of law, up to \$3,000 in revenues collected from fees charged for gaming law and administrative rules manuals published by the attorney

general is hereby appropriated for the period beginning July 1, 1989, and ending June 30, 1991, as included in subdivision 5 of section 1 of this Act.

SECTION 16. A new section to chapter 34-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Exemption for companionship services and family home care.

1. Employees who provide companionship services for individuals who, because of age or disability, are unable to care for themselves are exempt from any minimum wage and hour standards that may be prescribed under this chapter, to the extent that those companionship services are provided by an employee from ten p.m. to nine a.m., up to a total of eight hours, during which time the employee is available to perform duties for the aged or disabled individual, but is free to sleep and otherwise engage in normal private pursuits in the aged or disabled individual's home. Employees who provide companionship services are not entitled to any overtime premium that may be prescribed under this chapter.
2. An individual who provides family home care is exempt from any minimum wage and hour standards that may be prescribed under this chapter.
3. An individual who contracts with an elderly or disabled person, or a spouse or relative of an elderly or disabled person as described in subdivision b of subsection 4, to provide room, board, supervisory care, and personal services to that elderly or disabled person is exempt from any minimum wage and hour standards that may be prescribed under this chapter.
4. As used in this section:
  - a. "Companionship services" means those services that provide fellowship, care, and protection for individuals who, because of advanced age or physical or mental disabilities, cannot care for their own needs. Those services may include household work related to the care of the aged or disabled person, including meal preparation, bed making, washing of clothes, and other similar services, and may include the performance of general household work if that work does not exceed twenty percent of the total weekly hours worked. "Companionship services" do not include services relating to the care and protection of the aged or disabled which require and are performed by trained personnel, including a registered or practical nurse, and do not include individuals who provide care and protection for infants and young children who are not physically or mentally disabled.
  - b. "Family home care" means the provision of room, board, supervisory care, and personal services to an eligible elderly or disabled person by the spouse or by one of the following relatives, or the current or former spouse of one of the following relatives, of the elderly or disabled person: parent, grandparent, adult child, adult sibling, adult grandchild, adult niece, or adult nephew.

SECTION 17. AMENDMENT. Section 4-01-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-01-21. Salary of commissioner of agriculture. The annual salary of the commissioner of agriculture is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 18. AMENDMENT. Section 26.1-01-09 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-01-09. Salary of commissioner. The annual salary of the commissioner is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 19. AMENDMENT. Section 34-05-01.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-05-01.2. Department of labor to be administered by commissioner of labor. The department of labor must be administered by a commissioner of labor who must be elected for a four-year term on a no-party ballot in the year 1966 and every four years thereafter in the same manner as provided for no-party candidates pursuant to title 16.1. Following his election, the term of the commissioner of labor commences on the same day as the terms for other elected state officials. The commissioner of labor shall possess the same qualifications for office as the commissioner of agriculture. The annual salary of the commissioner of labor is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 20. AMENDMENT. Section 49-01-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-01-05. Salary of commissioners. The annual salary of a commissioner is ~~forty-six~~ forty-nine thousand three hundred dollars. All fees received or charged by any such commissioner for any act or service rendered in any official capacity, shall be accounted for and paid over by him monthly to the state treasurer and shall be credited to the general fund of the state.

SECTION 21. AMENDMENT. Section 54-07-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-07-04. Salary of governor. The annual salary of the governor is ~~sixty~~ sixty-five thousand eight two hundred ~~sixty-two~~ dollars.

SECTION 22. AMENDMENT. Section 54-08-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-08-03. Salary of lieutenant governor. The annual salary of the lieutenant governor is ~~fifty~~ up to fifty-three thousand five hundred dollars.

SECTION 23. AMENDMENT. Section 54-09-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-09-05. Salary of secretary of state. The annual salary of the secretary of state is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 24. AMENDMENT. Section 54-10-10 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-10. Salary of state auditor. The annual salary of the state auditor is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 25. AMENDMENT. Section 54-11-13 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-11-13. Salary of state treasurer. The annual salary of the state treasurer is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 26. AMENDMENT. Section 54-12-11 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-12-11. Salary of attorney general. The annual salary of the attorney general is ~~fifty-two~~ fifty-five thousand seven hundred dollars.

SECTION 27. AMENDMENT. Section 57-01-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-01-04. Salary. The annual salary of the state tax commissioner is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 28. APPROPRIATION - TRANSFER - TAX DEPARTMENT. There is hereby authorized, as included in the appropriation for the state tax commissioner in subdivision 8 of section 1 of this Act, a transfer of \$21,500, or so much as may be necessary, from the centennial tree program trust fund to defray the expense of administering the centennial tree program trust fund income tax contribution.

SECTION 29. CONTINGENT APPROPRIATION - AGRICULTURE COMMISSIONER. There is hereby appropriated the sum of \$45,238, or so much thereof as may be necessary, from the general fund in the state treasury, and \$256,350 in federal funds, or so much thereof as may be necessary, to the agriculture commissioner for the biennium beginning July 1, 1989, and ending June 30, 1991. The \$45,238 general fund appropriation is contingent upon the ability to match additional federal environmental protection agency funds.

SECTION 30. INCOME AUTHORIZATION - STATE TREASURER. The state treasurer is authorized, as included in the appropriation for the state treasurer in subdivision 7 of section 1 of this Act, to administer the sale of alcohol beverage decals for liquor and beer destined for delivery to a federal enclave in North Dakota for domestic consumption and not transported through a licensed North Dakota wholesaler.

SECTION 31. LEGISLATIVE COUNCIL STUDY. The legislative council shall study the budgetary impact on the state and counties, and the fiscal effect on providers, of providing companionship services, family home care, and personal care services, and the feasibility and desirability of providing exemptions from minimum wage and hour standards that may be prescribed under chapter 34-06 for persons who provide companionship services, family home care, and personal care services. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-second legislative assembly.

Approved April 28, 1989  
Filed April 28, 1989



# CHAPTER 2

HOUSE BILL NO. 1002  
(Committee on Appropriations)

## SUPERINTENDENT OF PUBLIC INSTRUCTION

AN ACT to provide an appropriation for defraying the expenses of the superintendent of public instruction and the state board of vocational education of the state of North Dakota; to provide for a transfer of funds from the displaced homemaker fund and state school construction fund; to create and enact two new sections to chapter 15-21, a new section to chapter 15-27.4, and two new sections to chapter 15-65 of the North Dakota Century Code, relating to a revolving school district equipment and software fund, adult basic and secondary education, tax credits for unobligated cash balances of dissolved school districts, and school district telecommunications grants; to amend and reenact section 15-21-02, the new section to chapter 15-34.1 of the North Dakota Century Code as created by section 6 of House Bill No. 1421, as approved by the fifty-first legislative assembly, and sections 15-60-03, 15-60-06, 15-60-07, subdivision j of subsection 1 of section 57-15-14.2, and subsection 1 of section 57-15-17.1 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction, foundation aid payments to school districts for supervising home-based instruction, the transformation of the state school construction fund into an interest buydown fund, and asbestos abatement; to repeal sections 15-60-04, 15-60-05, and 15-60-09 of the North Dakota Century Code, relating to construction contracts with the board of public school education and the power of the board to acquire land; to provide two sections of legislative intent regarding special education and vocational education postsecondary grants; and to provide for a legislative council study of education finance issues.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the superintendent of public instruction and the state board of vocational education of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

### SUPERINTENDENT OF PUBLIC INSTRUCTION

|                                |              |
|--------------------------------|--------------|
| Salaries and wages             | \$ 7,166,120 |
| Data processing                | 366,889      |
| Operating expenses             | 3,709,189    |
| Equipment                      | 603,342      |
| Grants - foundation aid        | 374,198,588  |
| Grants - tuition apportionment | 48,200,000   |

|                                  |               |
|----------------------------------|---------------|
| Grants - special education       | 38,145,476    |
| Grants - other grants            | 71,567,328    |
| Total all funds                  | \$543,956,932 |
| Less estimated income            | 133,258,875   |
| Total general fund appropriation | \$410,698,057 |

## Subdivision 2.

## BOARD OF VOCATIONAL EDUCATION

|   |               |
|---|---------------|
| Salaries and wages                              | \$ 2,098,171  |
| Data processing                                 | 10,000        |
| Operating expenses                              | 416,595       |
| Equipment                                       | 7,300         |
| Grants - vocational, postsecondary              | 4,405,132     |
| Grants - vocational, other                      | 15,683,434    |
| Advisory council - vocational education         | 290,000       |
| Total all funds                                 | \$ 22,910,632 |
| Less estimated income                           | 9,245,805     |
| Total general fund appropriation                | \$ 13,664,827 |
| Grand total general fund appropriation HB 1002  | \$424,362,884 |
| Grand total special funds appropriation HB 1002 | \$142,504,680 |
| Grand total all funds HB 1002                   | \$566,867,564 |

SECTION 2. INTENT. It is the intent of the legislative assembly that the sum of \$48,200,000, or such greater or lesser sums as become available, included in the grants - tuition apportionment and estimated income line items in section 1 of this Act, be distributed by the office of management and budget out of any moneys in the state tuition fund in the state treasury to the public schools of this state as provided in section 2 of article IX of the Constitution of North Dakota and chapter 15-44 for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. APPROPRIATION - TRANSFER. The amount of \$262,500, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act is hereby appropriated and shall be transferred from the displaced homemaker fund to the superintendent of public instruction for the purpose of providing services for displaced homemakers as provided in chapter 14-06.1 for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 4. APPROPRIATION - TRANSFER. The amount of \$1,160,492, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act is hereby appropriated and shall be transferred from the state school construction fund to the superintendent of public instruction for the biennium beginning July 1, 1989, and ending June 30, 1991. Of the \$1,160,492 total amount transferred, \$10,492 shall be used to administer the state school construction fund, \$350,000 shall be used by the superintendent of public instruction for transitional telecommunications projects, \$250,000 shall be used to contract for public and educational broadcasting services, \$400,000 shall be used as matching funds for purchasing a public television transmitter to serve south central North Dakota, and \$150,000 and any amount not spent on transitional projects shall be used for administration and grants pursuant to section 14 of this Act.

SECTION 5. ADDITIONAL INCOME. The superintendent of public instruction may seek additional income for support of the teacher center network and to establish programs to provide instructional courses by electronic media for the biennium beginning July 1, 1989, and ending June 30,

1991. Income received for these projects can be expended by authorization of the emergency commission.

SECTION 6. TRANSFER. There is hereby authorized the transfer to the general fund in the state treasury, the sum of \$5,500,000 from the state school construction fund. Such moneys shall be transferred during the biennium beginning July 1, 1989, and ending June 30, 1991, at the direction of the office of management and budget.

SECTION 7. AMENDMENT. Section 15-21-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-02. Salary and traveling expenses. The annual salary of the superintendent of public instruction is ~~forty-seven~~ fifty thousand three hundred dollars. ~~He shall be allowed in addition thereto his~~ The superintendent is also entitled to reimbursement for expenses incurred in the discharge of his official duties, such expenses to be paid monthly on a warrant prepared by the office of management and budget and signed by the state auditor, upon the filing of an itemized and verified statement of expenses.

SECTION 8. Two new sections to chapter 15-21 of the North Dakota Century Code are hereby created and enacted to read as follows:

Definitions - Adult and adult basic and secondary education.

1. "Adult", for purposes of providing adult basic and secondary education programs, means any person who is beyond the age of compulsory school attendance required by section 15-34.1-01.

2. "Adult basic and secondary education" means:

a. Instructional services for adults:

(1) Who do not have the basic literacy skills to enable them to function effectively in society; or

(2) Who do not have a certificate of graduation from a school providing secondary education or who have not reached a level of education equivalent to the level obtained when a certificate of graduation is issued.

b. Education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to obtain or retain employment commensurate with their real ability. The education must be designed to help eliminate the inability and raise the level of education of such adults with a view to making them less likely to become dependent on others, to improving their ability to benefit from educational or occupational training and increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

Revolving school district equipment and software fund - Continuing appropriation. There is hereby established in the department of public instruction a revolving school district equipment and software fund for the

cooperative purchase of equipment and software for school districts to enable all school districts to receive the benefits of quantity purchase agreements. A service charge shall be added to the cost of the equipment and software to cover costs associated with the compiling of purchase orders from school districts for submission to suppliers, the preparation of invoices, the receipt of payments from school districts, and shipping charges. Clerical and related costs associated with the operation of the revolving equipment and software fund shall be paid by the fund. Funds remaining in the revolving equipment fund at the end of a fiscal year are to be used to support conferences which focus on the use of computers and related technology. Moneys received by the fund are appropriated for the purposes provided in this section.

SECTION 9. A new section to chapter 15-27.4 of the North Dakota Century Code is hereby created and enacted to read as follows:

Unobligated cash balance of dissolved school district - Tax credits. The unobligated cash balance in excess of ten thousand dollars which is not designated for indebtedness of any school district dissolved after January 1, 1989, is a credit for the residents of the dissolved school district against taxes levied by the school district the dissolved school district is attached to in the year or years following the dissolution depending on the average local effort based on the previous five-year average as calculated by the county superintendent. If a school district is dissolved and attached to more than one school district, the credit that the residents of the attached school district receive from the receiving school district must be in the same proportion to the remaining unobligated cash balance as the taxable valuation of the property bears to the total taxable valuation of the property in the school district that existed prior to dissolution.

SECTION 10. AMENDMENT. The new section to chapter 15-34.1 of the North Dakota Century Code as created by section 6 of House Bill No. 1421, as approved by the fifty-first legislative assembly, is hereby amended and reenacted to read as follows:

State aid. For purposes of allocating foundation aid and other state assistance to local school districts, ~~students~~ a student receiving home-based instruction ~~shall be~~ is deemed enrolled in the school district in which ~~they~~ reside the student resides if the student is supervised by a certificated teacher employed by the public school district in which the parent resides. A school district is entitled to one-half of the per-pupil payment provided in section 15-40.1-06 times the appropriate factor in section 15-40.1-07 or 15-40.1-08 for each such student.

SECTION 11. AMENDMENT. Section 15-60-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-03. Purposes and general powers.

1. The state school construction fund is created for the purpose of constructing and improving public school buildings, and furnishing and equipping the same for use as public schools; as a part of the public school system of the state of North Dakota under the jurisdiction of the Department of Public Instruction. The board is hereby granted and shall have and may exercise all the powers necessary or convenient for the carrying out of the aforesaid

purposes including, but without limiting the generality of the foregoing, the following rights and powers:

- a. To sue and be sued in all courts.
- b. To acquire, purchase, hold, lease, sell, transfer, dispose of, or use any property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the state school construction fund.
- c. To acquire by purchase, lease, or otherwise and to construct, improve, and repair projects.
- d. To make bylaws for the management and regulation of its affairs.
- e. To appoint officers, agents, employees, and servants, to prescribe their duties, and to fix their compensation.
- f. To fix, alter, charge, and collect rentals and other charges for the use of the facilities or, for the services rendered by, the board or projects thereof, at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the board, the construction, improvement, and repair of its facilities and properties, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.
- g. To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.
- h. To have the power of eminent domain.
- i. To pledge, hypothecate, and otherwise encumber, all or any of the revenues or receipts of the fund as security for all, or any of, the obligations of the board.
- j. To do all acts and things necessary or convenient to carry out the powers granted to it by this chapter or any other acts.

There is established a state school construction fund to be maintained by the board at the Bank of North Dakota. The board may use the fund to buydown or reduce the interest paid by a school district on the Bank's portion of the construction loan. The interest buydown program under this section must be implemented under rules adopted by the board.

2. The board shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any other school districts. No obligations or debts of the board shall be deemed to be obligations of the state or any other school districts, and the state or any other school districts shall not be liable for the payment of principal or interest on such obligations. The board Bank of North Dakota shall at no time enter into any contract with a school district under the provisions of this chapter, unless such

school district is at that time annually levying a sufficient mill levy which the board has determined will provide for repayment of the contracted loan within twenty years after the initial payment from the state school construction fund Bank of North Dakota to the school district, but a school district shall not borrow more than thirty percent of the taxable valuation of the district or five million dollars from the fund Bank and shall not be permitted to levy less than ten mills for the maintenance of a building fund. The loan contracted for by the school district from the Bank must be repaid by the school district together with two and one-half percent interest per annum. The interest buydown fund must be used by the board to cover the difference between the Bank's current loan rate and the rate of two and one-half percent interest per annum. The levy required by this section for repayment must be maintained over the life of the contract with the board Bank, and the school district must have at the time of the loan an existing indebtedness to the maximum limit permitted by law. In determining whether a school district has an existing indebtedness to the maximum limit permitted by law for purposes of this section, the value of taxable property means twice the taxable value of all taxable property in the school district.

3. All contracts between the board Bank and school districts shall be conditioned upon the preparation of general plans for the orderly development of improved attendance areas and administrative units and for the improved housing of the public schools of the state. These plans shall be prepared cooperatively by local, county, and state school authorities, in accordance with standards and regulations prescribed by the department. The department shall have authority and its duty shall be to review all construction projects to determine:
  - a. The extent to which they conform to state plans.
  - b. The amount of improvement to be brought about in attendance areas and administrative units.
  - c. The usefulness and adequacy of the proposed building for classroom purposes with respect to design, location, safety, comfort, and convenience.
  - d. The ability of the local school district or districts to amortize the cost of construction and to defray the cost of operation and maintenance.
4. No contract shall be executed between the board Bank and school district without the specific written approval of the department.

SECTION 12. AMENDMENT. Section 15-60-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-06. Governing body. The board shall meet for the purpose of making plans for the administration of the school construction fund and the receiving and reviewing of applications for construction or improvements. Five members of the board shall constitute a quorum for the purpose of conducting the business thereof and for all other purposes, and all other actions shall be taken by a unanimous vote of the quorum. The board shall

have full authority to manage the properties and business of the board. The board, acting through the office of the superintendent of public instruction, shall fix and determine the number of officers, agents, and employees it shall employ and their respective compensation and duties, and may delegate to one or more of their number, or to one or more of said officers, agents, or employees, such powers and duties as it may deem proper.

\* SECTION 13. AMENDMENT. Section 15-60-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-07. Moneys of the fund. The custodian of the building fund of any school district for which a building or an addition to an existing building has been constructed shall pay annually to the ~~state treasurer~~ Bank of North Dakota all moneys due as ~~rental or rentals~~ loan payments together with two and one-half percent interest as herein provided, ~~which money shall be credited to the state school construction fund.~~ For those contracts in force before July 1, 1989, the school district will continue to pay the rental payments, plus two and one-half percent interest to the state treasurer to be deposited into the state school construction fund. The moneys in ~~said account~~ the fund shall be paid out on the warrant or other order by the chairman and secretary of the board. The state auditor or his legally authorized representatives are hereby authorized and directed to audit the accounts and books of the board, including its receipts, disbursements, contracts, leases, sinking funds, investments, and any other matters relating to its finances, operation, and affairs annually.

SECTION 14. Two new sections to chapter 15-65 of the North Dakota Century Code are hereby created and enacted to read as follows:

Telecommunications grants - Matching by school districts. The educational telecommunications council may require a school district to provide up to twenty-five percent in matching funds to receive any funds appropriated or that may otherwise become available for telecommunications.

Plan for statewide system of interactive telecommunications - Solicitation of grants. In developing and implementing a plan for a statewide system of interactive telecommunications, the educational telecommunications council shall solicit grants to be used in conjunction with moneys appropriated by the legislative assembly for telecommunications. Any moneys appropriated by the legislative assembly for telecommunications, unless specifically provided otherwise, and any grants received in accordance with this section must be used to implement the plan developed by the educational telecommunications council pursuant to this chapter.

SECTION 15. AMENDMENT. Subdivision j of subsection 1 of section 57-15-14.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- j. The removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any method approved by the United States environmental protection agency and any repair, replacement, or remodeling that results from such removal or abatement.

SECTION 16. AMENDMENT. Subsection 1 of section 57-15-17.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- \* NOTE: Section 15-60-07 was also amended by section 1 of House Bill No. 1087, chapter 246.

1. The governing body of any public school district may by resolution adopted by a two-thirds vote of the school board dedicate a tax levy for purposes of this section of not exceeding fifteen mills on the dollar of taxable valuation of property within the district for a period not longer than fifteen years. The school board may authorize and issue general obligation bonds to be paid from the proceeds of this dedicated levy for the purpose of providing funds for the removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any other method approved by the United States environmental protection agency and for any repair, replacement, or remodeling that results from removal or abatement of asbestos substances.

SECTION 17. LEGISLATIVE COUNCIL STUDY OF EDUCATION FINANCE ISSUES. It is recommended that an interim legislative council committee, consisting of legislators and three professional educators including one educator from a small school district, one educator from a medium school district, and one educator from a large school district, to be selected by the legislative council, shall conduct a study during the 1989-90 interim of education finance issues, including the issues of adequate funding for school districts, inequities in the distribution of transportation aid to schools, local effort in support of schools, and other funding sources including federal programs and energy taxes revenue. The interim committee shall review the operation and effect of any laws passed during the 1989 legislative session affecting the county superintendents of schools, ending balances of school districts, reorganization of school districts, educational telecommunications, testing, and nonaccreditation of schools.

SECTION 18. DIVISION OF INDEPENDENT STUDY FILM RENTAL INCOME. The amount included in the estimated income line item in subdivision 1 of this Act relating to the division of independent study film rental that exceeds \$684,110 shall be appropriated and used by the department of public instruction for telecommunication grants.

SECTION 19. REPEAL. Sections 15-60-04, 15-60-05, and 15-60-09 of the North Dakota Century Code are hereby repealed.

SECTION 20. LEGISLATIVE INTENT. It is the intent of the 1989 legislative assembly that funds included in the grants - special education line item as included in subdivision 1 of this Act may be used as matching funds for federal medicaid funds allowable under the Medicare Catastrophic Act of 1988 for services to eligible children. The payments shall be made to the human services joint medicaid payment account as directed by the department of human services.

SECTION 21. LEGISLATIVE INTENT. It is the intent of the 1989 legislative assembly that of the total amount of \$4,405,132 included in subdivision 2 of this Act for the grants - vocational, postsecondary line item, \$2,361,160 shall be distributed to Bismarck state college, \$1,047,992 to the university of North Dakota - Williston, and \$995,980 to the university of North Dakota - lake region.

Approved April 28, 1989  
Filed April 28, 1989



# CHAPTER 3

HOUSE BILL NO. 1004  
(Committee on Appropriations)

## OFFICE OF MANAGEMENT AND BUDGET

AN ACT to make an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget of the state of North Dakota; to amend and reenact subsection 3 of section 19-02.1-14.1 as amended in section 1 of House Bill No. 1298, approved by the fifty-first legislative assembly, and section 54-14-08 of the North Dakota Century Code, relating to print size requirements for legends on drug prescription forms and the withholding of amounts of state employees' compensation; to provide for transfers from the preplanning revolving fund and the state aid distribution fund; to provide an exemption to the provisions of section 54-44.1-11; to provide for an appropriation to various state agencies and institutions for payment of health insurance for part-time employees; to provide for a transfer to the pay equity implementation fund; to provide for a loan from the Bank of North Dakota to match federal disaster funds; to provide a contingent appropriation to the water commission, the department of health and consolidated laboratories, and the highway department for engineers' salaries; to provide for appropriation reduction authority; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the various divisions under the supervision of the director of the office of management and budget of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

OFFICE OF MANAGEMENT AND BUDGET

|                                  |                     |
|----------------------------------|---------------------|
| Salaries and wages               | \$ 5,214,608        |
| Data processing                  | 2,155,745           |
| Operating expenses               | 3,000,785           |
| Equipment                        | 76,785              |
| Grants, benefits, and claims     | 25,731,143          |
| Boys and girls clubwork          | 53,000              |
| State memberships                | 193,035             |
| Total all funds                  | <u>\$36,425,101</u> |
| Less estimated income            | 29,330,985          |
| Total general fund appropriation | <u>\$ 7,094,116</u> |

## Subdivision 2.

## CENTRAL DATA PROCESSING

|                                   |                     |
|-----------------------------------|---------------------|
| Salaries and wages                | \$ 7,653,568        |
| Operating expenses                | 20,746,574          |
| Equipment                         | 5,532,000           |
| Total special funds appropriation | <u>\$33,932,142</u> |

## Subdivision 3.

## CENTRAL DUPLICATING SERVICES

|   |                     |
|---|---------------------|
| Salaries and wages                                | \$ 851,463          |
| Data processing                                   | 25,000              |
| Operating expenses                                | 1,428,905           |
| Equipment   | 27,000              |
| Total special funds appropriation                 | <u>\$ 2,332,368</u> |
| Grand total general fund appropriation H.B. 1004  | \$ 8,876,972        |
| Grand total special funds appropriation H.B. 1004 | \$68,758,943        |
| Grand total all funds appropriation H.B. 1004     | \$77,635,915        |

SECTION 2. TRANSFER AUTHORITY. Upon approval of the emergency commission, the director of the office of management and budget may transfer appropriation authority contained in the various subdivisions in section 1 of this Act.

SECTION 3. ADDITIONAL INCOME. All income in excess of estimated income in the budget appropriated by the legislative assembly to the office of management and budget for the biennium beginning July 1, 1989, and ending June 30, 1991, must be deposited in the appropriate operating funds in the state treasury and can be expended with the authorization of the emergency commission.

SECTION 4. EXEMPTION. The data processing appropriation contained in section 1 of chapter 40 of the 1987 Session Laws shall not be subject to the provisions of section 54-44.1-11 and any unexpended funds from this appropriation shall be available for continued development and operation of the accounting, management, and payroll systems during the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 5. TRANSFER. The balance remaining in the preplanning revolving fund at the close of the 1987-89 biennium, is hereby authorized for transfer to the general fund in the state treasury. Such moneys shall be transferred during the biennium beginning July 1, 1989, and ending June 30, 1991, at the direction of the office of management and budget.

SECTION 6. TRANSFER. Notwithstanding the provisions of section 57-39.2-26.1, there is hereby transferred the sum of \$1,600,000 from the state aid distribution fund to the general fund for the biennium beginning July 1, 1989, and ending June 30, 1991. Such transfer shall not reduce the amount of moneys that would otherwise be available for handicap accessibility projects pursuant to section 3 of House Bill No. 1018 as passed by the fifty-first legislative assembly. If a reduction is required pursuant to section 13 of this Act, the office of management and budget may also transfer the amount related to payments to political subdivisions not to exceed \$2,150,000 from the state aid distribution fund to the general fund. The money shall be transferred upon the direction of the office of management and budget. The amount transferred by this section shall not be considered an amount deposited in the state aid distribution fund for purposes of section 4 of House Bill No. 1018 as approved by the fifty-first legislative assembly.

SECTION 7. APPROPRIATION. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund and from special funds in the state treasury, not otherwise appropriated, to the agencies and institutions of state government listed below for the purpose of paying health insurance premiums for part-time employees, previously excluded in the executive budget due to Senate Bill No. 2254 which has since been defeated, for the period beginning July 1, 1989, and ending June 30, 1991:

| AGENCY   | GENERAL<br>FUND  | SPECIAL<br>FUNDS | TOTAL            |
|--|------------------|------------------|------------------|
| Attorney General                                       | \$ 3,365         | \$               | \$ 3,365         |
| Director of Institutions                               | 1,198            |                  | 1,198            |
| Department of Public<br>Instruction                    | 2,483            | 3,278            | 5,761            |
| State Library  | 7,927            |                  | 7,927            |
| School for the Deaf                                    | 19,725           |                  | 19,725           |
| School for the Blind                                   | 29,841           |                  | 29,841           |
| Veterans' Home   | 958              |                  | 958              |
| Department of Human Services                           | 176,519          | 240,778          | 417,297          |
| Governor's Office -<br>Protection and Advocacy Project | 13,458           |                  | 13,458           |
| Bank of North Dakota                                   |                  | 27,146           | 27,146           |
| Job Service North Dakota                               |                  | 40,833           | 40,833           |
| Department of Corrections<br>and Rehabilitation        | 19,514           |                  | 19,514           |
| Seed Department  |                  | 3,365            | 3,365            |
| Wheat Commission                                       |                  | 1,682            | 1,682            |
| Soil Conservation<br>Committee                         | 1,198            |                  | 1,198            |
| Industrial Commission                                  |                  | 3,365            | 3,365            |
| Game and Fish Department                               |                  | 3,365            | 3,365            |
| Parks and Recreation<br>Department                     | 2,395            |                  | 2,395            |
| Water Commission                                       | 3,365            |                  | 3,365            |
| Highway Department                                     |                  | 10,094           | 10,094           |
| Total  | <u>\$281,946</u> | <u>\$333,906</u> | <u>\$615,852</u> |

SECTION 8. AMENDMENT. Subsection 3 of section 19-02.1-14.1 of the 1987 Supplement to the North Dakota Century Code as amended in section 1 of House Bill No. 1298, as approved by the fifty-first legislative assembly, is hereby amended and reenacted to read as follows:

3. If a practitioner prescribes a drug by its brand name, the pharmacist may exercise professional judgment in the economic interest of the patient by selecting a drug product with the same generic name and demonstrated therapeutical equivalency as the one prescribed for dispensing and sale to the patient unless the practitioner specifically indicates in the practitioner's own handwriting "brand necessary" on a written prescription or expressly indicates that an oral prescription is to be dispensed as communicated. The pharmacist shall note the instructions on the file copy of the prescription. A reminder legend must be placed on all prescription forms. The legend must state: "In order to require that a brand name product be dispensed, the practitioner must handwrite the words 'brand necessary'." The legend printed on

the prescription form must be in at least ~~sixteen point~~ six-point uppercase print. The pharmacist shall not substitute a generic name drug product unless its price to the purchaser is less than the price of the prescribed drug product. In addition, a pharmacist shall not substitute drug products in the following dosage forms: enteric coated tablets, controlled release products, injectable suspensions other than antibiotics, suppositories containing active ingredients for which systemic absorption is necessary for therapeutic activity, and different delivery systems for aerosol and nebulizer drugs. In the event that any drug listed above is, subsequent to January 1, 1982, determined to be therapeutically equivalent, then the previously mentioned substitution ban shall be automatically removed for that drug. The pharmacist shall inform the person receiving the drug when a prescription for a brand name drug product does not require that the prescribed drug be dispensed and of the person's right to refuse a generic name drug product selected by the pharmacist. The pharmacy file copy of every prescription shall include the brand name, if any, or the name of the manufacturer, packer, or distributor of the generic name drug dispensed. A pharmacist who selects and dispenses a therapeutically equivalent generic name drug product shall assume no greater liability for selecting the dispensed drug product than would be incurred in filling a prescription for a drug product prescribed by its generic name. The practitioner is not liable for the substitution made by a pharmacist.

SECTION 9. AMENDMENT. Section 54-14-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-14-08. All departments, agencies, boards, commissions, and institutions in state government shall have the authority to withhold certain amounts from state employees' compensation. All departments, agencies, boards, commissions, and institutions in state government shall compute and withhold from state employees' monetary compensation only those amounts which are required by law to be withheld and only those other items approved by the office of the budget. However, amounts may not be withheld or deducted from state employees' monetary compensation for the payment of insurance premiums, except life or health insurance premiums or amounts deferred to fund a deferred compensation program, unless otherwise specifically authorized by law.

SECTION 10. APPROPRIATION - GENERAL FUND TRANSFER TO PAY EQUITY IMPLEMENTATION FUND. There is hereby appropriated and authorized the transfer to the pay equity implementation fund in the state treasury, the sum of \$1,157,000, or so much thereof as may be necessary, from the general fund in the state treasury for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 11. CONTINGENT APPROPRIATION - LOAN AUTHORIZATION - BANK OF NORTH DAKOTA PROFITS - EMERGENCY COMMISSION. There is hereby appropriated and authorized the transfer of \$1,500,000, or so much thereof as may be necessary, from the undivided profits of the Bank of North Dakota to the emergency commission to provide a loan to match federal funds, which are also hereby appropriated to the emergency commission, under the Robert T. Stafford Disaster Emergency Assistance Act [Pub. L. 93-288, as amended] for the period beginning with the effective date of this Act and ending June 30, 1991. The

\$1,500,000 appropriation is contingent upon the ability to match federal funds. The emergency commission shall transfer the appropriation authority to state agencies and institutions to provide disaster relief in accordance with federal law. Costs recovered by the state agencies and institutions for which a transfer of funds was made must be deposited in the Bank of North Dakota for the purpose of repaying the loan authorized under this section. The emergency commission may use moneys in the state contingency fund to repay the Bank of North Dakota if those funds are not otherwise needed. In addition to principal repayment, the Bank of North Dakota shall receive interest at the same rate earned by the general fund. If it is estimated that at the end of the 1989-91 biennium a balance will exist on the loan, the emergency commission shall request the 1991 legislative assembly for a deficiency appropriation to repay the loan.

SECTION 12. CONTINGENT APPROPRIATION - ENGINEER SALARIES. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated, subject to central personnel division review and approval, out of any moneys in the general fund in the state treasury and from the special funds of the agencies listed, not otherwise appropriated, to the agencies and institutions of state government listed below for the purpose of providing salary increases to engineers for the period beginning July 1, 1989, and ending June 30, 1991:

|   | GENERAL<br>FUND   | SPECIAL<br>FUNDS    | TOTAL               |
|---|-------------------|---------------------|---------------------|
| Water commission                                      | \$ 180,000        |                     | \$ 180,000          |
| Department of health and<br>consolidated laboratories | 163,910           | \$ 163,910          | 327,820             |
| Highway department                                    |                   | 1,165,632           | 1,165,632           |
| Total   | <u>\$ 343,910</u> | <u>\$ 1,329,542</u> | <u>\$ 1,673,452</u> |

SECTION 13. APPROPRIATION AUTHORITY REDUCTIONS. If the most recent forecast of the state general fund ending balance for the 1989-91 biennium is a negative balance, the director of the budget shall certify that fact to the governor and the budget section of the legislative council.

After certification and upon the approval of the budget section, the appropriation authority enacted by the fifty-first legislative assembly is, prior to the application of section 54-44.1-12 or 54-44.1-13.1, proportionately reduced for each entity for which an appropriation from the state general fund or the state aid distribution fund was made by the fifty-first legislative assembly, as provided in this section. The total reductions must be in an amount to provide for an estimated ending balance that is not a negative balance at the end of the 1989-91 biennium, provided that in no event may the reduction in appropriation authority under this section exceed \$20,000,000. The amount of each reduction in appropriation authority must be proportional to the amounts provided in this section and the maximum reduction for each entity may not exceed the following amounts:

|   |              |
|---|--------------|
| Superintendent of public instruction, not including the schools for blind and deaf or division of independent study   | \$ 4,660,000 |
| Board of higher education, including the institutions and offices under its control, except for the agricultural experiment station and the extension service | 6,680,000    |
| Department of human services  | 3,110,000    |
| Payments to political subdivisions from the state aid distribution fund   | 2,150,000    |

|                    |                  |
|--------------------|------------------|
| Judicial branch    | 490,000          |
| Legislative branch | 170,000          |
| Other              | <u>2,740,000</u> |
| Total              | \$20,000,000     |

The amount of \$2,740,000 included as other must be reduced proportionately by the office of management and budget from other general fund appropriations not otherwise reduced by this Act. The chief justice of the supreme court shall determine the line items from which reductions are to be made for the judicial branch and the chairman of the legislative council shall determine the line items from which reductions are to be made for the legislative branch.

SECTION 14. CONTINGENT SUSPENSION. The provisions of this Act supersede sections 54-44.1-12 and 54-44.1-13.1 if it is determined reductions are needed as provided in section 13 for appropriations from the state general fund or the state aid distribution fund for the period July 1, 1989, through June 30, 1991, unless for any reason the provisions of section 13 of this Act are not effective. If the reductions in appropriation authority provided in section 13 are not sufficient to meet the shortfall in an affected fund, the provisions of sections 54-44.1-12 and 54-44.1-13.1 are applicable for additional reductions in appropriation authority.

SECTION 15. EMERGENCY. Section 11 of this Act is declared to be an emergency measure.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 4

HOUSE BILL NO. 1005  
(Committee on Appropriations)

### DIRECTOR OF INSTITUTIONS

AN ACT making an appropriation for defraying the expenses of the director of institutions of the state of North Dakota; to provide for a transfer from the capitol building fund; to provide for a statement of legislative intent regarding state employee compensation adjustments; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from other income to the director of institutions of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |                    |
|----------------------------------|--------------------|
| Salaries and wages               | \$3,110,245        |
| Operating expenses               | 2,906,832          |
| Equipment                        | 34,030             |
| Capital improvements             | 1,466,350          |
| Institutional medical fees       | 180,000            |
| Total all funds                  | <u>\$7,697,457</u> |
| Less estimated income            | <u>1,479,650</u>   |
| Total general fund appropriation | <u>\$6,217,807</u> |

**SECTION 2. TRANSFER - CAPITOL BUILDING FUND.** The amount of \$1,416,350, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act is hereby appropriated and shall be transferred by the office of management and budget from the capitol building fund to the director of institutions for the period beginning with the effective date of this section and ending June 30, 1991.

**SECTION 3. LEGISLATIVE INTENT - STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES.** It is the intent of the fifty-first legislative assembly that 1989-91 compensation adjustments for state employees in the classified service are to be average increases of 7.1 percent beginning with the month of July 1989 to be paid in August 1989. All classified employees not on a probation status are entitled to receive increases of at least fifty dollars per month. Pay grade maximums shall not limit the amount of such an increase. No further increases are provided in the appropriations made by the fifty-first legislative assembly for the 1989-91 biennium.

**SECTION 4. EMERGENCY.** The capital improvements line item in section 1 and section 2 of this Act are declared to be emergency measures.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 5

HOUSE BILL NO. 1006  
(Committee on Appropriations)

### SCHOOL FOR THE DEAF — SCHOOL FOR THE BLIND

AN ACT making an appropriation for defraying the expenses of the school for the deaf and the school for the blind of the state of North Dakota; to provide for a statement of legislative intent; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 to the school for the deaf and the school for the blind under the supervision of the director of institutions of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

| Subdivision 1.                   | SCHOOL FOR THE DEAF |              |
|----------------------------------|---------------------|--------------|
| Salaries and wages               |                     | \$ 3,166,536 |
| Operating expenses               |                     | 722,833      |
| Equipment                        |                     | 30,075       |
| Capital improvements             |                     | 153,500      |
| Total all funds                  |                     | \$ 4,072,944 |
| Less estimated income            |                     | 487,011      |
| Total general fund appropriation |                     | \$ 3,585,933 |

| Subdivision 2.                                    | SCHOOL FOR THE BLIND |              |
|---|----------------------|--------------|
| Salaries and wages                                |                      | \$ 2,217,546 |
| Operating expenses                                |                      | 471,879      |
| Equipment   |                      | 10,540       |
| Capital improvements                              |                      | 12,600       |
| Total all funds                                   |                      | \$ 2,712,565 |
| Less estimated income                             |                      | 433,310      |
| Total general fund appropriation                  |                      | \$ 2,279,255 |
| Grand total general fund appropriation H.B. 1006  |                      | \$ 5,865,188 |
| Grand total special funds appropriation H.B. 1006 |                      | \$ 920,321   |
| Grand total all funds appropriation H.B. 1006     |                      | \$ 6,785,509 |

SECTION 2. LEGISLATIVE INTENT. It is the intent of the 1989 legislative assembly that a portion of the general fund appropriation included in subdivision 2 of section 1 of this Act may be used as matching funds for receipt of federal medicaid funds for services to eligible multihandicapped visually impaired persons. The payments shall be made to the human services joint medicaid payment account as directed by the department of human services.

SECTION 3. EMERGENCY. The capital improvements line item contained in subdivision 1 of section 1 of this Act is hereby declared to be an emergency measure.

Approved April 28, 1989  
Filed April 28, 1989



**CHAPTER 6**

HOUSE BILL NO. 1007  
(Committee on Appropriations)

**STATE LIBRARY**

AN ACT making an appropriation for defraying the expenses of the state library of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the state library under the supervision of the director of institutions of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |                    |
|----------------------------------|--------------------|
| Salaries and wages               | \$1,370,068        |
| Data processing                  | 8,369              |
| Operating expenses               | 870,438            |
| Equipment                        | 13,400             |
| Grants, benefits, and claims     | <u>1,050,000</u>   |
| Total all funds                  | <u>\$3,312,275</u> |
| Less estimated income            | <u>946,023</u>     |
| Total general fund appropriation | <u>\$2,366,252</u> |

SECTION 2. APPROPRIATION. The line item entitled grants, benefits, and claims in section 1 of this Act includes \$1,000,000 for aid to public libraries of which no more than one-half is to be expended during the fiscal year ending June 30, 1990.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 7

HOUSE BILL NO. 1008  
(Committee on Appropriations)

### RADIO COMMUNICATIONS DEPARTMENT

AN ACT making an appropriation for defraying the expenses of the radio communications department of the state of North Dakota and providing for a transfer from the state highway fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys from special funds derived from federal funds and other income, to the state radio communications department under the supervision of the director of institutions of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |                    |
|----------------------------------|--------------------|
| Salaries and wages               | \$1,609,403        |
| Data processing                  | 365,578            |
| Operating expenses               | 1,769,136          |
| Equipment                        | 155,000            |
| Total special fund appropriation | <u>\$3,899,117</u> |

SECTION 2. APPROPRIATION - TRANSFER. The amount of \$3,624,117, or so much thereof as is necessary, is hereby appropriated and shall be transferred from the state highway fund to the state radio communications department as directed by the office of management and budget during the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved April 6, 1989  
Filed April 7, 1989

**CHAPTER 8**

HOUSE BILL NO. 1009  
(Committee on Appropriations)

**CONSTITUTIONAL CELEBRATION COMMITTEE**

AN ACT providing an appropriation for defraying the expenses of the constitutional celebration committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 or other income, to the North Dakota supreme court for the purpose of defraying the expenses of the constitutional celebration committee for the celebration of the bicentennial of the United States Constitution and the centennial of the North Dakota Constitution for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |               |
|----------------------------------|---------------|
| Operating expenses               | \$ 70,000     |
| Equipment                        | 5,000         |
| Grants, benefits, and claims     | <u>25,000</u> |
| Total all funds                  | \$100,000     |
| Less estimated income            | <u>50,000</u> |
| Total general fund appropriation | \$ 50,000     |

Approved March 29, 1989  
Filed March 30, 1989

## CHAPTER 9

HOUSE BILL NO. 1010  
(Committee on Appropriations)

### DIVISION OF EMERGENCY MANAGEMENT

AN ACT making an appropriation for defraying the expenses of the division of emergency management of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the division of emergency management under the supervision of the adjutant general of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |             |
|----------------------------------|-------------|
| Salaries and wages               | \$1,144,484 |
| Operating expenses               | 397,326     |
| Equipment                        | 33,000      |
| Total all funds                  | \$1,574,810 |
| Less estimated income            | 1,226,223   |
| Total general fund appropriation | \$ 348,587  |

Approved April 10, 1989  
Filed April 11, 1989

**CHAPTER 10**

HOUSE BILL NO. 1011  
(Committee on Appropriations)

**ADJUTANT GENERAL AND CIVIL AIR PATROL**

AN ACT to provide for an appropriation for defraying the expenses of the adjutant general of the state of North Dakota and the civil air patrol; to provide for an appropriation and transfer of funds from the national guard tuition trust fund; and to provide for a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 or other income, to the adjutant general's office and the civil air patrol for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

ADJUTANT GENERAL

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$ 1,235,426 |
| Operating expenses               | 1,690,229    |
| Equipment                        | 38,185       |
| Capital improvements             | 510,000      |
| Grants, benefits, and claims     | 532,362      |
| Inauguration                     | 1,744        |
| Recruiting and retention         | 29,910       |
| Army guard contract              | 4,050,000    |
| Tuition fees                     | 750,000      |
| Air guard contract               | 3,017,100    |
| Total all funds                  | \$11,854,956 |
| Less estimated income            | 8,801,449    |
| Total general fund appropriation | \$ 3,053,507 |

Subdivision 2.

CIVIL AIR PATROL

|   |              |
|---|--------------|
| Salaries and wages                      | \$ 49,215    |
| Operating expenses                      | 35,691       |
| Total general fund appropriation        | \$ 84,906    |
| Grand total general fund appropriation  | \$ 3,138,413 |
| Grand total special funds appropriation | \$ 8,801,449 |
| Grand total all funds appropriation     | \$11,939,862 |

SECTION 2. APPROPRIATION - TRANSFER - NATIONAL GUARD TUITION TRUST FUND. The amount of \$2,634,349, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act is hereby

appropriated and shall be transferred from the national guard tuition trust fund to the adjutant general for the tuition programs provided for in North Dakota Century Code chapters 37-07.1 and 37-07.2 and for adjutant general operations for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. LEGISLATIVE INTENT - NATIONAL GUARD ARMORIES. It is the intent of the legislative assembly that the adjutant general not vacate any armories prior to July 1, 1989, and that the adjutant general receive the approval of the budget section of the legislative council prior to vacating any armories during the period beginning July 1, 1989, and ending June 30, 1991. However, if the city in which an armory is located does not object to an armory being vacated, the adjutant general may vacate the armory without the approval of the budget section of the legislative council.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 11

HOUSE BILL NO. 1012  
(Committee on Appropriations)

### DEPARTMENT OF HUMAN SERVICES

AN ACT making an appropriation for defraying the expenses of the department of human services, making an appropriation and transfer from the lands and minerals trust fund to the common schools trust fund, and making an appropriation of excess revenues generated by human service centers; to establish a joint medicaid payment account; and to provide legislative intent statements relating to human service center operating expenses, chemical dependency treatment services, the Family Support Act of 1988, the guardianship project, and the use of child support incentive payments; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the department of human services and its various divisions for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|   |                    |
|---|--------------------|
| Salaries and wages                                  | \$134,431,003      |
| Data processing                                     | 11,330,151         |
| Operating expenses                                  | 42,502,943         |
| Equipment   | 1,082,113          |
| Capital improvements                                | 1,969,657          |
| Grants, benefits, and claims                        | 560,402,363        |
| Community chemical dependency treatment enhancement | 534,000            |
| Developmentally disabled facility loan fund         | <u>1,837,956</u>   |
| Total all funds                                     | \$754,090,186      |
| Less estimated income                               | <u>517,062,486</u> |
| Total general fund appropriation                    | \$237,027,700      |

SECTION 2. TRANSFER. The amount of \$1,837,956, or so much thereof as may be necessary, for the line item entitled developmentally disabled facility loan fund in section 1 of this Act is appropriated for the purpose of making payments of principal and interest from the lands and minerals trust fund to the common schools trust fund on any loans made from it pursuant to the developmentally disabled facility loan fund program no. 2 and 3 for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. APPROPRIATION. All collections from nonfederal sources by human service centers in excess of amounts included as revenue in section 1 of this Act are hereby appropriated to the department of human services for the purpose of staff development, training, or other purposes approved by the

executive director and can only be expended by authorization of the emergency commission.

**SECTION 4. JOINT MEDICAID PAYMENT ACCOUNT - EDUCATIONALLY RELATED SERVICES.** The state treasurer shall establish a joint medicaid payment account for the department of human services and the department of public instruction to pay for services provided handicapped children allowed under the Medicare Catastrophic Act of 1988. This account shall be for the receipt and payment of department of public instruction matching funds and department of human services federal medicaid funds for the purpose of making payments to the provider or providers of services as directed by the department of human services. The department of public instruction shall provide the department of human services such administrative services in the documentation and payment of these funds as the department of human services may request.

**SECTION 5. LEGISLATIVE INTENT - COMMUNITY CHEMICAL DEPENDENCY TREATMENT ENHANCEMENT.** It is the intent of the legislative assembly that the community chemical dependency treatment enhancement line item in section 1 of this Act of \$534,000 from the general fund be used for the development of community-based social detoxification, assessment, and counseling services while maintaining a chemical dependency unit at the state hospital. Of the total, \$384,000 is provided for development of community social detoxification/assessment services by April 1, 1990. It is the intent of the legislative assembly that as these community services are developed a reduction in admissions to the state hospital will be achieved resulting in reducing the number of wards at the hospital from four to three by July 1, 1990. Of the total, \$150,000 shall be provided to enhance additional addiction services for the population diverted from the state hospital. These services shall be community based and may include residential care and counseling services.

**SECTION 6. LEGISLATIVE INTENT - FAMILY SUPPORT ACT OF 1988.** Provided within the general fund moneys appropriated under section 1 of this Act is \$2,462,740 to defray the state's estimated share of the costs to implement the mandatory features of the Family Support Act of 1988 [Pub. L. 100-485; 102 Stat. 2343] during the biennium beginning July 1, 1989, and ending June 30, 1991. The legislative assembly recognizes the need to comply with the mandatory provisions of the Family Support Act of 1988 and the uncertainties inherent in estimating the money necessary to comply with the new program requirements. If the \$2,462,740 from the general fund is determined by the department of human services to be insufficient to comply with the federal enactment during the biennium beginning July 1, 1989, and ending June 30, 1991, the department shall report to the budget section the amount of the projected deficiency appropriation that will be introduced to the fifty-second legislative assembly.

**SECTION 7. LEGISLATIVE INTENT - GUARDIANSHIP PROJECT.** It is the intent of the legislative assembly that \$50,000 appropriated under section 1 of this Act be used by the department of human services to defray the costs of a pilot temporary guardianship project. For such purposes, the department may contract with a nonprofit corporation established to provide guardianship services on behalf of incapacitated persons with no guardian for whom an emergency exists and the court finds immediate action is necessary. Such guardianship shall be for a specific period not to exceed six months. The department shall prescribe guidelines for the project and evaluate the project operations.



SECTION 8. LEGISLATIVE INTENT - CHILD SUPPORT INCENTIVE PAYMENTS. It is the intent of the legislative assembly that twenty-five percent of the incentive money received under Title IV-D of the Social Security Act [Pub. L. 93-647; 88 Stat. 2351; 42 U.S.C. 651 et seq., as amended] shall be used by the department of human services to assist in the payment of the state share of the cost of programs administered under chapter 50-09.

SECTION 9. EMERGENCY. The community chemical dependency treatment enhancement line item in section 1 of this Act and section 5 of this Act are declared to be emergency measures.

Approved April 15, 1989  
Filed April 17, 1989

## CHAPTER 12

HOUSE BILL NO. 1013  
(Committee on Appropriations)

### SOIL CONSERVATION

AN ACT making an appropriation for defraying the expenses of the soil conservation committee and soil conservation districts of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the soil conservation committee and districts of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$ 336,702   |
| Data processing                  | 200          |
| Operating expenses               | 260,347      |
| Equipment                        | 1,500        |
| Grants, benefits, and claims     | 691,251      |
| Total general fund appropriation | \$ 1,290,000 |

Approved March 31, 1989  
Filed March 31, 1989

**CHAPTER 13**

HOUSE BILL NO. 1014  
(Committee on Appropriations)

**ATMOSPHERIC RESOURCE BOARD**

AN ACT making an appropriation for defraying the expenses of the atmospheric resource board of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the atmospheric resource board of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|   |                    |
|---|--------------------|
| Salaries and wages                                  | \$ 330,409         |
| Data processing                                     | 18,847             |
| Operating expenses and development                  | 1,663,232          |
| Equipment   | 11,872             |
| Research - atmospheric resource                     | 1,050,000          |
| Technology transfer/research/operational assistance | 2,000,000          |
| Total all funds                                     | <u>\$5,074,360</u> |
| Less estimated income                               | <u>4,542,323</u>   |
| Total general fund appropriation                    | \$ 532,037         |

Approved March 31, 1989  
Filed March 31, 1989

## CHAPTER 14

HOUSE BILL NO. 1015  
(Committee on Appropriations)

### MISCELLANEOUS REFUNDS AND COMMISSIONS

AN ACT to make an appropriation for defraying expenses of various commissions, departments, and divisions of the state of North Dakota; and to amend and reenact section 54-14-03.2 of the North Dakota Century Code, relating to claims against the state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from income to the various stated commissions, departments, and divisions of the state of North Dakota for the purpose of defraying the expenses for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|   |  |                    |
|---|--|--------------------|
| Subdivision 1.                                    |  |                    |
|   | EMERGENCY COMMISSION                           |                    |
| State contingencies                               |  | \$ 500,000         |
| Total general fund appropriation                  |  | <u>\$ 500,000</u>  |
| Subdivision 2.                                    |  |                    |
|   | UNEMPLOYMENT INSURANCE                         |                    |
| Grants, benefits, and claims                      |  | \$2,000,000        |
| Total special funds appropriation                 |  | <u>\$2,000,000</u> |
| Subdivision 3.                                    |  |                    |
|   | YELLOWSTONE - MISSOURI - FORT UNION COMMISSION |                    |
| Operating expenses                                |  | \$ 5,721           |
| Total general fund appropriation                  |  | <u>\$ 5,721</u>    |
| Subdivision 4.                                    |  |                    |
|   | STATE FIREMEN'S ASSOCIATION                    |                    |
| Grants, benefits, and claims                      |  | \$ 49,500          |
| Total appropriation from the state bonding fund   |  | <u>\$ 49,500</u>   |
| Subdivision 5.                                    |  |                    |
|   | MISCELLANEOUS REFUNDS                          |                    |
| Grants, benefits, and claims                      |  | \$ 184,930         |
| Total general fund appropriation                  |  | <u>\$ 184,930</u>  |
| Grand total general fund appropriation H.B. 1015  |  | \$ 690,651         |
| Grand total special funds appropriation H.B. 1015 |  | \$2,049,500        |
| Grand total all funds appropriation H.B. 1015     |  | <u>\$2,740,151</u> |

SECTION 2. EXEMPTION. The funds herein appropriated for subdivision 3 of this Act shall not be subject to the provisions of sections 54-27-10 and 54-27-11 of the North Dakota Century Code, relating to the time during which appropriations become available.

SECTION 3. DISASTER EXPENSES. The funds appropriated in subdivision 1 of section 1 of this Act shall also be available to defray the costs of state agencies and institutions which arise as a result of natural disasters and to match federal disaster relief funds.

SECTION 4. AMENDMENT. Section 54-14-03.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-14-03.2. Claims against the state - Acts of residents of state institutions.

1. Any individual injured by an act of a resident or an inmate of a state institution may submit a claim to the office of the budget state institution where the act occurred. As used in this section, "claim" means a monetary demand upon the state for personal injury or property damage arising from an act of a resident or an inmate of a state institution, and "state institution" means the state hospital, Grafton state school, ~~San Haven~~, state penitentiary, state farm, North Dakota industrial school, school for the blind, and school for the deaf.
2. The office of the budget state institution may approve a claim for less than two thousand five hundred dollars. If the claim is approved by the office of the budget, the office shall apply to the emergency commission for an amount from the contingency fund sufficient to pay the claim. It shall be conclusively presumed upon the receipt of such application by the emergency commission that an emergency exists, and the commission shall direct the transfer of the requested amount to the office of the budget from the contingency fund. The office of the budget, upon receipt of the transfer from the contingency fund, shall pay the claim and submit the claim to the office of the budget for processing. The expenditure for the claim must be drawn from the state institution's appropriation authority.
3. The office of the budget shall forward any claim exceeding two thousand five hundred dollars to the emergency commission with the office's recommendation. If the claim is approved by the emergency commission, it shall be conclusively presumed that an emergency exists, and the commission shall direct the transfer of the approved amount to the office of the budget from the contingency fund. The office of the budget, upon receipt of the transfer from the contingency fund, shall pay the claim.
- 4- Decisions of the office of the budget or the emergency commission state institution partially or totally denying a claim may not be appealed to any court of this state.
- 5- 4. Claims may not be submitted to the legislative assembly unless the claim has been partially or totally denied by the office of the budget or the emergency commission state institution.
- 6- 5. This section does not apply to a resident or an inmate of a state institution who is injured by another resident or inmate of a state institution.

Approved March 16, 1989  
Filed March 16, 1989

## CHAPTER 15

HOUSE BILL NO. 1016  
(Committee on Appropriations)

### INSURANCE PREMIUM TAX DISTRIBUTION

AN ACT making an appropriation for insurance premium tax payments distribution to fire departments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the insurance tax distribution fund in the state treasury, not otherwise appropriated, the sum of \$2,600,000, or so much thereof as may be necessary, to the commissioner of insurance for the purpose of making payments of insurance premiums to fire departments, for the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved April 13, 1989  
Filed April 13, 1989

---

## CHAPTER 16

HOUSE BILL NO. 1017  
(Committee on Appropriations)

### **HOMESTEAD TAX CREDIT**

AN ACT making an appropriation for the homestead tax credit.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the state tax commissioner for the purpose of reimbursing the homestead tax credit, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |             |
|----------------------------------|-------------|
| Grants, benefits, and claims     | \$5,000,000 |
| Total general fund appropriation | \$5,000,000 |

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 17

HOUSE BILL NO. 1018  
(Committee on Appropriations)

### STATE AID DISTRIBUTION FUND

AN ACT making an appropriation for the distribution of state aid distribution fund revenue to local political subdivisions of the state of North Dakota; to amend and reenact section 57-58-01 of the North Dakota Century Code as amended by section 2 of chapter 35 of the 1987 Session Laws of North Dakota, relating to the distribution of personal property tax replacement funds to political subdivisions; and to provide a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the state aid distribution fund in the state treasury, not otherwise appropriated, to the state treasurer of the state of North Dakota for the purpose of distributing state aid distribution fund revenue to local political subdivisions, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|   |                     |
|---|---------------------|
| Grants, benefits, and claims                    | <u>\$54,208,300</u> |
| Total state aid distribution fund appropriation | <u>\$54,208,300</u> |

\* **SECTION 2. AMENDMENT.** Section 57-58-01, as amended by section 2 of chapter 35 of the 1987 Session Laws of North Dakota, effective July 1, 1989, is hereby amended and reenacted to read as follows:

57-58-01. Distribution to counties and local subdivisions. It is hereby provided that any political subdivision which has an existing bonded indebtedness for which a tax levy must be made in 1970 or any year thereafter, shall reduce its levy in each such year for current operating purposes by the amount which its tax levy on taxable property in that year for retirement of the bonded indebtedness is increased because of the exemption of personal property by subsection 25 of section 57-02-08. On or before February 1, 1971, the county auditor of each county shall certify to the state tax commissioner the total amount of taxes levied in the year 1968 for the state, county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes, and levies voted by the people, new or present levies increased by legislative action of such county on those items of personal property exempt under the provisions of section 57-02-08, and, in addition, the total valuation of real estate and taxes levied on real estate for the year 1968. On or before ~~June 1, 1990~~ June 30, 1990, and each year thereafter, the state tax commissioner shall certify for payment to the state treasurer an amount, for payment by the state treasurer to each county, determined to be due such county based upon the personal property taxes levied in the year 1968 for the political subdivisions herein mentioned on

\* **NOTE:** Section 57-58-01 was also amended by section 4 of Senate Bill No. 2384, chapter 650.



the items of personal property exempt from the personal property tax under the provisions of section 57-02-08, the per capita school tax under the provisions of former section 57-15-23, and the grain tax under the provisions of former chapter 57-03, together with any adjustments to be made in the manner hereinafter provided. Within sixty days after the receipt of the revenue as provided by this section, the county treasurer shall allocate and remit to the county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes that amount of revenue which is received from the state in the same ratio as he would have distributed the revenue from the personal property tax, adjusting such amount by any increase or decrease in real property taxes as levied by each taxing authority according to the formula hereinafter provided. Any amount that would be apportioned and credited to the retirement of a bonded indebtedness existing in 1970 for which a tax levy was made in 1970 and in any year thereafter, shall be credited to the general fund of the political subdivision. In the years after 1971, payments to the counties under this section shall be made based upon ninety-five percent of such payment for 1971 together with a growth factor which shall be based upon the dollar amount of increase or decrease in real property taxes levied within each county. For each seven dollar increase in real property taxation within a county, the state shall contribute an additional one dollar over that amount which equals ninety-five percent of such payment in the base year. For each seven dollar decrease in real property taxation within a county, the state shall contribute one dollar less than that amount which equals ninety-five percent of such payment in the base year.

On or before ~~June 1, 1968~~ June 30, 1990, and each year thereafter, the state tax commissioner shall certify to the state treasurer the amount determined to be due to the state based upon the personal property taxes levied in the year 1968 for the North Dakota state medical center. The amount so certified shall be computed in accordance with the formula provided in this section for computing the amounts to be certified and paid to the counties. The state treasurer upon receiving the certification from the tax commissioner shall transfer from the general fund to the credit of the North Dakota state medical center the amount so certified.

Any political subdivision which levied taxes on taxable property in the year 1970 for a specific fund or purpose for which a levy was not made by it in the year 1968 shall be entitled to a distribution of revenue from the state in the year 1971 for any such levy. The amount of such distribution shall be determined as follows: the county auditor shall certify to the state tax commissioner as soon as possible after March 30, 1971, the amount of each such levy made by and spread for each political subdivision on taxable real property in the county in the year 1970; the tax commissioner shall forthwith determine the correctness of such amounts and certify to the state treasurer for immediate payment to the county an amount that is determined by dividing the total of such levies made and spread in 1970 on taxable real property in the county by the growth factor that is provided in the first paragraph of this section; the county treasurer within fifteen days after the receipt of such revenue from the state treasurer shall allocate and remit to each political subdivision its proportionate amount of that revenue.

If the classification of any property for taxation purposes is changed from real to personal property or from personal to real property because of legislative or judicial action, the county auditor of the county in which the property is located shall forthwith certify to the tax commissioner the

amount of real estate taxes or personal property taxes that was levied on all such property by each taxing district in the year 1968 and in any other year thereafter that the tax commissioner may request. The tax commissioner, in determining the amount to be certified to the state treasurer for payment to the county pursuant to this section, shall adjust the amounts of taxes certified by the county auditor as levied on real property and on personal property in 1968 and in any other year as may be necessary by adding to or subtracting from each such amount the taxes on the reclassified property so that the distribution by the state to the county will be determined as though such property had been taxed in 1968 and all later years in the classification into which it was reclassified.

Notwithstanding the other provisions of this section, personal property tax replacement is an amount as determined under section 57-39.2-26.1, subject to legislative appropriation. If moneys appropriated by the legislative assembly for personal property tax replacement are not in the amount that would be provided under this section for distribution, the tax commissioner and the state treasurer shall provide for pro rata distribution of available funds on the basis of the formula contained in this section.

**SECTION 3. STATEMENT OF INTENT.** It is the intent of the legislative assembly that the lesser of five percent of the distributions to each political subdivision for revenue sharing and personal property tax replacement or the amount distributed to each political subdivision from the total appropriated in excess of its share of fifty-seven percent of an equivalent of one percent of the sales, use, and excise tax; or so much thereof as may be necessary, must be used to complete handicap accessibility projects on property of the political subdivision. The state auditor must include or require a statement of compliance with this section in each political subdivision's audit report.

**SECTION 4. STATEMENT OF INTENT.** It is the intent of the legislative assembly that, if the amount appropriated in this Act is less than the amount deposited in the state aid distribution during the 1989-91 biennium, the legislative assembly shall provide a deficiency appropriation of the excess amount deposited and that the deficiency appropriation be for the 1989-91 biennium, and not be considered in appropriations for the 1991-93 biennium.

Approved March 31, 1989  
Filed March 31, 1989

## CHAPTER 18

HOUSE BILL NO. 1019  
(Committee on Appropriations)

### CENTENNIAL COMMISSION

AN ACT making an appropriation for defraying the expenses of the centennial commission of the state of North Dakota.

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, the sum of \$189,540, or so much thereof as may be necessary, to the centennial commission of the state of North Dakota for the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved April 10, 1989  
Filed April 11, 1989

## CHAPTER 19

HOUSE BILL NO. 1020  
(Committee on Appropriations)

### AGRICULTURAL COUNCILS AND COMMISSIONS

AN ACT making an appropriation for defraying the expenses of various agricultural councils and commissions of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated from special funds derived from federal funds and other income, to the various agricultural councils and commissions of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|  |                        |                    |
|--|------------------------|--------------------|
| Subdivision 1.                                 | EDIBLE BEAN COUNCIL    |                    |
| Operating expenses                             |                        | \$ 400,000         |
| Total appropriation from edible bean fund      |                        | <u>\$ 400,000</u>  |
| Subdivision 2.                                 | SUNFLOWER COUNCIL      |                    |
| Salaries and wages                             |                        | \$ 55,810          |
| Operating expenses                             |                        | 1,442,585          |
| Equipment                                      |                        | <u>7,000</u>       |
| Total appropriation from sunflower fund        |                        | <u>\$1,505,395</u> |
| Subdivision 3.                                 | HONEY PROMOTION FUND   |                    |
| Operating expenses                             |                        | \$ 56,000          |
| Total appropriation from honey promotion fund  |                        | <u>\$ 56,000</u>   |
| Subdivision 4.                                 | STATE POTATO COUNCIL   |                    |
| Operating expenses                             |                        | <u>\$1,000,000</u> |
| Total appropriation from spud fund             |                        | <u>\$1,000,000</u> |
| Subdivision 5.                                 | TURKEY FUND            |                    |
| Operating expenses                             |                        | <u>\$ 40,000</u>   |
| Total appropriation from turkey promotion fund |                        | <u>\$ 40,000</u>   |
| Subdivision 6.                                 | STATE WHEAT COMMISSION |                    |
| Salaries and wages                             |                        | \$ 633,907         |
| Data processing                                |                        | 6,480              |
| Operating expenses                             |                        | 2,515,855          |
| Equipment                                      |                        | <u>20,000</u>      |

---

|   |             |
|---|-------------|
| Total appropriation from wheat promotion fund     | \$3,176,242 |
| Grand total special funds appropriation H.B. 1020 | \$6,177,637 |

SECTION 2. APPROPRIATION. In addition to the appropriations provided in section 1 of this Act, all funds as may be on deposit in the various special funds for which appropriations are made in section 1 are hereby appropriated and can be spent only upon authorization of the emergency commission for the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 20

HOUSE BILL NO. 1021  
(Committee on Appropriations)

### STATE SEED DEPARTMENT

AN ACT to make an appropriation for defraying the expenses of the state seed department of the state of North Dakota; and to amend and reenact section 4-09-20 of the North Dakota Century Code, relating to investments of moneys in the state seed department revolving fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys from special funds derived from income, to the state seed department of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|   |                    |
|---|--------------------|
| Salaries and wages                            | \$2,483,058        |
| Operating expenses                            | 753,251            |
| Equipment                                     | 41,765             |
| Capital improvements                          | 34,000             |
| Grants, benefits, and claims                  | 80,000             |
| Contingency                                   | 100,000            |
| Total appropriation from seed department fund | <u>\$3,492,074</u> |

\* SECTION 2. AMENDMENT. Section 4-09-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-09-20. Fees and collections - Disposition. All moneys arising from the collection of fees and other charges under ~~the provisions of~~ this chapter must be deposited by the ~~state seed~~ commissioner with the state treasurer and credited to the seed department revolving fund, and must be disbursed, within the limits of legislative appropriations ~~therefrom~~, upon vouchers signed by the ~~state seed~~ commissioner and warrant-checks prepared by the office of management and budget; ~~after approval of such expenditures by the office of the budget.~~ The state treasurer shall, at the direction of the commission, provide for the investment of available moneys from the revolving fund. The state treasurer shall deposit twenty percent of the income from the investment of the moneys in the general fund and the remaining eighty percent of the investment income in the seed department revolving fund.

Approved April 15, 1989  
Filed April 17, 1989

\* NOTE: Section 4-09-20 was also amended by section 14 of Senate Bill No. 2111, chapter 75.

## CHAPTER 21

HOUSE BILL NO. 1022  
(Committee on Appropriations)

### GAME AND FISH DEPARTMENT

AN ACT making an appropriation for defraying the expenses of the game and fish department of the state of North Dakota; to amend and reenact subsection 22 of section 20.1-03-12 of the North Dakota Century Code, relating to motorboat license fees; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the game and fish fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the game and fish department of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                   |              |
|-----------------------------------|--------------|
| Salaries and wages                | \$ 7,455,630 |
| Data processing                   | 256,958      |
| Operating expenses                | 4,410,490    |
| Equipment                         | 564,710      |
| Capital improvements              | 3,077,393    |
| Grants, benefits, and claims      | 2,124,625    |
| Noxious weed control              | 144,595      |
| Deer depredation                  | 1,100,000    |
| Wildlife habitat                  | 775,000      |
| In lieu of taxes                  | 400,000      |
| Game and fish donations           | 60,000       |
| Upland game bird stocking         | 75,000       |
| Nongame fund                      | 100,000      |
| Total special funds appropriation | \$20,544,401 |

SECTION 2. HABITAT RESTORATION - TRANSFER. The amount of \$775,000, or such lesser amount as may be available, for the line item entitled wildlife habitat in section 1 of this Act shall be transferred from the habitat restoration stamp program fund, to the game and fish department to lease privately owned lands for wildlife habitat to reestablish wildlife population for the biennium beginning July 1, 1989, and ending June 30, 1991. These funds shall be spent only for the purposes and utilizing guidelines as outlined in section 20.1-03-12.1.

SECTION 3. PRIVATE HABITAT AND DEER DEPREDATION - TRANSFER. The amount of \$1,100,000, or such lesser amount as may be available, for the line item entitled deer depredation in section 1 of this Act, shall be transferred from the private land habitat improvement fund, to the game and fish department, to improve wildlife habitat on private land and alleviate

depreciation as provided in section 20.1-02-05 for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 4. NONGAME WILDLIFE - TRANSFER. The amount of \$50,000, or such lesser amount as may be available, for the line item entitled nongame fund in section 1 of this Act, shall be transferred from the nongame wildlife fund to the game and fish department, for the purposes of preservation, inventory, perpetuation, and conservation of nongame wildlife, natural areas, and nature preserves in this state for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 5. AMENDMENT. Subsection 22 of section 20.1-03-12 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

22. For a motorboat certificate of number and license, ~~the following license fees shall be used:~~ Each motorboat under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, six ~~nine~~ dollars. Each motorboat sixteen feet [4.88 meters] in length and over but shorter than twenty feet [6.1 meters] in length, excluding canoes, fifteen ~~twenty-one~~ dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, thirty dollars. It is the intent of the legislative assembly that the increase in motorboat license fees, as provided by the 1981 ~~amendment~~ and 1989 ~~amendments~~ to this subsection, be used for providing matching funds for construction and installation of boat launching facilities, fish cleaning and comfort stations, boating enforcement, boating safety education, and boat registration administration.

SECTION 6. EMERGENCY. The grants, benefits, and claims and the capital improvements line items contained in section 1 of this Act are declared to be emergency measures.

Approved April 13, 1989  
Filed April 13, 1989



**CHAPTER 22**

HOUSE BILL NO. 1023  
(Committee on Appropriations)

**PARKS AND RECREATION DEPARTMENT**

AN ACT making an appropriation for defraying the expenses of the parks and recreation department of the state of North Dakota and providing for a transfer from the snowmobile fund and the trail tax transfer fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the parks and recreation department of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |                    |
|----------------------------------|--------------------|
| Salaries and wages               | \$3,429,158        |
| Data processing                  | 3,947              |
| Operating expenses               | 1,980,257          |
| Equipment                        | 286,682            |
| Capital improvements             | 502,281            |
| Grants, benefits, and claims     | <u>3,319,388</u>   |
| Total all funds                  | <u>\$9,521,713</u> |
| Less estimated income            | <u>4,883,247</u>   |
| Total general fund appropriation | \$4,638,466        |

SECTION 2. CAPITAL IMPROVEMENTS AND GRANTS, BENEFITS, AND CLAIMS. It is intended that the appropriation for capital improvements be expended at the discretion of the parks and recreation department and that the appropriation for grants, benefits, and claims be expended at the discretion of the parks and recreation department and the state outdoor recreation interagency council.

SECTION 3. APPROPRIATION - TRANSFER. The amount of \$100,000, or so much thereof as is necessary, included in the estimated income line item, is hereby appropriated and shall be transferred by the office of management and budget from the snowmobile fund to the parks and recreation department for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 4. APPROPRIATION - TRANSFER. The amount of \$11,000, or so much thereof as is necessary, included in the estimated income line item, is hereby appropriated and shall be transferred by the office of management and budget from the trail tax transfer fund to the parks and recreation department for the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 23

HOUSE BILL NO. 1024  
(Committee on Appropriations)

### WATER COMMISSION

AN ACT making an appropriation for defraying the expenses of the various divisions of the state water commission of the state of North Dakota; and providing for an appropriation and transfer of funds from the resources trust fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the various divisions of the state water commission of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

STATE WATER COMMISSION

|                                  |                     |
|----------------------------------|---------------------|
| Salaries and wages               | \$ 5,004,844        |
| Data processing                  | 62,400              |
| Operating expenses               | 1,126,799           |
| Equipment                        | 217,530             |
| Grants, benefits, and claims     | 4,802,879           |
| Total all funds                  | <u>\$11,214,452</u> |
| Less estimated income            | <u>7,302,102</u>    |
| Total general fund appropriation | \$ 3,912,350        |

Subdivision 2.

SOUTHWEST WATER PIPELINE

|   |                     |
|---|---------------------|
| Salaries and wages                                | \$ 505,103          |
| Operating expenses                                | 2,014,711           |
| Equipment   | 210,000             |
| Capital improvements                              | 25,061,590          |
| Total special funds appropriation                 | <u>\$27,791,404</u> |
| Grand total general fund appropriation H.B. 1024  | \$ 3,912,350        |
| Grand total special funds appropriation H.B. 1024 | \$37,793,506        |
| Grand total all funds appropriation H.B. 1024     | \$41,705,856        |

SECTION 2. APPROPRIATION - TRANSFER. The amount of \$6,861,190, or so much thereof as is necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act is hereby appropriated and shall be transferred by the office of management and budget from the resources trust fund to the state water commission for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. APPROPRIATION - TRANSFER. The amount of \$1,800,000, or so much thereof as is necessary, included in the special funds appropriation line item in subdivision 2 of section 1 of this Act is hereby appropriated and shall be transferred by the office of management and budget from the resources trust fund to the southwest water pipeline under the supervision of the state water commission for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 4. ALLOCATION OF GRANT FUNDS. The funds appropriated in the grants line item in subdivision 1 of section 1 shall be disbursed by the commission in accordance with section 61-02-64.1.

SECTION 5. GRANTS, BENEFITS, AND CLAIMS. Section 54-44.1-11 of the North Dakota Century Code shall not apply to appropriations made for grants, benefits, and claims in this Act. However, this exclusion shall only be in effect for the two-year period after June 30, 1991. Any unexpended funds after that period has elapsed shall be transferred to the resources trust fund.

SECTION 6. RESOURCES TRUST FUND APPROPRIATION - ADJUSTMENT. In the event the resources trust fund estimated 1989-91 revenues are in excess of \$5,854,410, any excess, up to \$2,700,000 or so much thereof as is necessary, is hereby appropriated and, subject to emergency commission approval, shall be transferred by the office of management and budget from the resources trust fund to the state water commission for the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 24

HOUSE BILL NO. 1025  
(Committee on Appropriations)

### ECONOMIC DEVELOPMENT COMMISSION

AN ACT to make an appropriation for defraying the expenses of the economic development commission of the state of North Dakota; to provide for a transfer from the state highway fund; to provide legislative intent regarding economic development; and to amend and reenact sections 54-34-01, 54-34-03, and subsection 2 of section 54-34-06 of the North Dakota Century Code, relating to the purpose and membership of the economic development commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 to the economic development commission of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |             |
|----------------------------------|-------------|
| Salaries and wages               | \$2,258,489 |
| Data processing                  | 2,500       |
| Operating expenses               | 3,755,761   |
| Equipment                        | 39,668      |
| Grants, benefits, and claims     | 2,105,425   |
| Total all funds                  | \$8,161,843 |
| Less estimated income            | 2,651,628   |
| Total general fund appropriation | \$5,510,215 |

SECTION 2. TRANSFER. The amount of \$1,801,628 included in the estimated income line item in section 1 of this Act shall be transferred from the state highway fund to the economic development commission operating fund as directed by the office of management and budget during the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. AMENDMENT. Section 54-34-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-34-01. Purpose of chapter. The economic development commission and director of the economic development commission appointed under this chapter are intended to carry out a program of promotion and economic development to enhance the general welfare of the state through the establishment of new business and industry, the expansion of existing business and industry, the development of new markets for agricultural, and other products, the encouragement of international trade, the development of tourism, and the attraction of new residents, business, and industry. The primary mission and

focus of the program is the establishment and expansion of primary sector business and industry.

SECTION 4. AMENDMENT. Section 54-34-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-34-03. Economic development commission - Membership - Appointment and removal - Expenses. The economic development commission consists of the governor as chairman and ~~nine~~ ten members appointed by the governor, with one member appointed from each of the eight planning districts ~~and~~, one member to be appointed at large to represent minorities, and one member appointed to represent the state's system of higher education. The members must be appointed for a term of five years staggered so that the term of at least one member expires each year. The governor shall fill vacancies in the same manner as the original appointment, except that vacancies occurring for other than the expiration of a term must be filled by appointment for only the remainder of the term of the member causing the vacancy. The governor shall appoint members to the commission on the basis of the special knowledge, experience, and interest of each member in the economic development of the state. The governor may receive nominations of candidates for appointment to the commission from the private sector and from public and private economic development agencies and organizations in the state in such form as may be required by the governor, including nominations from the state board of higher education for appointment of the member to represent the state's system of higher education. Any member of the commission may be removed by the governor for neglect of duty or malfeasance in office. Members of the commission may not receive a salary for their services, but are entitled to reimbursement for expenses incurred in attending meetings and otherwise performing official duties at the same rate as allowed other state officers.

SECTION 5. AMENDMENT. Subsection 2 of section 54-34-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Plan, execute, and direct a program of publicity, research, and agricultural and industrial promotion, the primary mission and focus of which is the establishment and expansion of primary sector business and industry, which will:
  - a. Attract investors, investment capital, and new residents.
  - b. Foster and promote tourism and international trade.
  - c. Assist in improving the business and agricultural climate of North Dakota to encourage the growth and development of business and industry.

SECTION 6. LEGISLATIVE INTENT - COLLOCATION OF ECONOMIC DEVELOPMENT FUNCTIONS. It is the intent of the legislative assembly that if the North Dakota state university extension division develops area resource centers, the economic development commission, where practical and feasible, collocate the small business development centers and regional economic development council offices, or their equivalent, with the extension division's area resource centers.

SECTION 7. LEGISLATIVE INTENT - GRANTS, BENEFITS, AND CLAIMS. It is the intent of the legislative assembly that \$1,709,737 of the grants,

benefits, and claims line item be made available to the North Dakota equity development corporation established by Senate Bill No. 2234 to be allocated as follows:

| GRANT RECIPIENT  | AMOUNT         |
|--|----------------|
| 1. University of North Dakota aerospace center   | \$ 600,000     |
| 2. Center for innovation and business development<br>at the university of North Dakota   | 169,737        |
| 3. University of North Dakota energy and mineral<br>research center for energy research including<br>mild gasification and other research in Bismarck,<br>Mandan, and western North Dakota, conducted<br>with the approval of the lignite research<br>council, established by the governor's<br>executive order dated February 9, 1989 | 200,000        |
| 4. Economic development management committee<br>for university functions necessary to bring<br>technological innovations and product<br>discoveries to commercialization   | 200,000        |
| 5. Small business innovation research  | 100,000        |
| 6. Equity development corporation in<br>accordance with the provisions of<br>Senate Bill No. 2234  | <u>440,000</u> |
| Total  | \$ 1,709,737   |

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 25

HOUSE BILL NO. 1063  
(Legislative Council)  
(Interim Legislative Procedure and Arrangements Committee)

### **LEGISLATIVE WING AND CAPITOL GROUNDS PLANNING COMMISSION**

AN ACT providing an appropriation to the legislative assembly for improvements to the state capitol; providing an appropriation to the capitol grounds planning commission for defraying expenses; and declaring 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 capitol building fund in the state treasury, not otherwise appropriated, the sum of \$422,300, or so much thereof as may be necessary, to the legislative assembly for improvements to the legislative wing and capitol grounds of the state capitol and the sum of \$25,000, or so much thereof as may be necessary, to the capitol grounds planning commission to defray its expenses. The legislative council or its designee shall administer this Act. The provisions of chapter 48-10 and section 54-44.1-11 do not apply to this appropriation.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 14, 1989  
Filed April 17, 1989

## CHAPTER 26

HOUSE BILL NO. 1080  
(Committee on Finance and Taxation)  
(At the request of the Board of Higher Education)

### **BISMARCK STATE COLLEGE PARKING BONDS**

AN ACT to authorize the state board of higher education to issue and sell self-liquidating tax-exempt bonds for the construction of a revenue-producing parking lot at Bismarck state college; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating tax-exempt bonds in any amount up to, but not exceeding, \$350,000, for the purpose of constructing a revenue-producing parking lot at Bismarck state college. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota.

SECTION 2. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 1, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and equipment of the facility authorized in section 1. Any unexpended balance from the sale of bonds must be placed in sinking funds for the retirement of the authorized bonds.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved January 31, 1989  
Filed January 31, 1989



## CHAPTER 27

HOUSE BILL NO. 1456  
(Representatives Rydell, Hokana)  
(Senators Mushik, Holmberg)

### CENTENNIAL TREE PROGRAM

AN ACT to allow the centennial commission to establish a centennial decade trees committee by rule, to establish a centennial tree program trust fund, and to provide for uses of the fund; to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an optional contribution to the centennial tree program trust fund to be included on North Dakota income tax returns; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Centennial decade trees committee - Centennial tree program trust fund - Uses - Appropriation. The centennial commission may adopt rules to provide for establishment, membership, functions, powers, duties, and duration of a centennial decade trees committee. A special fund is established in the state treasury known as the centennial tree program trust fund. The fund may be expended by the centennial decade trees committee and is hereby appropriated to the committee as a standing and continuing appropriation that may be used only for the purposes of defraying the costs associated with the ongoing promotion of the centennial trees program.

SECTION 2. A new section to chapter 57-38 of the North Dakota Century Code is hereby created and enacted to read as follows:

Optional contributions to centennial tree program trust fund. On all tax returns under this chapter, a taxpayer may designate a contribution to the centennial tree program trust fund of any amount of one dollar or more to be added to tax liability or deducted from any refund that would otherwise be payable by or to the taxpayer. The tax commissioner shall notify taxpayers of this optional contribution on all state income tax returns. The tax commissioner shall transfer the amount of optional contributions under this section to the state treasurer for deposit in the centennial tree program trust fund for use as provided in section 1 of this Act.

SECTION 3. EFFECTIVE DATE - EXPIRATION DATE. This Act is effective for taxable years beginning after December 31, 1988, and is ineffective for taxable years beginning after December 31, 1998.

Approved March 29, 1989  
Filed March 30, 1989

## CHAPTER 28

HOUSE BILL NO. 1601  
(Peterson, Mertens, R. Hausauer, Kelly)

### BLUE BOOK CENTENNIAL EDITION

AN ACT to provide a continuing appropriation for the North Dakota centennial edition of the blue book; to amend and reenact subsection 5 of section 20 of chapter 70 of the 1987 Session Laws of North Dakota, relating to the sale of the blue book; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. NORTH DAKOTA CENTENNIAL EDITION OF THE BLUE BOOK - CONTINUING APPROPRIATION. The secretary of state shall deposit all fees and moneys collected from the sale of the blue book in the state treasury in a special fund known as the blue book fund. The moneys in the fund are hereby appropriated as a continuing appropriation to the secretary of state for the continued printing and distribution of the centennial edition of the blue book. The secretary of state may order additional blue books only as the continuing appropriation will allow.

SECTION 2. AMENDMENT. Subsection 5 of section 20 of chapter 70 of the 1987 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

5. After making the distribution required by subsection 4, the secretary of state shall provide for the sale of the Blue Book through state agencies and may negotiate with North Dakota licensed private vendors and state agencies to allow for sales at various locations throughout the state. The secretary of state shall establish the price of the Blue Book. ~~All proceeds received by the state must be deposited in the state general fund.~~

SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date is ineffective.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 22, 1989  
Filed March 23, 1989

## CHAPTER 29

HOUSE BILL NO. 1669  
(Representatives Schneider, Goetz, Rydell)  
(Senators Mushik, Satrom, Thane)  
(Approved by the Committee on Delayed Bills)

### **PENITENTIARY BUILDING AND HIGHER EDUCATION HANDICAPPED ACCESS**

AN ACT to authorize the industrial commission acting as the North Dakota building authority to issue loan notes to make funds available for the construction of various buildings and facilities at the North Dakota state penitentiary and for handicapped access projects at the institutions of higher education under the control of the board of higher education; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. PROJECT AUTHORIZATION - APPROPRIATION.** The industrial commission, acting as the state building authority, may construct and acquire and issue loan notes pursuant to chapter 54-17.2 of the North Dakota Century Code in an amount not exceeding \$6,200,000, less any insurance proceeds received for the building and equipment losses from the February 17, 1989, fire estimated at approximately \$1,200,000, to defray that portion of the project costs associated with the phase III construction and renovation project at the North Dakota state penitentiary, hereby declared to be in the public interest, during the period beginning January 1, 1989, and ending June 30, 1991. The industrial commission may offer loan notes issued under this section for sale only to the Bank of North Dakota at a price that is as representative as possible of the current market interest rates for comparable loan notes purchased by the Bank of North Dakota. The proceeds of the loan notes and other available funds are hereby appropriated for the construction of various buildings and facilities at the North Dakota state penitentiary for the period beginning on the effective date of this Act and ending June 30, 1991. The industrial commission shall issue loan notes authorized under this section with the condition that lease rental payments need not begin until July 1, 1991. This authority of the industrial commission to issue loan notes ends on June 30, 1991, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

**SECTION 2. PROJECT AUTHORIZATION - APPROPRIATION.** The industrial commission, acting as the state building authority, may construct and acquire and issue loan notes pursuant to chapter 54-17.2 of the North Dakota Century Code in an amount not exceeding \$1,600,000 to defray that portion of the project costs associated with selected handicapped access projects at the institutions of higher education under the control of the board of higher education, hereby declared to be in the public interest, for the biennium beginning July 1, 1989, and ending June 30, 1991. The industrial commission may offer loan notes issued under this section for sale only to the Bank of North Dakota at a price that is as representative as possible of the current

market interest rates for comparable loan notes purchased by the Bank of North Dakota. The proceeds of the loan notes and other available funds are hereby appropriated for the handicapped access projects at the institutions of higher education under the control of the board of higher education for the biennium beginning July 1, 1989, and ending June 30, 1991. The industrial commission shall issue loan notes authorized under this section with the condition that lease rental payments need not begin until July 1, 1991. This authority of the industrial commission to issue loan notes ends on June 30, 1991, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

SECTION 3. ARCHITECT, ENGINEER, AND LAND SURVEYING SERVICES. The project authorized by section 1 of this Act is not subject to chapter 54-44.7.

SECTION 4. EMERGENCY. Sections 1 and 3 of this Act are declared to be emergency measures.

Approved April 28, 1989  
Filed April 28, 1989

**CHAPTER 30**

SENATE BILL NO. 2001  
(Committee on Appropriations)

**LEGISLATIVE BRANCH**

AN ACT providing an appropriation for defraying the expenses of the legislative branch of government; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION FOR THE LEGISLATIVE BRANCH OF STATE GOVERNMENT. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the legislative branch of the state government for the purpose of defraying the expenses thereof, for the fiscal period beginning with the effective date of this Act and ending June 30, 1991, as follows:

Subdivision 1.

|  |                |
|--|----------------|
| FIFTY-FIRST AND FIFTY-SECOND LEGISLATIVE ASSEMBLIES AND BIENNium |                |
| Salaries and wages   | \$3,814,427    |
| Operating expenses   | 1,662,171      |
| Equipment  | 32,640         |
| National conference of state legislatures                        | <u>101,828</u> |
| Total general fund appropriation                                 | \$5,611,066    |

Subdivision 2.

LEGISLATIVE COUNCIL

|  |               |
|--|---------------|
| Salaries and wages                     | \$2,492,459   |
| Operating expenses                     | 1,438,243     |
| Equipment                              | <u>11,420</u> |
| Total general fund appropriation       | \$3,942,122   |
| Grand total general fund appropriation | \$9,553,188   |

SECTION 2. TRANSFERS. The director of the office of management and budget and the state treasurer shall make such transfers of funds between line items of appropriations for the legislative council as may be requested by the chairman of the council or his designee upon the finding by the chairman or his designee that the nature of studies and duties assigned to the council requires such transfers in properly carrying on the council's functions and duties. The director of the office of management and budget and the state treasurer shall similarly make transfers of funds between the line items for the fifty-first and fifty-second legislative assemblies, upon request of the chairman of the legislative council or his designee upon the finding by the chairman or his designee that such transfers are required for the legislative assembly to carry on its functions and duties.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 31

SENATE BILL NO. 2002  
(Committee on Appropriations)

### JUDICIAL BRANCH

AN ACT to provide an appropriation for defraying the expenses of the judicial branch of the government of the state of North Dakota; and to amend and reenact sections 27-02-02, 27-05-03, 27-07.1-04, and 27-24-04 of the North Dakota Century Code, relating to the salaries of the judges of the supreme, district, and county courts and reimbursement for temporary judge appointments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 to the judicial branch of government of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

SUPREME COURT

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$ 3,922,383 |
| Data processing                  | 102,500      |
| Operating expenses               | 1,015,500    |
| Equipment                        | 84,000       |
| Judges retirement                | 279,225      |
| Court of appeals                 | 42,000       |
| Total all funds                  | \$ 5,445,608 |
| Less estimated income            | 213,300      |
| Total general fund appropriation | \$ 5,232,308 |

Subdivision 2.

DISTRICT COURTS

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$12,330,613 |
| Operating expenses               | 3,951,961    |
| Equipment                        | 106,975      |
| Judges retirement                | 783,991      |
| Total all funds                  | \$17,173,540 |
| Less estimated income            | 142,332      |
| Total general fund appropriation | \$17,031,208 |

Subdivision 3.

JUDICIAL CONDUCT COMMISSION  
AND DISCIPLINARY BOARD

|                    |            |
|--------------------|------------|
| Salaries and wages | \$ 176,582 |
| Operating expenses | 118,500    |
| Equipment          | 2,000      |

|   |              |
|---|--------------|
| Total all funds                                   | \$ 297,082   |
| Less estimated income                             | 60,000       |
| Total general fund appropriation                  | \$ 237,082   |
| Grand total general fund appropriation S.B. 2002  | \$22,500,598 |
| Grand total special funds appropriation S.B. 2002 | \$ 415,632   |
| Grand total all funds appropriation S.B. 2002     | \$22,916,230 |

SECTION 2. APPROPRIATION. There is hereby appropriated any funds received by the judicial conduct commission and disciplinary board, not otherwise appropriated, pursuant to federal acts and private gifts, grants and donations for the purpose as designated in such federal acts or private gifts, grants, and donations for the period beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. TRANSFERS. The director of the office of management and budget and the state treasurer shall make such transfers of funds between line items of appropriation for the judicial branch of government as may be requested by the supreme court upon a finding by the court that the nature of the duties of the court and its staff requires such transfers to carry on properly the functions of the judicial branch of government.

SECTION 4. AMENDMENT. Section 27-02-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-02-02. Salaries of judges of supreme court. Each judge of the supreme court shall receive an annual salary commencing July 1, ~~1985~~ 1989, of ~~fifty-six thousand eight hundred sixty-five~~ sixty-three thousand eight hundred seventy-one dollars except that the chief justice of the supreme court shall receive an additional one thousand ~~five hundred eighty-two~~ seven hundred seventy-seven dollars per annum and commencing on July 1, ~~1986~~ 1990, each judge of the supreme court shall receive an annual salary of ~~fifty-nine thousand one hundred forty~~ sixty-eight thousand three hundred forty-two dollars except that the chief justice of the supreme court shall receive an additional one thousand ~~six hundred forty-five~~ nine hundred one dollars per annum.

SECTION 5. AMENDMENT. Section 27-05-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-05-03. Salaries and expenses of district judges. Each district judge of this state shall receive an annual salary commencing July 1, ~~1985~~ 1989, of ~~fifty-three thousand three hundred eighty-three~~ fifty-nine thousand four hundred five dollars and commencing July 1, ~~1986~~, an annual salary of ~~fifty-five thousand five hundred nineteen~~ 1990, an annual salary of ~~sixty-two thousand nine hundred sixty-nine~~ dollars and his actual travel expenses, which shall include mileage and subsistence while engaged in the discharge of his official duties outside the county in which his chambers are located. Such salary and expenses shall be payable monthly in the manner provided by law.

Each district judge who has been appointed by the supreme court to act as presiding judge of a judicial district shall receive an additional one thousand ~~two hundred sixty-six~~ four hundred eight dollars per annum commencing July 1, ~~1985~~, and one thousand three hundred sixteen dollars per annum commencing July 1, ~~1986~~ 1989, and one thousand four hundred ninety-three dollars per annum commencing July 1, 1990.

SECTION 6. AMENDMENT. Section 27-07.1-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-07.1-04. Salaries of judges of county courts - Amount and payment. A county judge is entitled to an annual salary of eighty-five percent of the salary paid to a district court judge as of January 1, 1989, but the county or counties may increase that amount up to the same salary as a district court judge. Such salary shall be payable by the county or counties in equal monthly installments and shall be full remuneration for all official duties, including all fees collected for official acts as judge of the county court, except fees charged for performing marriage ceremonies. All fees collected for official acts as judge of the county court, except fees charged for performing marriage ceremonies, shall be deposited by the court into the county treasury of the county in which the court is located.

SECTION 7. AMENDMENT. Section 27-24-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-24-04. Compensation and expenses of persons appointed temporary judge - Reimbursement to counties.

1. A temporary judge appointed as provided in section 27-24-01 ~~shall~~ must receive as compensation for each day of service in the performance of duties under the appointment an amount equal to five percent of the gross monthly salary of a regularly elected or appointed judge of the court in which the temporary judge is to serve, or one-half of that daily compensation for services of one-half day or less. The compensation ~~shall~~ must be paid upon the certificate of the temporary judge that the services were performed for the number of days shown in the certificate, and ~~shall~~ must be paid in the same manner as the salaries of the regularly elected or appointed judges are paid.
2. A temporary judge appointed as provided in section 27-24-01 or assigned as provided in section 27-24-02 to serve outside the county in which the judge resides or maintains an office ~~shall~~ must receive, in addition to daily compensation, reimbursement for travel expenses necessarily incurred in the performance of duties as temporary judge. The expenses ~~shall~~ must be reimbursed upon the certification by the temporary judge that the expenses were actually incurred, in the same manner as like expenses of regularly elected or appointed judges are paid.
3. The state shall reimburse on a pro rata basis the county or counties for whom a county judge provides judicial services the salary paid to the judge by the county or counties during the period the county judge serves as temporary judge in a district court following appointment under section 27-24-01.

Approved April 28, 1989  
Filed April 28, 1989



**CHAPTER 32**

SENATE BILL NO. 2003  
(Committee on Appropriations)

**STATE BOARD OF HIGHER EDUCATION**

AN ACT to provide an appropriation for defraying the expenses of the state board of higher education and the various institutions of higher learning under the supervision of the state board of higher education; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the remodeling and/or expansion of the student union at Minot state university; to amend and reenact section 4-19-03 of the North Dakota Century Code, relating to the state forester's authority to charge for seeds and planting stock; to provide an exemption to the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide legislative intent regarding student financial assistance grants, higher education planning, telecommunications, membership in the university center for atmospheric research, and the plant improvement contingency fund; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 to the state board of higher education and to the various institutions of higher learning under the supervision of the state board of higher education for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

STATE BOARD OF HIGHER EDUCATION

|  |                     |
|--|---------------------|
| Salaries and wages                                     | \$ 1,016,859        |
| Data processing  | 49,175              |
| Operating expenses                                     | 308,872             |
| Equipment  | 6,000               |
| Telecommunications                                     | 700,000             |
| Higher education planning                              | 300,000             |
| Higher education contingency fund                      | 195,847             |
| Reciprocal agreements                                  | 2,271,900           |
| Experimental program to stimulate competitive research | 2,538,611           |
| Scholars program                                       | 485,476             |
| National direct student loans                          | 102,885             |
| Title II grant   | 269,561             |
| Paul Douglas scholarship                               | 99,420              |
| Student financial assistance grants                    | 1,500,000           |
| Total all funds  | <u>\$ 9,844,606</u> |
| Less estimated income                                  | 2,068,981           |
| Total general fund appropriation                       | <u>\$ 7,775,625</u> |

## Subdivision 2.

## BISMARCK STATE COLLEGE

|                                  |               |
|----------------------------------|---------------|
| Salaries and wages               | \$ 11,192,914 |
| Operating expenses               | 2,954,700     |
| Equipment                        | 506,214       |
| Critical area adjustment fund    | 122,701       |
| Capital improvements             | 401,050       |
| Total all funds                  | \$ 15,177,579 |
| Less estimated income            | 7,448,610     |
| Total general fund appropriation | \$ 7,728,969  |

## Subdivision 3.

## UNIVERSITY OF NORTH DAKOTA - LAKE REGION

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$ 3,222,454 |
| Operating expenses               | 1,158,058    |
| Equipment                        | 115,587      |
| Critical area adjustment fund    | 27,317       |
| Capital improvements             | 407,204      |
| Total all funds                  | \$ 4,930,620 |
| Less estimated income            | 2,216,938    |
| Total general fund appropriation | \$ 2,713,682 |

## Subdivision 4.

## UNIVERSITY OF NORTH DAKOTA - WILLISTON

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$ 3,538,446 |
| Operating expenses               | 1,095,980    |
| Equipment                        | 140,310      |
| Critical area adjustment fund    | 29,403       |
| Capital improvements             | 71,560       |
| Total all funds                  | \$ 4,875,699 |
| Less estimated income            | 2,208,762    |
| Total general fund appropriation | \$ 2,666,937 |

## Subdivision 5.

## UNIVERSITY OF NORTH DAKOTA

|                                  |               |
|----------------------------------|---------------|
| Salaries and wages               | \$ 78,624,293 |
| Operating expenses               | 23,376,664    |
| Equipment                        | 2,000,028     |
| Critical area adjustment fund    | 834,640       |
| Capital improvements             | 1,487,641     |
| Total all funds                  | \$106,323,266 |
| Less estimated income            | 35,041,608    |
| Total general fund appropriation | \$ 71,281,658 |

## Subdivision 6.

## NORTH DAKOTA STATE UNIVERSITY

|                                  |               |
|----------------------------------|---------------|
| Salaries and wages               | \$ 65,258,807 |
| Operating expenses               | 20,414,103    |
| Equipment                        | 2,112,762     |
| Critical area adjustment fund    | 765,235       |
| Capital improvements             | 1,241,661     |
| Total all funds                  | \$ 89,792,568 |
| Less estimated income            | 28,691,638    |
| Total general fund appropriation | \$ 61,100,930 |

## Subdivision 7.

## NORTH DAKOTA STATE COLLEGE OF SCIENCE

|                                  |               |
|----------------------------------|---------------|
| Salaries and wages               | \$ 18,872,243 |
| Operating expenses               | 4,916,086     |
| Equipment                        | 1,365,491     |
| Critical area adjustment fund    | 148,490       |
| Capital improvements             | 533,809       |
| Total all funds                  | \$ 25,836,119 |
| Less estimated income            | 6,051,805     |
| Total general fund appropriation | \$ 19,784,314 |

## Subdivision 8.

## DICKINSON STATE UNIVERSITY

|                                  |               |
|----------------------------------|---------------|
| Salaries and wages               | \$ 9,807,102  |
| Operating expenses               | 3,008,863     |
| Equipment                        | 274,257       |
| Critical area adjustment fund    | 71,311        |
| Capital improvements             | 647,935       |
| Total all funds                  | \$ 13,809,468 |
| Less estimated income            | 3,058,882     |
| Total general fund appropriation | \$ 10,750,586 |

## Subdivision 9.

## MAYVILLE STATE UNIVERSITY

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$ 6,302,736 |
| Operating expenses               | 2,009,075    |
| Equipment                        | 148,481      |
| Critical area adjustment fund    | 42,614       |
| Capital improvements             | 109,844      |
| Total all funds                  | \$ 8,612,750 |
| Less estimated income            | 1,996,834    |
| Total general fund appropriation | \$ 6,615,916 |

## Subdivision 10.

## MINOT STATE UNIVERSITY

|                                  |               |
|----------------------------------|---------------|
| Salaries and wages               | \$ 22,113,021 |
| Operating expenses               | 3,777,971     |
| Equipment                        | 603,382       |
| Critical area adjustment fund    | 190,588       |
| Capital improvements             | 295,442       |
| Total all funds                  | \$ 26,980,404 |
| Less estimated income            | 7,916,742     |
| Total general fund appropriation | \$ 19,063,662 |

## Subdivision 11.

## VALLEY CITY STATE UNIVERSITY

|                                  |               |
|----------------------------------|---------------|
| Salaries and wages               | \$ 8,525,423  |
| Operating expenses               | 2,301,958     |
| Equipment                        | 216,814       |
| Critical area adjustment fund    | 59,743        |
| Capital improvements             | 208,390       |
| Total all funds                  | \$ 11,312,328 |
| Less estimated income            | 2,836,364     |
| Total general fund appropriation | \$ 8,475,964  |

## Subdivision 12.

## NORTH DAKOTA STATE UNIVERSITY - BOTTINEAU

|                    |              |
|--------------------|--------------|
| Salaries and wages | \$ 3,072,174 |
|--------------------|--------------|

|                                  |                     |
|----------------------------------|---------------------|
| Operating expenses               | 934,523             |
| Equipment                        | 83,110              |
| Critical area adjustment fund    | 22,900              |
| Capital improvements             | 48,125              |
| Total all funds                  | <u>\$ 4,160,832</u> |
| Less estimated income            | 1,093,969           |
| Total general fund appropriation | <u>\$ 3,066,863</u> |

## Subdivision 13.

## NORTH DAKOTA STATE UNIVERSITY - STATE TOXICOLOGIST

|                                  |                   |
|----------------------------------|-------------------|
| Salaries and wages               | \$ 495,260        |
| Operating expenses               | 98,165            |
| Equipment                        | 18,000            |
| Total all funds                  | <u>\$ 611,425</u> |
| Less estimated income            | 68,864            |
| Total general fund appropriation | <u>\$ 542,561</u> |

## Subdivision 14.

## NORTH DAKOTA FOREST SERVICE

|                                  |                     |
|----------------------------------|---------------------|
| Salaries and wages               | \$ 1,315,678        |
| Operating expenses               | 329,449             |
| Equipment                        | 52,066              |
| Capital improvements             | 30,100              |
| Total all funds                  | <u>\$ 1,727,293</u> |
| Less estimated income            | 684,141             |
| Total general fund appropriation | <u>\$ 1,043,152</u> |

## Subdivision 15.

## UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

|                                  |                      |
|----------------------------------|----------------------|
| Salaries and wages               | \$ 38,150,518        |
| Operating expenses               | 15,024,598           |
| Equipment                        | 1,022,122            |
| Total all funds                  | <u>\$ 54,197,238</u> |
| Less estimated income            | 26,815,992           |
| Total general fund appropriation | <u>\$ 27,381,246</u> |

## Subdivision 16.

## MEDICAL CENTER REHABILITATION HOSPITAL

|   |                      |
|---|----------------------|
| Salaries and wages                                | \$ 17,085,267        |
| Operating expenses                                | 6,322,528            |
| Equipment   | 196,560              |
| Total appropriation from institutional income     | <u>\$ 23,604,355</u> |
| Grand total general fund appropriation S.B. 2003  | \$249,992,065        |
| Grand total special funds appropriation S.B. 2003 | \$152,654,485        |
| Grand total all funds appropriation S.B. 2003     | <u>\$402,646,550</u> |

SECTION 2. APPROPRIATION TRANSFER. The higher education contingency fund and plant improvement contingency fund in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 1 through 14 of section 1 as determined by the state board of higher education. The board shall notify the office of management and budget of the allocation of general fund authority from the higher education contingency fund and plant improvement contingency fund, to the various institutions and which line items in the various institutions and entities shall be adjusted.

SECTION 3. APPROPRIATION. There are hereby appropriated any funds received by the board of higher education, not otherwise appropriated, pursuant to federal acts and private grants for the purpose as designated in such federal acts or private grants for the period beginning July 1, 1989, and ending June 30, 1991.

SECTION 4. ADDITIONAL INCOME. Any additional income not required by law to be deposited in operating funds in the state treasury is hereby appropriated. All income in excess of estimated income in the budget appropriated by the legislative assembly to the institutions of higher learning must be deposited in their respective operating funds in the state treasury and is hereby appropriated and can be spent only upon authorization of the emergency commission.

SECTION 5. TRANSFER. The state board of higher education may make such transfers between line items in subdivision 1 of section 1, other than reciprocal agreements, student financial assistance grants and experimental program to stimulate competitive research, as may be necessary and manageable to provide for board or institutional budget requirements. The board shall notify the office of management and budget of each transfer.

SECTION 6. TRANSFERS. Each institution or agency included in subdivisions 2 through 16 of section 1, upon approval of the state board of higher education, may make such transfers between line items in its appropriation as may be determined necessary by the board for operations of the institution or agency. Each institution or agency shall notify the office of management and budget of each transfer.

SECTION 7. LEGISLATIVE INTENT - STUDENT FINANCIAL ASSISTANCE GRANTS. It is the intent of the legislative assembly that the student financial assistance grants line item in subdivision 1 of section 1 be used for students determined to be in substantial need of financial assistance and eligible in accordance with section 15-62.2-01.

SECTION 8. LEGISLATIVE INTENT - PLANT IMPROVEMENT CONTINGENCY FUND. It is the intent of the legislative assembly that the plant improvement contingency line item in subdivision 1 of section 1 be used at the discretion of the state board of higher education for plant improvements at the institutions in subdivisions 2 through 12. It is also the intent of the legislative assembly that the board allocate plant improvement contingency funds to an institution only after the institution has spent all of its own capital improvement appropriation.

SECTION 9. EXEMPTION. The student financial assistance grants and reciprocal agreements appropriations contained in section 1 of chapter 3 of the 1987 Session Laws shall not be subject to the provisions of North Dakota Century Code section 54-44.1-11 and any unexpended funds from these appropriations shall be available for grants during the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 10. LEGISLATIVE INTENT - LINE ITEM TRANSFERS. It is the intent of the legislative assembly that the transfers allowed in Section 6 of this Act include the transfer of funds, if necessary, from the operating expenses line items to the salaries and wages line items for the purpose of maintaining the present level of instructional, academic, and institutional support, student services, and physical plant positions at the institutions during the 1989-91 biennium.

SECTION 11. LEGISLATIVE INTENT - PLANNING. It is the intent of the legislative assembly that the \$300,000 higher education planning line item in subdivision 1 of section 1 be used for developing an alternative plan to the current system of higher education. The Board of Higher Education shall develop a plan which may include constitutional revision that will make optimum use of the financial resources as well as developing the best quality system with these resources. In an attempt to develop the plan the following areas should be studied:

1. Unified academic calendar.
2. Unified university system.
3. Institutional role, scope and mission statements.
4. Joint appointments of faculty members and statewide tenure system.
5. Need for and the cost effectiveness of duplicate program offerings.
6. Telecommunications as a means of service.
7. Reeducation and retraining of the workforce, including a review of the existing delivery system and the development of a comprehensive delivery system for adults and industry education and training.
8. Role of higher education in business, community, and economic development, specifically with regard to research, training, and technology knowledge transfer.

SECTION 12. LEGISLATIVE INTENT - MEMBERSHIP IN THE UNIVERSITY CENTER FOR ATMOSPHERIC RESEARCH. It is the intent of the legislative assembly that the board of higher education take such action as may be necessary for an institution under its control to become a member of the university center for atmospheric research (UCAR) located in Boulder, Colorado. The board shall determine the requirements for center membership, and, if possible, proceed to obtain membership for one institution during the 1989-91 biennium.

SECTION 13. AMENDMENT. Section 4-19-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-19-03. Distribution of seeds and planting stock ~~—Regulations governing.~~ Seeds and planting stock from the state nursery may be distributed by the state forester to citizens and landowners of this state upon payment by them of a price not greater than one hundred ten percent of the cost to the state of production in the case of planting stock or collection in the case of seeds, and the cost of transportation from the nursery, except that planting stock distributed for the specific purpose of ~~live snow fence or~~ highway beautification plantings may be distributed free of charge.

SECTION 14. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to but not exceeding eight hundred fifty thousand dollars for the purpose of remodeling/expanding the student union at Minot state university. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 15. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 14, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and the equipment of the facility authorized in section 14. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the authorized bonds.

SECTION 16. TELECOMMUNICATION/TECHNOLOGY PROGRAMS. The amount included in the telecommunications line item in subdivision 1 of section 1 of this Act or such greater amounts as may become available for telecommunications or technology-related programs shall only be spent and/or distributed after consultation with the North Dakota educational telecommunications council to best coordinate telecommunication programs.

SECTION 17. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 33

SENATE BILL NO. 2004  
(Committee on Appropriations)

### UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

AN ACT making an appropriation for defraying the expenses of the upper great plains transportation institute.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 to the upper great plains transportation institute for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |                  |
|----------------------------------|------------------|
| Salaries and wages               | \$ 999,360       |
| Operating expenses               | 248,357          |
| Equipment                        | 30,650           |
| Grants, benefits, and claims     | <u>2,206,108</u> |
| Total all funds                  | \$3,484,475      |
| Less estimated income            | <u>3,086,340</u> |
| Total general fund appropriation | \$ 398,135       |

SECTION 2. ADDITIONAL INCOME - APPROPRIATION. Any additional income including funds from the federal government and gifts and donations from private sources received by the upper great plains transportation institute except as otherwise provided by law, is hereby appropriated for the purpose designated in the gift, grant, or donation.

SECTION 3. TRANSFER AUTHORITY. The state board of higher education is authorized to approve transfer of funds between line items, and shall notify the office of management and budget within ten days following such transfer.

Approved April 28, 1989  
Filed April 28, 1989



**CHAPTER 34**

SENATE BILL NO. 2005  
(Committee on Appropriations)

**EXTENSION SERVICE AND RESEARCH CENTERS**

AN ACT making an appropriation for defraying the expenses of the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station; to provide a statement of legislative intent; to provide for a transfer from the lignite research fund; to provide a contingent appropriation; to provide for the investment of the agronomy seed farm reserve income fund; to change the name of the North Dakota state university extension division; to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the agricultural experiment station and the agricultural research station and centers; to amend and reenact section 4-28-03, subsection 2 of section 15-10-01, sections 15-12-05, 15-12-08, 15-12-17, subdivision c of subsection 16 of section 19-18-02, and section 23-20-04 of the North Dakota Century Code, relating to the name of the agricultural experiment station; and to repeal chapter 4-05 of the North Dakota Century Code, relating to the agricultural experiment stations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 to the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$16,538,597 |
| Operating expenses               | 3,436,102    |
| Equipment                        | 560,000      |
| Total all funds                  | \$20,534,699 |
| Less estimated income            | 10,590,411   |
| Total general fund appropriation | \$ 9,944,288 |

Subdivision 2.

EXTENSION SERVICE  
FOOD AND NUTRITION PROGRAM

|                                   |            |
|-----------------------------------|------------|
| Salaries and wages                | \$ 667,103 |
| Operating expenses                | 64,167     |
| Equipment                         | 6,000      |
| Total special funds appropriation | \$ 737,270 |

## Subdivision 3.

## NORTHERN CROPS INSTITUTE

|                                  |            |
|----------------------------------|------------|
| Salaries and wages               | \$ 537,077 |
| Operating expenses               | 108,780    |
| Equipment                        | 80,000     |
| Total all funds                  | \$ 725,857 |
| Less estimated income            | 161,364    |
| Total general fund appropriation | \$ 564,493 |

## Subdivision 4.

## NORTH DAKOTA STATE UNIVERSITY MAIN RESEARCH STATION

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$29,061,477 |
| Operating expenses               | 6,169,665    |
| Equipment                        | 1,835,585    |
| Capital improvements             | 545,000      |
| Animal replacement               | 300,000      |
| Total all funds                  | \$37,911,727 |
| Less estimated income            | 15,935,408   |
| Total general fund appropriation | \$21,976,319 |

## Subdivision 5.

## DICKINSON RESEARCH CENTER

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$ 755,175   |
| Operating expenses               | 423,919      |
| Equipment                        | 41,076       |
| Capital improvements             | 2,000        |
| Total all funds                  | \$ 1,222,170 |
| Less estimated income            | 270,990      |
| Total general fund appropriation | \$ 951,180   |

## Subdivision 6.

## CENTRAL GRASSLANDS RESEARCH CENTER

|                                  |            |
|----------------------------------|------------|
| Salaries and wages               | \$ 372,638 |
| Operating expenses               | 329,983    |
| Equipment                        | 116,705    |
| Capital improvements             | 2,000      |
| Total all funds                  | \$ 821,326 |
| Less estimated income            | 252,001    |
| Total general fund appropriation | \$ 569,325 |

## Subdivision 7.

## HETTINGER RESEARCH CENTER

|                                  |            |
|----------------------------------|------------|
| Salaries and wages               | \$ 360,034 |
| Operating expenses               | 180,309    |
| Equipment                        | 108,463    |
| Capital improvements             | 2,000      |
| Total all funds                  | \$ 650,806 |
| Less estimated income            | 203,245    |
| Total general fund appropriation | \$ 447,561 |

## Subdivision 8.

## LANGDON RESEARCH CENTER

|                      |            |
|----------------------|------------|
| Salaries and wages   | \$ 381,213 |
| Operating expenses   | 181,735    |
| Equipment            | 40,000     |
| Capital improvements | 2,000      |
| Total all funds      | \$ 604,948 |

|                                  |            |
|----------------------------------|------------|
| Less estimated income            | 93,000     |
| Total general fund appropriation | \$ 511,948 |

## Subdivision 9.

## NORTH CENTRAL RESEARCH CENTER

|                                  |            |
|----------------------------------|------------|
| Salaries and wages               | \$ 396,820 |
| Operating expenses               | 268,016    |
| Equipment                        | 59,000     |
| Capital improvements             | 2,000      |
| Total all funds                  | \$ 725,836 |
| Less estimated income            | 329,016    |
| Total general fund appropriation | \$ 396,820 |

## Subdivision 10.

## WILLISTON RESEARCH CENTER

|                                  |            |
|----------------------------------|------------|
| Salaries and wages               | \$ 449,347 |
| Operating expenses               | 134,905    |
| Equipment                        | 10,122     |
| Capital improvements             | 2,000      |
| Total all funds                  | \$ 596,374 |
| Less estimated income            | 82,002     |
| Total general fund appropriation | \$ 514,372 |

## Subdivision 11.

## CARRINGTON RESEARCH CENTER

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$ 1,009,529 |
| Operating expenses               | 603,544      |
| Equipment                        | 137,500      |
| Capital improvements             | 2,000        |
| Total all funds                  | \$ 1,752,573 |
| Less estimated income            | 912,134      |
| Total general fund appropriation | \$ 840,439   |

## Subdivision 12.

## AGRONOMY SEED FARM

|                                   |            |
|-----------------------------------|------------|
| Salaries and wages                | \$ 238,835 |
| Operating expenses                | 400,930    |
| Equipment                         | 136,000    |
| Capital improvements              | 27,000     |
| Total special funds appropriation | \$ 802,765 |

## Subdivision 13.

## LAND RECLAMATION RESEARCH CENTER

|   |              |
|---|--------------|
| Salaries and wages                                | \$ 1,400,267 |
| Operating expenses                                | 89,761       |
| Equipment   | 35,100       |
| Total special funds appropriation                 | \$ 1,525,128 |
| Grand total general fund appropriation S.B. 2005  | \$36,716,745 |
| Grand total special funds appropriation S.B. 2005 | \$31,894,734 |
| Grand total all funds appropriation S.B. 2005     | \$68,611,479 |

SECTION 2. ADDITIONAL INCOME - APPROPRIATION. Any additional income including funds from the federal government and gifts and donations from private sources received by the North Dakota agricultural experiment station, northern crops institute, and the North Dakota state university extension service, except as otherwise provided by law, is hereby appropriated for the purpose designated in the gift, grant, or donation. All of the moneys in the

operating fund shall remain in such fund until expended pursuant to any specific legislative appropriation or an authorization from the emergency commission, and the balances of such moneys except those received from the federal government or as gifts from private sources, shall be used to reduce the amount of moneys to be expended pursuant to the general fund appropriation only to the extent that the unencumbered balance in the operating fund on June 30, 1989, exceeds the estimated income for the biennium ending June 30, 1991.

**SECTION 3. TRANSFER AUTHORITY.** The state board of higher education is authorized to approve transfer of funds between line items for each agency included in section 1 of this Act and shall notify the office of management and budget within ten days following such transfer.

**SECTION 4. TRANSFER AUTHORITY.** Upon approval of the emergency commission, the director of the North Dakota agricultural experiment station may transfer appropriation authority between agencies included in subdivisions 4 through 13 of section 1 of this Act.

**SECTION 5. INTENT.** It is the intent of the legislative assembly that the funds appropriated for the land reclamation research center be used for the following research projects:

1. Development of criteria for evaluating reclamation success for bond release based on vegetative reestablishment and soil parameters;
2. Effect of postmine topography on soil moisture levels and crop yields;
3. Effect of reclamation techniques on soil compaction and soil productivity; and
4. Methods of evaluating and controlling run-off and erosion from reclaimed land.

In addition, it is the intent of the legislative assembly that the land reclamation research center file an annual report with the legislative council, the office of management and budget, and the public service commission on August 1, 1989, August 1, 1990, and August 1, 1991. The annual report shall contain a description and analysis of the conclusions reached from each reclamation research project that has been conducted to date for the preceding fiscal year as well as a brief description and analysis of any tentative conclusions reached from all ongoing projects. The annual report of the land reclamation research center shall also include any recommendations it may have for reducing unnecessary and duplicative regulatory costs that do not contribute to effective reclamation practices. For any new reclamation research project to be approved for funding, each proposed project must meet all of the following criteria:

1. Development of data and conclusions that will assist in returning the land to its original or better productivity.
2. Development of data and conclusions that will assist in returning the land to an approved postmining land use as soon as possible.

3. Development of data and conclusions that will reduce unnecessary regulatory costs and assist in effectively reclaiming the land to its original or better productivity.

SECTION 6. STORAGE FACILITIES. Structures for storage of agricultural products may be authorized for construction by the state board of higher education when such structures do not exceed \$50,000 in cost.

SECTION 7. RESEARCH/EXTENSION CONSTRUCTION - APPROPRIATION - BUDGET SECTION APPROVAL. The North Dakota agricultural experiment station is hereby authorized to accept a gift dedicated to the construction of a facility to house research and extension service staff. The facility is to be constructed at or near the station or center headquarters site. The total construction cost shall not exceed \$1,000,000 and such amount, or so much thereof as may be necessary, is hereby appropriated for the biennium beginning July 1, 1989, and ending June 30, 1991. Funds shall not be spent pursuant to this section without the approval of the legislative council's budget section.

SECTION 8. LAND RECLAMATION RESEARCH CENTER - APPROPRIATION - TRANSFER. The amount appropriated in subdivision 13 of section 1 of this Act includes \$827,300, or so much thereof as may be necessary, for the purpose of funding reclamation research projects, and shall be transferred by the industrial commission from the lignite research fund as created by the fiftieth legislative assembly. Such funds shall be transferred at the direction of the office of management and budget from the lignite research fund to the land reclamation research center operating fund for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 9. LEGISLATIVE INTENT - RESOURCE CENTERS - COUNTY SERVICES. It is the intent of the legislative assembly that the North Dakota state university extension service develop a comprehensive plan for the creation of area resource centers. The purpose of the centers will be to provide, not only a greater depth of expertise at a particular location, but also a greater range of expertise for the conduct of multidisciplinary educational programs that focus on the issues and needs of families, businesses, and communities in North Dakota. Without a county's board of county commissioners approval, the extension service shall not change the manner in which it provides extension services to that county.

SECTION 10. DURUM WHEAT MILLER POSITION - AUTHORIZATION. The North Dakota state university main research station is authorized to establish a durum wheat miller position for the 1989-91 biennium. The North Dakota state university main research station may accept gifts and grants which are hereby appropriated to fund this position for the 1989-91 biennium.

SECTION 11. AGRONOMY SEED FARM - INVESTMENT OF RESERVE INCOME FUND. The state treasurer, at the direction of the superintendent of the agronomy seed farm with the approval of the director of the North Dakota agricultural experiment station, shall provide for the investment of available moneys in the agronomy seed farm reserve income fund. The state treasurer shall credit the investment income to the agronomy seed farm reserve income fund. The moneys in the fund may be spent only within the limits of legislative appropriation.

SECTION 12. NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE - AUTHORITY TO CODIFY NAME CHANGE. The legislative council is authorized to

replace, where appropriate, "extension division of the North Dakota state university of agriculture and applied science", "cooperative extension division of the North Dakota state university of agriculture and applied science", "extension division", "cooperative extension service of North Dakota state university", "North Dakota cooperative extension service", "state extension service", "extension service", "cooperative extension service", "state cooperative extension service", and "North Dakota state university of agriculture and applied science extension service" wherever they appear in the North Dakota Century Code or in the supplements to the North Dakota Century Code with "North Dakota state university extension service". The legislative council shall make the changes when any volume or supplement of the North Dakota Century Code is reprinted.

SECTION 13. A new chapter to title 4 of the North Dakota Century Code is hereby created and enacted to read as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Agricultural experiment station" means the North Dakota state university main research station, the Dickinson research center, the Williston research center, the Langdon research center, the central grasslands research center, the Carrington research center, the Hettinger research center, the north central research center, and any other department or agency designated by the state board of higher education.
2. "Director" means the director of the North Dakota agricultural experiment station.
3. "Superintendent" means an administrator in charge of a research center.

Agricultural experiment station. The North Dakota agricultural experiment station is under the control of and subject to the supervision of the state board of higher education. The agricultural experiment station shall develop research programs involving the basic and applied biological, physical, and social sciences that will enhance agricultural systems and improve the quality of life.

Director - Superintendents - Research station and research centers. The director is under the direction of the president of the North Dakota state university of agriculture and applied science. The research station and research centers of the North Dakota agricultural experiment station are under the jurisdiction of the director. Each research center must be administered by a superintendent who shall report to the director.

Reports to director and state board of higher education. Each superintendent shall submit a biennial report to the director on or before the first day of August of each odd-numbered year. Each report must set forth in detail the investigations and experiments made during the preceding fiscal biennium, recommendations for the welfare of the center, the financial condition of the center, how all moneys have been expended, and the results of experiments. The director shall submit these reports, with a biennial report of the North Dakota state university main research station, to the board of higher education on or before the first day of September of each odd-numbered year. In addition to any requirements established under section 54-06-04, the board of higher education shall include a composite of the

reports from the research station and each research center in its biennial report to the governor and the office of management and budget.

North Dakota state university main research station. The North Dakota state university main research station must be located on the campus of North Dakota state university of agriculture and applied science. The station is the administrative location of the agricultural experiment station. The station shall conduct research and coordinate all research activities of the agricultural experiment station. The research must have as a purpose, the development and dissemination of technology important to the production and utilization of food, feed, fiber, and fuel from crop and livestock enterprises. The research must provide for an enhancement of the quality of life, sustainability of production, and protection of the environment. The research station shall keep detailed records of all research activities and publish the information that will be of value to the residents of this state.

Dickinson research center. The Dickinson research center must be located at or near Dickinson in Stark County. The center shall conduct research on increasing the carrying capacity of native rangeland, with emphasis on conservation and preservation for future generations. The center shall conduct research on grass production to determine how to best compensate for the vagaries of the weather as it influences forage production in the dryland agriculture of western North Dakota. The center shall conduct research at the ranch location in Dunn County with beef cattle and swine breeding, feeding, management, and disease control for the benefit of livestock producers of western North Dakota and the entire state. The center shall conduct research designed to increase productivity of all agricultural products of the soil by maintaining or improving the soil resource base in the dryland agricultural region of southwestern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstock; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Williston research center. The Williston research center must be located at or near Williston in Williams County. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland agricultural region of northwestern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Langdon research center. The Langdon research center must be located at or near Langdon in Cavalier County. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland agricultural region of northeastern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Central grasslands research center. The central grasslands research center must be located within an area bounded by the Missouri River on the west and the James River on the east. The center shall conduct research designed to fulfill needs within an area bounded by the Missouri River on the west and the James River on the east. Research objectives must be to increase the range-carrying capacity of native range, with emphasis on conservation and preservation for future generations; stabilization of grass production to discover how to best compensate for the vagaries of the weather and precipitation as it influences forage production in a dryland agriculture; identification of the impact of different management systems upon beef production in the central region of the state; and exploration of increased use of crop residues and byproducts for the maintenance of the cowherd.

Carrington research center. The Carrington research center must be located at or near Carrington in Foster County. The center shall conduct research designed to determine the potential of irrigated agriculture in the region proposed for irrigation development in the state which must be related to both crop and livestock production. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland and irrigated agricultural region of east central North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping and integrated crop and livestock systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Hettinger research center. The Hettinger research center must be located at or near Hettinger in Adams County. The center shall develop the best available technology in breeding, feeding, management, and disease control pertinent to the production of sheep in the state. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in southwestern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

North central research center. The north central research center must be located at or near Minot in Ward County. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland agricultural region of north central North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems which achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Board of visitors - Members - Inspection - Expenses - Duties. The boards of county commissioners of Renville, Bottineau, Rolette, Benson, Ward, McHenry, Pierce, McLean, Mountrail, Sheridan, Burke, and Wells Counties shall name two farmers operating farms in their respective counties to serve as a



board of visitors to the north central research center. A member of the board of visitors shall serve for three years and is not eligible for reappointment until after a lapse of three years following each term of office. The board of county commissioners of the county from which a vacancy occurs shall fill the vacancy. The board of visitors shall make an annual inspection of the north central research center upon call of the director. At least one inspection a biennium must be during the growing season. The board of visitors is entitled to a fee for each visit, plus mileage at the same rate as provided by law for other state officials for every mile [1.6] kilometer] actually traveled to and from the farm. The board of visitors shall inspect the work of the north central research center and counsel and advise with the officials in charge. The board of visitors shall name one of its members to serve as chairman and another to serve as secretary. The chairman and the secretary shall make a written report to the director.

Mandan experiment station. The Mandan experiment station is an agricultural, grass, and tree experiment station. The station must be maintained on the grounds of the state industrial school and operated in connection with the North Dakota state university of agriculture and applied science. The Mandan experiment station is under the direction of the state board of higher education.

SECTION 14. AMENDMENT. Section 4-28-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-28-03. Wheat commission - Members. There is hereby created the North Dakota state wheat commission which consists of seven members. One member must be appointed or elected from each of the districts of the state established by the provisions of this chapter and one member must be appointed or elected from the state at large. Each member, except the member from the state at large, must be a bona fide resident of and a qualified elector in the district he represents, must have farming operations in such district, and must have been actually engaged in the production of wheat and have derived a substantial portion of his income therefrom for at least five years next preceding his appointment or election. The member from the state at large must have similar qualifications except as limited by district lines.

Not more than sixty days prior to expiration of the term of the member from the state at large, a nominating committee consisting of the commissioner of agriculture, the president of the North Dakota crop improvement association, the director of the state North Dakota agricultural experiment station, the director of the North Dakota state university extension service, the president of the North Dakota farm bureau, the president of the North Dakota farmers union, and the president of the North Dakota grain dealers association, or their duly authorized representatives, shall submit to the governor a list of three names and within sixty days after expiration of the term the governor shall appoint, from the nominees so named, the member at large to the commission.

Each member of the commission shall hold office for a term of four years and until his successor has been selected and has qualified except that the commissioners elected and serving from the first and fourth districts shall hold office for terms ending on June 30, 1984; the commissioners elected and serving from the second and fifth districts shall hold office for terms ending on June 30, 1985; and the commissioners elected and serving from the third and sixth districts shall hold office for terms ending on June 30,

1982; and the commissioner appointed and serving as the state at large member shall hold office for a term ending on June 30, 1983. No producer is entitled to serve more than three terms.

At least sixty days prior to the expiration of the term of office of a commissioner representing any district, a meeting of producers must be held in each county in the district for the purpose of electing a county representative. The county agent shall call such meeting by publishing notice in the official newspaper of the county for two successive weeks, the last publication to be not less than five nor more than ten days prior to the meeting. The meeting must be held at a central location within the county and must be called to order by the county agent. Each producer whose name appears as a wheat producer on the list of the county agricultural stabilization committee, if present in person, is entitled to vote. Votes must be canvassed by the county agent and certified by him with the name and post-office address of the elected county representative to the director of the North Dakota state university extension service who shall thereupon, as expeditiously as possible, call a meeting of the county representatives of the district. Notice of such meeting must be sent to each county representative by registered or certified mail not less than five days prior to the meeting which must be held at a central location within the district. At such district meeting, the county representatives shall elect one of their number as the district member of the commission. The ballots at such meeting must be canvassed by the North Dakota state university extension service and the result of election certified to the governor by the director. Additional meetings of county representatives may be called by the state wheat commission for the purpose of promoting its programs. All expenses of all such meetings and elections must be paid from commission funds. County representatives must be reimbursed for expenses necessarily incurred in attending meetings and performing other official duties on the same basis as other state officers. Any vacancy occurring on the commission other than by expiration of term of office must be filled by the county representatives who shall elect one of their number as the district member of the commission for the remainder of the unexpired term. If the vacancy is from the state at large, appointment must be made from three nominations submitted by the nominating committee as in the case of the original appointment.

SECTION 15. AMENDMENT. Subsection 2 of section 15-10-01 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The North Dakota state university of agriculture and applied science and the agricultural experiment station at Fargo, with their substations or centers.

SECTION 16. AMENDMENT. Section 15-12-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-12-05. Faculty - Annual report to board. The faculty shall make an annual report to the state board of higher education on such date of each year as may be fixed by the board. The report shall show the condition of the school, agricultural experiment station, and farm, and the results of farm experiments, and shall contain such recommendations as the welfare of the institution demands.

SECTION 17. AMENDMENT. Section 15-12-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-12-08. Legislative assent to grant by Congress. The assent of the legislative assembly is hereby given in pursuance of the requirements of section 9 of said Act of Congress, approved March 2, 1887, to the grant of money therein made and to the establishing of an agricultural experiment station in accordance with section 1 of said Act, and assent is hereby given to carrying out the provisions of such Act.

SECTION 18. AMENDMENT. Section 15-12-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-12-17. Publish reports of North Dakota agricultural experiment station. There shall be published from time to time, as bulletins of the North Dakota agricultural experiment station, preliminary reports of such survey, as the work progresses, showing the results of the survey and investigations conducted, together with preliminary maps, showing the areas covered, and these preliminary reports shall be sent gratis to all citizens of North Dakota this state making application.

\* SECTION 19. AMENDMENT. Subdivision c of subsection 16 of section 19-18-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- c. To which reference is made on the label or in literature accompanying the economic poison or device, except when accurate, nonmisleading reference is made to current official publications of the United States department of agriculture or interior, the United States public health service, state agricultural experiment stations or centers, state agricultural colleges, or other similar federal institutions or official agencies of this state or other states authorized by law to conduct research in the fields of economic poisons.

SECTION 20. AMENDMENT. Section 23-20-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-20-04. Registration required. Each manufacturer, processor, and refiner of radioactive isotopes and each hospital, clinic, manufacturing establishment, research or educational institution, agricultural experiment station or center, processing mill, or other institution or place of business or process where radiation is produced or radioactive materials are used, manufactured, processed, packaged, refined, produced, disposed or concentrated shall register with the state department of health and consolidated laboratories. The state mine inspector shall register with the state department of health and consolidated laboratories any mine which is producing or has produced radioactive substances. It shall be the duty of each manager or officer in charge of any institution or establishment concerned with radioactive materials as described herein to make written application to the state health officer for a registration form.

SECTION 21. REPEAL. Chapter 4-05 of the North Dakota Century Code is hereby repealed.

Approved April 28, 1989

Filed April 28, 1989

\* NOTE: Section 19-18-02 was also amended by section 1 of Senate Bill No. 2170, chapter 272.

## CHAPTER 35

SENATE BILL NO. 2006  
(Committee on Appropriations)

## DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES

AN ACT making an appropriation for defraying the expenses of the department of health and consolidated laboratory services of the state of North Dakota; to provide for a transfer from the abandoned motor vehicle disposal fund; and to provide legislative intent regarding health vaccination charges.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the department of health and consolidated laboratory services of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$17,580,811 |
| Data processing                  | 335,710      |
| Operating expenses               | 18,551,049   |
| Equipment                        | 539,417      |
| Capital improvements             | 500,000      |
| Grants, benefits, and claims     | 8,717,600    |
| Diabetes control project         | 50,000       |
| Abandoned motor vehicle          | 400,000      |
| Rural water                      | 3,000,000    |
| Total all funds                  | \$49,674,587 |
| Less estimated income            | 35,712,210   |
| Total general fund appropriation | \$13,962,377 |

SECTION 2. APPROPRIATION - TRANSFER. The estimated income line item appropriated in section 1 of this Act includes \$400,000 which is hereby appropriated and shall be transferred to the department of health and consolidated laboratories services operating fund from the abandoned motor vehicle disposal fund pursuant to section 39-26-11 for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. LEGISLATIVE INTENT - HEALTH VACCINATION CHARGES. It is the intent of the legislative assembly that the department of health and consolidated laboratories adopt rules limiting the charges by private clinics and hospitals for providing vaccinations, with vaccine obtained at no cost from the department, to one-half of the cost incurred by the department in purchasing the vaccine.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 36

SENATE BILL NO. 2007  
(Committee on Appropriations)

### INDIAN AFFAIRS COMMISSION

AN ACT making an appropriation for defraying the expenses of the Indian affairs commission of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the Indian affairs commission of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|  |                |
|--|----------------|
| Salaries and wages                               | \$169,099      |
| Operating expenses                               | 38,800         |
| Equipment  | 550            |
| Native American alcohol and drug abuse education | 316,974        |
| Grants, benefits, and claims                     | <u>168,000</u> |
| Total general fund appropriation                 | \$693,423      |

Approved March 31, 1989  
Filed March 31, 1989

## CHAPTER 37

SENATE BILL NO. 2008  
(Committee on Appropriations)

### AERONAUTICS COMMISSION

AN ACT making an appropriation for defraying the expenses of the aeronautics commission of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the aeronautics commission of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |                  |
|----------------------------------|------------------|
| Salaries and wages               | \$ 368,025       |
| Operating expenses               | 722,947          |
| Equipment                        | 22,000           |
| Capital improvements             | 500,000          |
| Grants, benefits, and claims     | <u>1,078,021</u> |
| Total all funds                  | \$2,690,993      |
| Less estimated income            | <u>2,170,062</u> |
| Total general fund appropriation | \$ 520,931       |

SECTION 2. APPROPRIATION. Notwithstanding the provisions of chapter 57-43.3, \$100,000 included in the grants line item in section 1 of this Act is hereby available to all North Dakota airports to match federal airport improvement program funds.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 38

SENATE BILL NO. 2009  
(Committee on Appropriations)

### VETERANS' HOME AND VETERANS' AFFAIRS

AN ACT making an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs of the state of North Dakota; to provide for a transfer from the state general fund; and to provide for a transfer from the veterans' postwar trust fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the veterans' home and the department of veterans' affairs of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

VETERANS' HOME

|                                  |                    |
|----------------------------------|--------------------|
| Salaries and wages               | \$1,759,023        |
| Operating expenses               | 620,392            |
| Special assessments              | 7,481              |
| Equipment                        | <u>13,000</u>      |
| Total all funds                  | \$2,399,896        |
| Less estimated income            | <u>1,198,405</u>   |
| Total general fund appropriation | <u>\$1,201,491</u> |

Subdivision 2.

VETERANS' AFFAIRS

|  |              |
|--|--------------|
| Salaries and wages                               | \$ 348,631   |
| Operating expenses                               | 63,965       |
| Equipment  | <u>4,074</u> |
| Total general fund appropriation                 | \$ 416,670   |
| Grand total general funds appropriated S.B. 2009 | \$3,098,161  |
| Grand total special funds appropriated S.B. 2009 | \$1,198,405  |
| Grand total all funds appropriated S.B. 2009     | \$4,296,566  |

SECTION 2. APPROPRIATION - TRANSFER. The amount of \$1,480,000 is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, which shall be transferred by the state treasurer to the veterans' postwar trust fund in two equal transfers of \$740,000 each. The first transfer shall be made on July 1, 1989, and the second on July 1, 1990.

SECTION 3. INVESTMENT INCOME - TRANSFER. The estimated income line item appropriated in section 1 of this Act includes, to the extent the funds are made available by the administrative committee on veterans' affairs,

\$274,000 which is the total estimated investment income on the veterans' postwar trust fund for the biennium beginning July 1, 1989, and ending June 30, 1991. Such amounts shall be transferred to the veterans' home operating fund from the veterans' postwar trust fund by the state treasurer as requested by the administrative committee on veterans' affairs for the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved April 13, 1989  
Filed April 13, 1989



# CHAPTER 39

SENATE BILL NO. 2010  
(Committee on Appropriations)

## DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS

AN ACT making an appropriation for defraying the expenses of the department of banking and financial institutions of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the financial institutions regulatory fund in the state treasury, not otherwise appropriated, to the department of banking and financial institutions of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|   |                    |
|---|--------------------|
| Salaries and wages  | \$1,671,854        |
| Operating expenses  | 512,189            |
| Equipment   | 4,270              |
| Contingency - banking and financial institutions                    | 15,000             |
| Total appropriation from the financial institutions regulatory fund | <u>\$2,203,313</u> |

Approved April 28, 1989  
Filed April 28, 1989

**CHAPTER 40**

SENATE BILL NO. 2011  
(Committee on Appropriations)

**SECURITIES COMMISSIONER**

AN ACT making an appropriation for defraying the expenses of the securities commissioner of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the securities commissioner of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |              |
|----------------------------------|--------------|
| Salaries and wages               | \$368,088    |
| Operating expenses               | 54,350       |
| Equipment                        | <u>2,500</u> |
| Total general fund appropriation | \$424,938    |

Approved April 28, 1989  
Filed April 28, 1989

**CHAPTER 41**

SENATE BILL NO. 2012  
(Committee on Appropriations)

**MILK STABILIZATION BOARD**

AN ACT making an appropriation for defraying the expenses of the milk stabilization board of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the milk stabilization fund in the state treasury, not otherwise appropriated, to the milk stabilization board of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|  |              |
|--|--------------|
| Salaries and wages                               | \$312,036    |
| Operating expenses                               | 145,060      |
| Equipment  | 2,544        |
| Contingency                                      | <u>5,000</u> |
| Total appropriation from milk stabilization fund | \$464,640    |

Approved April 28, 1989  
Filed April 28, 1989

**CHAPTER 42**

SENATE BILL NO. 2013  
(Committee on Appropriations)

**STATE FAIR**

AN ACT making an appropriation for defraying the expenses of the state fair association of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the state fair association of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |                |
|----------------------------------|----------------|
| Capital improvements             | \$210,000      |
| Premiums                         | <u>366,217</u> |
| Total general fund appropriation | \$576,217      |

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 43

SENATE BILL NO. 2014  
(Committee on Appropriations)

### COUNCIL ON THE ARTS

AN ACT making an appropriation for defraying the expenses of the council on the arts of the state of North Dakota; and providing for a transfer of funds from the cultural endowment fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the council on the arts of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |                    |
|----------------------------------|--------------------|
| Salaries and wages               | \$ 284,686         |
| Operating expenses               | 145,707            |
| Equipment                        | 3,700              |
| Grants, benefits, and claims     | 1,394,990          |
| Arts endowment contingency       | <u>25,000</u>      |
| Total all funds                  | <u>\$1,854,083</u> |
| Less estimated income            | <u>1,280,374</u>   |
| Total general fund appropriation | \$ 573,709         |

SECTION 2. APPROPRIATION. All income from the cultural arts endowment fund is hereby appropriated for the furthering of the cultural arts in the state of North Dakota for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. ADDITIONAL INCOME. All income of the council on the arts in excess of the estimated income appropriated in section 1 of this Act is hereby appropriated to the council on the arts for the biennium beginning July 1, 1989, and ending January 30, 1991, and may be spent only upon authorization of the emergency commission.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 44

SENATE BILL NO. 2015  
(Committee on Appropriations)

### HIGHWAY PATROL

AN ACT making an appropriation for defraying the expenses of the highway patrol of the state of North Dakota and providing for a transfer of funds from the state highway fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys not otherwise appropriated, from special funds derived from federal funds and other income, to the highway patrol of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                   |                     |
|-----------------------------------|---------------------|
| Salaries and wages                | \$14,508,025        |
| Data processing                   | 171,645             |
| Operating expenses                | 3,419,246           |
| Equipment                         | 167,033             |
| Capital improvements              | 30,000              |
| Total special funds appropriation | <u>\$18,295,949</u> |

SECTION 2. APPROPRIATION. Each patrolman of the state highway patrol shall receive from funds appropriated in the salaries and wages line item in section 1 of this Act an amount not to exceed \$120 per month for the biennium beginning July 1, 1989, and ending June 30, 1991. Such payments shall be in lieu of reimbursement for meals and other expenses, except lodging, while in travel status within the state of North Dakota or while at their respective home stations. Such amounts shall be paid without the presentation of receipts or other memoranda at the time and in the same manner as salaries of members of the highway patrol are paid.

SECTION 3. APPROPRIATION - TRANSFER - HIGHWAY FUND. There is hereby appropriated in the special funds line item of section 1 of this Act, the sum of \$17,735,291, or so much thereof as may be necessary, from the state highway fund, to be transferred at the direction of the office of management and budget, for the purpose of defraying the expenses of the highway patrol during the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved April 28, 1989  
Filed April 28, 1989

**CHAPTER 45**

SENATE BILL NO. 2016  
 (Committee on Appropriations)

**HIGHWAY DEPARTMENT**

AN ACT making an appropriation for defraying the expenses of the highway department of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the highway department of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |                      |
|----------------------------------|----------------------|
| Salaries and wages               | \$ 63,903,086        |
| Data processing                  | 2,552,083            |
| Operating expenses               | 40,162,124           |
| Equipment                        | 15,746,528           |
| Capital improvements             | 243,226,507          |
| Grants, benefits, and claims     | <u>9,627,422</u>     |
| Total all funds                  | <u>\$375,217,750</u> |
| Less estimated special funds     | <u>375,189,036</u>   |
| Total general fund appropriation | \$ 28,714            |

Approved April 28, 1989  
 Filed April 28, 1989

## CHAPTER 46

SENATE BILL NO. 2017  
(Committee on Appropriations)

### MOTOR VEHICLE DEPARTMENT

AN ACT making an appropriation for defraying the expenses of the motor vehicle department of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the motor vehicle registration fund in the state treasury, not otherwise appropriated, to the motor vehicle department of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|  |                |
|--|----------------|
| Salaries and wages                                       | \$2,257,345    |
| Data processing  | 684,592        |
| Operating expenses                                       | 1,278,057      |
| Equipment  | 95,488         |
| Contingency fund   | 100,000        |
| License plates and tabs                                  | <u>781,659</u> |
| Total appropriation from motor vehicle registration fund | \$5,197,141    |

Approved April 14, 1989  
Filed April 17, 1989



## CHAPTER 47

SENATE BILL NO. 2018  
(Committee on Appropriations)

## COMMISSIONER OF UNIVERSITY AND SCHOOL LANDS

AN ACT making an appropriation for defraying the expenses of the commissioner of university and school lands of the state of North Dakota; to provide for a transfer of funds from the resources trust fund; to provide for a contingency loan from the coal trust fund; and to repeal the ANG plant closure contingency line item of section 1 and section 4 of chapter 34 of the 1987 Session Laws of North Dakota, relating to the ANG plant closure contingency loan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from the state lands maintenance fund and other income to the commissioner of university and school lands of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|  |                    |
|--|--------------------|
| Salaries and wages                                 | \$1,187,680        |
| Data processing                                    | 18,150             |
| Operating expenses                                 | 489,222            |
| Equipment  | 43,960             |
| Grants, benefits, and claims                       | 2,100,000          |
| Dakota coal gasification plant closure contingency | 5,000,000          |
| Foreclosed properties management                   | 89,000             |
| Contingency fund                                   | 50,000             |
| Total all funds                                    | <u>\$8,978,012</u> |
| Less estimated income                              | <u>8,844,122</u>   |
| Total general fund appropriation                   | <u>\$ 133,890</u>  |

SECTION 2. TRANSFER. Notwithstanding section 57-51.1-07 of the North Dakota Century Code, the amount of \$2,000,000, or so much thereof as may be necessary, included in the grants and estimated income line items in section 1 of this Act is hereby appropriated and shall be transferred from the resources trust fund to the commissioner of university and school lands of the state of North Dakota by the state treasurer at the request of the commissioner of university and school lands for the purpose of providing oil development impact grants for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. CONTINGENCY LOAN. The amount of \$5,000,000 appropriated in section 1 of this Act for a Dakota coal gasification plant closure contingency line item shall be made available to the energy development impact office only if the Dakota coal gasification plant closes. If the

Dakota coal gasification plant closes, the board of university and school lands shall lend \$5,000,000 from the coal trust fund, or so much thereof as may be necessary, to the energy development impact office for the purpose of providing grants to political subdivisions which are affected by the plant closure.

SECTION 4. GRANTS. Section 54-44.1-11 of the North Dakota Century Code shall not apply to appropriations made for oil impact grants in section 1 of this Act nor to the appropriation for coal impact grants in section 8 of chapter 729 of the 1987 Session Laws of North Dakota.

SECTION 5. REPEAL. The \$5,000,000 ANG plant closure contingency line item of section 1 and section 4 of chapter 34 of the 1987 Session Laws of North Dakota are hereby repealed.

Approved April 28, 1989  
Filed April 28, 1989

**CHAPTER 48**

SENATE BILL NO. 2019  
 (Committee on Appropriations)

**CHILDREN'S SERVICES COORDINATING COMMITTEE**

AN ACT making an appropriation for defraying the expenses of the children's services coordinating committee of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 to the children's services coordinating committee of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |                  |
|----------------------------------|------------------|
| Salaries and wages               | \$ 176,304       |
| Operating expenses               | 75,640           |
| Equipment                        | 3,200            |
| Regional Family Boards           | <u>2,362,180</u> |
| Total all funds                  | \$2,617,324      |
| Less estimated income            | <u>2,520,424</u> |
| Total general fund appropriation | \$ 96,900        |

Approved April 28, 1989  
 Filed April 28, 1989

## CHAPTER 49

SENATE BILL NO. 2020  
(Committee on Appropriations)

### INDUSTRIAL COMMISSION

AN ACT making an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission of the state of North Dakota and providing for transfers; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys not otherwise appropriated, from special funds derived from federal funds and other income, to the state industrial commission and agencies under its control for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

|                                   | INDUSTRIAL COMMISSION |               |
|-----------------------------------|-----------------------|---------------|
| Salaries and wages                |                       | \$ 3,487,883  |
| Data processing                   |                       | 118,162       |
| Operating expenses                |                       | 1,348,020     |
| Equipment                         |                       | 58,885        |
| Grants, benefits, and claims      |                       | 1,000,000     |
| Contingency                       |                       | <u>10,000</u> |
| Total special funds appropriation |                       | \$ 6,022,950  |

Subdivision 2.

|  | BANK OF NORTH DAKOTA |                |
|--|----------------------|----------------|
| Salaries and wages                                 |                      | \$ 9,860,882   |
| Data processing                                    |                      | 3,556,708      |
| Operating expenses                                 |                      | 5,109,159      |
| Equipment  |                      | 544,725        |
| Contingency  |                      | <u>300,000</u> |
| Total appropriation from Bank of North Dakota fund |                      | \$19,371,474   |

Subdivision 3.

|  | MUNICIPAL BOND BANK |               |
|--|---------------------|---------------|
| Salaries and wages                                 |                     | \$ 198,414    |
| Data processing                                    |                     | 10,000        |
| Operating expenses                                 |                     | 159,570       |
| Equipment  |                     | 18,300        |
| Bond bank contingency                              |                     | <u>50,000</u> |
| Total appropriation from Bank of North Dakota fund |                     | \$ 436,284    |

## Subdivision 4.

## MILL AND ELEVATOR ASSOCIATION

|   |                     |
|---|---------------------|
| Salaries and wages                              | \$ 9,692,068        |
| Operating expenses                              | 5,624,469           |
| Emergency fund                                  | 500,000             |
| Agriculture promotion                           | 50,000              |
| Export trading company                          | 175,000             |
| Total appropriation from mill and elevator fund | <u>\$16,041,537</u> |

## Subdivision 5.

## HOUSING FINANCE AGENCY

|  |                     |
|--|---------------------|
| Salaries and wages                                   | \$ 1,943,743        |
| Data processing                                      | 62,179              |
| Operating expenses                                   | 777,765             |
| Equipment  | 25,000              |
| Grants, benefits, and claims                         | 31,100,000          |
| HFA contingency                                      | 100,000             |
| HFA reserve  | 1,300,000           |
| Total appropriation from housing finance agency fund | <u>\$35,308,687</u> |
| Grand total special funds appropriation S.B. 2020    | \$79,080,932        |

SECTION 2. APPROPRIATION. In addition to the amount appropriated to the housing finance agency in subdivision 5 of section 1 of this Act, there is hereby appropriated any additional income from federal or other funds which may become available to the agency for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. APPROPRIATION. In addition to the amount appropriated to the industrial commission in subdivision 1 of section 1 of this Act, there is hereby appropriated with the approval of the emergency commission, funds which may become available to the commission from bonds issued under chapters 4-36 and 54-17.2 and section 54-17-25, for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 4. APPROPRIATION - TRANSFER. The amount of \$4,586,963, or so much thereof as is necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act is hereby appropriated from the lands and minerals trust fund and shall be transferred to the industrial commission for the purpose of providing funds for the administration of the industrial commission.

SECTION 5. APPROPRIATION - TRANSFER. The amount of \$1,000,000, or so much thereof as is necessary, included in the grants and special funds appropriation line items in subdivision 1 of section 1 of this Act is hereby appropriated from the lignite research fund and shall be transferred to the industrial commission for the purpose of providing grants for land reclamation research, lignite development research, and marketing of lignite and products derived from lignite.

SECTION 6. TRANSFER. There is hereby authorized the transfer to the industrial commission the sum of \$54,819, or so much thereof as is necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, from the accumulated and undivided profits of the North Dakota mill and elevator association. Such moneys shall be transferred during the biennium beginning July 1, 1989, and ending June 30, 1991, upon order of the industrial commission.

SECTION 7. TRANSFER. There is hereby authorized the transfer to the industrial commission, the sum of \$54,819, or so much thereof as is necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act from the accumulated and undivided profits of the Bank of North Dakota. Such moneys shall be transferred during the biennium beginning July 1, 1989, and ending June 30, 1991, upon order of the industrial commission.

SECTION 8. TRANSFER. There is hereby authorized the transfer to the industrial commission the sum of \$54,819, or so much thereof as is necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act from the housing finance agency fund. Such moneys shall be transferred during the biennium beginning July 1, 1989, and ending June 30, 1991, upon order of the industrial commission.

SECTION 9. TRANSFER. There is hereby authorized the transfer to the general fund in the state treasury, the sum of \$3,500,000 from the accumulated and undivided profits of the North Dakota mill and elevator association. Such moneys shall be transferred during the biennium beginning July 1, 1989, and ending June 30, 1991, upon order of the industrial commission, with one-half of the transfer to be made no later than June 30, 1990.

SECTION 10. TRANSFER. There is hereby authorized the transfer to the general fund in the state treasury, the sum of \$14,000,000 from the accumulated and undivided profits of the Bank of North Dakota. Such moneys shall be transferred during the biennium beginning July 1, 1989, and ending June 30, 1991, upon order of the industrial commission, with one-half of the transfer to be made no later than June 30, 1990.

SECTION 11. APPROPRIATION. In addition to the amount appropriated to the Bank of North Dakota in subdivision 2 of section 1 of this Act, there is hereby appropriated \$1,900,000, or so much thereof as may be necessary, from the Bank's operations or capital reserves for the purpose of acquiring, constructing, and remodeling an office building for the period beginning January 1, 1989, and ending June 30, 1991.

SECTION 12. EMERGENCY. Section 11 of this Act is declared to be an emergency measure.

Approved April 12, 1989  
Filed April 13, 1989

**CHAPTER 50**

SENATE BILL NO. 2021  
(Committee on Appropriations)

**HISTORICAL BOARD**

AN ACT making an appropriation for defraying the expenses of the state historical board of the state of North Dakota; and to provide for a transfer from the capitol building fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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, to the state historical board of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

STATE HISTORICAL BOARD

|                                  |                    |
|----------------------------------|--------------------|
| Salaries and wages               | \$3,079,685        |
| Data Processing                  | 21,600             |
| Operating expenses               | 923,707            |
| Equipment                        | 134,124            |
| Capital improvements             | 115,825            |
| Grants, benefits, and claims     | 505,000            |
| Total all funds                  | <u>\$4,779,941</u> |
| Less estimated income            | 1,270,590          |
| Total general fund appropriation | <u>\$3,509,351</u> |

Subdivision 2.

INTERNATIONAL PEACE GARDEN

|  |                    |
|--|--------------------|
| Grants, benefits, and claims                     | \$ 397,204         |
| Total general fund appropriation                 | <u>\$ 397,204</u>  |
| Grand total general fund appropriation S.B. 2021 | \$3,906,555        |
| Grand total special fund appropriation S.B. 2021 | \$1,270,590        |
| Grand total all funds S.B. 2021                  | <u>\$5,177,145</u> |

SECTION 2. APPROPRIATION. The superintendent of the North Dakota state historical board is authorized to offer up to \$50,000 of the operating expenses line item appropriated in section 1 of this Act to the North Dakota humanities council, inc., in expectation of return of the appropriation and matching funds from the national endowment for the humanities. Any such funds that may be received by the superintendent are hereby appropriated, subject to emergency commission approval, to the state historical board for the development of exhibits at the heritage center.

SECTION 3. TRANSFER - CAPITOL BUILDING FUND. The amount of \$70,000, or so much thereof as may be necessary, included in the estimated income line

item in section 1 of this Act, is hereby appropriated and shall be transferred by the office of management and budget at the request of the superintendent of the state historical board from the capitol building fund to the state historical board for the purpose of defraying the cost of the heritage center security system for the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved April 28, 1989  
Filed April 28, 1989



**CHAPTER 51**

SENATE BILL NO. 2022  
(Committee on Appropriations)

**DEPARTMENT OF CORRECTIONS AND PARDON BOARD**

AN ACT making an appropriation for defraying the expenses of the department of corrections and rehabilitation and the pardon board of the state of North Dakota; providing for a transfer from the North Dakota state penitentiary land fund; to amend and reenact sections 12.1-32-12 and 54-16-11.1 of the North Dakota Century Code, relating to penalties and sentencing and emergency commission authority to increase revenues and appropriation authority for intergovernmental service fund agencies; and to repeal section 12.1-32-10 of the North Dakota Century Code, relating to mandatory parole components.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 to the department of corrections and rehabilitation and the pardon board of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

|                                  |                     |
|----------------------------------|---------------------|
| Salaries and wages               | \$19,403,594        |
| Operating expenses               | 11,193,885          |
| Equipment                        | 430,944             |
| Capital improvements             | 701,497             |
| Total all funds                  | <u>\$31,729,920</u> |
| Less estimated income            | <u>9,674,897</u>    |
| Total general fund appropriation | <u>\$22,055,023</u> |

Subdivision 2.

PARDON BOARD

|   |              |
|---|--------------|
| Operating expenses                                | \$ 1,619     |
| Total general fund appropriation                  | \$ 1,619     |
| Grand total general fund appropriation S.B. 2022  | \$22,056,642 |
| Grand total special funds appropriation S.B. 2022 | \$ 9,674,897 |
| Grand total all funds appropriation S.B. 2022     | \$31,731,539 |

SECTION 2. APPROPRIATION - TRANSFER. The amount appropriated for operating expenses and capital improvements in subdivision 1 of section 1 of this Act includes \$397,647 which is hereby appropriated and shall be transferred by the office of management and budget from the North Dakota state penitentiary land fund for the biennium beginning July 1, 1989, and

ending June 30, 1991, as required for disbursement by the director of institutions.

SECTION 3. AMENDMENT. Section 12.1-32-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12.1-32-12. Penalties, sentences, and parole for offenses unclassified and in other titles. Where an offense is defined by a statute or by the constitution without specification of its classification pursuant to section 12.1-32-01, the offense shall be punishable as provided in the statute or constitutional provision defining it, or:

1. If the offense is declared to be a felony, without further specification of punishment, it shall be punishable as if it were a class C felony.
2. If the offense is declared to be a misdemeanor, without further specification of punishment, it shall be punishable as if it were a class A misdemeanor.

The sentencing alternatives available under section 12.1-32-02 shall be available to a court sentencing an offender for commission of an offense defined by a statute outside this title. ~~The mandatory parole component provided by section 12.1-32-10 shall apply to sentences imposed for offenses defined by statutes outside this title.~~

\* SECTION 4. AMENDMENT. Section 54-16-11.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-16-11.1. Emergency commission may increase revenues and appropriation authority for intergovernmental service fund agencies. Upon presentation of the verified petition provided for in section 54-16-10, the emergency commission shall meet to determine if additional demand from state agencies requires an increase in appropriation authority and revenue receipts for intergovernmental service agencies. Such agencies are limited to central duplicating, central data processing, state communications, surplus property, roughrider industries division of the department of corrections and rehabilitation, and central microfilm.

SECTION 5. REPEAL. Section 12.1-32-10 of the North Dakota Century Code is hereby repealed.

Approved April 28, 1989  
Filed April 28, 1989

\* NOTE: Section 54-16-11.1 was also amended by section 1 of House Bill No. 1632, chapter 642.

**CHAPTER 52**

**SENATE BILL NO. 2023**  
 (Committee on Appropriations)

**JOB SERVICE NORTH DAKOTA**

AN ACT making an appropriation for defraying the expenses of job service North Dakota of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in special funds in the state treasury, not otherwise appropriated, derived from federal funds and other income, to job service North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                   |                     |
|-----------------------------------|---------------------|
| Salaries and wages                | \$27,575,019        |
| Operating expenses                | 6,425,747           |
| Equipment                         | 680,000             |
| Grants                            | <u>10,075,000</u>   |
| Total special funds appropriation | <u>\$44,755,766</u> |

SECTION 2. APPROPRIATION. All federal funds received by job service North Dakota in excess of those funds appropriated in section 1 of this Act are hereby appropriated for the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved April 28, 1989  
 Filed April 28, 1989

## CHAPTER 53

SENATE BILL NO. 2024  
(Committee on Appropriations)

### WORKERS COMPENSATION BUREAU

AN ACT making an appropriation for defraying the expenses of the workers compensation bureau and the divisions thereof of the state of North Dakota; and relating to the appointment of the executive director of the workers compensation bureau.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are 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 the workers' compensation fund in the state treasury, not otherwise appropriated, to the workers compensation bureau of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

| WORKERS COMPENSATION BUREAU      |                    |
|----------------------------------|--------------------|
| Salaries and wages               | \$4,576,055        |
| Data processing                  | 680,703            |
| Operating expenses               | 2,592,620          |
| Equipment                        | 536,739            |
| Grants, benefits, and claims     | 711,487            |
| Contingency                      | 100,000            |
| Total all funds                  | <u>\$9,197,604</u> |
| Less estimated income            | <u>8,980,477</u>   |
| Total general fund appropriation | <u>\$ 217,127</u>  |

SECTION 2. APPROPRIATION - TRANSFER. The amount appropriated in section 1 of this Act includes \$8,494,105 which is hereby appropriated from the workers' compensation fund for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 3. FIRST EXECUTIVE DIRECTOR - APPOINTMENT. If Senate Bill No. 2324, as approved by the fifty-first legislative assembly becomes effective, in order to facilitate the transition the governor may appoint the chairman of the workers compensation bureau on the effective date of this Act as the first executive director of the workers compensation bureau.

Approved April 28, 1989  
Filed April 28, 1989

**CHAPTER 54**

SENATE BILL NO. 2025  
(Committee on Appropriations)

**STATE RETIREMENT AND PERS**

AN ACT making an appropriation for defraying the expenses of the various retirement and investment agencies of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys from special funds derived from income, to the various retirement and investment agencies of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Subdivision 1.

STATE RETIREMENT AND INVESTMENT OFFICE

|   |                    |
|---|--------------------|
| Salaries and wages  | \$1,036,826        |
| Data processing   | 265,542            |
| Operating expenses  | 585,313            |
| Equipment   | 41,000             |
| Contingency   | 50,000             |
| Total appropriation from the state retirement and investment fund | <u>\$1,978,681</u> |

Subdivision 2.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

|   |                    |
|---|--------------------|
| Salaries and wages  | \$ 908,689         |
| Data processing   | 331,000            |
| Operating expenses  | 463,612            |
| Equipment   | 15,000             |
| Grants, benefits, and claims                                  | 38,000             |
| Contingency   | 50,000             |
| Total appropriation from the public employees retirement fund | <u>\$1,806,301</u> |
| Grand total special funds appropriation S.B. 2025             | \$3,784,982        |

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 55

SENATE BILL NO. 2026  
(Committee on Appropriations)

### VARIOUS DEPARTMENTS AND INSTITUTIONS

AN ACT making an appropriation for defraying the expenses of various departments and institutions of the state of North Dakota; to provide for an appropriation and transfer from the fund for unemployment compensation claims; and declaring 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 thereof as may be necessary. These sums shall increase the general fund and special funds appropriation authority enacted by the fiftieth legislative assembly of the state of North Dakota as adjusted by the allotment process to the stated departments and institutions of the state of North Dakota for the purpose of defraying the expenses thereof, for the period beginning January 1, 1989, and ending June 30, 1989, as follows:

|                                  |                                      |                   |
|----------------------------------|--------------------------------------|-------------------|
| Subdivision 1.                   | SECRETARY OF STATE - PUBLIC PRINTING |                   |
| Operating expenses               |                                      | \$ 7,175          |
| Total general fund appropriation |                                      | <u>\$ 7,175</u>   |
| Subdivision 2.                   | DIRECTOR OF INSTITUTIONS             |                   |
| Institutional medical fees       |                                      | \$ 39,705         |
| Total general fund appropriation |                                      | <u>\$ 39,705</u>  |
| Subdivision 3.                   | STATE LIBRARY                        |                   |
| Operating expenses               |                                      | \$ 17,327         |
| Grants, benefits, and claims     |                                      | <u>15,148</u>     |
| Total general fund appropriation |                                      | <u>\$ 32,475</u>  |
| Subdivision 4.                   | HOMESTEAD TAX CREDIT                 |                   |
| Grants, benefits, and claims     |                                      | \$ 456,000        |
| Total general fund appropriation |                                      | <u>\$ 456,000</u> |
| Subdivision 5.                   | SCHOOL FOR THE BLIND                 |                   |
| Salaries and wages               |                                      | \$ 87,134         |
| Operating expenses               |                                      | 51,162            |
| Equipment                        |                                      | <u>2,000</u>      |
| Total general fund appropriation |                                      | <u>\$ 140,296</u> |

## Subdivision 6.

## CRIME VICTIMS REPARATION

|                                  |                  |
|----------------------------------|------------------|
| Grants, benefits, and claims     | \$ 68,400        |
| Total general fund appropriation | <u>\$ 68,400</u> |

SECTION 2. APPROPRIATION - TRANSFER. The amount of \$1,200,000, or so much thereof as is necessary, is hereby appropriated and shall be transferred from the fund for unemployment compensation claims to the public employees retirement system for the state group health program for the period beginning January 1, 1989, and ending June 30, 1991.

|   |             |
|---|-------------|
| Grand total general fund appropriation S.B. 2026  | \$ 744,051  |
| Grand total special funds appropriation S.B. 2026 | \$1,200,000 |
| Grand total all funds appropriation S.B. 2026     | \$1,944,051 |

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 12, 1989  
Filed April 13, 1989

## CHAPTER 56

SENATE BILL NO. 2094  
(Committee on Appropriations)  
(At the request of the State Department of Health and  
Consolidated Laboratories)

### BELFIELD/BOWMAN RADIATION REMEDIATION PROJECT

AN ACT to make an appropriation for defraying North Dakota's cost share of the Belfield/Bowman radiation remediation project costs under authority of the Uranium Mill Tailings Radiation Control Act; and to provide authorization to the state department of health and consolidated laboratories to negotiate with the department of energy on behalf of the state of North Dakota concerning the Belfield/Bowman radiation remediation project.

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, the sum of \$140,000, or so much thereof as may be necessary, to the North Dakota state department of health and consolidated laboratories for the state's ten percent cost share of the Belfield/Bowman radiation remediation project for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 2. Intent and purpose. The Uranium Mill Tailings Radiation Control Act of 1978 [Pub. L. No. 95-604] was enacted to provide a mechanism for federal and state cooperation and funding to clean up abandoned uranium tailings piles needing reclamation in order to protect the health and safety of the general public. On November 8, 1979, the department of energy designated twenty-five "processing sites" throughout the United States, including two in North Dakota near Belfield and Bowman. The Belfield/Bowman project is a multibiennial project that began in the 1987-89 biennium and will be completed in the 1991-93 biennium. The project costs for all uranium radiation cleanup projects are cost-shared at a ninety percent department of energy and ten percent matching state ratio. The costs related to the Belfield/Bowman radiation remediation project through the 1991-93 biennium are projected by the department of energy as follows:

Remediation Construction Costs:

| <u>Estimated<br/>Total Cost</u> | <u>Estimated<br/>90% Federal Share</u> | <u>Estimated<br/>10% State Share</u>   |
|---------------------------------|--|--|
| \$9,330,000                     | \$8,397,000                            | \$933,000<br>[\$140,000 from<br>general fund for<br>1989-91 biennium]<br>[\$793,000 from<br>other sources] |

The other required match can come from any and all nonfederal sources. The state's participation is necessary in order to receive the federal assistance and ensures that the state will have full participation in the selection and performance of the remediation activities.

Approved April 28, 1989  
Filed April 28, 1989



## CHAPTER 57

SENATE BILL NO. 2096

(Committee on Appropriations)

(At the request of the Administrative Committee on Veterans' Affairs)

### VETERANS' HOME IMPROVEMENTS

AN ACT to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness; or in the alternative, to authorize the administrative committee on veterans' affairs to obtain a loan to match federal funds available to construct, modify, or alter the facilities at the veterans' home; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. PROJECT AUTHORIZATION. The industrial commission, acting as the North Dakota building authority, may issue evidences of indebtedness pursuant to chapter 54-17.2 of the North Dakota Century Code, in an amount not exceeding \$1,169,000, which is hereby appropriated to defray that portion of the project costs associated with the construction or renovation of the facilities at the North Dakota veterans' home, hereby declared to be in the public interest. Such authorization to issue evidences of indebtedness is conditional upon the approval of an application by the administrative committee on veterans' affairs for federal funds under 38 U.S.C. 5033 in the form of a grant for use at the veterans' home. This authority of the industrial commission to issue evidences of indebtedness ends on June 30, 1991, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

SECTION 2. AUTHORITY TO OBTAIN LOAN - CONDITIONS. If the industrial commission acting as the North Dakota building authority does not issue the evidences of indebtedness or does not notify the administrative committee on veterans' affairs on or before October 1, 1989, of its intention to issue evidences of indebtedness authorized under section 1 of this Act, the administrative committee on veterans' affairs is authorized to obtain a loan from the Bank of North Dakota for the purpose of meeting matching requirements for receiving federal funds to construct, modify, or alter facilities at the veterans' home. The loan authorized by this section may not exceed one million one hundred sixty-eight thousand two hundred forty-three dollars. The loan is to be used solely for the purpose of meeting matching requirements for obtaining federal funds under 38 U.S.C. 5033, and the authority to apply for any such loan is conditional upon receiving a grant of such federal funds for the use of the veterans' home. The loan obtained under this section must be repaid solely from funds available in the veterans' home improvement fund from membership contributions. Amounts necessary from the veterans' home improvement fund to repay the loan from the Bank of North Dakota shall be dedicated by the administrative committee on veterans' affairs and are hereby appropriated for repayment of the loan, with interest. Any evidences of indebtedness issued

under the provisions of this section may not become a general obligation of the state of North Dakota. The term of the loan may not exceed twenty years.

SECTION 3. APPROPRIATION. In addition to the authorizations set forth in this Act, there is hereby appropriated out of moneys available from private and public sources, not otherwise appropriated, the sum of \$3,337,836, or so much thereof as may be necessary, to the industrial commission and its agent, or in the alternative to the administrative committee on veterans' affairs for the veterans' home for the purpose of constructing, modifying, or altering the facilities at the veterans' home for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 13, 1989  
Filed April 13, 1989

## CHAPTER 58

SENATE BILL NO. 2108  
(Committee on Appropriations)  
(At the request of the Workers Compensation Bureau)

### **CIVIL AIR PATROL CLAIMS APPROPRIATION**

AN ACT providing an appropriation to defray expenses for claim payments to civil air patrol members.

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, the sum of \$13,801.46, or so much thereof as may be necessary, to the workers compensation bureau for the purpose of reimbursing costs of claim payments in excess of premiums paid for civil air patrol members in accordance with section 65-06.1-04 for the period beginning July 1, 1985, and ending June 30, 1988, for the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved March 28, 1989  
Filed March 28, 1989

## CHAPTER 59

SENATE BILL NO. 2114  
 (Committee on Appropriations)  
 (At the request of the North Dakota Centennial Commission)

### FOREST SERVICE TREE PRODUCTION

AN ACT providing an appropriation for the North Dakota forest service to increase tree seedling production and promote tree planting for the North Dakota centennial tree program and to authorize the state forest service to borrow funds for the centennial tree program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the North Dakota forest service for the purpose of increasing tree seedling production and promoting tree planting for the North Dakota centennial tree program, for the biennium beginning July 1, 1989, and ending June 30, 1991.

|                                  |            |
|----------------------------------|------------|
| Salaries and wages               | \$190,177  |
| Operating expenses               | 69,000     |
| Equipment                        | 209,880    |
| Capital improvements             | 120,000    |
| Total all funds                  | \$ 589,057 |
| Less estimated income            | 289,057    |
| Total general fund appropriation | \$ 300,000 |

SECTION 2. STATE FOREST SERVICE - AUTHORIZATION TO BORROW FUNDS FOR CENTENNIAL TREE PROGRAM. The state forest service may borrow up to \$289,057 from the Bank of North Dakota for the purpose of defraying the expenses of the centennial tree program.

Approved April 28, 1989  
 Filed April 28, 1989

**CHAPTER 60**

SENATE BILL NO. 2279  
(Senators Todd, Thane, Lashkowitz)  
(Representatives Wald, D. Larson, Jensen)

**ELDERLY AND DISABLED PROGRAM APPROPRIATION**

AN ACT providing an appropriation for defraying the expenses of the department of human services' service payments to the elderly and disabled program; and declaring 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, \$795,000, or so much thereof as may be necessary, to the department of human services for the purpose of defraying the expenses of the service payments to the elderly and disabled program for the period beginning January 1, 1989, and ending June 30, 1989.

**SECTION 2. LEGISLATIVE INTENT.** The department of human services shall use the moneys appropriated in this Act to the extent necessary to continue payments for in-home services to the elderly and physically disabled at the program level existing prior to January 1, 1989, to provide reimbursement to counties for in-home services and case management provided eligible clients up to a maximum of \$550 per client per month.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

Approved February 15, 1989  
Filed February 15, 1989

## CHAPTER 61

SENATE BILL NO. 2309  
(Senators Yockim, Waldera)  
(Representatives Haugen, Goetz, Wald)

### OIL AND GAS IMPACT GRANTS

AN ACT to provide for grants to oil and gas development impacted counties and cities; to provide a continuing appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Grants to oil and gas development impacted counties and cities - Continuing appropriation. The board of university and school lands may grant six percent of twelve million dollars annually to oil and gas development impacted counties and cities, from interest earnings on moneys deposited in the coal development trust fund established under subsection 1 of section 57-62-02. Grants may be made for the mitigation of the impact of unpaid special assessments, but before making any grant the board of university and school lands must receive the recommendation of the energy development impact office. To be eligible to receive grants under this section, a county or city must demonstrate that its consolidated mill levy ranks in the highest ten percent of the consolidated mill levies of all political subdivisions of the same kind in this state. The amount authorized for grants under this section is hereby appropriated to the board of university and school lands as a standing and continuing appropriation.

SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date is ineffective.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 62

SENATE BILL NO. 2334  
(Senators Yockim, Shea)  
(Representatives Graba, Kelly, Payne)

### TOURIST INFORMATION CENTERS

AN ACT to provide an appropriation for tourist information centers at Bowman, Williston, Fargo, and Grand Forks.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section are so much thereof as may be necessary, are hereby appropriated out of any moneys in the state highway fund, not otherwise appropriated, to the economic development commission to construct or lease tourist information centers at Bowman, Williston, Fargo, and Grand Forks, during the period from the effective date of this Act and ending June 30, 1991, as follows:

|  |                |
|--|----------------|
| Operating expenses                     | \$ 36,000      |
| Equipment                              | 20,000         |
| Capital improvements                   | <u>133,000</u> |
| Total state highway fund appropriation | \$189,000      |

SECTION 2. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the operating expenses line item be used to lease property for the Fargo site.

Approved April 15, 1989  
Filed April 17, 1989

## CHAPTER 63

SENATE BILL NO. 2405  
(Senators Stenehjem, Holmberg)  
(Representatives Shaft, Graba, Carlson)

### OXFORD HOUSE EXPANSION

AN ACT to authorize the expansion of Oxford House at the university of North Dakota; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AUTHORIZATION TO EXPAND OXFORD HOUSE WITH PRIVATE FUNDS - APPROVAL BY BUDGET SECTION, BOARD OF HIGHER EDUCATION, AND STATE HISTORICAL BOARD - APPROPRIATION. The alumni association of the university of North Dakota may utilize private funds received by gift, devise, or bequest which are hereby appropriated to expand Oxford House, subject to the prior approval of the budget section of the legislative council, the state board of higher education, and the state historical board.

Approved March 28, 1989  
Filed March 28, 1989



## CHAPTER 64

SENATE BILL NO. 2463  
(Senators D. Meyer, Redlin)  
(Representatives R. Anderson, K. Thompson)

### **LITTLE MISSOURI WEED CONTROL APPROPRIATION**

AN ACT making an appropriation for defraying the expenses of noxious weed control on the Little Missouri River and state-owned Burlington project.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated from the lands and minerals trust fund, the amount of \$34,500, or so much thereof as is necessary, to the board of university and school lands for the purpose of controlling noxious weeds on the bed and islands of the Little Missouri River and on the state-owned Burlington project in Ward County. These funds shall be distributed by the board of university and school lands to the weed boards in Billings, Bowman, Golden Valley, Slope, McKenzie, and Ward counties based upon demonstrated need. Not more than \$15,000 shall be distributed for noxious weed control on the Little Missouri River nor more than \$19,500 for noxious weed control on the state-owned Burlington project in Ward County.

Approved April 12, 1989  
Filed April 13, 1989

## CHAPTER 65

SENATE BILL NO. 2479  
(Senators Shea, Ingstad)  
(Representatives J. DeMers, Graba)

### UND CHILD CARE CENTER

AN ACT to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of a child care center at the university of North Dakota; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to, but not exceeding \$1,362,000, for the purpose of constructing a child care center at the university of North Dakota. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota.

SECTION 2. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 1, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and equipment of the facility authorized in section 1. Any unexpended balance from the sale of bonds must be placed in sinking funds for the retirement of the authorized bonds.

Approved March 28, 1989

Filed March 28, 1989

## CHAPTER 66

SENATE BILL NO. 2500  
(Senators Waldera, Maixner, Dotzenrod)  
(Representatives Wald, Goetz)

### FOSSIL AND WESTERN HISTORY MUSEUM

AN ACT to authorize the state board of higher education to accept a fossil and western history museum at Dickinson state university; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Authorization to accept fossil and western history museum. The state board of higher education may accept as a gift a fossil and western history museum to be built and maintained with private, federal, or local funds at Dickinson state university.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$10,000, or so much thereof as may be necessary, to Dickinson state university for the purpose of hiring a consultant to conduct a feasibility and architectural study regarding the construction of a fossil and western history museum on the campus of Dickinson state university for the biennium beginning July 1, 1989, and ending June 30, 1991.

Approved April 28, 1989  
Filed April 28, 1989

## CHAPTER 67

SENATE BILL NO. 2523

(Stenehjem)

(Approved by the Committee on Delayed Bills)

### **AEROSPACE SCIENCE FACILITY**

AN ACT to appropriate revenue from operation of the aerospace science training facility at the university of North Dakota to repay a loan from the Bank of North Dakota taken to construct the facility; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. BOARD OF HIGHER EDUCATION - AUTHORIZATION FOR REPAYMENT OF BANK OF NORTH DAKOTA LOAN FOR CONSTRUCTION OF AEROSPACE SCIENCE TRAINING FACILITY - APPROPRIATION. There is hereby appropriated to the state board of higher education from any revenue from operation of the aerospace science training facility at the university of North Dakota the sum of \$4,500,000, or so much thereof as may be necessary, for the purpose of repayment of the loan for construction of the facility from the Bank of North Dakota, during the period beginning on the effective date of this Act and ending June 30, 2003. The board may grant the Bank a security interest in the facility and any lease of the facility.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 12, 1989

Filed April 13, 1989

## CHAPTER 68

SENATE BILL NO. 2538

(Heigaard, Mushik)

(Approved by the Committee on Delayed Bills)

### HUMAN SERVICES PROGRAMS

AN ACT making an appropriation to the department of human services to defray the expenses of developing and expanding programs of active treatment for mentally ill and chemically addicted individuals; providing a transfer from the revolving loan fund maintained in the Bank of North Dakota; stating legislative intent and making an appropriation to the department of human services to supplement senior citizens mill levy match appropriations contained in House Bill No. 1012; stating legislative intent and making an appropriation to the department of human services to supplement the service program for elderly and disabled appropriations contained in House Bill No. 1012; stating legislative intent and making an appropriation to the department of human services for the family subsidy program; establishing a joint medicaid payment account; making an appropriation for the child evaluation and treatment program; making an appropriation for adult protection services; to amend and reenact section 3 of House Bill No. 1037, as approved by the fifty-first legislative assembly, relating to the capital construction fund; authorizing the developmental disabilities revolving loan fund to sell its loans to the Bank of North Dakota; allowing the proceeds of the sale of the loans to assure the availability of funds for predicted caseload growth in medical assistance, aid to families with dependent children, and foster care; providing for a legislative council study of the appropriations process; and providing a transfer to the capital construction fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. PROGRAM ENHANCEMENTS - CONTINUUM OF IMPROVED PATIENT CARE - APPROPRIATION - TRANSFER - REPORT TO BUDGET SECTION. There is hereby appropriated from special funds, not otherwise appropriated, the sum of \$3,971,138, or so much thereof as may be necessary, to the department of human services. In addition, there is hereby transferred, on or before March 1, 1991, the cash balance of, and any payments deposited in, the revolving loan fund created under North Dakota Century Code section 6-09.6-01, the sum of \$1,900,000, or so much thereof as may be necessary, to the department of human services, which is hereby appropriated. These funds must be available to the department of human services for the purpose of developing and expanding community programs of active treatment for mentally ill and chemically addicted individuals which will reduce the average daily census of patients at the state hospital, expand outreach services in rural areas, improve active treatment and care at the state hospital, and address deficiencies identified by the joint commission on the accreditation of health organizations and the health care financing administration. However, the first \$400,000 must be used to fund child evaluation and treatment and adult protective services as set forth in sections 8 and 9 of this Act.

These funds must be available to the department of human services during the biennium beginning July 1, 1989, and ending June 30, 1991. The addition of any staff positions determined necessary by the department to accomplish the purposes of this section must be first approved by the emergency commission. The department shall periodically report to the budget section its progress in developing and expanding community programs, expanding outreach in rural areas, reducing the average daily census at the state hospital, and addressing deficiencies identified by the accreditation and certification entities.

**SECTION 2. SENIOR CITIZEN MILL LEVY MATCHING - APPROPRIATION - LEGISLATIVE INTENT.** There is hereby appropriated from special funds, not otherwise appropriated, the sum of \$460,000, or so much thereof as may be necessary, to the department of human services for the purpose of maintaining the senior citizen mill levy match during the biennium beginning July 1, 1989, and ending June 30, 1991. It is the intent of the legislative assembly that the state maintain the present level of mill levy matching funds for senior citizen programs and services.

**SECTION 3. SERVICE PROGRAM FOR ELDERLY AND DISABLED - APPROPRIATION - LEGISLATIVE INTENT.** There is hereby appropriated from special funds, not otherwise appropriated, the sum of \$300,000, or so much thereof as may be necessary, to the department of human services for purposes of supplementing appropriations for the service program for elderly and disabled during the biennium beginning July 1, 1989, and ending June 30, 1991. It is the intent of the legislative assembly that special funds in addition to those appropriated under House Bill No. 1012 be made available to the service program for elderly and disabled.

**SECTION 4. FAMILY SUBSIDY PROGRAM - APPROPRIATION - LEGISLATIVE INTENT.** There is hereby appropriated from special funds, not otherwise appropriated, the sum of \$300,000, or so much thereof as may be necessary, to the department of human services for the purpose of making service subsidies under the family subsidy program during the biennium beginning July 1, 1989, and ending June 30, 1991. It is the intent of the legislative assembly that the service subsidy component of the family subsidy program for families maintaining developmentally disabled children within their households be continued during the 1989-1991 biennium.

**SECTION 5. TRANSFER - CAPITAL CONSTRUCTION FUND.** The department of human services upon a billing from the state building authority shall transfer \$1,713,057, or so much thereof as may be necessary, to the capital construction fund established by House Bill No. 1037, for lease payments related to capital improvement projects financed at the Grafton state school and the state hospital under chapter 54-17.2.

**SECTION 6. JOINT MEDICAID PAYMENT ACCOUNT - SCHOOL FOR THE BLIND.** The state treasurer shall establish a joint medicaid payment account for the department of human services and the school for the blind for purposes of providing services including alternative living arrangements for persons determined eligible for the receipt of residential and/or other services by the school for the blind. This account shall be for the receipt and payment of school for the blind matching funds and department of human services federal medicaid funds for the purpose of making payments to the provider or providers of service as directed by the department of human services. The school for the blind shall provide the department of human services such

administrative services in the documentation and payment of these funds as the department of human services may request.

**SECTION 7. APPROPRIATION.** There is hereby appropriated from special funds, not otherwise appropriated, the sum of \$1,015,000, or so much thereof as may be necessary, to the department of human services for the biennium beginning July 1, 1989, and ending June 30, 1991, for the purpose of providing matching funds for medicaid eligible services provided for visually impaired including multihandicapped individuals as first determined eligible by the school for the blind.

**SECTION 8. CHILD EVALUATION AND TREATMENT PROGRAM - APPROPRIATION.** There is hereby appropriated from special funds in the department of human services operating fund, not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary, to be provided by the department of human services to the child evaluation and treatment center at its request for the biennium beginning July 1, 1989, and ending June 30, 1991.

**SECTION 9. APPROPRIATION.** There is hereby appropriated from special funds in the department of human services operating fund, not otherwise appropriated, the sum of \$150,000, or so much thereof as may be necessary, to the department of human services for the purpose of continuing pursuant to House Bill No. 1058 the existing adult protective service demonstration program, as initially authorized by section 2 of chapter 293 of the 1987 Session Laws of North Dakota, in Cass County and the multicounty region served by the Lake Region human service center for the biennium beginning July 1, 1989, and ending June 30, 1991.

**SECTION 10. AMENDMENT.** Section 3 of House Bill No. 1037, as approved by the fifty-first legislative assembly, is hereby amended and reenacted to read as follows:

**SECTION 3. GENERAL FUND TRANSFER - APPROPRIATION.** The state treasurer shall transfer an amount, not to exceed a total of ~~\$6,545,000~~ \$4,831,943, which is hereby appropriated, for the biennium beginning July 1, 1989, and ending June 30, 1991, from the general fund to the capital construction fund. The state treasurer shall make the transfer or transfers as provided in this section at such times as may be requested by the industrial commission acting as a state building authority.

**SECTION 11. DEVELOPMENTAL DISABILITIES REVOLVING LOAN FUND - AUTHORITY TO SELL LOANS - TRANSFERS.** Between April 1 and June 30, 1991, the developmental disabilities revolving loan fund created under North Dakota Century Code section 6-09.6-01, at the request of the executive director of the department of human services, may sell to the Bank of North Dakota up to \$4,200,000 of the outstanding loans of the fund. The sale of loans may be made only if all of the following events occur: (1) other funds do not become available from changes in medicaid funding formula or the enactment of drought relief measures, and (2) the department has requested and been denied funds by the emergency commission, and (3) a deficiency appropriation has not been provided by the fifty-second legislative assembly. Under these circumstances and upon request of the executive director of the department of human services, in addition to other transfers provided for in this Act, up to \$4,200,000 may be transferred between April 1 and June 30, 1991, from and by the developmental disabilities revolving loan fund to the department of human services operating fund as needed to provide the \$4,158,511 of matching

funds required in section 13 of this Act and any additional funds that may be required to complete the transfer in section 1 of this Act.

**SECTION 12. DEPOSIT OF STATE FUNDS - BANK OF NORTH DAKOTA.** The state treasurer shall maintain a certificate of deposit at the Bank of North Dakota, in such an amount as requested by the president of the Bank of North Dakota not to exceed \$4,200,000, until all loans held by the Bank of North Dakota pursuant to section 11 of this Act have been repaid. The certificate shall earn interest at a rate equal to the weighted average blended interest rate of the loans purchased and outstanding as of July first each year, pursuant to section 11 of this Act reduced by one-half of one percent. The certificate of deposit shall be reduced on July first of each year to equal the outstanding loan balance of the loans purchased pursuant to section 11.

**SECTION 13. APPROPRIATION.** There is hereby appropriated from special funds in the department of human services operating fund, not otherwise appropriated, the sum of \$12,271,669, or so much thereof as may be necessary, to the department of human services for the purpose of providing grants for increased medical assistance, aid to families with dependent children, and foster care caseloads for the biennium beginning July 1, 1989, and ending June 30, 1991. Unless otherwise available within the department of human services budget, the \$4,158,511 of matching funds are contingently available pursuant to section 11 of this Act from the developmental disabilities loan fund.

Grand total special funds appropriation S.B. 2538      \$20,617,807

**SECTION 14. LEGISLATIVE COUNCIL STUDY - APPROPRIATIONS PROCESS.** The legislative council or an interim committee designated by the legislative council shall conduct a study during the 1989-90 interim of the appropriations process. The study must include consideration of recommendations for appropriate reference in appropriations bills to programs, departments, agencies, institutions, and activities. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-second legislative assembly.

Approved April 28, 1989  
Filed April 28, 1989