

APPROPRIATIONS

CHAPTER 1

HOUSE BILL NO. 1001

(Appropriations Committee)

LEGISLATIVE BRANCH

AN ACT providing an appropriation for defraying the expenses of the legislative branch of government; to amend and reenact the new section to chapter 54-35 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2395, as approved by the fifty-fourth legislative assembly, relating to the authority of the legislative council to appoint or retain legal counsel to protect the interests of the legislative branch in actions and proceedings; to provide for a legislative council study; to provide for a technology applications committee of members from the budget section; and to declare 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 of the funds 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 of that branch, for the fiscal period beginning with the effective date of this Act and ending June 30, 1997, as follows:

Subdivision 1.

FIFTY-FOURTH AND FIFTY-FIFTH LEGISLATIVE ASSEMBLIES AND BIENNIUM

Salaries and wages	\$ 4,013,977
Operating expenses	2,189,131
Equipment	15,000
National conference of state legislatures	<u>138,108</u>
Total general fund appropriation	\$ 6,356,216

Subdivision 2.

LEGISLATIVE COUNCIL

Salaries and wages	\$ 3,279,573
Operating expenses	1,394,852
Equipment	<u>11,825</u>
Total general fund appropriation	\$ 4,686,250
Grand total general fund appropriation	\$11,042,466

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

¹ **SECTION 3. AMENDMENT.** The new section to chapter 54-35 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2395, as approved by the fifty-fourth legislative assembly, is amended and reenacted as follows:

Retention of legal counsel. When the legislative assembly is in session, either house by resolution may authorize, or both houses by concurrent resolution may direct, the legislative council to appoint or retain legal counsel to appear in, commence, prosecute, defend, or intervene in any action, suit, matter, cause, or proceeding in any court or agency when deemed necessary or advisable to protect the official interests of the legislative branch. When the legislative assembly is not in session, the legislative council, by a two-thirds vote, may appoint or retain legal counsel to appear in, commence; or prosecute, or by a majority vote, may appoint or retain legal counsel to defend; or intervene in, any action, suit, matter, cause, or proceeding in any court or agency when deemed necessary or advisable to protect the official interests of the legislative branch. Section 54-12-08 does not apply to a person appointed or retained under this section.

SECTION 4. INTERIM TECHNOLOGY APPLICATIONS COMMITTEE. It is the intent of the legislative assembly that the legislative council appoint a technology applications committee during the 1995-96 interim from members of the budget section. The technology applications committee shall make recommendations on expenditures for and installation of computers for the legislative assembly.

SECTION 5. LEGISLATIVE COUNCIL STUDY OF BOARDS AND COMMISSIONS. The legislative council may study the membership, duties, and responsibilities of all boards, councils, committees, and commissions of state government. The study should include consideration of whether any of the boards, councils, committees, and commissions have overlapping powers and duties, whether any boards, councils, committees, and commissions should be eliminated or consolidated, whether each board, council, committee, and commission presently performs the functions for which it was originally created, and whether the membership of each board, council, committee, and commission is responsive to the people of the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-fifth legislative assembly.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 13, 1995
Filed April 18, 1995

¹ Section 3 of this Act was created by section 1 of Senate Bill No. 2395, chapter 519.

CHAPTER 2

HOUSE BILL NO. 1002 (Appropriations Committee)

JUDICIAL BRANCH

AN ACT to provide an appropriation for defraying the expenses of the judicial branch; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide for a study of the allocation of unified court revenues and costs; to amend and reenact sections 11-17-04, 11-17-05, 27-02-02, 27-03-05, and 27-05-03 of the North Dakota Century Code, relating to fees charged by the clerks of the district and supreme courts and the salaries of supreme and district court judges; to repeal section 14-06.1-15 of the North Dakota Century Code, relating to the displaced homemakers account; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

SUPREME COURT

Salaries and wages	\$ 4,617,927
Operating expenses	1,707,240
Equipment	125,980
Judges retirement	319,416
Total all funds	\$ 6,770,563
Less estimated income	55,672
Total general fund appropriation	\$ 6,714,891

Subdivision 2.

DISTRICT COURTS

Salaries and wages	\$19,702,589
Operating expenses	6,502,487
Equipment	520,562
Judges retirement	974,010
Total all funds	\$27,699,648
Less estimated income	259,541
Total general fund appropriation	\$27,440,107

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

Salaries and wages	\$ 328,935
Operating expenses	134,200
Equipment	10,000
Total all funds	\$ 473,135
Less estimated income	72,000
Total general fund appropriation	\$ 401,135

Grand total general fund appropriation H.B. 1002	\$34,556,133
Grand total special funds appropriation H.B. 1002	\$ 387,213
Grand total all funds appropriation H.B. 1002	\$34,943,346

SECTION 2. APPROPRIATION. There is hereby appropriated any funds received by the supreme court and 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 the federal acts or private gifts, grants, and donations for the period beginning July 1, 1995, and ending June 30, 1997.

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 the transfers to carry on properly the functions of the judicial branch of government.

SECTION 4. EXEMPTION. The supreme court equipment appropriation contained in section 1 of chapter 24 of the 1993 Session Laws is not subject to section 54-44.1-11, and \$75,565 of the unexpended funds from this appropriation are available for the purchase of a photocopier during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 5. LEGISLATIVE COUNCIL STUDY OF ALLOCATION OF UNIFIED COURT REVENUES AND COSTS. The legislative council shall study the unified court system with emphasis on the distribution of court revenues and the allocation of the costs of the system between the counties and the state. The study must include consideration of the allocation of costs and revenues that existed under the county court system and the redistribution of costs and revenues under existing statutes as well as changes that should be made to more equitably handle the funding of the unified court system. The legislative council shall report its findings and recommendations, together with any legislation needed to implement the recommendations, to the fifty-fifth legislative assembly.

SECTION 6. AMENDMENT. Section 11-17-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-17-04. Fees to be charged by the clerk of the district court.

1. The clerk of the district court shall charge and collect the following fees in civil cases:
 - ~~1-~~ a. For filing a case for decision ~~in district court which~~ that is not a small claims action, ~~twenty~~ eighty dollars.
 - ~~2-~~ (1) Ten dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund.
 - (2) For the filing of a petition for dissolution of marriage, annulment, or separation from bed and board, fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14.

- (3) For all other filings, fourteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
- b. For filing an answer to a case that is not a small claims action, fifty dollars.
- c. For filing a small claims action in district court, ten dollars.
- 3- d. For filing any matter authorized to be filed in the office of the clerk of court other than a case for decision in subsections 1 and 2 under subdivision a, b, or c, five dollars.
- 4- e. For preparing, certifying, issuing, or transmitting any document, five dollars; or such lesser fee as may be set by a schedule to be promulgated by the state court administrator.
- 5- f. For filing a motion to modify an order for alimony, property division, child support, or child custody, ~~twenty~~ thirty dollars. ~~The clerk shall deposit this fee collected under this subsection must be deposited with the county treasurer as provided under section 11-17-05 and thereafter must be deposited with the state treasurer and credited to the state~~ for deposit in the general fund of the state treasury.

~~In addition to the fee required under subsection 1, the clerk of court shall charge and collect a fee of ten dollars. This fee must be deposited with the county treasurer as provided under section 11-17-05 and thereafter must be deposited with the state treasurer and credited to an indigent civil legal services fund in the state treasury.~~

- g. For filing an answer to a motion to modify an order for alimony, property division, child support, or child custody, thirty dollars.
2. Section 27-01-07 applies to fees charged under this section. The clerk of court may not charge or collect any fee, prescribed by this or any other section, from the county, or agencies thereof, in which the office of the clerk of court is located nor may the clerk of court charge or collect the additional ten dollar fee prescribed by this section from the state or an agency thereof or from a political subdivision or agency thereof.

SECTION 7. AMENDMENT. Section 11-17-04 of the North Dakota Century Code as amended by section 6 of this Act is amended and reenacted as follows:

11-17-04. Fees to be charged by the clerk of the district court.

1. The clerk of the district court shall charge and collect the following fees in civil cases:
- a. For filing a case for decision that is not a small claims action, eighty dollars.
- (1) Ten dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund.

- (2) For the filing of a petition for dissolution of marriage, annulment, or separation from bed and board, fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14.
- (3) For all other filings, ~~fourteen~~ fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
- b. For filing an answer to a case that is not a small claims action, fifty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund in the state treasury.
- c. For filing a small claims action in district court, ten dollars.
- d. For filing any matter authorized to be filed in the office of the clerk of court other than under subdivision a, b, or c, five dollars.
- e. For preparing, certifying, issuing, or transmitting any document, five dollars; or such lesser fee as may be set by a schedule to be promulgated by the state court administrator.
- f. For filing a motion or an answer to a motion to modify an order for alimony, property division, child support, or child custody, thirty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury.
- ~~g.~~ For filing an answer to a motion to modify an order for alimony, property division, child support, or child custody, thirty dollars.
2. Section 27-01-07 applies to fees charged under this section. The clerk of court may not charge or collect any fee, prescribed by this or any other section, from the state or an agency thereof or from a political subdivision or agency thereof.

SECTION 8. AMENDMENT. Section 11-17-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-17-05. Clerk to keep record of fees - Monthly report to county auditor. The clerk of the district court shall keep a public record of all money received as fees for services rendered as clerk. Within three days after the close of each calendar month and also at the close of the clerk's term of office, the clerk shall file with the county auditor a statement under oath showing the amount of fees received as clerk since the date of the clerk's last report, and within three days thereafter the clerk shall deposit with the county treasurer the total sum of such fees which must be used for facilities, except fees ~~which that~~ the clerk is directed to deposit with the state treasurer or is authorized expressly to retain.

SECTION 9. AMENDMENT. Section 27-02-02 of the North Dakota Century Code is amended and reenacted as follows:

27-02-02. Salaries of judges of supreme court. ~~Each~~ The annual salary of each judge of the supreme court is entitled to receive an annual salary of seventy-one ~~seventy-five thousand seventy-five~~ nine hundred thirty-six dollars through June 30, ~~1992~~ 1996, and ~~seventy-one~~ seventy-seven thousand ~~five~~ four hundred ~~fifty-five~~

forty-eight dollars thereafter. The chief justice of the supreme court is entitled to receive an additional two thousand one hundred thirty-six dollars per annum through June 30, ~~1992~~ 1996, and two thousand forty one hundred eighty-four dollars per annum thereafter.

SECTION 10. AMENDMENT. Section 27-03-05 of the North Dakota Century Code is amended and reenacted as follows:

27-03-05. Fees to be charged and collected by clerk of supreme court. The clerk of the supreme court shall charge and collect in advance a fee of fifty one hundred twenty-five dollars upon the filing in the supreme court of the record in any cause upon appeal, or upon the filing in such court of a petition in any cause seeking the exercise of the original jurisdiction thereof.

SECTION 11. AMENDMENT. Section 27-05-03 of the North Dakota Century Code is amended and reenacted as follows:

27-05-03. Salaries and expenses of district judges. ~~Each~~ The annual salary of each district judge ~~of this state is entitled to receive an annual salary of sixty-five~~ seventy thousand ~~four hundred ninety~~ sixty-eight dollars through June 30, ~~1992~~ 1996, and ~~sixty-five~~ seventy-one thousand ~~nine~~ four hundred ~~seventy~~ seventy-two dollars thereafter. Each district judge is entitled to ~~actual~~ travel expenses including mileage and subsistence while engaged in the discharge of official duties outside the county in which the judge's chambers are located. ~~Such~~ The salary and expenses ~~shall be~~ are payable monthly in the manner provided by law. ~~Each district judge who has been appointed by the supreme court to act as A~~ presiding judge of a judicial district is entitled to receive an additional one thousand ~~five~~ six hundred ~~fifty~~ fifty-six dollars per annum, through June 30, ~~1992~~ 1996, and one thousand ~~five~~ six hundred ~~eighty-one~~ ninety-two dollars thereafter.

SECTION 12. REPEAL. Section 14-06.1-15 of the North Dakota Century Code is repealed.

SECTION 13. EFFECTIVE DATE. Section 7 of this Act becomes effective on July 1, 1997.

Approved April 11, 1995

Filed April 12, 1995

CHAPTER 3

HOUSE BILL NO. 1003

(Appropriations Committee)

BOARD OF HIGHER EDUCATION

AN ACT to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education; to provide an exemption to the provisions of section 54-44.1-11; to authorize an agreement for the operation and leasing of the North Dakota state art gallery; to amend and reenact section 15-10-12 of the North Dakota Century Code, relating to higher education special funds; 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 of the funds 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 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 their expenses, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

NORTH DAKOTA UNIVERSITY SYSTEM OFFICE

Salaries and wages	\$ 1,819,041
Operating expenses	583,993
Equipment	18,000
ADA projects	500,000
Small campus projects	500,000
Capital improvements - emergencies	200,000
Computer network management	201,465
Higher education contingency fund	25,000
Professional student exchange program	1,326,756
Postsecondary review program	198,000
Experimental program to stimulate competitive research	1,980,000
Scholars program	496,403
Perkins loan program match	102,885
Title II grant	621,000
Paul Douglas scholarship	99,420
Student financial assistance grants	3,782,478
Disabled student services	26,170
Native American scholarships	200,000
College technical administration	168,270
Total all funds	\$ 12,848,881
Less estimated income	2,668,420
Total general fund appropriation	\$ 10,180,461

Subdivision 2.

BISMARCK STATE COLLEGE

Salaries and wages	\$ 13,779,211
Operating expenses	3,669,311
Equipment	436,000
Capital improvements	<u>150,000</u>
Total all funds	\$ 18,034,522
Less estimated income	<u>6,760,000</u>
Total general fund appropriation	\$ 11,274,522

Subdivision 3.

UNIVERSITY OF NORTH DAKOTA-LAKE REGION

Salaries and wages	\$ 3,911,768
Operating expenses	1,190,650
Equipment	138,838
Capital improvements	<u>27,500</u>
Total all funds	\$ 5,268,756
Less estimated income	<u>1,424,798</u>
Total general fund appropriation	\$ 3,843,958

Subdivision 4.

UNIVERSITY OF NORTH DAKOTA-WILLISTON

Salaries and wages	\$ 4,516,993
Operating expenses	1,386,159
Equipment	179,596
Capital improvements	<u>17,432</u>
Total all funds	\$ 6,100,180
Less estimated income	<u>2,228,568</u>
Total general fund appropriation	\$ 3,871,612

Subdivision 5.

UNIVERSITY OF NORTH DAKOTA

Salaries and wages	\$ 95,973,564
Operating expenses	25,214,113
Equipment	2,174,744
Capital improvements	3,770,000
Interactive video network	<u>1,767,099</u>
Total all funds	\$128,899,520
Less estimated income	<u>50,067,227</u>
Total general fund appropriation	\$ 78,832,293

Subdivision 6.

NORTH DAKOTA STATE UNIVERSITY

Salaries and wages	\$ 77,385,337
Operating expenses	23,460,952
Equipment	1,718,000
Capital improvements	<u>1,129,950</u>
Total all funds	\$103,694,239
Less estimated income	<u>41,424,964</u>
Total general fund appropriation	\$ 62,269,275

Subdivision 7.

NORTH DAKOTA STATE COLLEGE OF SCIENCE

Salaries and wages	\$ 20,274,006
Operating expenses	5,754,933
Equipment	1,209,664
Capital improvements	<u>273,000</u>
Total all funds	\$ 27,511,603

Less estimated income	8,057,754
Total general fund appropriation	<u>\$ 19,453,849</u>

Subdivision 8.

DICKINSON STATE UNIVERSITY

Salaries and wages	\$ 12,197,565
Operating expenses	3,423,234
Equipment	229,700
Capital improvements	<u>150,000</u>
Total all funds	\$ 16,000,499
Less estimated income	<u>5,212,354</u>
Total general fund appropriation	<u>\$ 10,788,145</u>

Subdivision 9.

MAYVILLE STATE UNIVERSITY

Salaries and wages	\$ 7,321,084
Operating expenses	1,971,000
Equipment	161,000
Capital improvements	<u>45,000</u>
Total all funds	\$ 9,498,084
Less estimated income	<u>2,612,305</u>
Total general fund appropriation	<u>\$ 6,885,779</u>

Subdivision 10.

MINOT STATE UNIVERSITY

Salaries and wages	\$ 27,450,902
Operating expenses	5,449,230
Equipment	667,168
Capital improvements	<u>669,162</u>
Total all funds	\$ 34,236,462
Less estimated income	<u>14,322,100</u>
Total general fund appropriation	<u>\$ 19,914,362</u>

Subdivision 11.

VALLEY CITY STATE UNIVERSITY

Salaries and wages	\$ 9,663,822
Operating expenses	2,443,719
Equipment	251,000
Capital improvements	525,000
Special initiatives	<u>200,000</u>
Total all funds	\$ 13,083,541
Less estimated income	<u>3,638,289</u>
Total general fund appropriation	<u>\$ 9,445,252</u>

Subdivision 12.

NORTH DAKOTA STATE UNIVERSITY-BOTTINEAU

Salaries and wages	\$ 3,540,686
Operating expenses	941,556
Equipment	110,000
Capital improvements	<u>49,000</u>
Total all funds	\$ 4,641,242
Less estimated income	<u>1,406,207</u>
Total general fund appropriation	<u>\$ 3,235,035</u>

Subdivision 13.

NORTH DAKOTA FOREST SERVICE

Salaries and wages	\$ 1,554,977
Operating expenses	376,379
Equipment	36,976
Capital improvements	71,061
Grant to centennial trees	147,486
Total all funds	\$ 2,186,879
Less estimated income	810,526
Total general fund appropriation	\$ 1,376,353

Subdivision 14.

UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

Salaries and wages	\$ 55,659,829
Operating expenses	18,792,222
Equipment	940,187
Total all funds	\$ 75,392,238
Less estimated income	49,549,391
Total general fund appropriation	\$ 25,842,847
Grand total general fund appropriation H.B. 1003	\$267,863,743
Grand total special funds appropriation H.B. 1003	\$193,582,903
Grand total all funds appropriation H.B. 1003	\$461,446,646

SECTION 2. APPROPRIATION TRANSFER. The higher education contingency fund and disabled student services 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 disabled student services to the various entities and institutions and which line items in the various institutions and entities must be adjusted.

SECTION 3. CONTINGENT APPROPRIATION - NORTH DAKOTA STATE COLLEGE OF SCIENCE. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, from special funds derived from federal funds, the sum of \$900,000, and from special funds derived from other income, the sum of \$500,000, or so much of the sums as may be necessary to the North Dakota state college of science for the purpose of remodeling Bute gymnasium for use as an allied health center for the biennium beginning July 1, 1995, and ending June 30, 1997. The general fund appropriation provided for in this section may be spent only upon certification to the state treasurer that the North Dakota state college of science has received commitments to provide the \$500,000 of special funds derived from other income for the project.

SECTION 4. APPROPRIATION. Operating fund income received in excess of the estimated income line item appropriated to the entities in section 1 of this Act which is deposited in their respective operating funds in the state treasury up to the following amounts is hereby appropriated and may be spent subject to board of higher education approval:

INSTITUTION	AMOUNT
North Dakota university system office	\$ 80,052
Bismarck state college	202,800
University of North Dakota - Lake Region	42,744
University of North Dakota - Williston	66,857
University of North Dakota	1,425,667
North Dakota state university	1,236,749

North Dakota state college of science	241,733
Dickinson state university	156,371
Mayville state university	78,369
Minot state university	429,663
Valley City state university	109,149
North Dakota state university - Bottineau	42,186
North Dakota state forest service	24,316
University of North Dakota medical school	<u>1,486,482</u>
Total	\$5,623,138

Any additional excess estimated income is hereby appropriated and may be spent only upon authorization of the emergency commission. Any funds received by the board of higher education and the entities of the North Dakota university system pursuant to federal acts, private grants, and other sources not deposited in the operating funds in the state treasury are hereby appropriated for the period beginning July 1, 1995, and ending June 30, 1997.

SECTION 5. TRANSFERS. Each institution or agency included in subdivisions 1 through 14 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 operation of the institution or agency except that the board may not approve transfers from any capital improvements line item. The board shall notify the office of management and budget of each transfer.

SECTION 6. EXEMPTION. The scholars program, higher education contingency fund, student financial assistance grants, professional student exchange program appropriations, and operating expenses contained in subdivision 1 of section 1 of chapter 3 of the 1993 Session Laws are not subject to the provisions of section 54-44.1-11 and any unexpended funds from these appropriations are available during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 7. DEPOSIT OF FUNDS. Up to \$1,350,000 of funds received from Minnesota by the board of higher education pursuant to the reimbursement provisions of the Minnesota-North Dakota public higher education and vocational technical education tuition reciprocity agreement authorized by chapter 15-10.1 must be deposited in the board of higher education special revenue fund in the state treasury. These funds must be used for the North Dakota student financial assistance program authorized by chapter 15-62.2.

SECTION 8. STATE ART GALLERY - AUTHORITY TO OPERATE AND LEASE. The state board of higher education may enter into an agreement with a private foundation headquartered within or outside of this state for the operation and lease of the North Dakota state art gallery.

SECTION 9. FOREST SERVICE - CENTENNIAL TREES PROGRAM TRUST FUND. The estimated income line item in subdivision 13 of section 1 of this Act includes \$147,486 from the centennial trees program trust fund for providing grants. The grants must be used for planting trees and other expenses associated with achieving the goal of planting 100 million trees by the year 2000, including promotional, educational, and fundraising activities for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 10. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, may issue and sell self-liquidating, tax-exempt bonds in an amount not exceeding \$2,000,000, for the purpose of constructing an addition to and remodeling

of the student union at Dickinson state university for the biennium beginning July 1, 1995, and ending June 30, 1997. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota.

SECTION 11. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 10, or so much of the sum as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the purpose of constructing an addition to and remodeling of the student union at Dickinson state university and providing equipment for the facility for the biennium beginning July 1, 1995, and ending June 30, 1997. Any unexpended balance from the sale of bonds must be placed in sinking funds for the retirement of the authorized bonds.

SECTION 12. LEGISLATIVE INTENT - HASTINGS HALL PURCHASE. It is the intent of the legislative assembly that North Dakota state university enter into an agreement to purchase the Hastings hall facility from the state seed department for \$350,000 for the biennium beginning July 1, 1995, and ending June 30, 1997. The source of funds used to purchase the facility is to be determined by North Dakota state university.

SECTION 13. VALLEY CITY STATE UNIVERSITY - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to Valley City state university, for the purpose of defraying its expenses resulting from lower than estimated 1993-95 revenue collections, for the period beginning with the effective date of this Act and ending June 30, 1997.

SECTION 14. AMENDMENT. Section 15-10-12 of the North Dakota Century Code is amended and reenacted as follows:

15-10-12. Board may accept gifts and bequests - State treasurer to have custody of school funds. The state board of higher education may, subject to the limitations of section 15-10-12.1, receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests must be used for the specific purpose for which they are donated or given. A special revenue fund, for each institution of higher education under the control of the board or subject to its administration, must be maintained within the state treasury and all institutional income ~~and institutional collections of public funds of each institution, except institutional funds received as donations, gifts, grants, and bequests, from tuition collections~~ must be placed in the special fund for the use of the institution for which the money was raised. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the Constitution of North Dakota must be deposited in the special revenue fund of each institution and expended in accordance with section 1 of article IX of the Constitution of North Dakota. Moneys in the special revenue fund are subject to legislative appropriations. All other funds, unless restricted by the terms of a grant, donation, or bequest, received by the institutions from federal, state, and local grants and contracts, indirect cost recoveries, special student fees, room and board fees and other auxiliary enterprise fees, student activity fees, continuing education program fees, internal service fund revenues, and all other revenues must be deposited in the Bank of North Dakota. Biennial estimates of revenue and expenditures of the other funds by source of funds must be presented at the same time biennial budget requests for appropriations from the special revenue

fund and state general fund are prepared and submitted to the office of the budget pursuant to section 15-10-15. Payments from each institution's general fund appropriation must be made in amounts as may be necessary for the operation and maintenance of each institution, except that at the close of the biennium the balance of funds not paid from the general fund appropriation must be deposited in the special revenue funds of the institutions. All such appropriations are subject to proration in the same manner as other appropriations are prorated if insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds must be deposited pursuant to section 15-55-06.

SECTION 15. EMERGENCY. Section 13 of this Act is declared to be an emergency measure.

Approved April 17, 1995

Filed April 18, 1995

CHAPTER 4

HOUSE BILL NO. 1004 (Appropriations Committee)

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 of the funds 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 of the upper great plains transportation institute, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$1,701,697
Operating expenses	1,310,664
Equipment	45,000
Grants	<u>1,350,000</u>
Total all funds	\$4,407,361
Less estimated income	<u>4,000,650</u>
Total general fund appropriation	\$ 406,711

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 the transfer of funds between line items in section 1 of this Act, and shall notify the office of management and budget within ten days following the transfer.

Approved March 31, 1995
Filed March 31, 1995

CHAPTER 5

HOUSE BILL NO. 1005 (Appropriations Committee)

EXTENSION SERVICE, CROPS INSTITUTE, AND EXPERIMENT STATIONS

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 for a study of the agricultural experiment station and North Dakota state university extension service; 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 of the funds 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 their various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE

Salaries and wages	\$18,949,731
Operating expenses	3,330,300
Equipment	<u>425,000</u>
Total all funds	\$22,705,031
Less estimated income	<u>12,479,180</u>
Total general fund appropriation	\$10,225,851

Subdivision 2.

NORTHERN CROPS INSTITUTE

Salaries and wages	\$ 732,131
Operating expenses	116,350
Equipment	72,450
Capital improvements	<u>1,500,000</u>
Total all funds	\$ 2,420,931
Less estimated income	<u>1,817,557</u>
Total general fund appropriation	\$ 603,374

Subdivision 3.

MAIN RESEARCH STATION

Salaries and wages	\$32,428,292
Operating expenses	4,353,080
Equipment	1,357,746
Capital improvements	698,800
Animal replacement	<u>300,000</u>
Total all funds	\$39,137,918
Less estimated income	<u>16,872,346</u>
Total general fund appropriation	\$22,265,572

Subdivision 4.

DICKINSON RESEARCH CENTER

Salaries and wages	\$ 1,013,771
Operating expenses	434,803
Equipment	114,076
Animal replacement	100,000
Total all funds	\$ 1,662,650
Less estimated income	531,676
Total general fund appropriation	\$ 1,130,974

Subdivision 5.

CENTRAL GRASSLANDS RESEARCH CENTER

Salaries and wages	\$ 454,268
Operating expenses	371,143
Equipment	75,193
Animal replacement	100,000
Total all funds	\$ 1,000,604
Less estimated income	451,400
Total general fund appropriation	\$ 549,204

Subdivision 6.

HETTINGER RESEARCH CENTER

Salaries and wages	\$ 506,413
Operating expenses	194,127
Equipment	72,600
Animal replacement	100,000
Total all funds	\$ 873,140
Less estimated income	300,939
Total general fund appropriation	\$ 572,201

Subdivision 7.

LANGDON RESEARCH CENTER

Salaries and wages	\$ 565,414
Operating expenses	169,602
Equipment	42,800
Total all funds	\$ 777,816
Less estimated income	174,342
Total general fund appropriation	\$ 603,474

Subdivision 8.

NORTH CENTRAL RESEARCH CENTER

Salaries and wages	\$ 454,927
Operating expenses	240,703
Equipment	116,200
Capital Improvements	600,000
Total all funds	\$ 1,411,830
Less estimated income	629,100
Total general fund appropriation	\$ 782,730

Subdivision 9.

WILLISTON RESEARCH CENTER

Salaries and wages	\$ 679,379
Operating expenses	284,932
Equipment	63,900
Total all funds	\$ 1,028,211

Less estimated income	349,825
Total general fund appropriation	\$ 678,386

Subdivision 10.

CARRINGTON RESEARCH CENTER

Salaries and wages	\$ 1,233,584
Operating expenses	574,212
Equipment	106,250
Animal replacement	100,000
Total all funds	\$ 2,014,046
Less estimated income	1,067,398
Total general fund appropriation	\$ 946,648

Subdivision 11.

AGRONOMY SEED FARM

Salaries and wages	\$ 284,785
Operating expenses	389,700
Equipment	172,000
Capital improvements	220,000
Total special funds appropriation	\$ 1,066,485

Subdivision 12.

LAND RECLAMATION RESEARCH CENTER

Salaries and wages	\$ 967,600
Operating expenses	80,000
Equipment	20,000
Total special funds appropriation	\$ 1,067,600
Grand total general fund appropriation H.B. 1005	\$38,358,414
Grand total special funds appropriation H.B. 1005	\$36,887,848
Grand total all funds appropriation H.B. 1005	\$75,246,262

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 must remain in the fund until expended pursuant to any specific legislative appropriation or an authorization from the emergency commission, and the balances of the moneys except those received from the federal government or as gifts from private sources, must 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 31, 1995, exceeds the estimated income for the biennium ending June 31, 1997.

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 the transfer.

SECTION 4. TRANSFER AUTHORITY. Upon approval of the state board of higher education and the emergency commission, the director of the North Dakota agricultural experiment station may transfer appropriation authority between agencies included in subdivisions 2 through 12 of section 1 of this Act.

SECTION 5. STORAGE FACILITIES. Structures for storage of agricultural products or equipment may be authorized for construction by the state board of higher education provided the structures do not exceed \$75,000 in cost.

SECTION 6. LEGISLATIVE INTENT - SEPARATE BUDGETS. It is the intent of the legislative assembly that funds appropriated in this Act not be commingled with the funds appropriated to North Dakota state university in House Bill No. 1003 for the biennium beginning July 1, 1995, and ending June 31, 1997. Further, it is the intent of the legislative assembly that appropriation requests to defray the expenses of the North Dakota state university extension service, the northern crops institute, and the entities of the North Dakota agricultural experiment station for the 1997-99 biennium be separate from the appropriation request for funding the higher education institutions under the control of the board of higher education.

SECTION 7. INTENT. It is the intent of the legislative assembly that the North Dakota state university extension service put special emphasis on maintaining and promoting its 4-H programs for youth for the biennium beginning July 1, 1995, and ending June 31, 1997.

SECTION 8. APPROPRIATION. There is hereby appropriated from special funds derived from federal funds or other income, the sum of \$80,000, or so much of the sum as may be necessary, to the agricultural experiment station for the purpose of conducting cereal grain disease research and potato breeding research to meet the needs of North Dakota agriculture for the period beginning with the effective date of this Act and ending June 31, 1997.

SECTION 9. LINE ITEM TRANSFERS - EMERGENCY COMMISSION. Notwithstanding any other provision of law, the emergency commission may authorize the entities in subdivisions 4 through 12 of section 1 of this Act to establish a capital improvements line item and to transfer appropriation authority from another line item within the same subdivision to the capital improvements line item for the biennium beginning July 1, 1995, and ending June 31, 1997.

SECTION 10. LEGISLATIVE INTENT - PART-TIME LABOR. It is the intent of the legislative assembly that the board of higher education may authorize transfers for the entities of the agricultural experiment station of up to five percent of a capital improvements line item to salaries and wages for part-time labor costs relating to repairs, maintenance, and improvements at the branch research centers for the biennium beginning July 1, 1995, and ending June 31, 1997.

SECTION 11. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 1995-96 interim, the services provided by the North Dakota state university extension service and the agricultural experiment station, the degree of duplication, their cost and effectiveness, the necessity for their continued existence, and options for consolidation.

SECTION 12. EMERGENCY. Section 8 of this Act is declared to be an emergency measure.

Approved April 12, 1995
Filed April 13, 1995

CHAPTER 6

HOUSE BILL NO. 1006

(Appropriations Committee)

HEALTH AND CONSOLIDATED LABORATORIES

AN ACT to provide an appropriation for defraying the expenses of the state department of health and consolidated laboratories and to provide for a study of the licensing of home health care providers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 department of health and consolidated laboratories for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$23,298,664
Operating expenses	31,384,002
Equipment	847,000
Capital improvements	28,143
Grants	15,489,722
Abandoned motor vehicle	175,000
Physician loan program	<u>100,000</u>
Total all funds	\$71,322,531
Less estimated income	<u>56,292,698</u>
Total general fund appropriation	\$15,029,833

SECTION 2. ABANDONED MOTOR VEHICLE DISPOSAL FUND. The estimated income line item included in section 1 of this Act includes \$175,000, or so much of the sum as may be necessary, to be made available to the state department of health and consolidated laboratories from the abandoned motor vehicle disposal fund, under section 39-26-11 for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 3. SOLID WASTE MANAGEMENT FUND. The estimated income line item included in section 1 of this Act includes \$1,200,000, or so much of the sum as may be necessary, to be made available to the state department of health and consolidated laboratories from the solid waste management fund for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 4. ENVIRONMENT AND RANGELAND PROTECTION FUND. The estimated income line item included in section 1 of this Act includes \$200,000, or so much of the sum as may be necessary, to be made available to the state department of health and consolidated laboratories from the environment and rangeland protection fund for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 5. DOMESTIC VIOLENCE FUND. The estimated income line item included in section 1 of this Act includes \$300,000, or so much of the sum as

may be necessary, to be made available to the state department of health and consolidated laboratories from the domestic violence fund for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 6. LEGISLATIVE COUNCIL INTERIM STUDY OF HOME HEALTH CARE LICENSING. The legislative council shall consider studying the licensing of home health care providers during the 1995-96 interim. If conducted, the study must include a determination of the appropriate agency or entity to be responsible for the licensing of home health care providers.

Approved April 17, 1995
Filed April 18, 1995

CHAPTER 7

HOUSE BILL NO. 1007

(Appropriations Committee)

INDIAN AFFAIRS COMMISSION

AN ACT to provide an appropriation for defraying the expenses of the Indian affairs commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying the expenses of the Indian affairs commission, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$195,099
Operating expenses	31,884
Equipment	1,000
Grants	<u>150,000</u>
Total general fund appropriation	<u>\$377,983</u>

SECTION 2. ALCOHOL AND DRUG EDUCATION PROGRAM - EXPENDITURE - LIMITATIONS. The moneys appropriated in the grants line item in section 1 of this Act for the Native American alcohol and drug abuse education program may not be spent for the services provided by the tribes to administer the program. The local grant recipient is required to provide match equal to the grant amount with funding or in-kind service.

Approved April 17, 1995

Filed April 18, 1995

CHAPTER 8**HOUSE BILL NO. 1008**
(Appropriations Committee)**AERONAUTICS COMMISSION**

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying the expenses of the aeronautics commission, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$ 442,793
Operating expenses	660,451
Equipment	68,500
Capital improvements	160,000
Grants	<u>2,191,901</u>
Total all funds	\$3,523,645
Less estimated income	<u>3,020,220</u>
Total general fund appropriation	\$ 503,425

Approved March 31, 1995
Filed March 31, 1995

CHAPTER 9

HOUSE BILL NO. 1009 (Appropriations Committee)

VETERANS' HOME AND DEPARTMENT OF VETERANS' AFFAIRS

AN ACT to provide an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying their expenses, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

VETERANS' HOME

Salaries and wages	\$4,297,842
Operating expenses	1,465,620
Equipment	92,500
Capital improvements	<u>1,054,801</u>
Total all funds	\$6,910,763
Less estimated income	<u>4,938,840</u>
Total general fund appropriation	\$1,971,923

Subdivision 2.

VETERANS' AFFAIRS

Salaries and wages	\$ 390,670
Operating expenses	102,731
Grants	<u>100,000</u>
Total all funds	\$ 593,401
Less estimated income	<u>177,594</u>
Total general fund appropriation	\$ 415,807
Grand total general fund appropriation H.B. 1009	\$2,387,730
Grand total special funds appropriation H.B. 1009	\$5,116,434
Grand total all funds appropriation H.B. 1009	\$7,504,164

SECTION 2. APPROPRIATION. The estimated income line item included in subdivision 1 of this Act includes \$45,000, or so much of the sum as may be necessary, to be made available to the veterans' home operating fund from the veterans' home improvement fund.

SECTION 3. VETERANS' POSTWAR TRUST FUND - TRANSFER. The estimated income line item included in subdivision 2 of section 1 of this Act includes \$177,594, or so much of the sum as may be necessary, to be transferred to the department of veterans affairs as requested from the interest earnings of the veterans' postwar trust fund for the biennium beginning July 1, 1995, and ending June 30, 1997.

Approved April 11, 1995

Filed April 12, 1995

CHAPTER 10**HOUSE BILL NO. 1010**

(Appropriations Committee)

BANKING AND FINANCIAL INSTITUTIONS

AN ACT to provide an appropriation for defraying the expenses of the department of banking and financial institutions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying the expenses of the department of banking and financial institutions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$2,274,425
Operating expenses	480,751
Equipment	21,494
Contingency - banking and financial institutions	<u>50,000</u>
Total appropriation from the financial institutions regulatory fund	<u>\$2,826,670</u>

Approved March 31, 1995

Filed March 31, 1995

CHAPTER 11**HOUSE BILL NO. 1011**
(Appropriations Committee)**STATE FAIR ASSOCIATION**

AN ACT to provide an appropriation for defraying the expenses of the state fair association.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying the expenses of the state fair association, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Capital improvements	\$210,000
Premiums	<u>288,800</u>
Total general fund appropriation	\$498,800

Approved March 31, 1995

Filed April 3, 1995

CHAPTER 12

HOUSE BILL NO. 1012 (Appropriations Committee)

COUNCIL ON THE ARTS

AN ACT to provide an appropriation for defraying the expenses of the council on the arts and an appropriation 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 of the funds 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 for the purpose of defraying the expenses of the council on the arts, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$ 378,526
Operating expenses	207,370
Equipment	1,360
Grants	<u>1,505,440</u>
Total all funds	\$2,092,696
Less estimated income	<u>1,516,078</u>
Total general fund appropriation	\$ 576,618

SECTION 2. APPROPRIATION. All income from the cultural endowment fund is hereby appropriated for the furthering of the cultural arts in the state for the biennium beginning July 1, 1995, and ending June 30, 1997.

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, 1995, and ending June 30, 1997, and may be spent only upon authorization of the emergency commission.

Approved March 27, 1995
Filed March 28, 1995

CHAPTER 13

HOUSE BILL NO. 1013

(Appropriations Committee)

HIGHWAY PATROL

AN ACT to provide an appropriation for defraying the expenses of the highway patrol; to establish a law enforcement training academy fee and provide for its collection and distribution; to authorize the industrial commission to issue and sell evidences of indebtedness for capital projects; to amend and reenact section 39-26-12 of the North Dakota Century Code, relating to the abandoned motor vehicle disposal fund; to provide an appropriation to the industrial commission for the retirement of the evidences of indebtedness; to provide an effective date; to provide for application; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds and other income, to the highway patrol for the purpose of defraying its expenses, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Administration	\$ 1,639,115
Field operations	18,264,623
Law enforcement training academy	785,888
Total special funds appropriation	<u>\$20,689,626</u>

SECTION 2. SPECIAL FUNDS TRANSFER. The total special funds appropriation line item in section 1 of this Act includes the sum of \$19,573,626, or so much of the sum as may be necessary, from the state highway fund that may be transferred at the direction of the superintendent of the highway patrol for the purpose of defraying the expenses of the highway patrol during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 3. PAYMENTS TO HIGHWAY PATROL OFFICERS. Each patrol officer of the state highway patrol shall receive from funds appropriated in the field operations line item in section 1 of this Act an amount not to exceed one hundred twenty dollars per month for the biennium beginning July 1, 1995, and ending June 30, 1997. Such payments are 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 must be paid without the presentation of receipts or other memorandums at the time and in the same manner as salaries of members of the highway patrol are paid.

SECTION 4. LINE ITEM TRANSFERS. Upon approval of the emergency commission, the highway patrol may transfer between various line items in section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust for changing circumstances in meeting established performance measures. Any further transfers must be approved by the budget section.

SECTION 5. LAW ENFORCEMENT TRAINING ACADEMY FEE - COLLECTION. In addition to any other registration fee, a law enforcement training academy fee of two dollars is imposed on a passenger motor vehicle, a house car, and a truck weighing twelve thousand pounds or under that is subject to registration under title 39. The fee is payable when the registration under title 39 is payable. Each month the director of the department of transportation shall transfer to the highway fund the law enforcement training academy fees collected in accordance with this Act.

SECTION 6. PROJECT AUTHORIZATION - APPROPRIATION. The industrial commission, acting as the state building authority, shall arrange for the funding of the project authorized in this section, hereby declared to be in the public interest, through the issuance of evidences of indebtedness under chapter 54-17.2, during the biennium beginning July 1, 1995, and ending June 30, 1997. There is hereby appropriated the proceeds of the evidences of indebtedness and other available funds, not otherwise appropriated, the sum of \$1,200,000, or so much of the sum as may be necessary, to the highway patrol for the purpose of constructing and furnishing a building addition to the law enforcement training academy, to be used for law enforcement training, for the biennium beginning July 1, 1995, and ending June 30, 1997.

The industrial commission shall issue evidences of indebtedness authorized under this section with the condition that lease rental payments need not begin until July 1, 1996, and must end by June 30, 1997. This authority of the industrial commission to issue evidences of indebtedness ends on June 30, 1997, 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. Any unexpended balances from the sale of evidences of indebtedness must be placed in a sinking fund for the retirement of authorized evidences of indebtedness.

SECTION 7. APPROPRIATION - INDUSTRIAL COMMISSION. There is hereby appropriated out of any moneys in the highway fund in the state treasury, not otherwise appropriated, the sum of \$1,200,000, or so much of the sum as may be necessary, which may be spent at the direction of the industrial commission, for the purpose of retiring evidences of indebtedness issued for constructing and furnishing a law enforcement training academy building addition for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 8. AMENDMENT. Section 39-26-12 of the North Dakota Century Code is amended and reenacted as follows:

39-26-12. Tax on initial motor vehicle certificates of title - When tax is suspended. There is hereby imposed a tax of two dollars on each initial North Dakota certificate of title issued to a passenger motor vehicle or a truck motor vehicle. The proceeds of such tax must be paid into the abandoned motor vehicle disposal fund in the state treasury. No registration plates or title certificate may be issued unless such tax is paid. Expenses of the fund arising from the provisions of this chapter must be paid from the fund within the limits of legislative appropriation. If on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is ~~five~~ two hundred ~~fifty~~ thousand dollars or more, the tax must be suspended and the amount in excess of ~~five~~ two hundred ~~fifty~~ thousand dollars must be transferred to the highway fund. If the tax has been suspended and on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is one hundred thousand

dollars or less the tax must be reimposed on and after January first of the succeeding year.

SECTION 9. EFFECTIVE DATE. Section 8 of this Act becomes effective on July 1, 1996.

SECTION 10. APPLICATION OF ACT. Section 5 of this Act applies to vehicle registration periods beginning after December 31, 1995. A vehicle registration period begins on the first day of the month in which the vehicle becomes subject to registration in this state.

SECTION 11. EXPIRATION DATE. Section 5 of this Act is effective through December 31, 1996, and after that date is ineffective.

Approved April 17, 1995
Filed April 18, 1995

CHAPTER 14**HOUSE BILL NO. 1014**
(Appropriations Committee)**DEPARTMENT OF TRANSPORTATION**

AN ACT making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; and to create and enact a new section to chapter 49-17.1 of the North Dakota Century Code, relating to local rail projects not eligible for federal funds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys from special funds derived from federal funds and other income, to the various divisions under the supervision of the director of the department of transportation for the purpose of defraying its expenses, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Administration	\$ 34,081,243
Motor vehicle	6,057,097
Driver's license	12,396,125
Highways	349,164,404
Fleet services	<u>28,408,218</u>
Total all funds	<u>\$430,107,087</u>

SECTION 2. LINE ITEM TRANSFERS. Upon approval of the emergency commission, the director of the department of transportation may transfer between various line items in section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust for changing circumstances in meeting established performance measures. Any further transfers must be approved by the budget section.

SECTION 3. A new section to chapter 49-17.1 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

Department may authorize local rail projects. For the purpose of promoting the public interest and local economic development, the department may utilize revenue generated under this chapter for the construction or improvement of railway freight transportation projects not otherwise eligible for assistance under the Railroad Revitalization and Regulatory Reform Act of 1976 [Pub. L. 94-210; 90 Stat. 149; 49 U.S.C. 1651 et seq.] and which meet standards and specifications developed by the department.

Approved April 11, 1995
Filed April 12, 1995

CHAPTER 15**HOUSE BILL NO. 1015**
(Appropriations Committee)**COMMISSIONER OF UNIVERSITY AND SCHOOL
LANDS**

AN ACT to provide an appropriation for defraying the expenses of the commissioner of university and school lands.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from the state lands maintenance fund and the lands and minerals trust fund in the state treasury, not otherwise appropriated, and other income to the commissioner of university and school lands for the purpose of defraying the expenses of the commissioner of university and school lands, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Asset management	\$2,424,653
Energy development impact office	<u>4,995,467</u>
Total special funds	\$7,420,120

SECTION 2. OIL AND GAS IMPACT GRANT FUND. The amount of \$4,995,467, or so much of the amount as may be necessary, included in the total special funds appropriated in section 1 of this Act may be spent from the oil and gas impact grant fund by the commissioner of university and school lands for the purpose of providing oil and gas development impact grants and the administration of the oil and gas development impact grant program for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 3. GRANTS. Section 54-44.1-11 does not apply to appropriations made for oil impact grants in section 1 of this Act nor to the appropriation for coal impact grants in chapter 733 of the 1989 Session Laws.

SECTION 4. LINE ITEM TRANSFERS. Upon approval of the emergency commission, the commissioner of university and school lands may transfer between various line items in section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust for changing circumstances in meeting established performance measures. Any further transfers must be approved by the budget section.

Approved April 5, 1995
Filed April 5, 1995

CHAPTER 16**HOUSE BILL NO. 1016**

(Appropriations Committee)

CHILDREN'S SERVICES COORDINATING COMMITTEE

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$ 56,985
Operating expenses	64,020
Equipment	3,000
Grants	<u>3,550,000</u>
Total all funds	\$3,674,005
Less estimated income	<u>3,600,000</u>
Total general fund appropriation	\$ 74,005

SECTION 2. GRANTS. Of the \$3,550,000 appropriated in the grants line item in section 1 of this Act, the children's services coordinating committee shall provide, to each of the twelve regional and tribal children's services coordinating committees, no less than eighty-five percent of the funds generated by each committee's refinancing activities.

SECTION 3. ADDITIONAL INCOME. All income of the children's services coordinating committee in excess of the estimated income line item appropriated in section 1 of this Act is hereby appropriated to the children's services coordinating committee for the biennium beginning July 1, 1995, and ending June 30, 1997, and may be spent only upon authorization of the emergency commission.

SECTION 4. STATE AUDITOR PERFORMANCE REVIEW. The state auditor shall conduct a performance review of the children's services coordinating committee during the period beginning July 1, 1995, and ending September 30, 1996, and shall present the final report, including findings and recommendations, to the budget section at its December 1996 meeting.

SECTION 5. LEGISLATIVE INTENT - FUNCTION OF REGIONAL AND TRIBAL CHILDREN'S SERVICES COORDINATING COMMITTEES. It is the intent of the legislative assembly that each regional and tribal children's services coordinating committee function as a regional planning committee to monitor and coordinate children's services in each region and that the regional and tribal children's services coordinating committees do not directly provide services or programs unless the services or programs were being provided on January 1, 1995, for the biennium beginning July 1, 1995, and ending June 30, 1997. It is further the intent that any committee directly providing services or programs on January 1, 1995, discontinue directly providing those services or programs by June 30, 1997.

Approved April 11, 1995
Filed April 12, 1995

CHAPTER 17

HOUSE BILL NO. 1017

(Appropriations Committee)

INDUSTRIAL COMMISSION

AN ACT to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to authorize transfers; to amend and reenact subsection 2 of section 57-61-01.5 of the North Dakota Century Code, relating to deposits in the lignite research fund; to repeal section 14 of chapter 38 of the 1993 Session Laws, relating to transfers from the Bank of North Dakota; 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 of the funds 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 industrial commission and agencies under its control for the purpose of defraying the expenses of their various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

INDUSTRIAL COMMISSION

Salaries and wages	\$ 4,635,147
Operating expenses	1,495,513
Equipment	47,000
Administrative contingency	10,000
Bond payments	15,161,555
Lignite research grants	<u>13,996,086</u>
Total all funds	\$ 35,345,301
Less estimated income	<u>16,486,115</u>
Total general fund appropriation	\$ 18,859,186

Subdivision 2.

BANK OF NORTH DAKOTA - OPERATIONS

Salaries and wages	\$ 12,092,826
Operating expenses	9,945,307
Equipment	614,700
Capital improvements	205,000
Contingency	<u>800,000</u>
Total appropriation from Bank of North Dakota fund	\$ 23,657,833

Subdivision 3.

BANK OF NORTH DAKOTA - ECONOMIC DEVELOPMENT

Partnership in assisting community expansion fund	\$ 4,500,000
Agriculture partnership in assisting community expansion fund	380,000
Beginning farmer	<u>950,000</u>
Total general fund appropriation	\$ 5,830,000

Subdivision 4.

MILL AND ELEVATOR ASSOCIATION

Salaries and wages	\$ 10,765,469
Operating expenses	6,544,298
Contingency	250,000
Agriculture promotion	50,000
Total appropriation from mill and elevator fund	<u>\$ 17,609,767</u>

Subdivision 5.

HOUSING FINANCE AGENCY

Salaries and wages	\$ 2,252,671
Operating expenses	602,937
Equipment	75,000
Grants	19,716,827
Contingency	<u>100,000</u>
Total appropriation from housing finance agency fund	\$ 22,747,435
Grand total general fund appropriation H.B. 1017	\$ 24,689,186
Grand total special funds appropriation H.B. 1017	\$ 80,501,150
Grand total all funds appropriation H.B. 1017	\$105,190,336

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, 1995, and ending June 30, 1997.

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 authorized by law to be issued by the industrial commission under chapters 4-36 and 54-17.2 and section 54-17-25, for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 4. TRANSFER. The sum of \$57,958, or so much of the sum as may be necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, is from the North Dakota mill and elevator association. The moneys must be transferred during the biennium beginning July 1, 1995, and ending June 30, 1997, upon order of the industrial commission.

SECTION 5. TRANSFER. The sum of \$75,598, or so much of the sum as may be necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, is from the accumulated and undivided profits of the Bank of North Dakota. The moneys must be transferred during the biennium beginning July 1, 1995, and ending June 30, 1997, upon order of the industrial commission.

SECTION 6. TRANSFER. The sum of \$50,399, or so much of the sum as may be necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, is from the housing finance agency fund. The moneys must be transferred during the biennium beginning July 1, 1995, and ending June 30, 1997, upon order of the industrial commission.

SECTION 7. TRANSFER. The sum of \$178,640, or so much of the sum as may be necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, of which \$17,640 is from the revenues of the municipal bond bank and \$161,000 to the extent available is from reserves of the municipal bond bank. The available moneys must be transferred during the

biennium beginning July 1, 1995, and ending June 30, 1997, upon order of the industrial commission.

SECTION 8. INCOME AUTHORIZATION - STUDENT LOAN TRUST.

There is hereby authorized the receipt of fees by the industrial commission in the sum of \$50,399, or so much of the sum as is owed, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, from the student loan trust for administrative services rendered by the industrial commission to the extent permitted by sections 54-17-24 and 54-17-25. The fees must be received during the biennium beginning July 1, 1995, and ending June 30, 1997, upon order of the industrial commission.

SECTION 9. TRANSFER. The industrial commission shall transfer to the general fund in the state treasury, the sum of \$1,000,000 from the North Dakota mill and elevator association. The moneys must be transferred in amounts and at such times as requested by the director of the office of management and budget during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 10. LIGNITE RESEARCH, DEVELOPMENT, AND MARKETING PROGRAM - APPROPRIATION - LIGNITE MARKETING FEASIBILITY STUDY. The amount of \$400,000, or so much of the amount as may be necessary, included in the grants and special funds appropriation line items in subdivision 1 of section 1 of this Act, is from the lignite research fund for the purpose of contracting for an independent, nonmatching lignite marketing feasibility study or studies that determine those focused priority areas where near-term, market-driven projects, activities, or processes will generate matching private industry investment and have the most potential of preserving existing lignite production and jobs or that will lead to increased development of lignite and its products and create new jobs and economic growth for the general welfare of this state. Moneys appropriated pursuant to this section may also be used for the purpose of contracting for nonmatching externality studies and activities for the lignite industry and the state in externality proceedings. Moneys not needed for the purposes stated herein are available to the commission for funding projects, processes, or activities under the lignite research, development, and marketing program.

SECTION 11. LEGISLATIVE INTENT - LEASE PAYMENTS. The amount of \$15,161,555 included in subdivision 1 of section 1 of this Act in the bond payments line item must be paid from the following funding sources during the biennium beginning July 1, 1995, and ending June 30, 1997:

Higher education institutions	\$ 461,250
General fund	13,823,402
Job service North Dakota	375,564
Federal portion for southeast human service center	234,438
Veterans' home improvement fund	<u>266,901</u>
Total	\$15,161,555

SECTION 12. TRANSFERS. During the period of time beginning with the effective date of this Act and ending June 30, 1997, the industrial commission shall transfer to the state general fund up to \$31,900,000, an amount equivalent to the transfers not made but authorized by the fifty-third legislative assembly, and \$24,000,000 for the period beginning July 1, 1995, and ending June 30, 1997, from the earnings and accumulated and undivided profits of the Bank of North Dakota. The moneys shall be transferred in amounts and at such times as requested by the director of the office of management and budget.

If, by April 1, 1997, the director of the office of management and budget determines that a transfer is necessary for a July 1, 1997, general fund balance of \$10,000,000, an additional transfer of up to \$4,000,000 of earnings and accumulated and undivided profits at the request of the director of the office of management and budget shall be made to the general fund.

No transfers may be made that would reduce the Bank's capital structure below \$76,000,000.

If the revised projection for the July 1, 1997, general fund balance estimated by the director of the office of management and budget in November 1996 is \$30,000,000 or more, the Bank of North Dakota shall suspend such transfers to the general fund until the Bank's capital structure is \$100,000,000.

SECTION 13. NORTH DAKOTA REAL ESTATE TRUST - DEFICIT.

There is hereby authorized a transfer to the North Dakota real estate trust, from the Bank of North Dakota, the sum necessary to fund the deficit in the trust as of June 30, 1995. The moneys must be transferred during the biennium beginning July 1, 1995, and ending June 30, 1997. This legislation is expressly intended to prevent the Bank from presenting any bond and uncertificated obligations to the state treasurer for payment. However, it is understood that the Bank may recover any previous, current, and future transfers to the trust from the net assets of the trust as they may become available.

SECTION 14. LIGNITE RESEARCH, DEVELOPMENT, AND MARKETING PROGRAM - APPROPRIATION - LAND RECLAMATION RESEARCH. The amount of \$290,000, or so much as is necessary, of subdivision 1 of section 1 of this Act, is to be spent from the lignite research fund for the purpose of supporting independent, nonmatching lignite reclamation research activities, projects, or processes that will reduce unnecessary and duplicative regulatory costs that do not contribute to cost-effective reclamation practices. Moneys not needed for the purposes stated herein are available to the commission for funding projects, processes, or activities under the lignite research, development, and marketing program.

SECTION 15. APPROPRIATION - TRANSFER. The funds appropriated by subdivision 3 of section 1 of this Act must be transferred by the Bank of North Dakota to the partnership in assisting community expansion fund established by section 6-09.14-02; the agricultural partnership in assisting community expansion fund established by section 6-09.13-04; and the beginning farmer loan fund established by section 6-09-15.5, in the amounts set out in that subdivision. The Bank of North Dakota may not be construed to be a general fund agency because of the appropriation made by subdivision 3 of section 1 of this Act.

SECTION 16. AMENDMENT. Subsection 2 of section 57-61-01.5 of the North Dakota Century Code is amended and reenacted as follows:

2. The state treasurer shall deposit in the lignite research fund, ~~forty seven~~ fifty seven percent of the taxes collected and deposited subsequent to July 1, ~~1990~~ 1994, in the permanent trust fund established by section 21 of article X of the Constitution of North Dakota and shall, beginning in July 1991, no less than monthly, deposit in the lignite research fund ~~forty seven~~ fifty seven percent of the taxes collected and deposited in the permanent trust fund. All moneys in the lignite research fund as well as any moneys received from federal and private sources for lignite research, development, and marketing, including interest on all such moneys, are hereby

appropriated to the industrial commission, and may be spent only within limits of legislative appropriations, for the administration, development, and funding of the lignite research, development, and marketing program.

SECTION 17. REPEAL. Section 14 of chapter 38 of the 1993 Session Laws is repealed.

SECTION 18. EMERGENCY. Sections 12 and 17 of this Act are declared to be emergency measures.

Approved April 5, 1995
Filed April 5, 1995

CHAPTER 18

HOUSE BILL NO. 1018 (Appropriations Committee)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

AN ACT making an appropriation for defraying the expenses of the department of corrections and rehabilitation; 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 of the funds 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 for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

CENTRAL OFFICE

Salaries and wages	\$ 535,863
Operating expenses	61,349
Equipment	<u>5,000</u>
Total all funds	\$ 602,212
Less estimated income	<u>50,000</u>
Total general fund appropriation	\$ 552,212

Subdivision 2.

COMMUNITY SERVICES

Salaries and wages	\$ 1,963,655
Operating expenses	3,636,279
Equipment	6,000
Grants	<u>1,200,000</u>
Total all funds	\$ 6,805,934
Less estimated income	<u>3,589,861</u>
Total general fund appropriation	\$ 3,216,073

Subdivision 3.

INDUSTRIAL SCHOOL

Salaries and wages	\$ 6,141,310
Operating expenses	1,337,886
Equipment	80,479
Capital improvements	598,321
Institutional medical fees	<u>100,000</u>
Total all funds	\$ 8,257,996
Less estimated income	<u>2,192,020</u>
Total general fund appropriation	\$ 6,065,976

Subdivision 4.

STATE PENITENTIARY

Salaries and wages	\$13,765,642
Operating expenses	6,274,605
Equipment	60,300
Capital improvements	550,700
Institutional medical fees	<u>700,000</u>
Total all funds	\$21,351,247
Less estimated income	<u>2,778,864</u>
Total general fund appropriation	\$18,572,383

Subdivision 5.

ROUGH RIDER INDUSTRIES

Salaries and wages	\$ 1,804,199
Operating expenses	4,779,573
Equipment	221,000
Capital improvements	<u>50,000</u>
Total special funds	\$ 6,854,772

Subdivision 6.

PAROLE AND PROBATION

Victim services	\$ 1,682,291
Institutional offender services	365,338
Community offender services	<u>4,971,693</u>
Total all funds	\$ 7,019,322
Less estimated income	<u>3,008,600</u>
Total general fund appropriation	\$ 4,010,722
Grand total general fund appropriation H.B. 1018	\$32,587,366
Grand total special funds appropriation H.B. 1018	\$18,474,117
Grand total all funds appropriation H.B. 1018	\$51,061,483

SECTION 2. TRANSFER AUTHORITY. Upon approval of the budget section, the director of the department of corrections and rehabilitation may transfer appropriation authority contained in the various subdivisions in section 1 of this Act.

SECTION 3. LINE ITEM TRANSFERS. Upon approval of the emergency commission, the department of corrections and rehabilitation may transfer between various line items in subdivision 6 of section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust for changing circumstances in meeting established performance measures. Any further transfers must be approved by the budget section.

SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$170,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of defraying the expenses of the state industrial school, for the period beginning January 1, 1995, and ending June 30, 1995.

SECTION 5. EMERGENCY. Section 4 of this Act is declared to be an emergency measure.

Approved April 5, 1995
Filed April 5, 1995

CHAPTER 19

HOUSE BILL NO. 1019 (Appropriations Committee)

JOB SERVICE NORTH DAKOTA

AN ACT to provide an appropriation for defraying the expenses of job service North Dakota; to amend and reenact subsection 11 of section 1 and section 2 of chapter 493 of the 1993 Session Laws, relating to the new jobs training program; to repeal section 6 of chapter 493 of the 1993 Session Laws, relating to the expiration date of the new jobs training program; 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 of the funds 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 job service North Dakota for the purpose of defraying its expenses, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$32,873,476
Operating expenses	8,108,168
Equipment	445,000
Capital improvements	190,000
Grants	9,511,000
Work Force 2000	<u>1,500,000</u>
Total all funds	\$52,627,644
Less estimated income	<u>51,127,644</u>
Total general fund appropriation	\$ 1,500,000

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, 1995, and ending June 30, 1997.

SECTION 3. TRUST FUND BALANCE. The job insurance trust fund balance is to be maintained at a level of at least \$40,000,000. If the fund balance is ever projected to go below \$40,000,000, job service North Dakota shall notify the members of the budget section, and at the next meeting of the budget section job service is to present a report on the condition of the fund, the circumstances leading to the decrease in the fund balance, and a proposal on how to increase the fund balance back to the minimum balance of \$40,000,000.

SECTION 4. ELECTRONIC REPORTING. Job service North Dakota and the workers compensation bureau are to develop an employer wage reporting system that will allow for the electronic submission of employer wage information. The system is to have a common reporting form and allow for magnetic or electronic transmission of the wage information on either 5.25-inch or 3.5-inch DOS formatted diskettes, through asynchronous communications, or any other method of transmission deemed appropriate. The new reporting system is to be available to employers by January 1, 1997.

SECTION 5. WORK FORCE 2000 ALLOCATIONS. For the year beginning July 1, 1995, a minimum of \$125,000, of the \$1,500,000 provided for work force 2000, is to be available for projects in areas in the state which are not within five miles [8.05 kilometers] of any city with a population of more than eight thousand. Any work force 2000 funds remaining after June 30, 1996, may be used for projects in any area of the state.

SECTION 6. AMENDMENT. Subsection 11 of section 1 of chapter 493 of the 1993 Session Laws is amended and reenacted as follows:

11. "Primary sector business" means an employer engaged in locating to or in this state which previously had no presence in this state, or in expanding its operations within this state, which through the employment of knowledge or labor, adds value to a product, process, or export service that results in the creation of new wealth, excluding production agriculture, if it meets the following eligibility criteria:
 - a. An employer entering into an agreement, and increasing its base employment level by ~~ten percent, or two employees, whichever is greater,~~ at least one employee, or in the case of an employer without an established base employment level in this state creating a ~~minimum of at least~~ at least five employees, within the time set in the agreement, is entitled to the new jobs credit from withholding.
 - b. An employer must have an economically productive and socially desirable purpose within the state.
 - c. An employer must not be closing or reducing its operation in one area of the state and relocating substantially the same operation in another area.

SECTION 7. AMENDMENT. Section 2 of chapter 493 of the 1993 Session Laws is amended and reenacted as follows:

SECTION 2. Job service North Dakota - Agreements. Program services developed and coordinated by job service North Dakota must be provided to primary sector businesses found eligible for loans or grants under this Act. Job service North Dakota may enter into an agreement to establish a project with an employer which meets the following conditions:

1. Sets a date of commencement of the project.
2. Identifies program costs, including deferred costs, which are to be paid from available sources including new jobs credit from withholding to be received or derived from new jobs resulting from the project.
3. Provides for a guarantee by the employer of payment for program costs.
4. Provides that any deferral of program cost payments may not exceed ten years from the date of commencement of the project.
5. Provides that on-the-job training costs for employees may not exceed fifty percent of the annual gross payroll costs of the new jobs in the first full year after the date of commencement of the project. For purposes of this subsection, "gross payroll" is the gross wages and salaries for the new jobs.

6. Provides the maximum amount of new jobs credit from withholding, or tuition and fee payments, allowed for a project.
7. Provides that every employee participating in the new jobs training program must be paid an income of at least ~~equal to one hundred twenty percent of the federal poverty level for a family of four as determined at the date of commencement of the project~~ seven dollars and fifty cents per hour, plus benefits, by the end of the first year of employment under the project and for the remaining life of the loan.

A project requiring a loan from the department or a community may not be approved, and an agreement may not be executed by job service North Dakota, until notification from the department or community that the employer has qualified for a loan. Upon execution of the agreement, job service North Dakota shall notify the state tax commissioner of the agreement and the identity of the employer. Job service North Dakota may adopt rules to implement this Act. Job service North Dakota shall prepare an annual report for the governor and the legislative assembly with respect to the new jobs training program.

SECTION 8. REPEAL. Section 6 of chapter 493 of the 1993 Session Laws is repealed.

SECTION 9. EMERGENCY. Section 8 of this Act is declared to be an emergency measure.

Approved April 17, 1995
Filed April 18, 1995

CHAPTER 20**HOUSE BILL NO. 1020**
(Appropriations Committee)**OFFICE OF ADMINISTRATIVE HEARINGS**

AN ACT making an appropriation for defraying the expenses of the office of administrative hearings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 billing agencies for services, to the office of administrative hearings for the purpose of defraying its expenses, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$461,078
Operating expenses	129,342
Equipment	<u>9,015</u>
Total all funds	\$599,435
Less estimated income	<u>374,962</u>
Total general fund appropriation	\$224,473

Approved March 27, 1995

Filed March 28, 1995

CHAPTER 21

HOUSE BILL NO. 1021

(Appropriations Committee)

ECONOMIC DEVELOPMENT AND FINANCE

AN ACT making an appropriation for defraying the expenses of the department of economic development and finance; providing for transfers of funds; providing for the reallocation of funds; to provide for wage requirements for economic development projects; to create and enact a new chapter to title 10 of the North Dakota Century Code, relating to the establishment of the North Dakota development fund; to amend and reenact section 54-34.3-08 of the North Dakota Century Code, relating to patent and royalty rights of the North Dakota development fund; and to repeal chapter 10-30.3 of the North Dakota Century Code, relating to the North Dakota future fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 department of economic development and finance for the purpose of defraying its expenses, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$2,148,838
Operating expenses	1,382,035
Equipment	24,500
Grants	1,365,400
General allocation grants	750,000
Technology transfer, incorporated	1,454,000
Development fund	<u>1,968,750</u>
Total all funds	\$9,093,523
Less estimated income	<u>95,000</u>
Total general fund appropriation	<u>\$8,998,523</u>

SECTION 2. TRANSFERS - ECONOMIC DEVELOPMENT FUNDS. Of the general fund amount appropriated in section 1 of this Act, \$1,968,750 must be transferred to the North Dakota development fund and \$1,454,000 must be transferred to the technology transfer fund. The transfers must be in amounts and at such times as requested by the director of the office of management and budget.

SECTION 3. REGIONAL RURAL DEVELOPMENT REVOLVING LOAN FUND TRANSFERS. All moneys in the regional rural development revolving loan fund totaling approximately \$6,000,000 and any investment, contract, partnership, or any other business transaction of the regional rural development revolving loan fund is transferred to the North Dakota development fund on the effective date of this Act and is deemed to be an asset of the North Dakota development fund.

SECTION 4. NORTH DAKOTA DEVELOPMENT FUND ALLOCATIONS. Of the \$7,968,750 to be available in the North Dakota development fund, \$6,000,000 must be dedicated for the purpose of providing

financial assistance, research and development assistance, and loans or equity or debt financing on a matching basis to new or expanding primary sector businesses in areas in the state which are not within five miles [8.05 kilometers] of any city with a population of more than eight thousand. These funds must be allocated for the benefit of each of the areas delineated as regions by executive order of the governor pursuant to section 54-40.1-02. The balance, or \$1,968,750, must be dedicated for projects as follows: forty percent businesses in rural areas, forty percent businesses in urban areas, and twenty percent North Dakota American Indian businesses. Any unused funds in any category may be transferred to another category during the second year of the biennium under rules adopted by the director of the department of economic development and finance. The director of the department of economic development and finance may reallocate up to twenty percent of any region's allocation to another region or regions for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 5. REALLOCATION OF ECONOMIC DEVELOPMENT FUNDS. The director of the department of economic development and finance may reallocate among the technology transfer, inc., fund and the North Dakota development fund for rural and nonrural development projects up to ten percent of the amounts appropriated for these purposes for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 6. NORTH DAKOTA FUTURE FUND TRANSFERS. Any moneys in the North Dakota future fund and any investment, contract, partnership, or any other business transaction of the North Dakota future fund is transferred to the North Dakota development fund on the effective date of this Act and is deemed to be an asset of the North Dakota development fund.

SECTION 7. ECONOMIC DEVELOPMENT FUNDS - WAGE REQUIREMENTS. Any political subdivision or economic development authority may adopt a minimum wage requirement for any new business or business expansion in which a majority of the capital is provided by the North Dakota development fund and their own local development funds. These wage requirements may be imposed on all or any portion of the employees and may exceed federal minimum wage requirements.

SECTION 8. A new chapter to title 10 of the North Dakota Century Code is created and enacted as follows:

Definitions. As used in this chapter, unless the context otherwise requires:

1. "Board of directors" means the board of directors of the corporation.
2. "Corporation" means the North Dakota development fund, incorporated, established under this chapter.
3. "North Dakota business" means a business owned by a North Dakota resident, partnership, association, corporation, or limited liability company domiciled in this state or a corporation or limited liability company, including a wholly owned subsidiary of a foreign corporation or limited liability company that does business primarily in this state or does substantially all of its production in this state.
4. "Primary sector business" means an individual, corporation, limited liability company, partnership, or association which through the employment of knowledge or labor, adds value to a product, process, or

service that results in the creation of new wealth. The term includes tourism, but does not include production agriculture.

Purpose and fund uses.

1. It is the purpose of this chapter to create a statewide nonprofit development corporation that will have the authority to take equity positions in, to provide loans to, or to use other innovative financing mechanisms to provide capital for new or expanding businesses in this state, or relocating businesses to this state. The corporation's principal mission is the development and expansion of primary sector business in this state. The corporation may form additional corporations, limited liability companies, partnerships, or other forms of business associations in order to further its mission of primary sector economic development.
2. The exclusive focus of this corporation is business development in this state; however, it is not excluded from participation with other states or organizations in projects that have a clear economic benefit to state residents in the creation of jobs or secondary business. Emphasis should be to develop jobs that provide an income adequate to support a family above the poverty level.
3. Moneys in the development fund may be used to provide working capital or for financing the purchase of fixed assets, but not to refinance existing debt. Moneys may also be used to make matching grants to county-authorized or city-authorized development corporations for the acquisition, leasing, or remodeling of real estate facilities for locating a prospective new primary sector business. A grant must be made as part of a package of financing in which the state is a participant.
4. The director of the department of economic development and finance shall adopt rules, subject to the approval of the board of directors, necessary to implement the administration of the fund. The rules to implement the grant program must be developed to encourage local fundraising initiatives for developing locations for businesses financed by the corporation.

Organization. A board of directors shall manage the corporation. The board of directors shall adopt and amend articles of incorporation and bylaws consistent with the purposes detailed in this chapter. The board of directors consists of eight members who shall serve three-year terms. The terms must be staggered so that no more than three positions require reappointment in any one year. The governor shall appoint the members and shall only consider representatives who serve in executive capacities from the following areas in making the selections: private sector manufacturing, finance, exported services, including tourism, and industrial technology and research. There must be at least one member who is enrolled in a federally recognized North Dakota Indian tribe who need not serve in an executive capacity, the director of economic development and finance, and one member from a rural area, on the board of directors. Members may be reappointed for additional terms.

Powers. The corporation must be organized as a nonprofit corporation under chapter 10-24. In addition to the powers in chapter 10-24, the corporation may:

1. Cooperate and contract with any private or public entity.

2. Receive appropriations from the legislative assembly and other public moneys as well as contributions from other private or public contributors.

Management. The deputy director of the finance division of the department must be the chief executive officer of the corporation. The board of directors shall determine minimum qualifications of all other staff positions.

All investments, contracts, partnerships, limited liability companies, and business transactions of the corporation are the responsibility of the deputy director and the board of directors. The board may provide that normal operating costs anticipated in an approved budget may be incurred and paid without prior board approval.

Divestiture. The board of directors shall establish a policy for divesting the corporation's interest in any business when certain levels of profitability are obtained.

Confidentiality of corporation records. The following records of the corporation are confidential:

1. Commercial or financial information, whether obtained by the corporation directly or indirectly, of any entity in which an equity interest is purchased or considered for purchase, to which a loan has been made, or capital otherwise provided, under this chapter.
2. Internal or interagency memorandums or letters which would not be available by law to a party other than in litigation with the corporation.

Annual audit. The board of directors shall contract with a certified public accounting firm to audit annually the financial statements of the corporation in accordance with generally accepted auditing standards. The cost of the audit must be borne by the corporation.

Annual report. The corporation shall prepare and publish an annual report of its activities for the information of the governor, the legislative assembly, and the public. The report must include audited financial statements of the corporation for the fiscal year covered by the report and must specify:

1. The investment strategy and workplan approved by the board of directors.
2. The total investments made annually by the corporation in North Dakota businesses.
3. An estimate of jobs created and jobs preserved by investments of the corporation in North Dakota businesses.

North Dakota development fund - Continuing appropriation. The North Dakota development fund is established from moneys appropriated from the general fund and transfers from other funds. This is a revolving fund, and all moneys transferred into the fund, interest upon fund moneys, and payments to the fund are hereby appropriated for the purposes of this chapter. This fund is not subject to section 54-44.1-11.

SECTION 9. AMENDMENT. Section 54-34.3-08 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-08. Patents. The department of economic development and finance, technology transfer, incorporated, the North Dakota ~~future~~ development fund, incorporated, and the North Dakota agricultural products utilization commission may hold or assign for remuneration all or a portion of their interest in patents or royalty rights acquired in the course of their operation and performance of duties as provided by law.

SECTION 10. LEGISLATIVE INTENT - TECHNOLOGY TRANSFER, INC. - PROJECT FUNDS. It is the intent of the legislative assembly that project funds be distributed by technology transfer, inc., consistent with the mission and policies established by the technology transfer, inc., board and that project funds be distributed, to the extent practical and efficient, directly to businesses and individuals receiving project funding approval. Funding recipients may use the project funds to purchase services, on a fee for service basis, from business and industry development centers located on the campuses of the institutions of higher education.

² SECTION 11. REPEAL. Chapter 10-30.3 of the 1993 Supplement to the North Dakota Century Code is repealed.

Approved April 17, 1995
Filed April 18, 1995

² Section 10-30.3-11 was amended by section 3 of House Bill No. 1289, chapter 108.

CHAPTER 22

HOUSE BILL NO. 1022 (Appropriations Committee)

BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION

AN ACT making an appropriation for defraying the expenses of the state board for vocational and technical education; to provide a statement of legislative intent; and to allow the transfer of appropriation authority to the salaries and wages line item.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for vocational and technical education for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$ 2,378,039
Operating expenses	471,066
Equipment	18,680
Grants	20,055,750
COVE	325,500
Adult farm management	226,600
Postsecondary education vocational grants	380,000
Small business management	<u>102,306</u>
Total all funds	\$23,957,941
Less estimated income	<u>13,195,391</u>
Total general fund appropriation	\$10,762,550

SECTION 2. INTENT. It is the intent of the fifty-fourth legislative assembly that the state board for vocational and technical education, job service North Dakota, the North Dakota university system, the workers compensation bureau, the department of economic development and finance, the governor's work force development council, and any other appropriate state agencies or institutions continue to cooperate on the development and implementation of jobs training programs in an effort to maximize the delivery of services while minimizing any duplication of services between the agencies during the 1995-97 biennium.

SECTION 3. TRANSFER. The state board for vocational and technical education may transfer general fund and special funds appropriation authority of \$130,981 from the various line items contained in House Bill No. 1022 as passed by the fifty-fourth legislative assembly to the salaries and wages line item for the position of deputy director, only upon approval by the budget section of the legislative council.

Approved April 6, 1995
Filed April 6, 1995

CHAPTER 23

SENATE BILL NO. 2001

(Appropriations Committee)

GOVERNOR

AN ACT to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the office of the governor for the purpose of defraying the expenses of the governor, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$1,621,864
Operating expenses	265,210
Equipment	5,000
Contingency	10,000
Roughrider awards	8,000
President electors	500
Governor's transition in	5,000
Governor's transition out	5,000
Total general fund appropriation	<u>\$1,920,574</u>

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 which become available during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 3. AMENDMENT. Section 54-07-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-07-04. Salary of governor. The annual salary of the governor is ~~sixty-seven~~ sixty-nine thousand ~~eight~~ six hundred ~~four~~ fifty dollars through June 30, ~~1992~~ 1996, and ~~sixty-eight~~ seventy-one thousand ~~two~~ hundred ~~eighty-four~~ forty-two dollars thereafter.

SECTION 4. AMENDMENT. Section 54-08-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-08-03. Salary of lieutenant governor. The annual salary of the lieutenant governor is ~~fifty-five~~ fifty-seven thousand ~~six~~ two hundred ~~thirty-six~~ thirty-eight dollars through June 30, ~~1992~~ 1996, and ~~fifty-six~~ fifty-eight thousand ~~one~~ three hundred ~~sixteen~~ eighty-three dollars thereafter.

Approved March 21, 1995

Filed March 23, 1995

CHAPTER 24

SENATE BILL NO. 2002

(Appropriations Committee)

SECRETARY OF STATE

AN ACT to provide an appropriation for defraying the expenses of the secretary of state and public printing; and to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the secretary of state for the purpose of defraying the expenses of the secretary of state and public printing, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

SECRETARY OF STATE

Salaries and wages	\$1,493,419
Operating expenses	1,270,200
Equipment	45,000
Petition review	<u>14,000</u>
Total general fund appropriation	\$2,822,619

Subdivision 2.

SECRETARY OF STATE - PUBLIC PRINTING

Operating expenses	\$ 421,974
Total general fund appropriation	\$ 421,974
Grand total general fund appropriation S.B. 2002	\$3,244,593

SECTION 2. AMENDMENT. Section 54-09-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-09-05. Salary of secretary of state. The annual salary of the secretary of state is ~~fifty-one~~ fifty-two thousand ~~two~~ seven hundred ~~seventy-two~~ eighty-seven dollars through June 30, ~~1992~~ 1996, and ~~fifty-one~~ fifty-three thousand ~~seven~~ eight hundred ~~fifty-two~~ forty-three dollars thereafter.

Approved March 21, 1995

Filed March 23, 1995

CHAPTER 25**SENATE BILL NO. 2003**
(Appropriations Committee)**ATTORNEY GENERAL**

AN ACT to provide an appropriation for defraying the expenses of the attorney general; and to amend and reenact section 54-12-11 and subsection 3 of section 62.1-04-03 of the North Dakota Century Code, relating to the salary of the attorney general and concealed weapons license fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 attorney general for the purpose of defraying the expenses of the attorney general, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$11,785,066
Operating expenses	4,113,498
Equipment	887,697
Grants	4,175,567
Arrest and return of fugitives	19,376
Controlled substance	4,000
ARC legal fees	91,027
Litigation fees	143,324
Gaming commission	20,000
State employee defense	250,000
Racing commission	211,300
Total all funds	\$21,700,855
Less estimated income	9,588,834
Total general fund appropriation	\$12,112,021

SECTION 2. FIRE AND TORNADO FUND. The estimated income line item in section 1 of this Act includes the sum of \$740,660, or so much of the sum as may be necessary, from the state fire and tornado fund, for the purpose of defraying the expenses related to the state fire marshal program.

SECTION 3. ASSET FORFEITURE FUND. The sum of \$25,000 is available from the asset forfeiture fund to the attorney general as included in estimated income of section 1 of this Act.

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

bonding fund through deficiency appropriation and the attorney general shall report to the budget section of the legislative council the amount of any deficiency appropriation that may be introduced to the fifty-fifth legislative assembly.

SECTION 5. COLLECTIONS. Section 1 of this Act includes the appropriation of up to \$15,000 in revenues collected from fees charged for gaming law and administrative rules manuals published by the attorney general for the period beginning July 1, 1995, and ending June 30, 1997.

SECTION 6. LOCAL GAMING ENFORCEMENT GRANTS. The attorney general, through the state treasurer's office, shall pay, from funds appropriated in the grants line item in section 1 of this Act, \$130,652 per quarter to cities and counties in proportion to the adjusted gross proceeds within each city, for sites within city limits, or within each county, for sites outside city limits, to the total adjusted gross proceeds for the biennium beginning July 1, 1995, and ending June 30, 1997. The attorney general may make a payment to a city or county pursuant to this section only if the amount owed to a city or county for that quarter is ten dollars or more. Any amounts received by a city or county under this section must be used by the city or county for expenses connected with gaming enforcement within the city or county.

SECTION 7. AMENDMENT. Section 54-12-11 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general. The annual salary of the attorney general is ~~fifty-seven~~ fifty-nine thousand ~~nine~~ five hundred ~~twenty-eight~~ seventy-six dollars through June 30, ~~1992~~ 1996, and ~~fifty-eight~~ sixty thousand ~~four~~ seven hundred ~~eight~~ sixty-eight dollars thereafter.

SECTION 8. AMENDMENT. Subsection 3 of section 62.1-04-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The license fee for a concealed weapons license is ~~fifteen~~ twenty-five dollars. Ten dollars of this fee must be credited to the state general fund and ~~five~~ fifteen dollars of this fee must be credited to the attorney general's operating fund up to a total of fifty thousand dollars each biennium. Any collections from fifteen dollars of this fee in excess of the fifty thousand dollars credited to the attorney general's operating fund each biennium must be credited to the state general fund. The license fee must be paid before the license is issued by the ~~chief~~ director of the bureau of criminal investigation.

Approved April 17, 1995

Filed April 18, 1995

CHAPTER 26

SENATE BILL NO. 2004

(Appropriations Committee)

STATE AUDITOR

AN ACT to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 auditor for the purpose of defraying the expenses of the state auditor, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Administration	\$ 240,655
Division of local government audits	1,046,622
Division of state audits	2,943,229
Mineral royalty auditing	<u>612,059</u>
Total all funds	\$4,842,565
Less estimated income	<u>1,654,044</u>
Total general fund appropriation	\$3,188,521

SECTION 2. APPROPRIATION. Section 1 of this Act includes an appropriation of up to \$1,042,314 in funds generated by the state auditor from political subdivision audit service fees for the period beginning July 1, 1995, and ending June 30, 1997. Any amount in excess of \$1,042,314 must be deposited in the state auditor operating account and made available for appropriation after June 30, 1997.

SECTION 3. LINE ITEM TRANSFERS. Upon approval of the emergency commission, the state auditor may transfer between various line items in section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust for changing circumstances in meeting established performance measures. Any further transfers must be approved by the budget section.

SECTION 4. AMENDMENT. Section 54-10-10 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-10-10. Salary of state auditor. The annual salary of the state auditor is ~~fifty-one~~ fifty-two thousand ~~two~~ seven hundred ~~seventy-two~~ eighty-seven dollars through June 30, ~~1992~~ 1996, and ~~fifty-one~~ fifty-three thousand ~~seven~~ eight hundred ~~fifty-two~~ forty-three dollars thereafter.

SECTION 5. DEPUTY POSITION. The state auditor may fund a deputy state auditor position only to the extent funds are available within the agency's appropriation.

Approved April 4, 1995
Filed April 4, 1995

CHAPTER 27

SENATE BILL NO. 2005

(Appropriations Committee)

STATE TREASURER

AN ACT to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 treasurer for the purpose of defraying the expenses of the state treasurer, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$534,894
Operating expenses	95,569
Equipment	<u>6,000</u>
Total general fund appropriation	\$636,463

SECTION 2. AMENDMENT. Section 54-11-13 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-11-13. Salary of state treasurer. The annual salary of the state treasurer is ~~fifty one~~ fifty-two thousand ~~two seven~~ hundred ~~seventy two~~ eighty-seven dollars through June 30, ~~1992~~ 1996, and ~~fifty one~~ fifty-three thousand ~~seven~~ eight hundred ~~fifty two~~ forty-three dollars thereafter.

Approved March 28, 1995

Filed March 29, 1995

CHAPTER 28

SENATE BILL NO. 2006

(Appropriations Committee)

TAX COMMISSIONER

AN ACT to provide an appropriation for defraying the expenses of the office of the state tax commissioner; and to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the salary of the state tax commissioner.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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, to the state tax commissioner for the purpose of defraying the expenses of the state tax commissioner for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$10,885,330
Operating expenses	3,489,353
Equipment	42,937
Expert witness contingency	90,000
City tax administration fees	40,000
Motor fuels federal grant	<u>250,000</u>
Total all funds	\$14,797,620
Less estimated income	<u>352,000</u>
Total general fund appropriation	<u>\$14,445,620</u>

SECTION 2. TRANSFER. There is hereby transferred to the general fund in the state treasury, out of motor vehicle fuel tax revenue, collected pursuant to section 57-43.1-02, the sum of \$1,071,878 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 these taxes.

SECTION 3. LEGISLATIVE INTENT - REVENUE COLLECTIONS. It is the intent of the legislative assembly that the general fund revenue collections for the biennium beginning July 1, 1995, and ending June 30, 1997, will not be affected by the funding level approved by the legislative assembly for the tax department for the 1995-97 biennium.

SECTION 4. LEGISLATIVE INTENT - FTE POSITIONS. It is the intent of the legislative assembly that the tax commissioner determine any employee position reductions or pay equity increase rescissions relating to tax department employees for the biennium beginning July 1, 1995, and ending June 30, 1997, which may be necessary as a result of salary increases provided to tax department employees during the 1993-95 biennium. Although the tax commissioner has the authority to establish salary levels for tax department employees, the legislative assembly expresses concern that compression and salary increase inequity among all state employees may result from salary increases being provided that have not been authorized by the legislative assembly.

SECTION 5. AMENDMENT. Section 57-01-04 of the North Dakota Century Code is amended and reenacted as follows:

57-01-04. Salary. The annual salary of the state tax commissioner is ~~fifty-one~~ fifty-two thousand ~~two~~ seven hundred ~~seventy-two~~ eighty-seven dollars through June 30, ~~1992~~ 1996, and ~~fifty-one~~ fifty-three thousand ~~seven~~ eight hundred ~~fifty-two~~ forty-three dollars thereafter.

Approved April 11, 1995

Filed April 12, 1995

CHAPTER 29

SENATE BILL NO. 2007
(Appropriations Committee)

LABOR COMMISSIONER

AN ACT to provide an appropriation for defraying the expenses of the office of the labor commissioner; and to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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, to the labor commissioner for the purpose of defraying the expenses of the labor commissioner for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$553,988
Operating expenses	<u>114,535</u>
Total all funds	\$668,523
Less estimated income	<u>74,622</u>
Total general fund appropriation	\$593,901

SECTION 2. AMENDMENT. Section 34-05-01.2 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted 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-nine~~ fifty-two thousand ~~nine~~ two hundred ~~ninety-seven~~ dollars through June 30, ~~1992~~ 1996, and ~~fifty-one~~ fifty-three thousand ~~two~~ three hundred ~~seventy-two~~ forty-three dollars thereafter.

Approved March 21, 1995
Filed March 23, 1995

CHAPTER 30

SENATE BILL NO. 2008

(Appropriations Committee)

PUBLIC SERVICE COMMISSION

AN ACT to provide an appropriation for defraying the expenses of the public service commission; to amend and reenact section 49-01-05, subsection 7 of section 49-02-02, sections 49-03.1-04, 49-21-01.2, and subsection 6 of section 49-21-01.7 of the North Dakota Century Code, relating to the salary of public service commissioners, a special account for depositing and spending money associated with regulating public utilities and telecommunications companies, exemption from rate regulation for telecommunications companies, and factors to be considered by the public service commission in granting or denying a certificate of public convenience and necessity; to provide for a legislative council study; 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 of the funds 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, to the public service commission for the purpose of defraying the expenses of the public service commission, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$4,160,158
Operating expenses	1,003,054
Equipment	167,500
Grants	20,000
AML contractual services	<u>4,552,405</u>
Total all funds	\$9,903,117
Less estimated income	<u>6,730,600</u>
Total general fund appropriation	\$3,172,517

SECTION 2. AMENDMENT. Section 49-01-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

49-01-05. Salary of commissioners. The annual salary of a commissioner is ~~fifty one~~ fifty-two thousand ~~two seven~~ hundred ~~seventy two~~ eighty-seven dollars through June 30, ~~1992~~ 1996, and ~~fifty one~~ fifty-three thousand ~~seven eight~~ hundred ~~fifty two~~ forty-three dollars thereafter. 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~~ the commissioner monthly to the state treasurer and shall be credited to the general fund of the state.

³ **SECTION 3. AMENDMENT.** Subsection 7 of section 49-02-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7. Employ, and fix the compensation of, rate experts, engineers, auditors, attorneys, and all other expert help and assistance for hearings or investigations on rate increase applications filed by gas or electric public utilities. The expense of any hearings or investigations and the actual expenses of any employees of the commission while engaged upon any hearing or investigation must upon the order of the commission be paid by the public utility involved. The commission shall ascertain the costs and expenditures. After giving the public utility notice and opportunity to demand a hearing, and after a hearing, if any, is held, the commission shall render a bill and make an order for payment by certified mail or by personal delivery to one of the managing officers of the public utility. The billing and order may be made from time to time during the hearing or investigation or at the conclusion thereof, as the commission determines. Upon receipt of the bill and order for payment, as evidenced by return receipt or other proof, the public utility shall pay to the commission the amount billed. All amounts not paid within thirty days after receipt of the order for payment draw interest at the rate of six percent per annum from the date of receipt of the order. All costs and expenses collected by the commission under this subsection must be deposited in the general fund in the state treasury a special account within the public service commission.

SECTION 4. AMENDMENT. Section 49-03.1-04 of the North Dakota Century Code is amended and reenacted as follows:

49-03.1-04. Factors to be considered by commission in granting or denying a certificate. Before granting a certificate of public convenience and necessity, the commission shall take into consideration:

1. Need for the service.
2. Fitness and ability of applicant to provide service.
3. Effect on other public utilities providing similar service.
4. Adequacy of proposed service.
5. ~~Proposed rates.~~
6. ~~Proposed design.~~
7. Such other information as the commission may deem appropriate The technical, financial, and managerial ability of the applicant to provide service.

³ Section 49-02-02 was also amended by section 2 of House Bill No. 1373, chapter 444.

SECTION 5. AMENDMENT. Section 49-21-01.2 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

49-21-01.2. Exemption - Rate regulation. Except as provided for in this chapter and sections 49-02-01.1, 49-02-21, 49-02-22, and 49-04-02.1, and ~~49-04-05~~, telecommunications companies and all telecommunications services are exempt from the provisions of chapters 49-02, 49-04, 49-05, and 49-06. Telecommunications companies and services are not subject to rate or rate of return regulation. Any telecommunications company may elect not to be subject to the provisions of this section and section 49-21-01.3, and to be subject to rate and rate of return regulation, by filing an election with the commission in writing. For telecommunications companies with over fifty thousand subscribers, the election not to be exempt from rate and rate of return regulation is a one-time, irrevocable election.

SECTION 6. AMENDMENT. Subsection 6 of section 49-21-01.7 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. Employ and fix the compensation of experts, engineers, auditors, attorneys, and other such assistance for complaints, investigations, and other proceedings relating to telecommunications companies. The expense of any hearings, and the compensation and actual expenses of any employees of the commission while engaged upon any such hearings must, upon the order of the commission, be paid by the telecommunications company involved in such hearings. The commission shall ascertain the exact cost and expenditure. After giving the telecommunications company notice and opportunity to demand a hearing, and after a hearing, if any, is held, the commission may render a bill and make an order for payment. The bill and order must be delivered by certified mail or personal delivery to the managing officer of the telecommunications company. Upon receipt of the bill and order for payment, the telecommunications company has thirty days within which to pay the amount billed. All amounts not paid within thirty days after receipt of the bill and order for payment thereafter draw interest at the rate of six percent per annum. ~~All amounts~~ Amounts collected by the commission under this subsection relating to expenses of the regulatory reform review commission must be deposited in the general fund of the state treasury. All other amounts collected by the commission under this subsection must be deposited in a special account within the public service commission.

SECTION 7. LEGISLATIVE COUNCIL STUDY. The legislative council shall study, during the 1995-96 interim, the services provided by the public service commission, their cost and effectiveness, and the need for continuing the services as a result of regulatory changes at both the state and federal level.

SECTION 8. EMERGENCY. Sections 4 and 5 of this Act are declared to be an emergency measure.

Approved April 13, 1995
Filed April 18, 1995

CHAPTER 31

SENATE BILL NO. 2009 (Appropriations Committee)

AGRICULTURE COMMISSIONER

AN ACT to provide an appropriation for defraying the expenses of the commissioner of agriculture and soil conservation committee; to provide for a report to the budget section; and to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the commissioner of agriculture.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 commissioner of agriculture and soil conservation committee for the purpose of defraying the expenses of the commissioner of agriculture for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

AGRICULTURE COMMISSIONER

Salaries and wages	\$2,807,321
Operating expenses	1,465,418
Equipment	22,900
Grants	811,720
Board of animal health	445,456
Ag mediation	1,328,571
Ag in the classroom	25,000
Waterbank	214,000
Pride of dakota	150,000
Safe send	650,000
Noxious weeds	971,438
Total all funds	<u>\$8,891,824</u>
Less estimated income	<u>4,330,876</u>
Total general fund appropriation	<u>\$4,560,948</u>

Subdivision 2.

SOIL CONSERVATION COMMITTEE

Salaries and wages	\$ 456,782
Operating expenses	58,533
Grants	<u>500,000</u>
Total general fund appropriation	<u>\$1,015,315</u>
Total general fund appropriation S.B. 2009	\$5,576,263
Total special funds appropriation S.B. 2009	\$4,330,876
Total all funds appropriation S.B. 2009	<u>\$9,907,139</u>

SECTION 2. AGRICULTURE COMMISSIONER - ENVIRONMENT AND RANGELAND PROTECTION FUND. The estimated income line item in section 1 of this Act includes the sum of \$1,462,156, or so much of the sum as may be necessary, from the environment and rangeland protection fund for the purpose

of defraying pesticide, registration, and noxious weeds program costs, of which \$689,046 is for the pesticide program, \$90,000 is for the registration program, \$34,000 is for spotted knapweed control, and \$649,110 is for other noxious weed control, for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 3. LEGISLATIVE INTENT - REGISTRATION PROGRAM ADMINISTRATIVE COSTS. It is the intent of the legislative assembly that the environment and rangeland protection fund not be used to provide funding for registration program administrative costs beyond the biennium beginning July 1, 1995, and ending June 30, 1997, and that the agriculture commissioner request funding for the registration program administrative costs from a source other than the environment and rangeland protection fund for the 1997-99 biennium.

SECTION 4. SOIL CONSERVATION COMMITTEE CONSOLIDATION - REPORT TO BUDGET SECTION. The executive secretary of the soil conservation committee shall present a report to the budget section by April 1, 1996, containing at least two options to integrate the functions of the soil conservation committee with another state agency. The report must include plans to consolidate the soil conservation committee with the state water commission and plans to consolidate the committee with the North Dakota state university extension service, and may include, with prior emergency commission approval, plans to consolidate with any other state agency. The budget section shall review the report and make a recommendation to the director of the office of management and budget regarding consolidation of the soil conservation committee with another state agency by July 1, 1996.

SECTION 5. AMENDMENT. Section 4-01-21 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-01-21. Salary of commissioner of agriculture. The annual salary of the commissioner of agriculture is ~~fifty-one~~ fifty-two thousand ~~two~~ seven hundred ~~seventy-two~~ eighty-seven dollars through June 30, ~~1992~~ 1996, and ~~fifty-one~~ fifty-three thousand ~~seven~~ eight hundred ~~fifty-two~~ forty-three dollars thereafter.

Approved April 13, 1995
Filed April 18, 1995

CHAPTER 32

SENATE BILL NO. 2010 (Appropriations Committee)

INSURANCE COMMISSIONER

AN ACT to provide an appropriation for defraying the expenses of the insurance commissioner; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the insurance regulatory trust fund in the state treasury, not otherwise appropriated, and from other special funds derived from federal funds and other income, to the insurance commissioner for the purpose of defraying the expenses of the insurance commissioner, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$3,640,378
Operating expenses	1,314,123
Equipment	<u>228,599</u>
Total special funds appropriation	\$5,183,100

SECTION 2. APPROPRIATION - INSURANCE TAX PAYMENTS TO FIRE DEPARTMENTS. There is hereby appropriated out of any moneys in the insurance tax distribution fund in the state treasury, not otherwise appropriated, the sum of \$5,200,000, or so much of the sum 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, 1995, and ending June 30, 1997.

SECTION 3. BONDING FUND. Section 1 of this Act includes the sum of \$92,312, or so much of the sum as may be necessary, from the state bonding fund to pay bonding fund administrative expenses for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 4. FIRE AND TORNADO FUND. Section 1 of this Act includes the sum of \$664,455, or so much of the sum as may be necessary, from the state fire and tornado fund to pay fire and tornado fund administrative expenses for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 5. UNSATISFIED JUDGMENT FUND. Section 1 of this Act includes the sum of \$65,000, or so much of the sum as may be necessary, from the state unsatisfied judgment fund to pay unsatisfied judgment fund administrative expenses for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 6. PETROLEUM TANK RELEASE COMPENSATION FUND. Section 1 of this Act includes the sum of \$200,030, or so much of the sum as may be necessary, from the petroleum tank release compensation fund to pay petroleum tank release compensation fund administrative expenses for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 7. AMENDMENT. Section 26.1-01-09 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

26.1-01-09. Salary of commissioner. The annual salary of the commissioner is ~~fifty-one~~ fifty-two thousand ~~two~~ seven hundred ~~seventy-two~~ eighty-seven dollars through June 30, ~~1992~~ 1996, and ~~fifty-one~~ fifty-three thousand ~~seven~~ eight hundred ~~fifty-two~~ forty-three dollars thereafter.

Approved April 4, 1995

Filed April 4, 1995

CHAPTER 33**SENATE BILL NO. 2011**
(Appropriations Committee)**SECURITIES COMMISSIONER**

AN ACT to provide an appropriation for defraying the expenses of the office of the securities commissioner.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying the expenses of the office of the securities commissioner, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$535,740
Operating expenses	96,389
Equipment	<u>6,000</u>
Total general fund appropriation	\$638,129

Approved April 5, 1995

Filed April 5, 1995

CHAPTER 34

SENATE BILL NO. 2012

(Appropriations Committee)

HUMAN SERVICES

AN ACT to provide an appropriation for defraying the expenses of the department of human services; to provide for the transfer of appropriations between agencies and institutions; to rename the developmental center the developmental center at westwood park, Grafton; to authorize the state of North Dakota to convey certain state-owned land to Community Housing, Inc.; to create and enact a new section to chapter 25-04, two new sections to chapter 50-06, and a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to the westwood park assets management committee, to developmental disabilities service providers, to the administration of the mental health division, and to the duties of the department of human services; to amend and reenact sections 25-04-01, 50-01-13 as amended by section 10 of Senate Bill No. 2037, as approved by the fifty-fourth legislative assembly, and 50-06-14.3 of the North Dakota Century Code and section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws, relating to renaming the developmental center the developmental center at westwood park, Grafton, county medical services for the poor, the state basic care program, and extending an appropriation from the lands and minerals trust fund to the department of human services for capital improvements or demolition of existing buildings at the developmental center at westwood park, Grafton; to encourage a waiver of federal medicaid requirements; and to provide for reports to the budget section regarding nursing home cost increases.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 their expenses, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

MANAGEMENT AND COUNCILS

Salaries and wages	\$ 7,685,631
Operating expenses	13,350,915
Grants	667,278
Developmentally disabled facility loan fund	1,840,956
Equipment	<u>105,684</u>
Total all funds	\$ 23,650,464
Less estimated income	<u>15,890,069</u>
Total general fund appropriation	\$ 7,760,395

Subdivision 2.

ECONOMIC ASSISTANCE

Salaries and wages	\$ 7,583,053
Operating expenses	25,275,668
Equipment	81,715
Capital improvements	2,543
Grants - assistance payments	125,460,565
Grants - medical assistance	566,349,024
Total all funds	\$ 724,752,568
Less estimated income	540,752,514
Total general fund appropriation	\$ 184,000,054

Subdivision 3.

PROGRAM AND POLICY

Salaries and wages	\$ 9,952,704
Operating expenses	17,334,562
Equipment	583,968
Capital improvements	32,618
Grants	94,083,413
Total all funds	\$ 121,987,265
Less estimated income	88,517,873
Total general fund appropriation	\$ 33,469,392

Subdivision 4. FIELD SERVICES

HUMAN SERVICE CENTERS

Salaries and wages	\$ 57,004,695
Operating expenses	10,142,411
Equipment	647,002
Capital improvements	200,221
Grants	9,830,723
Total all funds	\$ 77,825,052
Less estimated income	40,626,567
Total general fund appropriation	\$ 37,198,485

STATE HOSPITAL

Salaries and wages	\$ 43,263,472
Operating expenses	8,081,279
Equipment	352,987
Capital improvements	1,000,000
Total all funds	\$ 52,697,738
Less estimated income	16,280,379
Total general fund appropriation	\$ 36,417,359

DEVELOPMENTAL CENTER

Salaries and wages	\$ 29,392,308
Operating expenses	7,644,021
Equipment	132,558
Capital improvements	323,275
Total all funds	\$ 37,492,162
Less estimated income	27,120,272
Total general fund appropriation	\$ 10,371,890
Total all funds - subdivision 4	\$ 168,014,952
Total estimated income - subdivision 4	\$ 84,027,218
Total general fund appropriation - subdivision 4	\$ 83,987,734
Grand total general fund appropriation S.B. 2012	\$ 309,217,575
Grand total special fund appropriation S.B. 2012	\$ 729,387,674
Grand total all funds S.B. 2012	\$1,038,605,249

SECTION 2. LANDS AND MINERALS TRUST FUND. The amount of \$1,840,956, or so much of the sum as may be necessary, as appropriated in the developmentally disabled facility loan fund line item in section 1 of this Act, may be expended by the department of human services from the lands and minerals trust fund for the purpose of making payments of principal and interest to the common schools trust fund on any loans made from it pursuant to the developmentally disabled loan fund program nos. 2 and 3 for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 3. DEVELOPMENTAL DISABILITIES REVOLVING LOAN FUND. There may be expended by the department of human services, on or before June 1, 1997, from the cash balance of, and any payments deposited in, the revolving loan fund created under section 6-09.6-01, the sum of \$2,690,515, or so much of the sum as may be necessary, which is appropriated in section 1 of this Act.

SECTION 4. TRANSFER. Upon approval of the emergency commission, the director of the department of human services may transfer appropriation authority between agencies and institutions included in subdivisions 1 through 4 of section 1 of this Act.

SECTION 5. CORRELATION OF RESOURCES FOR DEPARTMENTAL CLIENTS. Notwithstanding section 4 of this Act, the director of the department of human services may transfer appropriation authority and authorized positions between agencies and institutions included within subdivision 4 of section 1 of this Act to correlate fiscal and staff resources with the flow of institutional residents and human service center clients between community-based programs and the institutions.

SECTION 6. TRANSFER OF LAND AUTHORIZED.

1. The state of North Dakota may convey to Community Housing, Inc., two acres of land owned by the state from a parcel of land which is located in Walsh County and described as follows:

Part of Lot 1, Block 1, 7.06 acres, State School First Addition.

2. The conveyance authorized by this section must be made for thirty percent above the average price per acre of the property authorized to be transferred pursuant to section 1 of chapter 561 of the 1991 Session Laws.
3. Any conveyance of the land described in subsection 1 must include a provision that the land and any improvements on the land revert to the state of North Dakota if the land ceases to be used for the housing of seasonal migrant workers.
4. The conveyance authorized by this section is exempt from the provisions of sections 54-01-05.2 and 54-01-05.5.
5. The attorney general shall review and approve as to form and legality all legal documents required for the conveyance authorized by this section, including title opinions.
6. No state general fund moneys may be used for the construction or operation of housing units on this property.

SECTION 7. AMENDMENT. Section 25-04-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

25-04-01. Developmental center - Name - Administration and control. A facility for developmentally disabled persons must be maintained at or near the city of Grafton in Walsh County. The facility must also be available for a person who is determined to be a person who may benefit from the facility's services. The facility must be known and designated as the developmental center at westwood park, Grafton. The department of human services has administrative authority and control of the developmental center at westwood park, Grafton, and westwood park.

SECTION 8. A new section to chapter 25-04 of the North Dakota Century Code is created and enacted as follows:

Westwood park assets management committee. The westwood park assets management committee consists of eleven members appointed by the governor as follows: three members of the senate, two from the majority faction and one from the minority faction, and three members of the house of representatives, two from the majority faction and one from the minority faction; a representative of the department of human services; a representative of the department of economic development and finance; a representative of the attorney general's office; the mayor of Grafton; and the governor or the governor's designee. The officers of the westwood park assets management committee must be elected annually. Any state agency may serve in an advisory capacity to the westwood park assets management committee at the discretion of the committee. The committee shall meet at least twice each year and at other times as the committee or its chairman may direct. The legislative members of the committee are entitled to receive the same compensation per day as provided in section 54-35-10 for members of the legislative council and the necessary mileage and travel expenses provided in sections 44-08-04 and 54-06-09 while attending committee meetings or in the performance of such special duties as the committee may direct. The compensation provided for in this section may not be paid to any member of the committee who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state. The westwood park assets management committee shall act when the legislative assembly is not in session to sell, lease, and otherwise manage the property of westwood park, subject to prior budget section approval. The department of human services shall provide staff services for the westwood park assets committee. Any conveyance made by the committee under this section is exempt from sections 54-01-05.2 and 54-01-05.5.

SECTION 9. AMENDMENT. Section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws is amended and reenacted as follows:

SECTION 4. PROCEEDS - APPROPRIATION. The proceeds from the sale of land, property, and equipment at the developmental center at Grafton westwood park must be deposited in the lands and minerals trust fund. There is hereby appropriated \$200,000, or so much thereof as may be necessary, from the lands and minerals trust fund, to the department of human services for capital improvements or demolition of existing buildings at the developmental center at Grafton westwood park for the period beginning July 1, 1991, and ending June 30, 1995 1997.

* **SECTION 10. STATUTORY REFERENCES RELATING TO THE DEVELOPMENTAL CENTER AT WESTWOOD PARK, GRAFTON.** The legislative council may insert appropriate references in the sections of law listed in

this section, consistent with usages contained in this Act. References inserted may be adjusted to suit the contexts and grammar of the sections and must be inserted so as to harmonize existing law with regard to the name changes provided by this Act. Sections of the North Dakota Century Code to which the authority of this section applies are sections 12.1-04-06, 12.1-04-08, 15-39.1-04, 15-47-34, 15-59-05.1, 20.1-03-04, 25-01-01, 25-01-01.1, 25-01-02, 25-01-06, 25-04-00.1, 25-04-02, 25-04-02.2, 25-04-03, 25-04-04, 25-04-05, 25-04-05.1, 25-04-06, 25-04-11, 25-04-11.1, 25-04-11.2, 25-04-14, 25-04-15, 25-04-16, 25-04-17, 25-04-19, 25-16-07, subsection 14 of 50-06-05.1, sections 54-14-03.2, and 57-51.1-08.

SECTION 11. STATUTORY REFERENCES RELATING TO WESTWOOD PARK. The legislative council may insert appropriate references in the sections of law listed in this section, consistent with usages contained in this Act. References inserted may be adjusted to suit the contexts and grammar of the sections and must be inserted so as to harmonize existing law with regard to the name changes provided by this Act. Sections of the North Dakota Century Code to which the authority of this section applies are subsection 24 of section 50-06-05.1 and sections 50-06-06.6 and 50-06-06.7.

SECTION 12. MEASURES ENACTED BY THE FIFTY-FOURTH LEGISLATIVE ASSEMBLY RELATING TO THE DEVELOPMENTAL CENTER AT WESTWOOD PARK, GRAFTON. The legislative council may insert appropriate references in any measure enacted by the fifty-fourth legislative assembly which refers to the terms "developmental center", "state developmental center", or "state developmental center at Grafton" consistent with usages contained in this Act. References inserted may be adjusted to suit context and grammar of the sections and must be inserted so as to harmonize the legislative measure with regard to the name changes provided by this Act.

4 SECTION 13. AMENDMENT. Section 50-01-13 of the North Dakota Century Code as amended by section 10 of Senate Bill No. 2037, as approved by the fifty-fourth legislative assembly, is amended and reenacted as follows:

50-01-13. Medical attention and hospitalization furnished poor. ~~In case of necessity~~ Within the limits of the county human services appropriation, the county social service board promptly shall provide necessary medical attention services, covered in the written eligibility standards for general assistance, for any poor person in the county who is not provided for in a public institution. The county social service board shall cause to be furnished to the person the necessary covered medicines prescribed by a physician. In all cases where, in the opinion of the county social service board, Necessary covered hospitalization is necessary, it must be furnished by the county upon approval or subsequent ratification by the board. If the poor person is a nonresident of the state, the county furnishing the medical attention services must be reimbursed within the limits of funds appropriated for that purpose by the legislative assembly for eighty percent of the expenses incurred in carrying out this section. The reimbursement must be made upon vouchers having the approval of the department of human services.

⁴ Section 50-01-13 was also amended by section 10 of Senate Bill No. 2037, chapter 456.

⁵ SECTION 14. A new subsection to section 50-06-05.1 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

To provide those services necessary for the department and for county social service boards to comply with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

SECTION 15. Two new sections to chapter 50-06 of the North Dakota Century Code are created and enacted as follows:

Developmental disabilities service providers. The department of human services shall allow providers of service to the developmentally disabled to transfer funds received from the department between budget categories and line items.

Mental health division - Administration. The department of human services shall administratively restructure the mental health division to require the division to develop and revise, when necessary, the state mental health plan and provide the mental health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the human service centers, the state hospital, and contracted services are in accordance with the state plan.

⁶ SECTION 16. AMENDMENT. Section 50-06-14.3 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-06-14.3. Department of human services to develop basic care facility ratesetting methodology. The department of human services shall develop a ratesetting methodology that provides for rates for all residents of basic care facilities. The methodology may not provide for different rates for similarly situated residents because of the source of payment for any resident's care. The department shall consult with representatives of the basic care industry in this state in developing the ratesetting methodology. Beginning July 1, ~~1995~~ 1997, the department shall establish rates for all residents of basic care facilities in accordance with the ratesetting methodology developed by the department. After June 30, ~~1995~~ 1997, no agency of the state or any political subdivision may make payments to a basic care facility that does not set rates at the levels established by the department.

SECTION 17. NURSING HOME INFLATIONARY INCREASES - REPORTS TO THE BUDGET SECTION. If the inflationary adjustments provided in section 1 of this Act are not adequate to fund the adjustments for nursing homes required by subsection 5 of section 50-24.4-10 of the North Dakota Century Code and sufficient savings are not available as a result of less than projected other nursing home costs, the department of human services shall report its plan for funding the additional cost to the budget section for its approval.

⁵ Section 50-06-05.1 was also amended by section 3 of House Bill No. 1074, chapter 457; section 1 of Senate Bill No. 2216, chapter 460; section 25 of House Bill No. 1027, chapter 120; and section 6 of Senate Bill No. 2439, chapter 461.

⁶ Section 50-06-14.3 was also amended by section 1 of House Bill No. 1030, chapter 463.

SECTION 18. MEDICAID DENTAL SERVICES - FEDERAL WAIVERS.

The legislative assembly encourages the department of human services to apply for a waiver from the federal government's medical assistance freedom of choice requirements to allow the department, on a pilot program basis, to contract for dental services with providers to improve the availability of dental services for medical assistance recipients.

SECTION 19. CORRELATION OF RESOURCES - MENTAL HEALTH SERVICES. Notwithstanding section 4 of this Act, at the request of the mental health division, the director of the department of human services shall transfer appropriation authority which may include authorized positions from subdivision 3 to subdivision 4 of section 1 of this Act to provide mental health services through a unified mental health service delivery system.

Approved April 13, 1995

Filed April 18, 1995

* SECTION 10 was affected as follows:

Section 15-39.1-04 was also amended by section 1 of Senate Bill No. 2170, chapter 191; section 5 of Senate Bill No. 2491, chapter 186; and section 25 of House Bill No. 1027, chapter 120.

Section 15-59-05.1 was also amended by section 25 of House Bill No. 1027, chapter 120.

Section 20.1-03-04 was also amended by section 2 of House Bill No. 1058, chapter 243, and section 25 of House Bill No. 1027, chapter 120.

Section 25-01-01.1 was also amended by section 2 of House Bill No. 1058, chapter 243.

Section 50-06-05.1 was also amended by section 3 of House Bill No. 1074, chapter 457; section 1 of Senate Bill No. 2216, chapter 460; section 25 of House Bill No. 1027, chapter 120; and section 6 of Senate Bill No. 2439, chapter 461.

Section 54-14-03.2 was also amended by section 25 of House Bill No. 1027, chapter 120.

CHAPTER 35

SENATE BILL NO. 2013 (Appropriations Committee)

PUBLIC INSTRUCTION

AN ACT to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, the school for the blind, and the state library; to amend and reenact section 15-21-02 and subsection 2 of section 39-04.2-04 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction and to the public transportation fund; to provide for application; to provide legislative intent; to require a performance audit; to provide for a transfer of funds from the abandoned motor vehicle fund and the public transportation fund; to provide an exemption; 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 of the funds 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 public instruction, the school for the deaf, the school for the blind, and the state library for the purpose of defraying the expenses of their various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

DEPARTMENT OF PUBLIC INSTRUCTION

Salaries and wages	\$ 9,653,211
Operating expenses	6,231,219
Equipment	553,315
Capital improvements	35,000
Geographic education	50,000
Grants - foundation aid and transportation	432,506,833
Grants - revenue supplement payments	2,225,000
Grants - tuition apportionment	46,017,000
Grants - special education	36,850,000
Grants - other grants	137,899,405
Educational network	270,000
Teacher certification	399,251
Center for innovation and instruction	297,250
SENDIT network	756,000
Prairie public broadcasting	602,667
Total all funds	<u>\$674,346,151</u>
Less estimated income	193,433,833
Total general fund appropriation	<u>\$480,912,318</u>

Subdivision 2.

STATE LIBRARY

Salaries and wages	\$ 1,660,013
Operating expenses	893,892
Equipment	22,500
Multitype library authority	100,000

Talking book program	235,271
Grants to school libraries	75,000
Grants	<u>1,048,000</u>
Total all funds	\$ 4,034,676
Less estimated income	<u>1,251,828</u>
Total general fund appropriation	\$ 2,782,848

Subdivision 3.

SCHOOL FOR THE DEAF

Salaries and wages	\$ 3,718,393
Operating expenses	828,949
Equipment	26,410
Capital improvements	<u>17,500</u>
Total all funds	\$ 4,591,252
Less estimated income	<u>719,899</u>
Total general fund appropriation	\$ 3,871,353

Subdivision 4.

SCHOOL FOR THE BLIND

Salaries and wages	\$ 1,956,624
Operating expenses	515,615
Equipment	93,000
Capital improvements	<u>268,000</u>
Total all funds	\$ 2,833,239
Less estimated income	<u>596,200</u>
Total general fund appropriation	\$ 2,237,039
Grand total general fund appropriation S.B. 2013	\$489,803,558
Grand total special funds appropriation S.B. 2013	\$196,801,760
Grand total all funds appropriation S.B. 2013	\$686,605,318

SECTION 2. INTENT. It is the intent of the legislative assembly that the sum of \$46,017,000, or such greater or lesser sums as become available, included in the grants-tuition apportionment and estimated income line items in subdivision 1 of 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, 1995, and ending June 30, 1997.

SECTION 3. DISPLACED HOMEMAKER FUND. The amount of \$250,000, or so much of the sum as may be necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act is from the displaced homemaker fund for the purpose of providing services for displaced homemakers as provided in chapter 14-06.1 for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 4. GRANTS. The line item entitled grants in subdivision 2 of section 1 of this Act includes \$880,000 for aid to public libraries of which no more than one-half is to be expended during the fiscal year ending June 30, 1996.

SECTION 5. AMENDMENT. Section 15-21-02 of the North Dakota Century Code is amended and reenacted as follows:

15-21-02. Salary and traveling expenses. The annual salary of the superintendent of public instruction is ~~fifty-two~~ fifty-three thousand ~~three~~ eight hundred ~~twelve~~ forty-eight dollars through June 30, ~~1992~~ 1996, and ~~fifty-two~~ fifty-four thousand ~~seven~~ nine hundred ~~ninety-two~~ twenty-five dollars thereafter.

The superintendent is also entitled to reimbursement for expenses incurred in the discharge of 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 6. INTENT. It is the intent of the legislative assembly that the superintendent of public instruction negotiate with the director of the central personnel division to reclassify special education regional coordinator positions to a higher position classification level and to allow the positions to be filled at a salary level higher than the minimum salary range specified by the central personnel division for that position classification.

SECTION 7. INTENT. It is the intent of the legislative assembly that special education regional coordinator positions included within the department of public instruction be located in the eight special education regions of the state to the extent possible, by June 30, 1997. No fewer than four special education regional coordinator positions must be located within the corresponding regions of the state as of June 30, 1997, not to include the regional coordinator located in Bismarck, North Dakota, for the region that includes Bismarck, North Dakota. The superintendent of public instruction shall report to the budget section of the legislative council no later than October 31, 1996, on the department's progress in locating the regional coordinator positions in the eight regions of the state.

SECTION 8. INTENT. It is the intent of the legislative assembly that the superintendent of public instruction receive input from local school districts and department of public instruction employees located in the eight regions of the state regarding the distribution of federal grants and the implementation of federally required programs.

SECTION 9. INTENT. It is the intent of the legislative assembly that an educational program assistant director position to work as a curriculum specialist and an administrative secretary II position to provide clerical assistance in curriculum development be located at the division of independent study building.

SECTION 10. INTENT. It is the intent of the legislative assembly that during the 1995-96 interim, the legislative council conduct a study of the library system in North Dakota, including the role and mission of the state library, cooperative library ventures, and research and information systems.

SECTION 11. PERFORMANCE AUDIT. The state auditor shall conduct, during the biennium beginning July 1, 1995, and ending June 30, 1997, a performance audit of the department of public instruction, to include a determination of the department's compliance with legislative intent. The state auditor shall present the findings of the performance audit to the legislative audit and fiscal review committee.

SECTION 12. TRANSPORTATION AID - SPECIAL FUNDS - TRANSFER. The estimated income line in subdivision 1 of section 1 of this Act includes the sum of \$250,000 from the abandoned motor vehicle fund and the sum of \$630,000 from the public transportation fund, or so much of the sums as may be necessary, that may be transferred at the direction of the superintendent of public instruction for the purpose of transportation aid for the biennium beginning July 1, 1995, and ending June 30, 1997. These transfers may not be made until after it has been determined that all other transfers from the abandoned motor vehicle fund and the public transportation fund required by law for the biennium beginning July 1, 1995, and ending June 30, 1997, can be made.

SECTION 13. INTENT. It is the intent of the fifty-fourth legislative assembly that the sum of \$100,000, or so much of the sum as may be available, from the amount appropriated by the fifty-third legislative assembly to the superintendent of public instruction for the purpose of providing telecommunications grants during the biennium beginning July 1, 1993, and ending June 30, 1995, be used to contract with eligible applicants for constructing facilities and obtaining equipment to expand the area receiving public radio service in North Dakota for the period beginning with the effective date of this Act and ending June 30, 1997.

SECTION 14. APPROPRIATION. There is hereby appropriated from federal or other funds available the sum of \$800,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of contracting with eligible applicants for constructing facilities and obtaining equipment to expand the area receiving public radio service in North Dakota for the period beginning with the effective date of this Act and ending June 30, 1997.

SECTION 15. INTENT. The superintendent of public instruction shall use the moneys made available in section 13 and the moneys appropriated in section 14 of this Act to contract with eligible applicants to build and operate public radio stations in this state. Eligible applicants are those licensed by the federal communications commission to operate noncommercial public radio stations. It is the intent of the legislative assembly that the moneys made available in section 13 and the moneys appropriated in section 14 of this Act be used for the construction of additional public radio stations to serve areas of the state not receiving such service, including the cities of Beach, Bowman, Crosby, Harvey, Hettinger, Tioga, and Devils Lake.

SECTION 16. EXEMPTION. The funds appropriated in the telecommunications line item in subdivision 1 of section 1 of 1993 House Bill No. 1003, as approved by the fifty-third legislative assembly, are not subject to the provisions of section 54-44.1-11 and any unexpended funds from that appropriation are available for the purposes of this Act.

SECTION 17. AMENDMENT. Subsection 2 of section 39-04.2-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. Following authorization of the ~~commissioner~~ director, the state treasurer shall pay the public transportation funds must be paid by the state treasurer to transportation providers in each county. Each county shall receive six thousand one hundred dollars plus fifty cents per capita of population in the county, based upon the latest regular or special official federal census. Each year the director shall increase or decrease the fifty cents per capita amount in order to distribute all funds appropriated for the biennium. If there are multiple transportation providers in one county, then the base amount of six thousand one hundred dollars ~~will~~ must be divided equally among the providers, and the additional per capita amount ~~will~~ must be based upon the percentage of elderly and handicapped ridership provided by each transportation provider within the county.

SECTION 18. APPLICATION. During the 1995-97 biennium, the director may not increase or decrease the fifty cent per capita amount authorized by section 17 of this Act until after the transfer provided by this Act as approved by the fifty-fourth legislative assembly.

SECTION 19. EMERGENCY. Sections 13, 14, and 15 of this Act are declared to be an emergency measure.

Disapproved April 21, 1995

Filed April 21, 1995

CHAPTER 36

SENATE BILL NO. 2014
(Appropriations Committee)

COMMITTEE ON PROTECTION AND ADVOCACY

AN ACT to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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, to the committee on protection and advocacy for the purpose of defraying the expenses of protection and advocacy services, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Total all funds	\$1,899,854
Less estimated income	<u>1,599,854</u>
Total general fund appropriation	\$ 300,000

Approved April 4, 1995
Filed April 4, 1995

CHAPTER 37

SENATE BILL NO. 2015 (Appropriations Committee)

OFFICE OF MANAGEMENT AND BUDGET

AN ACT to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide a statement of legislative intent relating to state employee compensation adjustments; to provide a statement of legislative intent relating to program-based performance budgeting; to authorize transfer of various special funds to the general fund; to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to state agency participation in the workers compensation bureau risk management program; to amend and reenact sections 54-16-04.2 and 54-27.2-02 of the North Dakota Century Code and section 4 of Senate Bill No. 2029, as approved by the fifty-fourth legislative assembly, relating to emergency commission approval of special funds, the budget stabilization fund, and the use of funds from the veterans' postwar trust fund; to provide directives relating to 911 telephone services; to provide for program reductions if federal programs are terminated or reduced; to require the director of the information services division to receive budget section approval for mainframe computer enhancements; to provide for a risk manager; to provide an expiration date; 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 of the funds 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 for the purpose of defraying their expenses, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

OFFICE OF MANAGEMENT AND BUDGET

Administration	\$ 3,156,166
Fiscal management	3,688,883
Facility management	7,069,297
Central personnel	1,037,077
Intergovernmental assistance	<u>39,740,705</u>
Total all funds	\$ 54,692,128
Less estimated income	<u>41,585,645</u>
Total general fund appropriation	\$ 13,106,483

Subdivision 2.

INFORMATION SERVICES DIVISION

Information resource management	\$ 39,702,756
Total special funds appropriation	<u>\$ 39,702,756</u>

Subdivision 3.

CENTRAL SERVICES

Central services	\$ 4,449,708
Total all funds	\$ 4,449,708
Less estimated income	4,162,133
Total general fund appropriation	\$ 287,575

Subdivision 4.

STATE RADIO COMMUNICATIONS

Salaries and wages	\$ 2,141,470
Operating expenses	1,910,411
Equipment	103,001
Total all funds	\$ 4,154,882
Less estimated income	1,059,270
Total general fund appropriation	\$ 3,095,612
Grand total general fund appropriation S.B. 2015	\$ 16,489,670
Grand total special funds appropriation S.B. 2015	\$ 86,509,804
Grand total all funds appropriation S.B. 2015	\$102,999,474

SECTION 2. 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, 1995, and ending June 30, 1997, must be deposited in the appropriate operating funds in the state treasury and may only be expended with the authorization of the emergency commission. Income exceeding \$50,000 must be approved by the budget section.

SECTION 3. LINE ITEM TRANSFERS. Upon approval of the emergency commission, the director of the office of management and budget may transfer between various line items in subdivisions 1, 2, and 3 of section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust for changing circumstances in meeting established performance measures. Any further transfers must be approved by the budget section.

SECTION 4. CAPITOL BUILDING FUND. The amount of \$695,879, or so much of the sum as is necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act, is to be spent by the facility management division from the capitol building fund during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 5. FACILITY MANAGEMENT - CAPITAL IMPROVEMENTS. Of the amount included in the facility management line item in subdivision 1 of section 1 of this Act, \$100,000 is for legislative committee room renovations. The \$100,000 is to be spent by facility management pursuant to legislative council directive and approval.

SECTION 6. EXEMPTION. The information services appropriation contained in subdivision 1 of section 1 of chapter 5 of the 1993 Session Laws is not subject to the provisions of section 54-44.1-11 for up to an amount of \$800,000 and any unexpended funds from this appropriation are available for continued development and operating costs of the accounting, management, and payroll systems during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 7. EXEMPTION. The state radio communications salaries and wages, information services, operating expenses, and equipment appropriation contained in section 1 of chapter 5 of the 1993 Session Laws is not subject to the provisions of North Dakota Century Code section 54-44.1-11, and the unexpended funds from this appropriation shall be available for the installation of radio consoles

and any other costs associated with the installation of the consoles, during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 8. INTENT - STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES. It is the intent of the fifty-fourth legislative assembly that 1995-97 compensation adjustments for permanent state employees are to be increases of 2.0 percent beginning with the month of July 1995 to be paid in August 1995.

During the second year of the 1995-97 biennium, compensation adjustments for permanent employees of the state are to be increases of 2.0 percent beginning with the month of July 1996 to be paid in August 1996. In addition, the fifty-fourth legislative assembly has appropriated an additional 1.0 percent of salaries for each agency budget. Within the limits of the 1.0 percent appropriation and other available funds, agency and institution directors may make additional compensation adjustments. The additional adjustments may be granted to resolve problems of pay compression, address salary equity concerns, or in recognition of documented levels of performance that exceed standards. The additional increases are to be paid in August 1996.

Probationary employees and employees whose documented performance levels do not meet standards are not eligible for the general or additional increases.

During the biennium, no salary increase other than the 2.0 percent in July 1995 and the 2.0 percent in July 1996 may be given to an employee whose salary exceeds or would exceed the salary range maximum.

SECTION 9. INTENT - PROGRAM-BASED PERFORMANCE BUDGETING. It is the intent of the fifty-fourth legislative assembly that the office of management and budget continue the 12 agency program-based performance budgeting pilot project through the 1997-99 biennium. Periodic reports shall be made to the budget section during the 1995-97 biennium of actual to planned expenditures by program and comparisons of planned to actual outcome, output, and efficiency and effectiveness measures. The budget section shall make a recommendation to the fifty-fifth legislative assembly regarding the continuance or expansion of program-based performance budgeting.

SECTION 10. INTENT. Within the authority included in subdivision 1 of section 1 of this Act, are the following grants and special items:

Boys and girls clubworks	\$ 53,000
State contingencies	500,000
State memberships	149,000
Firemen's association	63,000
Unemployment insurance	2,000,000
Capitol grounds planning commission	25,000

⁷ **SECTION 11. AMENDMENT.** Section 54-16-04.2 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

⁷ Section 54-16-04.2 was also amended by section 7 of Senate Bill No. 2032, chapter 507, and section 4 of Senate Bill No. 2288, chapter 508.

54-16-04.2. Commission may authorize acceptance and expenditure of moneys between sessions. The emergency commission, upon the advice of the office of management and budget and within the limits of legislative appropriation for approval under this section, may authorize state agencies, institutions, or departments, between legislative sessions, to receive and accept moneys from gifts, grants, donations, or other sources, not otherwise appropriated by the legislative assembly, for new or existing programs if the legislative assembly has not indicated an intent to reject the moneys. The emergency commission may authorize the state agency, institution, or department to expend money received under this section from the date the money becomes available until June thirtieth following the next regular legislative session.

SECTION 12. AMENDMENT. Section 54-27.2-02 of the North Dakota Century Code is amended and reenacted as follows:

54-27.2-02. Certain general fund revenues to be deposited in the budget stabilization fund. Notwithstanding any other provision of law except section 54-27.2-01, any amount in the state general fund in excess of ~~forty~~ seventy million dollars at the end of any biennium must be transferred by the state treasurer to the budget stabilization fund. For purposes of this section, "at the end of any biennium" means after cancellation of unexpended appropriations under section 54-44.1-11.

SECTION 13. A new section to chapter 65-04 of the North Dakota Century Code is created and enacted as follows:

State agency participation in risk management program. Before November 1, 1995, every state agency, institution, and entity employing twenty-five or more full-time equivalent employees shall submit to the bureau for approval a written risk management program under section 65-04-19.1. Before December 1, 1995, the bureau shall review the program and shall inform the state agency, institution, or entity of any change needed to receive the bureau's approval of the program. The state agency, institution, or entity shall make the necessary changes and shall implement the approved program before January 1, 1996. Beginning with the 1996 calendar year, every state agency, institution, and entity that maintains a risk management program approved by the bureau is entitled to a five percent annual premium discount under section 65-04-19.1.

SECTION 14. AMENDMENT. Section 4 of Senate Bill No. 2029, as approved by the fifty-fourth legislative assembly, is amended and reenacted as follows:

SECTION 4. VETERANS' POSTWAR TRUST FUND. The total special funds appropriation line item in subdivision 4 of section 1 of this Act includes \$81,527, or so much of the sum as may be necessary, from the earnings of the veterans' postwar trust fund.

SECTION 15. TRANSFER. During the biennium beginning July 1, 1995, and ending June 30, 1997, the director of the office of management and budget is authorized to transfer special funds to the general fund as follows:

Lands and minerals trust fund	\$ 2,000,000
State aid distribution fund	35,444,748

SECTION 16. FIRE AND TORNADO FUND. The amount of \$63,000, or so much of the amount as is necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act, is from the fire and tornado fund.

SECTION 17. STATEWIDE EMERGENCY COMMUNICATION. Three hundred eighty thousand dollars of other funds or such other amount that may become available contained in subdivision 4 of section 1 of this Act are to be used by state radio communications for a statewide comprehensive review of state and local emergency communication needs to develop a plan for the program's future.

SECTION 18. STATE RADIO - 911 SERVICES. State radio communications shall explore, under the direction of the adjutant general, the feasibility of alternative options for the operation of the 911 system, and determine which state agency should administer state radio communications. To develop these options, the adjutant general shall establish a committee consisting of representatives of the North Dakota sheriffs association, the peace officers association, the highway patrol, the 911 coordinators, the North Dakota association of counties, the North Dakota league of cities, the North Dakota firemen's association, the North Dakota association of emergency medical technicians, and any other members the adjutant general deems appropriate. The committee must also include four members of the legislative assembly chosen by the chairman of the legislative council. Members of the committee are entitled to receive expenses in the amounts provided for state officers and employees. The entity represented is responsible for the expenses of the member representing that entity. The legislative council is responsible for paying the expenses of members of the legislative assembly. The plan should address the provision of 911 services in any county that has 911 service or is establishing 911 service. The plan may also include an option for 911 services to be provided by state radio communications if that option is economically feasible. The adjutant general shall submit the plan to the budget section by August 1996.

State radio communications may add the nine counties that approved, in their November 1994 elections, the 911 services provided by state radio communications, bringing the total number of counties to be served by state radio communications to twenty. No other counties are allowed to join state radio communications until after the fifty-fifth legislative assembly has taken action on the future of 911 services provided by state radio communications.

State radio communications shall charge at least twenty cents per telephone for 911 services provided to political subdivisions. Each county currently receiving 911 services from state radio communications and each of the nine counties to be added shall abide by the standards set forth by the governor's emergency services advisory committee.

SECTION 19. FEDERAL PROGRAM TERMINATIONS - BLOCK GRANT - FUNDING REDUCTIONS - RELATED PROGRAM REDUCTIONS - REPORTS TO THE BUDGET SECTION. If the federal government during the 1995-97 biennium terminates funding for any program administered by an agency, department, or institution of the state of North Dakota, the agency, department, or institution, subject to budget section approval, may terminate the program and not replace the reduction in federal funds with state funds, notwithstanding any other provision of law. If the federal government combines funding for separate programs in a block grant resulting in a reduction of total federal funds available for those programs, the administering agency, department, or institution may, subject to budget section approval, prioritize or reprioritize programs as necessary in making programmatic reductions. The agency, department, or institution may administer funds available under a new federal block grant or similar measure, consistent with the terms of that measure, notwithstanding any other provisions of law intended to conform to or implement the provisions of the repealed federal Act, and shall report any program terminations, reductions, or changes resulting from this section to the budget section of the legislative council for its approval.

SECTION 20. INFORMATION SERVICES DIVISION MAINFRAME COMPUTER ENHANCEMENTS. During the 1995-97 biennium, the director of the information services division must receive budget section approval for any upgrade or enhancement to the information services division mainframe computer, when the upgrade or enhancement will cost more than \$50,000.

SECTION 21. RISK MANAGER. A risk manager shall be appointed by the director of the office of management and budget based on education and experience and shall serve at the pleasure of the director of the office of management and budget.

SECTION 22. INTENT - COMPENSATED ABSENCES - INTERNAL SERVICE FUNDS. It is the intent of the fifty-fourth legislative assembly that the office of management and budget prepare and report to the budget section alternative methods of budgeting for the compensation of accrued annual leave and sick leave. The budget section shall determine the method to be used for the preparation of the 1997-99 executive budget. The report shall be presented to the budget section at its first meeting after December 1, 1995.

The state auditor's office shall analyze the financial status, transfer of funds, and activity of internal service funds, revolving funds, and other related funds at each college or university for the fiscal years ending June 30, 1994 and 1995. This analysis may also include pertinent information for months subsequent to fiscal year 1995, if the information is available in time to be analyzed. A report summarizing the results of the analysis will be presented to the budget section after January 1, 1996.

The purpose of this analysis is to present the legislators with information to assist them in deciding whether future legislation related to these funds is necessary.

Colleges and universities must receive approval from the budget section to expend or transfer amounts greater than \$50,000 from the accumulated moneys in these funds except for: (1) mandatory transfers for servicing related debt; and (2) routine operating expenditures associated with the funds.

SECTION 23. EXPIRATION DATE. Section 12 of this Act is effective through June 30, 1997, and after that date is ineffective.

SECTION 24. EMERGENCY. Section 12 of this Act is declared to be an emergency measure.

Disapproved April 21, 1995
Filed April 21, 1995

CHAPTER 38**SENATE BILL NO. 2016**

(Appropriations Committee)

EMERGENCY MANAGEMENT

AN ACT to provide an appropriation for defraying the expenses of the division of emergency management.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying its expenses, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$1,630,084
Operating expenses	623,180
Equipment	123,700
Grants	<u>5,880,945</u>
Total all funds	\$8,257,909
Less estimated income	<u>7,959,828</u>
Total general fund appropriation	\$ 298,081

SECTION 2. STATE HAZARDOUS MATERIAL PREPAREDNESS AND RESPONSE FUND. The estimated income line item in section 1 of this Act includes \$300,529 from the state hazardous material preparedness and response fund for the biennium beginning July 1, 1995, and ending June 30, 1997.

Approved April 11, 1995

Filed April 12, 1995

CHAPTER 39

SENATE BILL NO. 2017 (Appropriations Committee)

ADJUTANT GENERAL AND VETERANS' CEMETERY

AN ACT to provide an appropriation for defraying the expenses of the adjutant general and for operation of the North Dakota veterans' cemetery; to provide for a transfer from the veterans' postwar trust fund; to amend and reenact section 54-45-03 of the North Dakota Century Code, relating to the administration of the civil air patrol by the adjutant general; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying the expenses of the adjutant general's office, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

ADJUTANT GENERAL

Salaries and wages	\$ 2,753,889
Operating expenses	2,350,464
Equipment	52,800
Capital improvement	25,000
Grants	373,950
Inauguration	1,500
Army guard contract	6,738,800
Tuition and enlistment compensation	1,223,250
Air guard contract	5,082,300
Civil air patrol	92,454
Total all funds	<u>\$18,694,407</u>
Less estimated income	<u>11,502,180</u>
Total general fund appropriation	\$ 7,192,227

SECTION 2. SPECIAL FUNDS. The amount of \$330,000, or so much of the amount as is necessary, included in the estimated income line item in section 1 of this Act is to be spent from the national guard tuition trust fund for the tuition programs provided for in chapters 37-07.1 and 37-07.2 for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 3. APPROPRIATION - REPORT TO BUDGET SECTION. There is hereby appropriated any funds received by the adjutant general from federal and private sources for the purpose of operating the North Dakota veterans' cemetery at or adjacent to Fort Abraham Lincoln state park for the biennium beginning July 1, 1995, and ending June 30, 1997. The adjutant general shall report to the budget section of the legislative council during the 1995-97 biennium on the funds received and spent for the veterans' cemetery.

SECTION 4. SPECIAL FUNDS. The amount of \$100,000, or so much of the amount as is necessary, included in the estimated income line item in section 1

of this Act is to be spent from earnings of the veterans' postwar trust fund for the tuition programs provided for in chapters 37-07.1 and 37-07.2 for the biennium beginning July 1, 1995, and ending June 30, 1997. It is the intent that the \$100,000 be used for tuition payments for veterans as defined by section 37-01-40.

SECTION 5. SPECIAL FUNDS. The amount of \$130,000, or so much of the amount as is necessary, included in the estimated income line item in section 1 of this Act is to be spent from earnings of the veterans' postwar trust fund for the operations and maintenance of the veterans' cemetery for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 6. CONTINGENT TRANSFER - APPROPRIATION. Notwithstanding the provisions of section 37-14-14, and contingent upon the governor's budget recommendation for the 1997-99 biennium identifying and requesting an appropriation from the veterans' postwar trust fund, there is hereby appropriated and the state treasurer shall transfer as provided by this section the sum of \$2,250,000 from the principal balance of the veterans' postwar trust fund as follows: \$1,000,000 to the adjutant general for deposit in the North Dakota militia foundation for the purpose of establishing a permanent endowment fund for the operations of the veterans' cemetery and \$1,250,000 to the veterans' home for deposit in a permanent endowment fund for the future operations of the veterans' home.

These transfers shall take place immediately after the adjournment of the December 1996 organizational session if the executive budget, as presented by the governor to the legislative assembly during the December 1996 organizational session, identifies and requests any appropriations from the veterans' postwar trust fund. If there are no transfers from the veterans' postwar trust fund in the governor's budget recommendation for the 1997-99 biennium, the transfers authorized in this section shall not take place.

All interest accruing on the transfers in this section from the time of the transfer through June 30, 1997, must be deposited in the veterans' postwar trust fund.

SECTION 7. AMENDMENT. Section 54-45-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-45-03. Expenditure of funds - Limitation. The commanding officer, North Dakota wing, civil air patrol, may expend appropriated grant funds as administered by the ~~aeronautics commission~~ adjutant general. A report of expenditure of grant funds must be issued to the ~~aeronautics commission~~ adjutant general annually. A general fund grant line item must be appropriated within the ~~aeronautics commission's~~ adjutant general's budget. These funds may be expended to support the mission of the civil air patrol as determined by the commanding officer. No funds may be expended for uniforms or personal equipment of any member of the civil air patrol. All state equipment on inventory with the civil air patrol on July 7, 1991, and related to the mission of the civil air patrol must be transferred to the North Dakota wing of the civil air patrol.

SECTION 8. EFFECTIVE DATE. Sections 4, 5, and 6 of this Act are effective on December 31, 1995.

Disapproved April 21, 1995
Filed April 21, 1995

CHAPTER 40**SENATE BILL NO. 2018**
(Appropriations Committee)**HOMESTEAD TAX CREDIT**

AN ACT to provide an appropriation to the tax commissioner for payment of state reimbursement under 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 of the funds 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 tax commissioner for the purpose of paying the state reimbursement under the homestead tax credit, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Grants	<u>\$5,181,250</u>
Total all funds	\$5,181,250
Less estimated income	<u>500,000</u>
Total general fund appropriation	\$4,681,250

SECTION 2. ESTIMATED INCOME - TRANSFER. The estimated income line item in section 1 of this Act includes \$500,000 from the housing finance agency reserves. Moneys shall be transferred upon order of the industrial commission to the state tax commissioner's office when it determines the transfer is necessary for the state tax commissioner to make the homestead tax credit payments.

Approved March 29, 1995
Filed March 29, 1995

CHAPTER 41

SENATE BILL NO. 2019 (Appropriations Committee)

STATE AID DISTRIBUTION FUND

AN ACT making an appropriation for the distribution of state aid distribution fund revenue to political subdivisions of the state of North Dakota; 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 of the funds 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 political subdivisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Grants	<u>\$51,500,000</u>
Total state aid distribution fund appropriation	<u>\$51,500,000</u>

SECTION 2. LEGISLATIVE INTENT. It is the intent of the legislative assembly that if the amount appropriated in this Act, plus any amount transferred to the general fund pursuant to legislative authorization, is less than the amount deposited in the state aid distribution fund during the 1995-97 biennium, the legislative assembly shall provide a deficiency appropriation to local political subdivisions of the excess amount deposited and that the deficiency appropriation be for the 1995-97 biennium, and not be considered in appropriations for the 1997-99 biennium.

Approved April 5, 1995
Filed April 5, 1995

CHAPTER 42**SENATE BILL NO. 2020**
(Appropriations Committee)**SEED DEPARTMENT**

AN ACT making an appropriation for defraying the expenses of the state seed department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from income, to the state seed department for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$2,882,830
Operating expenses	994,810
Equipment	65,900
Capital improvements	350,000
Grants	200,000
Contingency	<u>100,000</u>
Total appropriation from seed department fund	\$4,593,540

Approved April 5, 1995

Filed April 5, 1995

CHAPTER 43

SENATE BILL NO. 2021 (Appropriations Committee)

GAME AND FISH DEPARTMENT

AN ACT making an appropriation for defraying the expenses of the state game and fish department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 state game and fish department for the purpose of defraying the expenses of the various divisions of the department, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$10,322,211
Operating expenses	6,800,845
Equipment	594,400
Capital improvements	979,700
Grants	1,866,500
Noxious weed control	200,000
Land habitat and deer depredation	900,000
Wildlife habitat	650,000
Small and big game restoration trust	200,000
Grants, gifts, and donations	100,000
Nongame wildlife	120,000
Lonetree reservoir	770,000
Total special funds appropriation	<u>\$23,503,656</u>

SECTION 2. HABITAT RESTORATION. The amount of \$650,000, or such lesser amount as may be available, for the line item entitled wildlife habitat in section 1 of this Act, is from the habitat restoration stamp program fund, to lease privately owned lands for wildlife habitat to reestablish wildlife population for the biennium beginning July 1, 1995, and ending June 30, 1997. These funds may be spent only for the purposes and using guidelines contained in section 20.1-03-12.1.

SECTION 3. LAND HABITAT AND DEER DEPREDATION. The amount of \$900,000, or such lesser amount as may be available, for the line item entitled land habitat and deer depredation in section 1 of this Act, is from the private land habitat improvement fund to improve wildlife habitat on private land and alleviate depredation as provided in section 20.1-02-05 for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 4. NONGAME WILDLIFE. The amount of \$45,000, or such lesser amount as may be available, for the line entitled nongame wildlife in section 1 of this Act, is from the nongame wildlife fund for the purpose of preservation, inventory, perpetuation, and conservation of nongame wildlife, natural areas, and nature preserves in this state for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 5. SMALL AND BIG GAME RESTORATION FUND. The amount of \$200,000, or such lesser amount as may be available, for the line item entitled small and big game restoration trust in section 1 of this Act, is from the small and big game restoration trust fund to improve wildlife habitat on private land for the biennium beginning July 1, 1995, and ending June 30, 1997.

Approved April 5, 1995

Filed April 5, 1995

CHAPTER 44

SENATE BILL NO. 2022 (Appropriations Committee)

HISTORICAL SOCIETY

AN ACT to provide an appropriation for defraying the expenses of the state historical society; 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 of the funds 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 society for the purpose of defraying the expenses of its divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$3,782,452
Operating expenses	782,076
Equipment	74,644
Capital improvements	311,707
Grants	485,559
Yellowstone-Missouri-Fort Union Commission	4,977
International peace garden	<u>547,583</u>
Total all funds	\$5,988,998
Less estimated income	<u>1,000,099</u>
Total general fund appropriation	\$4,988,899

SECTION 2. FUNDING - INTERNATIONAL PEACE GARDEN. The superintendent of the state historical society shall transfer fifty percent of the amount appropriated in the international peace garden line item in section 1 of this Act to the international peace garden within ten days of July 1, 1995, and transfer the remaining fifty percent within ten days of July 1, 1996. The state historical society may not reduce the funds appropriated for the international peace garden in section 1 of this Act by a percentage greater than any percentage allotment of general fund moneys required of the department pursuant to the provisions of sections 54-44.1-12 and 54-44.1-13.1.

SECTION 3. STORAGE FACILITY APPROPRIATION - LIMITED USE. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$147,586, or so much of the sum as may be necessary, to the state historical society for the purpose of purchasing and renovating the building located at 6117 east main in Bismarck for use as a historical society storage facility for the biennium beginning with the effective date of this Act and ending June 30, 1997. The historical society may use only the ground floor of the building for storage space needs of the historical society unless the budget section determines additional space in the building may also be used by the historical society.

SECTION 4. FACILITY MANAGEMENT SPACE UTILIZATION STUDY. The office of management and budget, for the biennium beginning July 1, 1995, and ending June 30, 1997, shall conduct a space utilization study to provide

recommendations on the most efficient use of the second floor of the building purchased by the state historical society located at 6117 east main in Bismarck. The study must include an analysis of storage space needs of the state historical society and other state agencies and office space needs of state agencies. The office of management and budget shall report its findings and recommendations for the use of the second floor of the building to the budget section by July 1, 1996, and the budget section shall make a determination regarding the use of the second floor of the building.

SECTION 5. EMERGENCY. Section 3 of this Act is declared to be an emergency measure.

Approved April 5, 1995

Filed April 5, 1995

CHAPTER 45

SENATE BILL NO. 2023 (Appropriations Committee)

PARKS AND RECREATION DEPARTMENT

AN ACT to provide an appropriation for defraying the expenses of the parks and recreation department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Administration	\$1,258,946
Planning and development	3,962,252
Prairie rose state games	173,997
Parks	<u>4,140,738</u>
Total all funds	<u>\$9,535,933</u>
Less estimated income	<u>4,189,963</u>
Total general fund appropriation	<u>\$5,345,970</u>

SECTION 2. SNOWMOBILE FUND. The amount of \$240,000, or so much of the amount as is necessary, included in the estimated income line item in section 1 of this Act, is from the snowmobile fund for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 3. TRAIL TAX TRANSFER FUND. The amount of \$10,000, or so much of the amount as is necessary, included in the estimated income line item in section 1 of this Act, is from the trail tax transfer fund for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 4. ADDITIONAL INCOME. All income of the parks and recreation department in excess of the estimated income appropriated in section 1 of this Act is hereby appropriated to the parks and recreation department for the biennium beginning July 1, 1995, and ending June 30, 1997, and may be spent only upon authorization of the emergency commission.

SECTION 5. LINE ITEM TRANSFERS. Upon approval of the emergency commission, the parks and recreation department may transfer between various line items in section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust for changing circumstances in meeting established performance measures. Any further transfers must be approved by the budget section.

Approved April 5, 1995
Filed April 5, 1995

CHAPTER 46**SENATE BILL NO. 2024**

(Appropriations Committee)

TOURISM DEPARTMENT

AN ACT to provide an appropriation for defraying the expenses of the tourism department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 tourism department for the purpose of defraying the expenses of the tourism department for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$ 812,409
Operating expenses	3,244,393
Equipment	15,378
Grants	<u>60,000</u>
Total all funds	\$4,132,180
Less estimated income	<u>180,000</u>
Total general fund appropriation	<u>\$3,952,180</u>

Approved March 24, 1995

Filed March 27, 1995

CHAPTER 47

SENATE BILL NO. 2025

(Appropriations Committee)

WATER COMMISSION

AN ACT to provide an appropriation for defraying the expenses of the various divisions of the state water commission; to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to allocation of oil extraction tax revenues; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 for the purpose of defraying the expenses of the various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$ 7,334,014
Operating expenses	7,980,704
Equipment	151,750
Capital improvements	15,686,732
Grants	6,985,220
Cooperative research	<u>3,050,000</u>
Total all funds	\$41,188,420
Less estimated income	<u>35,730,793</u>
Total general fund appropriation	\$ 5,457,627

SECTION 2. RESOURCES TRUST FUND. The amount of \$9,296,181, or so much of the funds as may be necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act is from the resources trust fund for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 3. ALLOCATION OF GRANT FUNDS. The funds appropriated in the grants line item in section 1 of this Act must be disbursed by the state water commission in accordance with section 61-02-64.1.

SECTION 4. GRANTS. Section 54-44.1-11 does not apply to appropriations made for grants in this Act. However, this exclusion is only in effect for the two-year period after June 30, 1997. Any unexpended funds after that period has expired must be transferred to the resources trust fund.

SECTION 5. RESOURCES TRUST FUND APPROPRIATION - ADJUSTMENT. If the resources trust fund 1995-97 revenues are in excess of \$9,296,181, any excess is hereby appropriated, subject to emergency commission approval, from the resources trust fund to the state water commission for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 6. WATER USE FUND. The estimated income line item included in section 1 of this Act includes \$30,000 that the state water commission may spend from the water use fund for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 7. SOUTHWEST PIPELINE OPERATION AND MAINTENANCE FUND. The estimated income line item included in section 1 of this Act includes \$2,041,879 that the state water commission may spend from the southwest pipeline operation and maintenance fund for the biennium beginning July 1, 1995, and ending June 30, 1997.

⁸ **SECTION 8. AMENDMENT.** Section 57-51.1-07 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07. Allocation of moneys in oil extraction tax development fund. Moneys deposited in the oil extraction tax development fund must be apportioned quarterly by the state treasurer as follows:

1. ~~For~~ Twenty percent must be allocated and credited to the sinking fund established for payment of the state of North Dakota water development bonds, southwest pipeline series, and any moneys in excess of the sum necessary to maintain the accounts within the sinking fund and for the payment of principal and interest on the bonds, must be credited to a special trust fund, to be known as the resources trust fund. The resources trust fund must be established in the state treasury and the funds therein must be deposited and invested as are other state funds to earn the maximum amount permitted by law which income must be deposited in the resources trust fund. The principal and income of the resources trust fund may be expended only pursuant to legislative appropriation and are available to:
 - a. The state water commission for planning for and construction of water-related projects, including rural water systems. These water-related projects must be those which the state water commission has the authority to undertake and construct pursuant to chapter 61-02; and
 - b. The industrial commission for the funding of programs for development of energy conservation and renewable energy sources; for studies for development of cogeneration systems that increase the capacity of a system to produce more than one kind of energy from the same fuel; for studies for development of waste products utilization; and for the making of grants and loans in connection therewith.
2. Ninety ~~Twenty~~ percent must be allocated as provided in article X, section 24, of the Constitution of North Dakota.
3. Sixty percent must be allocated and credited to the state's general fund for general state purposes.

⁸ Section 57-51.1-07 was also amended by section 1 of Senate Bill No. 2330, chapter 581.

SECTION 9. EFFECTIVE DATE - EXPIRATION DATE. Section 8 of this Act is effective for tax revenue from oil produced after June 30, 1995, and before July 1, 1997, and section 8 is ineffective for tax revenue from oil produced after June 30, 1997.

Approved April 5, 1995

Filed April 5, 1995

CHAPTER 48

SENATE BILL NO. 2026 (Appropriations Committee)

AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

AN ACT to provide an appropriation for defraying the expenses of the agricultural products utilization commission and for ethanol production incentives; and to amend and reenact section 4-14.1-06 of the North Dakota Century Code, relating to administrative expenses of the agricultural products utilization commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 agricultural products utilization commission for the purpose of defraying the expenses of the agricultural products utilization commission, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$ 127,839
Operating expenses	98,826
Equipment	3,350
Grants	2,452,395
Ethanol incentive	<u>3,000,000</u>
Total all funds	<u>\$5,682,410</u>
Less estimated income	<u>4,565,024</u>
Total general fund appropriation	<u>\$1,117,386</u>

SECTION 2. APPROPRIATION. All income received in excess of the amounts appropriated in section 1 of this Act is hereby appropriated to the agricultural products utilization commission for research, marketing, and utilization grants for the biennium beginning July 1, 1995, and ending June 30, 1997. Any funds received require the approval of the emergency commission before they may be expended.

SECTION 3. AGRICULTURAL FUEL TAX FUND. The estimated income line item in section 1 of this Act includes \$1,058,024 from the agricultural fuel tax fund for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 4. HIGHWAY TAX DISTRIBUTION FUND - ETHANOL PRODUCTION INCENTIVES. The estimated income line item in section 1 of this Act includes \$3,007,000, or so much of the amount as may be necessary, from the highway tax distribution fund for the ethanol production incentive program. Of this amount, \$3,000,000 is for the purpose of providing production incentives to North Dakota ethanol plants and \$7,000 is for audits of the use of these funds for the biennium beginning July 1, 1995, and ending June 30, 1997. Distribution from the appropriation in section 1 of this Act to the producers of agriculturally derived fuel must be at the rate of forty cents for each gallon of agriculturally derived fuel produced in the state that is marketed by the producing plant to a distributor or

wholesaler for sale within North Dakota. For purposes of this section "gallon of agriculturally derived fuel" means a gallon of fuel that qualifies for the alcohol credit under 26 U.S.C. 40, specifically including fuel to which a denaturant has been added. Payment to the producing plant must be approved by the agricultural products utilization commission upon presentation by the plant of an affidavit to the effect that the ethanol sold from the plant and for which the producers credit is being sought is to be sold at retail to consumers in North Dakota. The affidavit of the producer of the ethanol must be accompanied by an affidavit from the wholesaler or retailer to the same effect. If any ethanol plant that did not receive production incentives during the fiscal year ending June 30, 1995, is eligible for production incentives on July 1, 1996, for the fiscal year ending June 30, 1997, incentive payments, only fifty percent of the authorized production incentives, up to a total of \$250,000, may be provided to an ethanol plant that produced fifteen million gallons or more of ethanol in the previous fiscal year. Within ninety days after the end of each fiscal year of the ethanol plant beginning after December 31, 1992, any North Dakota ethanol plant receiving production incentives from the state shall file with the budget section of the legislative council a statement, certified by a certified public accountant, as to whether or not the plant produced a profit from its operation in the preceding fiscal year, after deducting the payments received from this incentive program.

SECTION 5. EXEMPTION. The funds appropriated in the grants line item in section 1 of this Act are not subject to section 54-44.1-11 and any unexpended funds from this line item may be available for continued payment of grants awarded but not paid during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 6. AMENDMENT. Section 4-14.1-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-06. Agricultural products utilization commission - Administrative expenses. Administrative expenses of the agricultural products utilization commission, including expenses of members of the commission, employment of needed personnel, hiring of consultants, and contracting with public or private entities for services may not exceed ten percent of the funds provided to the commission for grants each biennium excluding federal funds.

Approved April 5, 1995
Filed April 5, 1995

CHAPTER 49

SENATE BILL NO. 2027

(Appropriations Committee)

WORKERS COMPENSATION BUREAU

AN ACT to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions; to provide for an electronic reporting system; and to provide authorization to expend funds from the workers' compensation contingency line item.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds 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 workers' compensation fund in the state treasury, not otherwise appropriated, to the workers compensation bureau for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$10,841,136
Operating expenses	6,411,716
Equipment	1,000,625
Managed care/TPA	1,460,250
Information reengineering	1,979,166
Other states coverage	50,000
Contingencies	250,000
Civil air patrol payment	<u>11,259</u>
Total all funds	\$22,004,152
Less estimated income	<u>21,992,893</u>
Total general fund appropriation	\$ 11,259

SECTION 2. WORKERS' COMPENSATION CONTINGENCY - EMERGENCY COMMISSION APPROVAL REQUIRED. The sums appropriated in section 1 of this Act for the workers' compensation contingency line item for the biennium beginning July 1, 1995, and ending June 30, 1997, may be spent only upon authorization of the emergency commission.

SECTION 3. REPORT TO BUDGET SECTION. The workers compensation bureau is to report on the expenditure of the \$350,000 provided for critical salary adjustments to the budget section at its June 1996 meeting.

SECTION 4. ELECTRONIC REPORTING. Job service North Dakota and the workers compensation bureau are to develop an employer wage reporting system that will allow for the electronic submission of employer wage information. The system is to have a common reporting form and allow for magnetic or electronic transmission of the wage information on either five and one-quarter inch or three and one-half inch DOS formatted diskettes, through asynchronous communications, or any other method of transmission deemed appropriate. The new reporting system is to be available to employers by January 1, 1997. Any state agency that wishes to participate in the development of the wage reporting system may do so.

Approved March 31, 1995
Filed April 3, 1995

CHAPTER 50

SENATE BILL NO. 2028 (Appropriations Committee)

RETIREMENT AND INVESTMENT AGENCIES

AN ACT to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys from special funds derived from income, to the retirement and investment agencies listed in this section for the purpose of defraying their expenses, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Subdivision 1.

RETIREMENT AND INVESTMENT OFFICE

Salaries and wages	\$1,490,587
Operating expenses	896,720
Equipment	36,619
Contingency	<u>100,000</u>
Total special funds appropriation	<u>\$2,523,926</u>

Subdivision 2.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Salaries and wages	\$1,482,320
Operating expenses	1,030,956
Equipment	26,280
Contingency	<u>40,000</u>
Total special funds appropriation	<u>\$2,579,556</u>
Grand total special funds appropriation S.B. 2028	<u>\$5,130,482</u>

SECTION 2. INTENT. It is the intent of the fifty-fourth legislative assembly that the state investment board, teachers' fund for retirement board, and public employees retirement board study methods to reorganize the public employees retirement system and the retirement and investment office to achieve cost reductions in the administration of the programs under the control of the respective boards. Representatives of the state investment board, teachers' fund for retirement board, and public employees retirement board shall report their findings to the interim employee benefits programs committee of the legislative council no later than April 1, 1996.

Approved April 5, 1995
Filed April 5, 1995

CHAPTER 51

SENATE BILL NO. 2029

(Appropriations Committee)

STATE OFFICIALS AND INSTITUTIONS

AN ACT making an appropriation for defraying the expenses of various state departments and institutions; to direct the attorney general to not spend certain funds appropriated for the 1993-95 biennium; to provide for a transfer of Bank of North Dakota profits; to amend and reenact section 21 of chapter 1 of the 1993 Session Laws, relating to state employee defense costs; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, the sums as hereinafter provided or so much of the sums as may be necessary. These sums increase the general fund and special funds appropriation authority enacted by the fifty-third legislative assembly to the stated departments and institutions of the state of North Dakota for the purpose of defraying their expenses, for the period beginning January 1, 1995, and ending June 30, 1995, as follows:

Subdivision 1.

OFFICE OF MANAGEMENT AND BUDGET

Salaries and wages	\$ 25,000
Total general fund appropriation	\$ 25,000

Subdivision 2.

OFFICE OF ADMINISTRATIVE HEARINGS

Operating expenses	\$ 59,000
Total general fund appropriation	\$ 59,000

Subdivision 3.

NORTH DAKOTA STATE UNIVERSITY - BOTTINEAU

Capital improvements	\$ 42,000
Total general fund appropriation	\$ 42,000

Subdivision 4.

NORTH DAKOTA VETERANS' HOME

Salaries and wages	\$ 81,527
Total special funds appropriation	\$ 81,527

Subdivision 5.

DIVISION OF EMERGENCY MANAGEMENT

Operating expenses	\$ 400,000
Total general fund appropriation	\$ 400,000
Grand total general fund appropriation S.B. 2029	\$ 526,000
Grand total special funds appropriation S.B. 2029	\$2,081,527
Grand total all funds appropriation S.B. 2029	\$2,607,527

SECTION 2. ATTORNEY GENERAL DIRECTIVE. The attorney general is directed to not spend \$139,000 from the general fund appropriated to the attorney general for the 1993-95 biennium but which should have been appropriated to the office of administrative hearings for 1993-95 administrative hearings costs.

SECTION 3. BANK OF NORTH DAKOTA PROFITS - TRANSFER TO PARTNERSHIP IN ASSISTING COMMUNITY EXPANSION FUND - APPROPRIATION. The industrial commission is authorized, during the period beginning January 1, 1995, and ending June 30, 1995, to transfer \$2,000,000, or so much of the sum as may be necessary, of accumulated and undivided profits of the Bank of North Dakota to the partnership in assisting community expansion fund which is hereby appropriated for the purpose of funding project applications under the program for the period beginning January 1, 1995, and ending June 30, 1995.

SECTION 4. VETERANS' POSTWAR TRUST FUND. The total special funds appropriation line item in subdivision 4 of section 1 of this Act includes \$81,527, or so much of the sum as may be necessary, from the veterans' postwar trust fund.

SECTION 5. AMENDMENT. Section 21 of chapter 1 of the 1993 Session Laws is amended and reenacted as follows:

SECTION 21. BONDING FUND - ATTORNEY GENERAL. The appropriation in subdivision 3 of section 1 of this Act includes up to \$250,000, or so much of the sum as may be necessary, from the state bonding fund to the attorney general for the purpose of providing state employee defense services pursuant to section 26.1-21-10.2. The emergency commission, notwithstanding section 54-16-04, is authorized during the biennium beginning July 1, 1993, and ending June 30, 1995, to approve the expenditure of the funds from the state bonding fund appropriated in subdivision 3 of section 1 of this Act to the extent necessary and based upon applications by the attorney general. ~~Funds expended by the attorney general for state employee defense must be reimbursed to the state bonding fund through deficiency appropriation and the attorney general shall report to the budget section of the legislative council the amount of any deficiency appropriation that may be introduced to the fifty-fourth legislative assembly.~~

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 11, 1995

Filed April 12, 1995

CHAPTER 52**SENATE BILL NO. 2030**

(Appropriations Committee)

CAPITAL IMPROVEMENTS

AN ACT to provide an appropriation for capital projects of various state departments and institutions; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for capital projects; to authorize the industrial commission to issue and sell bonds for capital projects; to amend and reenact section 54-17.2-23 of the North Dakota Century Code, relating to the limitation on state building authority lease payments; and to provide guidelines on the contents of future capital construction bills.

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, may issue and sell self-liquidating, tax-exempt bonds in an amount not exceeding \$4,430,000, for the purpose of capital projects at institutions under the control of the board, including an amount not exceeding \$430,000 for a parking lot at Bismarck state college and \$4,000,000 for campus networking at the institutions of higher education. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota.

Bonds for campus networking may only be issued after the board of higher education has approved a student technology fee. The use of income generated through a student technology fee is not limited to campus networking; however, the technology fee income may be the only source of funds used for the retirement of bonds issued for campus networking.

Based upon campus master plans, updated cost estimates, and a study that includes projected technology fee income by campus, the board shall determine the necessary amount of revenue bonds to be issued by campus. The total issue for networking may not exceed \$4,000,000 for the university system. The technology fee paid by students at a campus may only be used for networking or technology purposes at that campus.

SECTION 2. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 1, or so much of the sum as may be necessary, are hereby appropriated for a parking lot at Bismarck state college, in the amount of \$430,000, and for campus networking, in the amount of \$4,000,000.

Any unexpended balance from the sale of bonds must be placed in a sinking fund for the retirement of the authorized bonds.

SECTION 3. PROJECT AUTHORIZATIONS. The industrial commission, acting as the North Dakota building authority, shall arrange for the funding of the projects authorized in this section, hereby declared to be in the public interest, through the issuance of evidences of indebtedness under chapter 54-17.2, during the biennium beginning July 1, 1995, and ending June 30, 1997. The

proceeds of the evidences of indebtedness and other available funds are hereby appropriated during the biennium beginning July 1, 1995, and ending June 30, 1997, for the following projects:

Bismarck state college	Science and mathematics center	\$8,060,000
University of North Dakota	Abbott hall	2,371,769
North Dakota state university	Power plant	2,145,000
Dickinson state university	Klinefelter hall	2,750,000

The industrial commission shall issue evidences of indebtedness under this section with the condition that lease rental payments need not begin until July 1, 1997. This authority of the industrial commission to issue evidences of indebtedness ends June 30, 1997, 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.

The university of North Dakota may obtain and utilize federal funds to assist in remodeling Abbott hall at the university of North Dakota. There is hereby appropriated to the university of North Dakota the sum of \$1,771,769, or so much of the sum as may be necessary, from any federal or other funds that may become available for this project for the biennium beginning July 1, 1995, and ending June 30, 1997.

Grand total special funds appropriation \$21,528,538

SECTION 4. BOND ISSUANCE REPAYMENT RESPONSIBILITY. Of the total amount of evidences of indebtedness issued under the provisions of section 3 of this Act, a total of \$2,206,769 must be available from nongeneral fund sources to assist in the retirement of the evidences of indebtedness, issued for the project costs associated with construction of the projects authorized by this Act:

Bismarck state college project	\$1,060,000
University of North Dakota project	871,769
Dickinson state university project	275,000

Payments must be made in six equal annual installments beginning after fiscal year 1997. Prepayment may be made on any or all of these amounts. Such payments of local matching amounts must be deposited in a special industrial commission account from which the industrial commission, acting as the North Dakota building authority, shall use the funds in making principal and interest payments.

SECTION 5. AMENDMENT. Section 54-17.2-23 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-17.2-23. State building authority lease payments - Limitation. The general fund amount of lease payments for a biennium associated with capital construction projects financed by the industrial commission acting as the state building authority may not exceed the amount equal to a portion of sales, use, and motor vehicle excise tax collections equal to ~~twelve and one-half~~ eleven percent of an amount, determined by multiplying the quotient of one percent divided by the general sales tax rate that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3.

SECTION 6. CONTENTS OF CAPITAL CONSTRUCTION BILL. The office of management and budget shall continue to prepare capital construction budgets and a capital construction bill. All future capital construction bills may only include projects involving bonding. All other capital projects funded with general fund moneys or special funds must be included in the appropriate agency's appropriation bill.

Approved April 3, 1995

Filed April 3, 1995

CHAPTER 53**SENATE BILL NO. 2475**

(Senator Sand)
(Representative Coats)

VETERANS' ADJUSTED COMPENSATION

AN ACT providing an appropriation for adjusted compensation to certain veterans; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any interest earnings of the veterans' postwar trust fund in the state treasury, not otherwise appropriated, the sum of \$60,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of completing bonus payments to the remaining eligible veterans under section 37-27-02, for the period beginning with the effective date of this Act and ending June 30, 1997.

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

Approved April 11, 1995
Filed April 12, 1995