

1999 LEGISLATION DIRECTLY AFFECTING THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE ASSEMBLY

This memorandum identifies 1999 legislation that directly affects the responsibilities of the Legislative Council or the Legislative Assembly. The memorandum is arranged in two broad categories - Legislative Council and Legislative Assembly. Some provisions of 1999 legislation are listed under more than one heading to ensure that each heading contains a comprehensive list of applicable provisions.

LEGISLATIVE COUNCIL

Composition

Senate Bill No. 2436, Section 1, amends North Dakota Century Code (NDCC) Section 54-35-01 to revise the composition of the Legislative Council by adding one additional member of the majority party in the Senate and one additional member of the majority party in the House of Representatives, effective January 1, 2001.

Staff

House Bill No. 1257 provides for a defined contribution retirement system option for state employees who are in positions not classified by the Central Personnel Division, other than employees of the judicial branch or the State Board of Higher Education or the institutions under the jurisdiction of the board. Legislative Council employees are not classified employees, and thus the option is available to Legislative Council employees.

Compensation

Senate Bill No. 2055, Section 1, amends NDCC Section 54-35-10 to increase the per diem compensation of Legislative Council and interim committee members from \$62.50 to \$75.

Responsibilities of the Legislative Council

Senate Bill No. 2043 changes most responsibilities for reviewing information technology management of state agencies by placing those responsibilities with either the Information Technology Department or the Legislative Council's Information Technology Committee established by Senate Bill No. 2044.

Senate Bill No. 2056, Section 1, amends NDCC Section 15-10-14.2 to provide that the State Board of Higher Education is to report to, rather than meet with, the Legislative Council with respect to the status of the University System.

Senate Bill No. 2209, Section 1, amends NDCC Section 54-03.1-02 to authorize the Legislative Council to select a date for the convening of the

organizational session other than the statutory first Tuesday after the first Monday in the month of December, so long as the date is not earlier than December 1 nor later than December 15.

House Bill No. 1398, Section 1, amends NDCC Section 15-10-12.1 to require the Legislative Council to notify each member of the Legislative Assembly if the State Board of Higher Education requests approval of the Budget Section to construct a building or campus improvement financed by donations.

Appointments

Senate Bill No. 2010, Section 7, enacts NDCC Section 54-35-20, which requires the chairman of the Legislative Council, in consultation with the Insurance Commissioner, to appoint two members of the Senate and two members of the House of Representatives to two-year terms to represent the state at functions of the National Conference of Insurance Legislators, with expenses paid by the Insurance Commissioner.

Senate Bill No. 2266, Section 1, amends NDCC Section 25-01.3-02 to revise the membership of the Committee on Protection and Advocacy and provides qualifications that members must possess. The Legislative Council is to appoint one member from each house for two-year terms beginning on August 1 in each odd-numbered year (the change concerns the qualifications rather than the number or method of appointment for the legislative members).

Senate Bill No. 2267, Section 2, enacts NDCC Section 24-02-37.2, which establishes a Special Road Committee within the Department of Transportation. Among its five members, the committee consists of one member of each house appointed by the chairman of the Legislative Council. (This committee exists under current law - NDCC Section 24-02-37.1 - which was repealed effective July 1, 1999, by the 1997 Legislative Assembly.)

House Bill No. 1003, Section 24, enacts NDCC Section 15-10.2-01, which adopts the Midwestern Regional Higher Education Compact. Under Section 15-10.2-02, the five members of the Midwestern Higher Education Commission from this state include one member of each house appointed by the chairman of the Legislative Council. The legislative members are appointed to two-year terms on the commission.

Interim Committees of the Legislative Council Crop Harmonization Committee (New)

Senate Bill No. 2009, Section 11, requires the Legislative Council to establish during the 1999-2000 interim a Crop Harmonization Committee consisting of the chairmen of the House and Senate Agriculture Committees and three other individuals appointed by the Legislative Council chairman, one of whom must represent the crop protection manufacturing industry. In consultation with the Pesticide Control Board, the committee is to prioritize crop protection product labeling needs, explore this state's authority under the federal Insecticide, Fungicide, and Rodenticide Act, identify the data necessary to enable registration of a use in a timely manner, determine the research necessary to fulfill data requirements, and request the Agriculture Commissioner to pursue specific research funding options from public and private sources. (Section 12 appropriates funds to the Legislative Council for this committee - \$15,000 from the minor use pesticide fund, \$15,000 from the general fund, and \$150,000 from grants and donations.)

Electric Industry Competition Committee

Senate Bill No. 2389, Section 1, amends NDCC Section 54-35-18.2 to require the Electric Industry Competition Committee to study NDCC Chapter 49-03 and relevant statutes relating to the extension of electric lines and facilities and the provision of electric service by public utilities and rural electric cooperatives within and outside the corporate limits of a municipality. Section 2 enacts Section 54-35-18.3, which requires the committee to submit proposed legislation, if necessary, as a result of the study to the 57th Legislative Assembly. The Act expires as of August 1, 2001.

Employee Benefits Programs Committee

Senate Bill No. 2208, Section 1, amends NDCC Section 54-35-02.4 to require the Employee Benefits Programs Committee to take jurisdiction over any measure or proposal that authorizes any change in benefits beyond the ensuing biennium which would not require legislative approval and to require the committee to include in its report a statement that the proposal would allow future changes without legislative involvement.

Information Technology Committee (New)

Senate Bill No. 2044, Section 1, enacts NDCC Section 54-35-15.1, which requires the Legislative Council to appoint during each biennium a statutory Information Technology Committee consisting of four members of the House of Representatives and three members of the Senate. The chief information officer of the state is an ex officio member of the committee. Under Section 54-35-15.2, the committee is to meet at least quarterly, review the business plan of the Information Technology Department, review the activities of the department, review statewide information technology standards, review the statewide information

technology plan, conduct studies, make recommendations regarding established or proposed information technology programs and information technology acquisition by the executive and judicial branches, review the cost-benefit analysis of any major information technology project of an executive or judicial branch agency, and perform periodic reviews of major information technology projects. Under Section 54-35-15.3, the committee may review any information technology project or plan and, if the project or plan is at risk of failing to achieve its intended results, may recommend to the Office of Management and Budget the suspension of the expenditure of moneys appropriated for a project or plan. The Office of Management and Budget may suspend the expenditure authority upon agreement with the recommendation.

Regulatory Reform Review Commission (Reestablished)

House Bill No. 1050, Section 1, enacts NDCC Section 49-21-22.2 to reestablish the Regulatory Reform Review Commission for the 1999-2000 and 2001-02 interims. Of the five members, the President of the Senate appoints two members of the Senate and the Speaker of the House appoints two members of the House of Representatives. The fifth member is a public service commissioner. The chairman of the Legislative Council designates the chairman and vice chairman of the commission. During the interims between the 1999 and 2003 legislative sessions, the commission must review the operation and effect of North Dakota telecommunications law on an ongoing basis, and may review the effects of federal universal service support mechanisms on telecommunications companies and consumers in this state and may review the preservation and advancement of universal service in this state.

Required Interim Studies

Senate Bill No. 2114, Section 3, requires the Department of Human Services to report periodically to the Legislative Council, or an interim committee designated by the Legislative Council, on the progress of any negotiation with any tribal government to establish a pilot project for administration of a tribal family assistance grant from the United States Department of Health and Human Services, and requires the interim committee receiving reports to report its findings and recommendations to the 57th Legislative Assembly.

Senate Bill No. 2162, Section 13, requires the Legislative Council to study the provision of education to public school students in this state and the manner in which education to public school students will be delivered in the ensuing 5, 10, and 20 years.

Senate Bill No. 2411, Section 2, requires the Legislative Council to study privatizing and contracting for services provided by state agencies.

House Bill No. 1004, Section 8, requires the Legislative Council to study the State Department of Health's master plan for its facilities and its definitive plan and cost estimates for upgrading its laboratory facilities, providing a state morgue for the state medical examiner, and bringing its facilities into compliance with applicable building code requirements.

House Bill No. 1004, Section 9, requires the Legislative Council to study the State Department of Health's comprehensive plan for a community health grant program.

House Bill No. 1135, Section 5, requires Job Service North Dakota to review during the 1999-2000 interim possible incentives to encourage an employee to decrease the length of time that employee receives unemployment compensation benefits and to encourage a negative employer to become a positive employer and to report the results of this review to the Legislative Council. The Legislative Council is to report its recommendations to the 57th Legislative Assembly.

Discretionary Interim Studies in Bills (Subject to Prioritization by the Council)

Senate Bill No. 2012, Section 20, provides the Legislative Council shall consider studying during the 1999-2000 interim community services provided for the seriously mentally ill, including human service center services and the number of clients served.

Senate Bill No. 2012, Section 21, provides the Legislative Council shall consider studying during the 1999-2000 interim the services provided by the state in its medical assistance program, including optional medical assistance services and the impact to the state and its citizens of providing those services.

Senate Bill No. 2012, Section 22, provides the Legislative Council shall consider studying during the 1999-2000 interim residential treatment centers and residential child care facilities, including occupancy rates, the number of out-of-state residents, and the need for additional facilities.

Senate Bill No. 2012, Section 28, provides the Legislative Council shall consider studying during the 1999-2000 interim the services provided by human service centers, including the appropriateness of and justification for continuing human service center programs, the cost/benefit of human service programs, methods for evaluating the effectiveness and outcomes of human service center programs, and the need to establish priorities relating to human service center programs.

Senate Bill No. 2012, Section 29, provides the Legislative Council shall consider studying during the 1999-2000 interim the state and federal regulations relating to nursing homes, the impact of those regulations on the cost of care at North Dakota nursing homes, and state options for reducing regulations and the related reductions in cost of care.

Senate Bill No. 2012, Section 30, provides the Legislative Council shall consider studying during the 1999-2000 interim the appropriateness of the state continuing rate equalization for private pay and public pay residents in nursing homes, including the fiscal impact on private pay and public pay residents of the repeal of rate equalization.

Senate Bill No. 2012, Section 31, provides the Legislative Council shall consider studying during the 1999-2000 interim the feasibility and desirability of collocating the Developmental Center and the State Hospital at one location and of transferring additional buildings on the State Hospital grounds to the Department of Corrections and Rehabilitation.

Senate Bill No. 2013, Section 22, provides the Legislative Council shall consider studying during the 1999-2000 interim the role, mission, operation, and privatization of the Division of Independent Study, including educational services provided by the division to out-of-state students.

Senate Bill No. 2015, Section 21, provides the Legislative Council shall consider studying during the 1999-2000 interim the establishment of agency performance incentive pilot programs; how agencies could develop, implement, administer, maintain, and evaluate these pilot programs; and the development of personnel policies and procedure manuals and how pay raises that may not be across the board are to be awarded as a reward and incentive for superior performance and the length of time they may be in effect.

Senate Bill No. 2025, Section 2, provides the Legislative Council shall consider studying during the 1999-2000 interim the number, qualifications, and selection criteria for vendors and providers selected by the Public Employees Retirement System Board for the defined contribution retirement plan and the deferred compensation program.

Senate Bill No. 2114, Section 4, provides the Legislative Council shall consider studying during the 1999-2000 interim the implementation of the temporary assistance for needy families program in this state, the effectiveness of that program to accomplish welfare reform, the need for continuing legislative monitoring, the proportion of adults living in Indian country who are employed, and the efforts of the department to negotiate a pilot project under which the state would participate in the cost of providing services under a tribal family assistance grant.

Senate Bill No. 2171, Section 26, provides the Legislative Council shall consider studying during the 1999-2000 interim the impact to the Department of Human Services, counties, court system, Division of Juvenile Services, adoption agencies, and families of the Adoption and Safe Families Act of 1997, including related state and county staffing requirements, court costs, adoption-related costs and issues, foster care-related impacts, and the impacts on families.

Senate Bill No. 2356, Section 1, provides the Legislative Council shall consider studying during the 1999-2000 interim the feasibility and desirability of forming a multistate agricultural marketing commission for the purpose of marketing agricultural products on behalf of agricultural producers.

House Bill No. 1002, Section 4, provides the Legislative Council shall consider studying during the 1999-2000 interim the impacts of court unification on the judicial system and on the effective provision of judicial services to state residents.

House Bill No. 1003, Section 19, provides the Legislative Council shall consider studying during the 1999-2000 interim higher education funding, including the expectations of the University System in meeting the state's needs in the 21st century, the funding methodology needed to meet these expectations and needs, and an accountability system and reporting methodology for the University System.

House Bill No. 1003, Section 23, declares legislative intent that during the 1999-2001 biennium membership in the Midwestern Regional Higher Education Compact not include participation in the compact's student exchange program and provides the Legislative Council shall consider including a review of North Dakota's participation in the student exchange program portion of the Midwestern Regional Higher Education Compact in the study provided in Section 19 of House Bill No. 1003.

House Bill No. 1003, Section 20, provides the Legislative Council shall consider studying during the 1999-2000 interim tribally controlled colleges in this state and the United Tribes Technical College, including a review of funding sources and the number of Indian and non-Indian students attending each college, for the purpose of determining the feasibility and desirability of a grant program to assist the colleges in providing education to students who are less than one-quarter Indian.

House Bill No. 1012, Section 4, provides the Legislative Council shall consider studying during the 1999-2000 interim the fleet services program of the Department of Transportation, including a review of the cost-effectiveness of the program and the methods used to project and set motor pool rates.

House Bill No. 1012, Section 5, provides the Legislative Council shall consider studying during the 1999-2000 interim the licensing of used motor vehicle dealers, including fees, dealer plates, and insurance coverage.

House Bill No. 1014, Section 6, provides the Legislative Council shall consider studying during the 1999-2000 interim the uses of funds appropriated to the Children's Services Coordinating Committee, including a review of uses of funding received by the regional and tribal children's services coordinating committees and of the entities involved in generating refinancing funds.

House Bill No. 1019, Section 16, provides the Legislative Council shall consider studying during the 1999-2000 interim the economic development efforts in the state, including the provision of economic development services statewide and the related effectiveness, the potential for the privatization of the Department of Economic Development and Finance, and the appropriate location of the North Dakota Development Fund, including the potential transfer of the fund to the Bank of North Dakota.

House Bill No. 1183, Section 4, provides the Legislative Council shall consider studying during the 1999-2000 interim the various sources of revenues for highway funding and comparisons with other states' highway funding systems to develop an optimum blend of reliable funding sources for highway purposes.

House Bill No. 1276, Section 29, provides the Legislative Council shall consider studying during the 1999-2000 interim the State Board of Animal Health, including its membership, its representation, and the nature and scope of its regulatory authority over nontraditional livestock.

House Bill No. 1462, Section 8, provides the Legislative Council shall consider studying during the 1999-2000 interim the application, enforcement, and administration under the fuels tax laws.

Reports to the Legislative Council

Senate Bill No. 2012, Section 6, provides that human service centers, the State Hospital, and the Developmental Center are to report to the Legislative Council, or its designee, and the Budget Section on the hiring of any additional full-time equivalent positions in addition to those authorized by the Legislative Assembly for the 1999-2001 biennium.

Senate Bill No. 2012, Section 12, enacts NDCC Section 50-29-02, effective October 1, 1999, which requires the Department of Human Services to report annually to the Legislative Council and describe enrollment statistics and costs associated with the children's health insurance program state plan.

Senate Bill No. 2012, Section 25, provides for the Department of Human Services to review departmental program funding issues during the 1999-2000 interim and report its findings and recommendations to the Legislative Council, or an appropriate interim committee of the Legislative Council, during the 1999-2000 interim.

Senate Bill No. 2013, Section 18, requires the Superintendent of Public Instruction to report to the Legislative Council's interim Education Finance Committee regarding the content of the financial reports from school districts and specific actions taken to account for transfers from school district general funds, to eliminate or reduce variations in the reporting of data, and to ensure that the financial data is available in a form that allows for accurate and consistent comparisons.

Senate Bill No. 2023, Section 7, requires the State Engineer to study the feasibility and desirability of constructing dams and other impoundments in the Pembina River watershed for the purpose of reducing flows in the lower reaches of the Pembina River and submit a report to an appropriate interim committee designated by the Legislative Council.

Senate Bill No. 2034 requires the Department of Human Services to monitor the progress of the Alzheimer's and related dementia projects established under NDCC Section 50-06-14.4 and present a final progress report to the Legislative Council by June 30, 2000.

Senate Bill No. 2038, Section 1, requires the executive director of the Department of Human Services to report periodically during the 1999-2000 interim to the Legislative Council, or an interim committee designated by the Legislative Council, regarding the establishment of a traumatic brain-injured facility in western North Dakota.

Senate Bill No. 2043, Section 12, enacts NDCC Section 54-59-12, which provides for the chief information officer of the state to report to the Legislative Council or its designated committee regarding the coordination of services with political subdivisions, and provides for the chief information officer and the commissioner of the State Board of Higher Education to report to the Legislative Council or its designated committee regarding coordination of information technology between the Information Technology Department and higher education.

Senate Bill No. 2043, Section 13, requires the Information Technology Department to review the information technology management of executive branch state agencies and institutions. If an agency or institution is found not to be in conformance to its information technology plan or in compliance with statewide policies and standards and does not agree to come into conformance or compliance, the department is to report the issue to the Legislative Council.

Senate Bill No. 2114, Section 3, requires the Department of Human Services to report periodically to the Legislative Council, or an interim committee designated by the Legislative Council, on the progress of any negotiation with any tribal government to establish a pilot project for administration of a tribal family assistance grant from the United States Department of Health and Human Services, and requires the interim committee receiving reports to report its findings and recommendations to the 57th Legislative Assembly.

Senate Bill No. 2114, Section 5, requires the Department of Human Services to report periodically to the Legislative Council, or an interim committee designated by the Legislative Council, on the progress in its efforts to determine the most reliable current data concerning the proportion of unemployed adults living in Indian country.

Senate Bill No. 2130, Section 9, amends NDCC Section 36-22-09 to require two copies of the audit report of the North Dakota Stockmen's Association be submitted to the Legislative Council rather than the State Auditor's office.

Senate Bill No. 2168, Section 3, enacts NDCC Section 50-30-08, effective until July 1, 2001, which requires the Department of Human Services to provide annual reports to the Governor and the Legislative Council concerning grants or loans under the nursing facility alternative grant fund or alternative loan fund.

Senate Bill No. 2188, Section 9, requires the State Engineer to report periodically to the Budget Section and any other interim committee designated by the Legislative Council regarding implementation of the comprehensive statewide water development program and state water management plan and the issuance and sources for repayment of bonds to finance construction of flood control projects, the Southwest Pipeline Project, a Devils Lake outlet, and a statewide water development program during the 1999-2000 interim.

Senate Bill No. 2214, Section 5, requires the Workers Compensation Bureau to report before the 2001 legislative session to an interim committee designated by the Legislative Council the recommendations from its study of the benefits available to persons receiving long-term disability or death benefits from the bureau.

Senate Bill No. 2376, Section 2, requires the director of the Department of Transportation to report in 2002 to an interim committee designated by the Legislative Council regarding the effectiveness of exempting a secured person from damages for noneconomic loss of a party operating a vehicle without liability insurance in decreasing the incidents of driving without liability insurance.

House Bill No. 1021, Section 13, requires the State Board of Agricultural Research and Education to report periodically during the 1999-2001 biennium to the Legislative Council, or a committee designated by the Legislative Council, on its activities associated with researching and developing market opportunities for biotechnologically enhanced crops.

House Bill No. 1121, Section 4, requires the Department of Human Services to report in August 2000 to an interim committee designated by the Legislative Council on the progress of implementing child support income withholding through the state disbursement unit.

House Bill No. 1135, Section 5, requires Job Service North Dakota to review during the 1999-2000 interim possible incentives to encourage an employee to decrease the length of time that employee receives unemployment compensation benefits and to encourage a negative employer to become a positive employer and to report the results of this review to the Legislative Council. The Legislative Council is to

report its recommendations to the 57th Legislative Assembly.

House Bill No. 1141, Section 2, amends NDCC Section 54-34.3-04 to require the Department of Economic Development and Finance to report at least annually to an interim committee designated by the Legislative Council on performance of all divisions of the department; on the amount of success and satisfaction the department has in meeting business client, economic developer, and community client needs and expectations; and on a comparison of dollars spent to the economic benefits created or all programs administered or supervised by the director.

House Bill No. 1252, Section 5, requires the Agriculture Commissioner to report at least twice during the 1999-2000 interim to the Legislative Council regarding the efforts to develop a single uniform process for the joint North American labeling of crop protection products.

House Bill No. 1274, Section 2, requires the Education Standards and Practices Board to pursue by July 1, 2001, reciprocal acceptance of teaching certificates issued by other states and, before October 1, 2000, to present a progress report regarding implementation of the program to the Legislative Council or an interim committee designated by the Legislative Council.

House Bill No. 1383, Section 5, provides that annually for the first four taxable years beginning after December 31, 1998, the governing board of the housing development fund is to provide financial statements of the fund and a report analyzing the impact of the fund on the state's economy, business and employment activity generated by loans from the fund, and the effects of that activity on state and local tax revenues, to the Governor and the Legislative Council.

House Bill No. 1403, Section 3, requires the Department of Human Services and the Board of Nursing to prepare a joint recommendation for consideration by the 57th Legislative Assembly regarding administration of medication, and during the 1999-2000 interim to report annually to the Legislative Council regarding the progress in preparing the recommendation. By December 10, 2000, the department is to certify to the Governor and the Legislative Council regarding satisfaction of the reporting and recommendation requirements.

House Bill No. 1422, Section 3, requires the Workers Compensation Bureau to study during the 1999-2000 interim the awards provided to injured employees with permanent impairments caused by compensable work injuries and before the 2001 legislative session report the results of the study to an interim committee identified by the Legislative Council.

Budget Section Reports to the Budget Section

Senate Bill No. 2009, Section 15, requires the Agriculture Commissioner and the State Veterinarian to report periodically during the 1999-2000 interim to the Budget Section on the status of the bovine tuberculosis disease in cattle and associated costs.

Senate Bill No. 2012, Section 6, provides that human service centers, the State Hospital, and the Developmental Center are to report to the Budget Section and the Legislative Council, or its designee, on the hiring of any additional full-time equivalent positions in addition to those authorized by the Legislative Assembly for the 1999-2001 biennium.

Senate Bill No. 2012, Section 18, requires the Department of Human Services to present a report to the Budget Section regarding planned reductions resulting from identified savings, totaling \$500,000 from the general fund, in the budget to be requested for the Northeast Human Service Center for the 2001-03 biennium.

Senate Bill No. 2012, Section 19, requires the Department of Human Services to report periodically to the Budget Section regarding the status of funding for traditional Medicaid grants and receive prior Budget Section approval before exceeding the amount appropriated for traditional Medicaid grants during the 1999-2001 biennium.

Senate Bill No. 2013, Section 23, declares legislative intent that the Superintendent of Public Instruction shall report any transfer of positions to the Division of Independent Study above 38.7 full-time equivalent positions to the Budget Section at its next meeting.

Senate Bill No. 2013, Section 24, requires the Superintendent of Public Instruction to present a report to the Budget Section during the 1999-2001 biennium on the distribution of federal class size reduction initiative grants.

Senate Bill No. 2015, Section 11, declares legislative intent regarding compensation adjustments for permanent state employees and requires the Office of Management and Budget to report to the Budget Section at its December 2000 meeting concerning the amounts provided by state agencies and institutions for salary increases for the second year of the biennium, line item transfers relating to the increases, the source of the funding, and the impact on the provision of agency services.

Senate Bill No. 2188, Section 9, requires the State Engineer to report periodically to the Budget Section and any other interim committee designated by the Legislative Council regarding implementation of the comprehensive statewide water development program and state water management plan and the issuance and sources for repayment of bonds to finance construction of flood control projects, the Southwest Pipeline Project, a Devils Lake outlet, and a statewide water development program during the 1999-2000 interim.

House Bill No. 1003, Section 11, appropriates any local funds beyond the local funds appropriated by

Section 1, and allows the funds to be spent subject to approval of the State Board of Higher Education and a report to the Budget Section.

House Bill No. 1015, Section 14, requires the Industrial Commission and the Indian Affairs Commission to report to the Budget Section regarding the status of home mortgage finance programs of the Housing Finance Agency available within Indian reservations located within the state. Reports are to be presented at the Budget Section's first meeting of the 1999-2000 interim and thereafter as requested by the chairman of the Budget Section.

House Bill No. 1017, Section 6, requires Job Service North Dakota to report to the Budget Section on the status of its asbestos abatement project.

House Bill No. 1019, Section 5, requires any North Dakota ethanol plant receiving production incentives from the state to file with the Budget Section, within 90 days after the close of each fiscal year, a statement as to whether the plant produced a profit from its operation in the preceding fiscal year after deducting payments received from the incentive program.

House Bill No. 1296, Section 1, amends NDCC Section 65-02-13.1 to eliminate the requirement that the Workers Compensation Bureau report annually to the Budget Section on any contract negotiated between the bureau and an insurer for reinsurance.

House Bill No. 1475, Section 2, amends NDCC Section 54-44-04 to require the director of the Office of Management and Budget to report to the Budget Section on the status of tobacco settlement funds, settlements, offsets, and net resulting revenues and any other related information the Budget Section requires.

Budget Section Approval Requirements

Senate Bill No. 2004, Section 3, authorizes the State Auditor, upon approval of the Emergency Commission, to transfer between various line items appropriation authority of up to 10 percent of a given line item to adjust for changing circumstances in meeting established performance measures and requires any further transfers to be approved by the Budget Section.

Senate Bill No. 2012, Section 19, requires the Department of Human Services to report periodically to the Budget Section regarding the status of funding for traditional Medicaid grants and receive prior Budget Section approval before exceeding the amount appropriated for traditional Medicaid grants during the 1999-2001 biennium.

Senate Bill No. 2012, Section 26, provides the Department of Human Services is to receive prior Budget Section approval before reducing the nursing home limitations for direct and indirect cost categories

from the levels anticipated in the executive budget during the 1999-2001 biennium.

Senate Bill No. 2012, Section 35, appropriates funds to the Department of Human Services and authorizes the department to spend the funds only if additional beds for traumatic brain-injured persons are established in western North Dakota and after receiving Emergency Commission and Budget Section approval.

Senate Bill No. 2015, Section 7, authorizes the director of the Office of Management and Budget, upon approval of the Emergency Commission, to transfer between various line items appropriation authority of up to 10 percent of a given line item to adjust for changing circumstances in meeting established performance measures and requires any further transfers to be approved by the Budget Section.

Senate Bill No. 2015, Section 18, provides if the director of the Office of Management and Budget determines by revised projections that general fund revenue collections will not meet the revenues as forecast in the March 1999 legislative forecast, the Industrial Commission is to transfer to the state general fund an additional amount, as determined by the director of the Office of Management and Budget and as approved by the Budget Section, from the earnings and accumulated profits of the Bank of North Dakota.

Senate Bill No. 2015, Section 19, provides if the federal government during the 1999-2001 biennium terminates funding for any program administered by a state agency, the agency may terminate the program with Budget Section approval. If the federal government combines funding into a block grant, the agency may prioritize or reprioritize programs as necessary, with Budget Section approval. The agency may administer funds under a new federal block grant notwithstanding any other provision of law and shall report any program termination, reduction, or change to the Budget Section for its approval.

Senate Bill No. 2015, Section 31, amends NDCC Section 54-16-04.1 to provide that Emergency Commission authorization of a state officer to accept and expend federal moneys if the Legislative Assembly has not indicated an intent to reject the moneys is subject to Budget Section approval only if the amount under consideration exceeds \$50,000.

Senate Bill No. 2015, Section 32, amends NDCC Section 54-16-04.2 to provide that Emergency Commission authorization of a state officer to accept and expend moneys for programs if the Legislative Assembly has not indicated an intent to reject the moneys or program is subject to Budget Section approval only if the amount under consideration exceeds \$50,000.

Senate Bill No. 2016, Section 4, provides the Division of Emergency Management may request the Bank of North Dakota to make loans to political

subdivisions during the 1999-2001 biennium for those disaster claims resulting from the Governor's disaster declaration relating to the spring 1997 flooding in the Red River Valley which have been approved by the division, the Emergency Commission, and the Budget Section.

Senate Bill No. 2019, Section 6, amends NDCC Section 20.1-02-16.1 to require the Game and Fish Department to spend moneys in the game and fish fund within the limits of legislative appropriations but only to the extent the balance is not reduced below \$10,000,000, unless otherwise authorized by the Budget Section.

Senate Bill No. 2021, Section 9, authorizes the Parks and Recreation Department, upon approval of the Emergency Commission, to transfer between various line items appropriation authority of up to 10 percent of a given line item to adjust for changing circumstances in meeting established performance measures and requires any further transfers to be approved by the Budget Section.

Senate Bill No. 2029, Section 1, amends NDCC Section 15-10-18 to eliminate the Budget Section approval requirement for nonresident tuition rates at institutions of higher education.

Senate Bill No. 2168, Section 4, appropriates funds for payments to governmental nursing facilities and, if additional funds become available, authorizes the Department of Human Services to increase the amounts paid, subject to Emergency Commission and Budget Section approval.

Senate Bill No. 2168, Section 5, provides for allocations from the health care trust fund, and amounts in excess of \$8,715,279 may be allocated by the Department of Human Services, subject to Emergency Commission and Budget Section approval.

Senate Bill No. 2188, Section 5, provides that the Corporate Center in Grand Forks may not be voluntarily sold without prior approval of the Budget Section and any refinancing of debt or any improvements to the Corporate Center requiring the incurring of indebtedness cannot be entered without prior approval of the Budget Section.

House Bill No. 1003, Section 8, authorizes Bismarck State College and Lake Region State College to obtain and use any funds beyond the minimum local match required by the section to assist in the Bismarck State College music addition and the Lake Region State College auditorium renovation, upon approval of the Budget Section.

House Bill No. 1003, Section 12, requires the State Board of Higher Education to receive permission from either the Legislative Assembly or the Budget Section before purchasing goods or contracting for services for the service, access, growth, and empowerment project.

House Bill No. 1011, Section 4, authorizes the Highway Patrol, upon approval of the Emergency Commission, to transfer between various line items

appropriation authority of up to 10 percent of a given line item to adjust for changing circumstances in meeting established performance measures and requires any further transfers to be approved by the Budget Section.

House Bill No. 1012, Section 2, authorizes the director of the Department of Transportation, upon approval of the Emergency Commission, to transfer between various line items appropriation authority of up to 10 percent of a given line item to adjust for changing circumstances in meeting established performance measures and requires any further transfers to be approved by the Budget Section.

House Bill No. 1013, Section 4, authorizes the commissioner of university and school lands, upon approval of the Emergency Commission, to transfer between various line items appropriation authority of up to 10 percent of a given line item to adjust for changing circumstances in meeting established performance measures and requires any further transfers to be approved by the Budget Section.

House Bill No. 1014, Section 2, requires Budget Section approval of certain types of statewide grants distributed by the Children's Services Coordinating Committee without specific approval by the Legislative Assembly.

House Bill No. 1016, Section 2, authorizes the director of the Department of Corrections and Rehabilitation, upon approval of the Budget Section, to transfer appropriation authority contained in the various subdivisions in the department's appropriation.

House Bill No. 1016, Section 3, authorizes the director of the Department of Corrections and Rehabilitation, upon approval of the Emergency Commission, to transfer between the various adult services line items appropriation authority of up to 10 percent of a given line item to adjust for changing circumstances in meeting established performance measures and requires any further transfers to be approved by the Budget Section.

House Bill No. 1398, Section 1, amends NDCC Section 15-10-12.1 to provide that the State Board of Higher Education may not authorize, without the consent of the Legislative Assembly or the Budget Section if the Legislative Assembly is not in session and will not convene in six months, the use of land for the construction of buildings and campus improvements financed by donations. If the board submits a request to the Budget Section for approval, the Legislative Council is to notify each member of the Legislative Assembly of the date of the Budget Section meeting at which the request will be considered and is to provide a copy of the meeting agenda to each member of the Legislative Assembly. The chairman of the Budget Section is to allow any member of the Legislative Assembly an opportunity to present testimony to the Budget Section regarding any such request.

House Bill No. 1398, Section 3, provides that a state agency or institution may not significantly change or expand a building construction project beyond what has been approved by the Legislative Assembly unless the Legislative Assembly or the Budget Section, if the Legislative Assembly is not in session, approves the change or expansion of the project or any additional expenditure for the project.

LEGISLATIVE ASSEMBLY

Appointments

Senate Bill No. 2012, Section 39, repeals NDCC Section 25-04-20, which established the Westwood Park Assets Management Committee, which included three members of the Senate and three members of the House of Representatives appointed by the Governor.

Members

Senate Bill No. 2130, Section 10, amends NDCC Section 44-09-26 to change the reimbursement of members of the Senate, while sitting as a court of impeachment, and members of the House of Representatives, while attending the court of impeachment, from the regular per diem plus \$5 per day, to the amount set by law for reimbursement of members of the Legislative Assembly during organizational, special, and regular sessions.

House Bill No. 1300, Section 1, enacts NDCC Section 54-03-27, which authorizes public employers to grant a leave of absence to an employee who is a member of the Legislative Assembly for service during a regular or special session of the Legislative Assembly. A public employer may not terminate the employment of an employee solely because the employee is absent from employment as the result of service in the Legislative Assembly.

House Bill No. 1415, Section 1, amends NDCC Section 54-03-20 to provide additional compensation of \$250 per month to majority and minority leaders of

the Senate and House of Representatives for their execution of public duties.

Duties

House Bill No. 1281, Section 3, enacts NDCC Section 61-02-68.14, which authorizes the State Water Commission to guarantee obligations with respect to water projects. To ensure maintenance of the required debt service reserve for bonds issued by the program, Section 5 enacts NDCC Section 61-02-68.16, which requires the Legislative Assembly to appropriate to the State Water Commission for deposit in the reserve fund the amount certified by the commission as necessary to maintain the reserve fund according to the guarantee issued by the commission.

Reports

Senate Bill No. 2188, Section 9, requires the State Engineer to report periodically to the Budget Section, any other interim committee designated by the Legislative Council, and the Senate and House of Representatives Natural Resources and Appropriations Committees regarding implementation of the comprehensive statewide water development program and state water management plan and the issuance and sources for repayment of bonds to finance construction of flood control projects, the Southwest Pipeline Project, a Devils Lake outlet, and a statewide water development program during the 1999-2000 interim.

House Bill No. 1013, Section 5, expresses legislative intent that the administrator of the state abandoned property office give priority to unclaimed property holder education programs and, when conducting examinations, give priority to examinations of financial institutions and hospitals; and requires the administrator to report to the 57th Legislative Assembly on abandoned property examinations conducted during the 1999-2001 biennium.