

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1015

Page 1, line 3, after the third semicolon insert "to amend and reenact sections 15-05-07, 15-05-16, and 23-20.2-03, subsections 2 and 4 of section 23-25-02, sections 23-29-07.6, 23-29-07.7, and 23-33-10, subdivision k of subsection 1 of section 38-08-04, sections 38-08-04.2, 38-12-02, 38-12-03, 38-12.1-01, 38-12.1-02, and 38-12.1-04, subsection 1 of section 38-12.1-05, subsections 12 and 24 of section 38-14.1-03, subsection 2 of section 38-14.1-21, sections 38-15-03, 38-19-03, 38-19-04, 54-17.3-02, 54-17.3-03, 54-17.3-04, 54-17.3-05, 54-17.3-06, 54-17.3-07, and 54-17.4-01, subsection 14 of section 54-17.4-02, sections 54-17.4-06, 54-17.4-07, 54-17.4-09, 54-17.4-10, 54-17.4-11, and 54-17.4-12, and subsection 1 of section 61-28-03 of the North Dakota Century Code, relating to the state geologist; to repeal section 54-17.4-05 of the North Dakota Century Code, relating to the state geologist; to provide an effective date;"

Page 1, line 14, replace "6,264,047" with "5,871,834"

Page 1, line 15, replace "1,947,591" with "1,916,559"

Page 1, line 19, replace "44,380,928" with "43,957,683"

Page 1, line 20, replace "37,296,489" with "37,295,870"

Page 1, line 21, replace "7,084,439" with "6,661,813"

Page 2, line 1, replace "16,546,603" with "16,527,614"

Page 2, line 2, replace "11,372,000" with "11,014,932"

Page 2, line 5, replace "30,243,603" with "29,867,546"

Page 2, line 14, replace "16,703,856" with "16,690,956"

Page 2, line 18, replace "30,018,282" with "30,005,382"

Page 2, line 21, replace "3,934,267" with "3,929,907"

Page 2, line 25, replace "33,618,207" with "33,613,847"

Page 2, line 26, replace "15,159,439" with "14,736,813"

Page 2, line 27, replace "131,176,581" with "130,782,645"

Page 2, line 28, replace "146,336,020" with "145,519,458"

Page 4, line 5, after "**TRANSFER**" insert "**- INDUSTRIAL COMMISSION REPORT**"

Page 4, line 11, after the period insert "The industrial commission shall report to the fifty-ninth legislative assembly regarding the mill and elevator association's net income to date and estimated net income for the remainder of the 2003-05 biennium."

Page 5, after line 31, insert:

"SECTION 14. AMENDMENT. Section 15-05-07 of the North Dakota Century Code is amended and reenacted as follows:

15-05-07. Board to ascertain and keep schedule of all lands on which coal exists. The board of university and school lands, with the assistance of the ~~state geologist~~ director of oil and gas, shall ascertain and determine the quantity and description of all lands under its control on which coal exists and shall compile and keep a statement and schedule of all such lands.

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

15-05-16. Reports - ~~State geologist~~ Director of oil and gas - State department of health. The ~~state geologist~~ director of oil and gas or the state department of health, on the request of the board of university and school lands, shall visit any land leased under section 15-05-09 and shall make a report of the visit to the board. The ~~state geologist~~ director of oil and gas or the state department of health may not receive a fee for making the examination and report but must be paid necessary expenses incurred in connection therewith.

SECTION 16. AMENDMENT. Section 23-20.2-03 of the North Dakota Century Code is amended and reenacted as follows:

23-20.2-03. Jurisdiction of the industrial commission. The commission has jurisdiction and authority and is charged with the responsibility to enforce the provisions of this chapter. This chapter does not apply to any activity regulated under chapters 23-29, 38-08, 38-12, 61-28, and 61-28.1. The commission acting through the ~~office of the state geologist~~ director of oil and gas has the authority:

1. To require:
 - a. Identification of ownership of all facilities and equipment used for the underground storage and retrieval of material and waste disposal.
 - b. The making and filing of all logs and reports on facility location, drilling, boring, excavating, and construction and the filing, free of charge, of samples, core chips, and complete cores, when requested, in the office of the ~~state geologist~~ director of oil and gas.
 - c. The drilling, boring, excavating, and construction of facilities in a manner to prevent contamination and pollution of surface and ground water sources and the environment.
 - d. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules of the commission relating to the underground storage and retrieval of material and waste disposal.
 - e. Metering or other measuring of all material injected, emplaced, stored, disposed into, or retrieved from any facility regulated by this chapter.

- f. That every person who operates a facility for the underground storage and retrieval of material or for waste disposal in this state shall keep and maintain complete and accurate records of the quantities and nature of material stored, retrieved, or disposed of, which records must be available to the commission or its agents at all times, and that every such person file with the commission such reports as it may prescribe.
 - g. That upon termination of the operation of any facility or activity regulated by this chapter, the operator of such facility shall restore the surface as nearly as possible to its original condition and productivity.
2. To regulate:
 - a. The drilling, boring, excavating, and construction of all underground storage, retrieval, and waste disposal facilities.
 - b. Operations to assure the optimum performance of all facilities regulated by this chapter.
 3. To limit and prescribe the nature, quantity, and source of materials to be stored in, whether as waste or otherwise, or retrieved from any facility regulated by this chapter.
 4. To promulgate and to enforce rules, regulations, and orders to effectuate the purposes of this chapter.

The jurisdiction granted the commission by this chapter is not exclusive and does not affect the jurisdiction of other governmental entities.

SECTION 17. AMENDMENT. Subsections 2 and 4 of section 23-25-02 of the North Dakota Century Code are amended and reenacted as follows:

2. There is hereby established an air pollution control advisory council, hereinafter referred to as the advisory council, of nine members to include the state health officer, the ~~state geologist~~ director of oil and gas, the director of the department of transportation, and six other members to be appointed by the governor, one of whom must be a representative of county or municipal government, one a representative of the solid fuels industry, one a representative of the fluid and gas fuels industry, one a representative of the environmental sciences, and two appointed at large.
4. The advisory council shall select its own chairman from among its members. The state health officer, ~~state geologist~~ director of oil and gas, and director of the department of transportation each may designate a principal deputy or assistant to act in the officer's place and stead. The chief sanitary engineer of the state department of health, or that officer's designated assistant, must be the principal administrative officer of the council.

SECTION 18. AMENDMENT. Section 23-29-07.6 of the North Dakota Century Code is amended and reenacted as follows:

23-29-07.6. Preconstruction site review. The department, in cooperation with the state engineer and the ~~state geologist~~ director of oil and gas, shall develop criteria for siting a solid waste disposal facility based upon potential impact on environmental resources. Any application for a landfill permit received after the department develops siting criteria as required by this section must be reviewed for site suitability by the department after consultation with the state engineer and ~~state geologist~~ director of oil and gas before any site development. Site development does not include the

assessment or monitoring associated with the review as required by the department in consultation with the state engineer and ~~state geologist~~ director of oil and gas.

SECTION 19. AMENDMENT. Section 23-29-07.7 of the North Dakota Century Code is amended and reenacted as follows:

23-29-07.7. Review of existing municipal waste landfills. By July 1, 1995, the state engineer and ~~state geologist~~ director of oil and gas shall complete site suitability reviews of all existing municipal waste landfills within the state. The reports of such reviews must be provided to the department for use in site improvement, site remediation, or landfill closure.

SECTION 20. AMENDMENT. Section 23-33-10 of the North Dakota Century Code is amended and reenacted as follows:

23-33-10. Wellhead protection program. The department in cooperation with the state engineer and ~~state geologist~~ director of oil and gas shall assist in implementing a public water supply wellhead protection program for protection of ground water resources utilizing existing state and local statutory authority.

SECTION 21. AMENDMENT. Subdivision k of subsection 1 of section 38-08-04 of the North Dakota Century Code is amended and reenacted as follows:

- k. The filing free of charge of samples and core chips and of complete cores when requested in the office of the ~~state geologist~~ director of oil and gas within six months after the completion or abandonment of the well.

SECTION 22. AMENDMENT. Section 38-08-04.2 of the North Dakota Century Code is amended and reenacted as follows:

38-08-04.2. Director of oil and gas. The industrial commission is authorized to appoint a director of oil and gas and to set the director's salary within the limits of legislative appropriations. ~~The industrial commission may designate the state geologist as the director of oil and gas.~~

SECTION 23. AMENDMENT. Section 38-12-02 of the North Dakota Century Code is amended and reenacted as follows:

38-12-02. Jurisdiction of commission. The commission has jurisdiction and authority over all persons and property, public and private, necessary to enforce effectively the provisions of this chapter. Subject to the provisions of section 38-08-21, the ~~state geologist~~ director of oil and gas shall act as a supervisor charged with the duty of enforcing the regulations and orders of the commission applicable to the subsurface mineral resources of this state and the provisions of this chapter. The commission has authority to make such investigations as it deems proper to determine whether facts exist which justify action by the commission. The commission acting through the office of the ~~state geologist~~ director of oil and gas has the authority:

1. To require:
 - a. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules and regulations of the commission prescribed to govern the exploration, development, and production of subsurface minerals on state and private lands within the state of North Dakota.
 - b. The delivery, free of charge, to the ~~state geologist~~ director of oil and gas of the basic exploration data collected by the operator, within thirty days of field collection of such data. This data must include:

- (1) Sample cuts, core chips, or whole cores.
- (2) Sample logs, radioactivity logs, resistivity logs, or other types of electrical or mechanical logs.
- (3) Elevation and location information on the data collection points.
- (4) Other pertinent information as may be requested by the ~~state geologist~~ director of oil and gas.

The data so submitted is confidential for a period of one year when so requested by the operator and such period may be further extended upon approval by the commission.

- c. The filing of monthly production reports in the manner prescribed by the commission, and any other reports deemed necessary by the commission.
 - d. The conducting of all exploration, development, and production operations in such a manner as to prevent pollution of freshwater supplies, to provide for the protection of the environment and public safety, and to ensure the optimum recovery of the mineral resource.
 - e. The reclamation of all land disturbed by operations regulated by this chapter to a condition consistent with prior land use and productive capacity.
2. To regulate the drilling, and abandonment of exploration test holes and producing wells and all other exploration, development, production, and reclamation operations.
 3. To promulgate and to enforce rules, regulations, and orders to effectuate the purposes and the intent of this chapter.
 4. To inspect all exploration, development, and production sites. For the purposes of this subsection, the ~~state geologist~~ director of oil and gas or his representative shall have access to all exploration, development or production installations for purposes of inspection and shall have the authority to require the operator's aid if same is necessary and is requested.

SECTION 24. AMENDMENT. Section 38-12-03 of the North Dakota Century Code is amended and reenacted as follows:

38-12-03. Permit required. It is unlawful to commence operations for the exploration, development, or production of subsurface minerals without first obtaining a permit from the ~~state geologist~~ director of oil and gas, under such rules and regulations as may be prescribed by the commission and paying to the commission a fee for each such permit in an amount to be prescribed by the commission.

SECTION 25. AMENDMENT. Section 38-12.1-01 of the North Dakota Century Code is amended and reenacted as follows:

38-12.1-01. Legislative findings. The legislative assembly of the state of North Dakota finds that:

1. The discovery and evaluation of coal deposits is advantageous in an industrial society.

2. Coal occurs hidden under the ground and must be searched for by diverse techniques, and that the search, exploration, or prospecting for coal is a necessary and expensive prerequisite to coal extraction and for land use planning in coal-bearing areas.
3. It is to the benefit of society to allow coal exploration and to require the information generated from exploration to be available to the ~~office of the state geologist~~ director of oil and gas.

SECTION 26. AMENDMENT. Section 38-12.1-02 of the North Dakota Century Code is amended and reenacted as follows:

38-12.1-02. Declaration of policy. It is hereby declared to be in the public interest to have persons engaged in coal exploration or evaluation report their findings to the ~~office of the state geologist~~ director of oil and gas so that data on the location, quantity, and quality of coal, and the characteristics of associated material, will be available to assist the state in determining what the attitude of the state should be regarding future development of coal resources.

SECTION 27. AMENDMENT. Section 38-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

38-12.1-04. Jurisdiction of commission. The commission has jurisdiction and authority over all persons and property, both public and private, necessary to effectively enforce ~~the provisions of~~ this chapter. The ~~state geologist~~ director of oil and gas shall act as a supervisor charged with the duty of enforcing the regulations and orders of the commission applicable to the provisions of this chapter. The commission has authority to make such investigations as it ~~deems~~ determines proper to determine whether facts exist which justify action by the commission. The commission acting through the ~~office of the state geologist~~ director of oil and gas has the authority:

1. To require:
 - a. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules and regulations of the commission prescribed to govern the exploration for coal on state and private lands and roads used in coal exploration within the state of North Dakota.
 - b. The delivery, free of charge, to the ~~state geologist~~ director of oil and gas of the basic data collected during the course of the exploration within a reasonable time as may be prescribed by the ~~state geologist~~ director of oil and gas. The data so submitted is confidential and available only to the office of the ~~state geologist~~ director of oil and gas for official purposes for a period of two years, and such period of confidentiality must, upon application, be extended for one-year periods by the ~~state geologist~~ director of oil and gas, for a total period not to exceed ten years unless it is demonstrated that such period should be further extended in order to prevent possible resulting harm to the person, his successors, and assigns, who delivered such basic data to the ~~state geologist~~ director of oil and gas. The basic data must include, if specifically requested by the ~~state geologist~~ director of oil and gas and if the information has been developed by or for a person conducting the exploration:
 - (1) Sample cuts.
 - (2) Drillers' logs, sample logs, radioactivity logs, resistivity logs, or other types of electrical or mechanical logs.

- (3) Elevation and location information on the data collection points.
 - (4) Other pertinent information as may be required by the ~~state geologist~~ director of oil and gas.
2. To require the plugging, covering, or reburial in an appropriate manner so as to protect environmental quality, general health and safety, and economic values, of all holes, pits, or trenches excavated during the course of coal exploration.
 3. To promulgate and enforce rules, regulations, and orders to effectuate the provisions, purpose, and intent of this chapter.
 4. To inspect all drilling or exploration sites. For the purposes of this subsection, the ~~state geologist~~ director of oil and gas or ~~his~~ the director's representative ~~shall have~~ has access to all drilling or exploration installations regulated by this chapter for the purpose of inspection and sampling and ~~shall have the authority to~~ may require the operators' aid if ~~he~~ the director finds it necessary and requests it.
 5. Notwithstanding any of the other provisions of this section, the commission acting through the office of the ~~state geologist~~ director of oil and gas shall require that any lands substantially disturbed in coal exploration, including excavations, roads, drill holes, and the removal of necessary facilities and equipment be reclaimed in accordance with the applicable performance standards of section 38-14.1-24. Reclamation must be accomplished so as to protect environmental quality, general health and safety, and economic values.

SECTION 28. AMENDMENT. Subsection 1 of section 38-12.1-05 of the North Dakota Century Code is amended and reenacted as follows:

1. It is unlawful to commence operations for drilling for the exploration for coal without first obtaining a permit from the ~~state geologist~~ director of oil and gas, under such rules ~~and regulations~~ as may be prescribed by the commission, and paying to the commission a fee of one hundred dollars for each such permit area. The permit application must include a description of the exploration area, and the period of proposed exploration. The permit must be granted within thirty days after proper application is submitted therefor.

SECTION 29. AMENDMENT. Subsections 12 and 24 of section 38-14.1-03 of the North Dakota Century Code are amended and reenacted as follows:

12. To ~~promulgate regulations~~ adopt rules consistent with state law, in consultation with the ~~state geologist~~ director of oil and gas, state department of health, and the state engineer for the protection of the quality and quantity of waters affected by surface coal mining operations.
24. To provide by ~~regulation~~ rule for the conservation and utilization of other minerals found within the permit area during surface coal mining and reclamation operations in consultation with the ~~state geologist~~ director of oil and gas and to approve plans for the use of such other minerals outside the permit area so long as the permittee affirmatively demonstrates that such removal is lawful and will provide equal or greater protection to the environment and to public health and safety and will achieve reclamation consistent with the purposes of this chapter.

SECTION 30. AMENDMENT. Subsection 2 of section 38-14.1-21 of the North Dakota Century Code is amended and reenacted as follows:

2. The commission's approval or modification of the permit or permit revision application must include consideration of the advice and technical assistance of the state historical society, the state department of health, the state soil conservation committee, the state game and fish department, the state forester, the ~~state geologist~~ director of oil and gas, and the state engineer, and may also include those state agencies versed in soils, agronomy, ecology, geology, and hydrology, and other agencies and individuals experienced in reclaiming surface mined lands.

SECTION 31. AMENDMENT. Section 38-15-03 of the North Dakota Century Code is amended and reenacted as follows:

38-15-03. Jurisdiction of commission. The commission has continuing jurisdiction and authority over all persons and property, public and private, necessary to enforce effectively the provisions of this chapter. The ~~state geologist~~ director of oil and gas shall act as a supervisor charged with enforcing the regulations and orders of the commission applicable to the provisions of this chapter. The commission has authority to make investigations it deems proper to determine whether facts exist which justify action by the commission. The commission has the authority:

1. To require the furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules and regulations of the commission prescribed to govern, satisfy, and resolve conflicting interests among producers within North Dakota.
2. To resolve conflicting interests of producers of natural resources which cannot be voluntarily concluded by them in the public interest to eliminate waste, to the end that the producer, landowner, and mineral owner realize the greatest possible economic advantage.
3. To promulgate and to enforce rules, regulations, and orders to effectuate the purposes and intent of this chapter.

SECTION 32. AMENDMENT. Section 38-19-03 of the North Dakota Century Code is amended and reenacted as follows:

38-19-03. Jurisdiction of the commission. The commission has jurisdiction and authority and is charged with the responsibility to enforce ~~the provisions of~~ this chapter. This chapter does not apply to any activity regulated under chapters 38-08, 38-12, 38-12.1, 38-14.1, and 61-28. The jurisdiction granted to the commission by this chapter is not exclusive and does not affect the jurisdiction of other governmental entities. The commission acting through the office of the ~~state geologist~~ director of oil and gas has the authority:

1. To require:
 - a. Identification of ownership of all facilities, installations, and equipment used in the extraction of geothermal energy.
 - b. The making and filing of all logs and reports on facility location, drilling, boring, excavating, and construction and the filing, free of charge, of samples, core chips, and complete cores, when requested, in the office of the ~~state geologist~~ director of oil and gas.
 - c. The drilling, boring, casing, excavating, plugging, and construction of facilities in a manner to prevent contamination and pollution of surface and ground water sources and unnecessary environmental degradation.

- d. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the rules of the commission relating to the extraction of geothermal energy.
 - e. Metering or measuring all products extracted from or by means of a facility regulated by this chapter.
 - f. That every person who operates a geothermal energy extraction facility in this state shall keep and maintain complete and accurate records of the quantities and nature of products extracted from or by means of any facility, and the ultimate disposition of such products, which records must be available to the commission or its agents at all times, and that every such person file with the commission such reports as it may prescribe.
 - g. That upon termination of the operation of any facility or activity regulated by this chapter, the operator of the facility shall restore the surface as nearly as possible to its original condition and productivity.
2. To regulate:
 - a. The drilling, boring, excavating, and construction of all geothermal energy extraction facilities.
 - b. Operations to assure the optimum performance of all facilities regulated under this chapter.
 3. To limit and prescribe the nature, quantity, and source of geothermal energy to be extracted from any facility regulated by this chapter.
 4. To adopt rules and issue orders to effectuate the purposes of this chapter.

SECTION 33. AMENDMENT. Section 38-19-04 of the North Dakota Century Code is amended and reenacted as follows:

38-19-04. Permit or report required. It is unlawful to commence any operations for the drilling, boring, excavating, or construction of a geothermal energy extraction facility, which is used for other than private residential heating and cooling purposes, without first securing a permit from the ~~state geologist~~ director of oil and gas, under such rules as may be adopted by the commission and after paying to the commission a fee for each such facility in an amount to be prescribed by the commission by rule. The fee set must be related to the cost of regulation and inspection under this chapter.

A report is required upon completion of any geothermal energy extraction facility used solely for private residential heating or cooling purposes. The report must be prepared by the geothermal energy extraction facility installer on a form provided by the ~~state geologist~~ director of oil and gas and must be furnished to the ~~state geologist~~ director of oil and gas within thirty days after the completion of the facility. The report must contain relevant information the ~~state geologist~~ director of oil and gas requires relating to the environmental safety of the facility, including the facility owner and location, a log of formations penetrated, if any, system specifications and design, and fluids used in the facility.

All construction of geothermal energy extraction facilities must comply with rules adopted under this chapter.

SECTION 34. AMENDMENT. Section 54-17.3-02 of the North Dakota Century Code is amended and reenacted as follows:

54-17.3-02. Jurisdiction of the commission. The commission, acting through the ~~office of the state geologist~~ director of oil and gas, has jurisdiction and authority to enforce the provisions of sections 54-17.3-01 through 54-17.3-08. The commission has authority to make such investigations as it deems proper to determine whether facts exist which justify action by the commission. The commission has authority to adopt rules and issue orders to effectuate the provisions of sections 54-17.3-01 through 54-17.3-08.

SECTION 35. AMENDMENT. Section 54-17.3-03 of the North Dakota Century Code is amended and reenacted as follows:

54-17.3-03. Permit required. A permit must be obtained by any person, organization, institution, or company engaged on one's own behalf or on behalf of another to:

1. Identify or evaluate paleontological resources to satisfy state or federal requirements; or
2. Investigate, excavate, collect, or otherwise record paleontological resources on land owned by the state or its political subdivisions.

A permit may be issued upon filing of an application that contains information prescribed by the ~~state geologist~~ director of oil and gas and upon the applicant's payment to the ~~state geologist~~ director of oil and gas of the fee set by the ~~state geologist~~ director of oil and gas. The ~~state geologist~~ director of oil and gas may waive the fee requirement if the applicant is an instrumentality of the state. A permit may be issued only for the activities and at the locations described in the permit application.

SECTION 36. AMENDMENT. Section 54-17.3-04 of the North Dakota Century Code is amended and reenacted as follows:

54-17.3-04. Permit - Duration - Revocation. A permit issued under sections 54-17.3-01 through 54-17.3-08 expires on December thirty-first of the year in which it is issued. A permit may be extended upon written request to the ~~state geologist~~ director of oil and gas before expiration of the permit and upon payment to the ~~state geologist~~ director of oil and gas of the fee set by the ~~state geologist~~ director of oil and gas. A permit may be revoked at any time if it appears the permittee secured the permit through false information or that any activities performed by the permittee are being conducted negligently or improperly, or without regard for the careful preservation and conservation of the paleontological resource.

SECTION 37. AMENDMENT. Section 54-17.3-05 of the North Dakota Century Code is amended and reenacted as follows:

54-17.3-05. Coordination of quaternary fossil finds. The ~~state geologist~~ director of oil and gas shall notify the director of the state historical society of all quaternary paleontological finds reported to the ~~state geologist~~ director of oil and gas which potentially or actually contain cultural resources. The treatment of sites containing both paleontological remains and cultural resources must be handled in a manner jointly agreed upon by the ~~state geologist~~ director of oil and gas and the director. The term cultural resources has the same definition as the term is defined in section 55-03-00.1.

SECTION 38. AMENDMENT. Section 54-17.3-06 of the North Dakota Century Code is amended and reenacted as follows:

54-17.3-06. Protection of paleontological specimens and sites. Any paleontological resource found or located upon any land owned by the state or its political subdivisions may not be destroyed, defaced, altered, removed, or otherwise disposed of in any manner without approval of the ~~state geologist~~ director of oil and

gas. The ~~state geologist~~ director of oil and gas shall determine the significance of the paleontological resource to the understanding of the paleontologic and geologic history of North Dakota. It is the responsibility of the state and its political subdivisions to cooperate with the ~~state geologist~~ director of oil and gas in identifying and implementing any reasonable alternative to destruction or alteration of any paleontological resource.

SECTION 39. AMENDMENT. Section 54-17.3-07 of the North Dakota Century Code is amended and reenacted as follows:

54-17.3-07. Transfer of paleontological resources. The ~~state geologist~~ director of oil and gas may exchange with or transfer to universities, colleges, governmental bodies, and scientific institutions duplicate paleontological resources it holds. The state historical society must receive preference for the receipt of duplicate paleontological resources.

SECTION 40. AMENDMENT. Section 54-17.4-01 of the North Dakota Century Code is amended and reenacted as follows:

54-17.4-01. Definitions. As used in this chapter, unless the context otherwise requires:

1. "Commission" means the North Dakota industrial commission.
2. "~~State geologist~~" means the ~~North Dakota state geologist~~ Director" means the director of oil and gas.
3. "Survey" means the North Dakota geological survey.

SECTION 41. AMENDMENT. Subsection 14 of section 54-17.4-02 of the North Dakota Century Code is amended and reenacted as follows:

14. Consider such other scientific and economic questions in the field of geology as in the judgment of the ~~state geologist~~ director is ~~deemed determined to be~~ of value to the people of the state.

SECTION 42. AMENDMENT. Section 54-17.4-06 of the North Dakota Century Code is amended and reenacted as follows:

54-17.4-06. ~~State geologist~~ Director - Authority. The ~~state geologist~~ director is the executive and administrative head of the survey and shall exercise the powers of the office and be responsible for the execution of its duties.

SECTION 43. AMENDMENT. Section 54-17.4-07 of the North Dakota Century Code is amended and reenacted as follows:

54-17.4-07. ~~State geologist~~ Director - Grants, funds, and contracts. The ~~state geologist~~ director, with the approval of the commission, may accept and expend money from and enter into contracts with federal, state, local, or other public entities to carry out the purposes of this chapter or to provide geological services. If such funds exceed appropriations made by the legislative assembly, the ~~state geologist~~ director shall seek emergency commission approval for their expenditure.

SECTION 44. AMENDMENT. Section 54-17.4-09 of the North Dakota Century Code is amended and reenacted as follows:

54-17.4-09. ~~State geologist~~ Director - Specimens collected - Exhibited - Exchanged. The ~~state geologist~~ director shall cause proper specimens, skillfully prepared, secured, and labeled, of rocks, minerals, ores, coals, fossils, and other earth materials discovered or examined in the course of the geological surveys to be preserved for public inspection free of cost. The ~~state geologist~~ director, when

practicable, shall cause duplicate specimens in reasonable numbers and quantities to be collected and preserved for the purpose of exchange with or transfer to universities, colleges, governmental bodies, and scientific institutions.

SECTION 45. AMENDMENT. Section 54-17.4-10 of the North Dakota Century Code is amended and reenacted as follows:

54-17.4-10. ~~State geologist~~ Director - Purchase and sale of maps - Appropriation. The ~~state geologist is authorized to~~ director may purchase cartographic products from the federal government for the purpose of reselling the products to the public at a fee set by the ~~state geologist~~ director. All moneys collected from the sale of the products must be deposited in the cartographic products fund. This fund must be maintained as a special fund and all moneys transferred into the fund are hereby appropriated and must be used and disbursed solely for the purpose of paying the ~~state geologist's~~ director's cost of purchasing and reselling the products.

SECTION 46. AMENDMENT. Section 54-17.4-11 of the North Dakota Century Code is amended and reenacted as follows:

54-17.4-11. ~~State geologist~~ Director - Colleges and universities - Cooperation. The board of higher education and the survey shall develop a cooperative agreement for the sharing of books, equipment, and other physical resources.

SECTION 47. AMENDMENT. Section 54-17.4-12 of the North Dakota Century Code is amended and reenacted as follows:

54-17.4-12. ~~State geologist~~ Director - Collection of global positioning system data - Fee. All moneys collected for the sale of global positioning system community-base station data must be deposited in the global positioning system community-base station fund. This fund must be maintained as a revolving fund and all moneys transferred into the fund are hereby appropriated and must be used and disbursed solely for the purpose of paying the ~~state geologist's~~ director's cost of collecting and distributing the data. This fund is not subject to section 54-44.1-11.

SECTION 48. AMENDMENT. Subsection 1 of section 61-28-03 of the North Dakota Century Code is amended and reenacted as follows:

1. The state water pollution control board consists of thirteen persons. The board must include the state health officer, state engineer, director of the game and fish department, ~~state geologist~~ director of oil and gas, and nine other members appointed by the governor, three of whom must be representatives of production agriculture, two of whom must be representatives of manufacturing and processing, one of whom must be a representative of the solid fuels industry, one of whom must be a representative of the fluid and gas fuels industry, one of whom must be a representative of the environmental sciences, and one of whom must be a representative of county or municipal government.

SECTION 49. REPEAL. Section 54-17.4-05 of the North Dakota Century Code is repealed.

SECTION 50. EFFECTIVE DATE. Sections 14 through 49 of this Act become effective on January 1, 2004."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1015 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Industrial Commission				
Total all funds	\$44,449,595	\$44,380,928	(\$423,245)	\$43,957,683
Less estimated income	<u>37,302,824</u>	<u>37,296,489</u>	<u>(619)</u>	<u>37,295,870</u>
General fund	\$7,146,771	\$7,084,439	(\$422,626)	\$6,661,813
Bank of North Dakota				
Total all funds	\$38,494,966	\$38,318,603	(\$376,057)	\$37,942,546
Less estimated income	<u>30,419,966</u>	<u>30,243,603</u>	<u>(376,057)</u>	<u>29,867,546</u>
General fund	\$8,075,000	\$8,075,000	\$0	\$8,075,000
Housing Finance Agency				
Total all funds	\$33,660,732	\$33,618,207	(\$4,360)	\$33,613,847
Less estimated income	<u>33,660,732</u>	<u>33,618,207</u>	<u>(4,360)</u>	<u>33,613,847</u>
General fund	\$0	\$0	\$0	\$0
Mill and Elevator				
Total all funds	\$30,018,282	\$30,018,282	(\$12,900)	\$30,005,382
Less estimated income	<u>30,018,282</u>	<u>30,018,282</u>	<u>(12,900)</u>	<u>30,005,382</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$146,623,575	\$146,336,020	(\$816,562)	\$145,519,458
Less estimated income	<u>131,401,804</u>	<u>131,176,581</u>	<u>(393,936)</u>	<u>130,782,645</u>
General fund	\$15,221,771	\$15,159,439	(\$422,626)	\$14,736,813

House Bill No. 1015 - Industrial Commission - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$6,332,714	\$6,264,047	(\$392,213)	\$5,871,834
Operating expenses	1,947,591	1,947,591	(31,032)	1,916,559
Capital assets	68,300	68,300		68,300
Grants	16,270,000	16,270,000		16,270,000
Bond payments	<u>19,830,990</u>	<u>19,830,990</u>		<u>19,830,990</u>
Total all funds	\$44,449,595	\$44,380,928	(\$423,245)	\$43,957,683
Less estimated income	<u>37,302,824</u>	<u>37,296,489</u>	<u>(619)</u>	<u>37,295,870</u>
General fund	\$7,146,771	\$7,084,439	(\$422,626)	\$6,661,813
FTE	58.37	58.37	(5.00)	53.37

Dept. 405 - Industrial Commission - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ²	REDUCES FUNDING FOR SALARIES AND WAGES AND REMOVES 6 FTE POSITIONS ³	ADDS FUNDING AND 1 FTE POSITION FOR PETROLEUM ENGINEER ⁴	TOTAL SENATE CHANGES
Salaries and wages	(\$6,089)		(\$535,500)	\$149,376	(\$392,213)
Operating expenses		(\$31,032)			(31,032)
Capital assets					
Grants					
Bond payments					
Total all funds	(\$6,089)	(\$31,032)	(\$535,500)	\$149,376	(\$423,245)
Less estimated income	<u>(619)</u>				<u>(619)</u>
General fund	(\$5,470)	(\$31,032)	(\$535,500)	\$149,376	(\$422,626)
FTE	0.00	0.00	(6.00)	1.00	(5.00)

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

² This amendment reduces funding for information technology by \$31,032 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

³ This amendment reduces funding for salaries and wages by \$535,500 from the general fund and removes six FTE positions as a result of the merger of the Oil and Gas Division and the Geological Survey.

⁴ This amendment adds funding and one FTE for the petroleum engineer IV position which was removed from the Oil and Gas Division in the Governor's recommendation.

House Bill No. 1015 - Bank of North Dakota - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$16,722,966	\$16,546,603	(\$18,989)	\$16,527,614
Operating expenses	11,372,000	11,372,000	(357,068)	11,014,932
Capital assets	825,000	825,000		825,000
Contingencies	1,500,000	1,500,000		1,500,000

PACE fund	5,700,000	5,700,000		5,700,000
Agriculture PACE fund	1,425,000	1,425,000		1,425,000
Beginning farmer	<u>950,000</u>	<u>950,000</u>		<u>950,000</u>
Total all funds	\$38,494,966	\$38,318,603	(\$376,057)	\$37,942,546
Less estimated income	<u>30,419,966</u>	<u>30,243,603</u>	<u>(376,057)</u>	<u>29,867,546</u>
General fund	\$8,075,000	\$8,075,000	\$0	\$8,075,000
FTE	178.50	178.50	0.00	178.50

Dept. 471 - Bank of North Dakota - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL SENATE CHANGES
Salaries and wages	(\$18,989)		(\$18,989)
Operating expenses		(\$357,068)	(357,068)
Capital assets			
Contingencies			
PACE fund			
Agriculture PACE fund			
Beginning farmer			
Total all funds	(\$18,989)	(\$357,068)	(\$376,057)
Less estimated income	<u>(18,989)</u>	<u>(357,068)</u>	<u>(376,057)</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

1 This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

2 This amendment reduces funding for information technology by \$357,068 from special funds, which represents a reduction in information technology funding from special funds of approximately 4 percent.

House Bill No. 1015 - Housing Finance Agency - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$3,976,792	\$3,934,267	(\$4,360)	\$3,929,907
Operating expenses	2,415,560	2,415,560		2,415,560
Grants	27,168,380	27,168,380		27,168,380
HFA contingencies	<u>100,000</u>	<u>100,000</u>		<u>100,000</u>
Total all funds	\$33,660,732	\$33,618,207	(\$4,360)	\$33,613,847
Less estimated income	<u>33,660,732</u>	<u>33,618,207</u>	<u>(4,360)</u>	<u>33,613,847</u>
General fund	\$0	\$0	\$0	\$0
FTE	43.00	43.00	0.00	43.00

Dept. 473 - Housing Finance Agency - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	TOTAL SENATE CHANGES
Salaries and wages	(\$4,360)	(\$4,360)
Operating expenses		
Grants		
HFA contingencies		
Total all funds	(\$4,360)	(\$4,360)
Less estimated income	<u>(4,360)</u>	<u>(4,360)</u>
General fund	\$0	\$0
FTE	0.00	0.00

1 This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

House Bill No. 1015 - Mill and Elevator - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$16,703,856	\$16,703,856	(\$12,900)	\$16,690,956
Operating expenses	13,014,426	13,014,426		13,014,426
Contingencies	250,000	250,000		250,000
Agriculture promotion	<u>50,000</u>	<u>50,000</u>		<u>50,000</u>

Total all funds	\$30,018,282	\$30,018,282	(\$12,900)	\$30,005,382
Less estimated income	<u>30,018,282</u>	<u>30,018,282</u>	<u>(12,900)</u>	<u>30,005,382</u>
General fund	\$0	\$0	\$0	\$0
FTE	125.00	125.00	0.00	125.00

Dept. 475 - Mill and Elevator - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$12,900)	(\$12,900)
Operating expenses		
Contingencies		
Agriculture promotion	_____	_____
Total all funds	(\$12,900)	(\$12,900)
Less estimated income	<u>(12,900)</u>	<u>(12,900)</u>
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

This amendment also requires the Mill and Elevator Association to report to the 59th Legislative Assembly regarding the Mill and Elevator's net income to date and estimated net income for the remainder of the 2003-05 biennium.

Sections are added changing the statutory reference from State Geologist to director of oil and gas, effective January 1, 2004.