

## 2009 LEGISLATION DIRECTLY AFFECTING THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE ASSEMBLY

This memorandum identifies 2009 legislation that directly affects the responsibilities of the Legislative Council or the Legislative Assembly. Some provisions are listed under more than one heading to ensure that each heading contains a comprehensive list of applicable provisions. This memorandum:

- Does not describe Legislative Council study directives that are contained in bills or concurrent resolutions.
- Does not describe those provisions in bills which require agencies to report to the Appropriations Committees of the 62<sup>nd</sup> Legislative Assembly regarding one-time funding items, extraordinary repairs funded in bills, or use of funds for certain purposes.

In summary, 2009 legislation:

- Establishes 1 new statutory Legislative Council interim committee;
- Establishes 47 new reporting requirements to the Legislative Council;
- Establishes 18 new reporting requirements to the Budget Section;
- Establishes 12 new reporting requirements to the Legislative Assembly;
- Establishes 35 new approval authorities by the Budget Section;
- Establishes 2 new approval authorities by interim committees;
- Deletes 3 (of the current 62) reporting requirements to the Legislative Council; and
- Deletes 3 (of the current 34) reporting requirements to the Legislative Assembly.

### LEGISLATIVE COUNCIL

#### Name Change

**House Bill No. 1436** replaces "Legislative Council" with "Legislative Management" to differentiate between the legislators (the Legislative Management) and the staff (the Legislative Council) as an agency of the legislative branch, effective August 1, 2009.

#### Appointments

**House Bill No. 1003**, Section 8, amends North Dakota Century Code (NDCC) Section 53-12.1-04(1) to delete the limitation that the five members of the Lottery Advisory Commission, three of whom are legislators, may not be appointed to more than two consecutive terms.

**House Bill No. 1175**, Section 18, requires the Department of Human Services to convene a child support enforcement task force to study the interaction of the business community and the child support enforcement program. The task force must include two members of the Legislative Assembly appointed by the chairman of the Legislative Council.

**House Bill No. 1400**, Section 40, amends NDCC Section 15.1-27-41 to provide that the chairman of the Legislative Council appoints as voting members to the North Dakota Commission on Education Improvement, one individual employed as a superintendent of a high school district having more than 1,000 students, one individual employed as the superintendent of a high school district having more than 250 but fewer than 1,000 students, one individual employed as a superintendent of a high school district having fewer than 250 students, and one legislator; and as nonvoting members, one individual who is or has served as the president of a private four-year institution of higher education and one individual who is the owner or manager of a business located in this state.

**Senate Bill No. 2021**, Section 10, amends NDCC Section 15.1-02-18 to add to the membership of the Statewide Longitudinal Data System Committee two members of the Legislative Assembly appointed by the chairman of the Legislative Council.

### Responsibilities

**House Bill No. 1178**, Section 1, amends NDCC Section 54-03-26 to authorize the Legislative Council to establish a policy under which a member of the Legislative Assembly may purchase the computer used by that member for the appraised or market value of the computer upon replacement of the computer by the Legislative Council.

**Senate Bill No. 2001**, Section 4, authorizes the chairman of the Legislative Council or the chairman's designee to request transfers of funds between line items of appropriations for the Legislative Council and between the line items for the 61<sup>st</sup> and 62<sup>nd</sup> Legislative Assemblies.

**Senate Bill No. 2001**, Section 6, provides NDCC Sections 54-16-04 and 54-44.1-11 do not apply to Chapter 1 of the 2007 Session Laws and the chairman of the Legislative Council or the chairman's designee may request transfers of funds between the line items and agencies of the legislative branch within that chapter.

**Senate Bill No. 2142**, Section 3, amends NDCC Section 54-59-11 to change from July 15 to August 15 of each even-numbered year the date agencies of the judicial and legislative branches must file their information technology plans with the Information Technology Department.

**House Concurrent Resolution No. 3036** directs the Legislative Council to prepare and publish a pocket brochure of pertinent state economic and state government statistics and trends relating to economic data, and to arrange for the information to be updated and disseminated to each legislator annually.

### **Interim Committees of the Legislative Council Administrative Rules Committee**

**House Bill No. 1029**, Section 1, creates NDCC Section 54-06-32 to authorize state employee service awards under rules adopted by Human Resource Management Services and approved by the State Personnel Board and the Administrative Rules Committee with respect to employees in the classified service.

**House Bill No. 1029**, Section 2, creates NDCC Section 54-06-33 to authorize state agencies to provide employer-paid costs of training or educational courses under rules adopted by Human Resource Management Services and approved by the State Personnel Board and the Administrative Rules Committee with respect to employees in the classified service.

**House Bill No. 1472**, Section 1, creates NDCC Section 50-11.1-15 to require the director of the Department of Human Services to appoint the Early Childhood Services Advisory Board to review all early childhood services rules before August 1, 2010. Any rules the department adopts in response to legislation enacted in 2009 are exempt from the deadline for rules to implement statutory changes set forth in Section 28-32-07, but the rules must be in effect before January 1, 2011.

**Senate Bill No. 2026**, Section 1, amends NDCC Section 28-32-15 to change the filing dates for administrative rules to "back up" the filing dates by two weeks for each quarter.

### **Commission on Alternatives to Incarceration**

**Senate Bill No. 2029**, Section 1, amends NDCC Section 54-35-24 to extend the expiration date of the Commission on Alternatives to Incarceration from June 30, 2009, to August 1, 2013.

### **Economic Development Committee (Reference to)**

**Senate Bill No. 2021**, Section 10, amends NDCC Section 15.1-02-18 to require the Statewide Longitudinal Data System Committee to provide a report on the status of the statewide longitudinal data system to the Information Technology Committee, interim Education Issues Committee, and interim Economic Development Committee. (The bill eliminates the temporary nature of the report by deleting reference to providing the report before the 61<sup>st</sup> Legislative Assembly.)

### **Education Issues Committee (Reference to)**

**Senate Bill No. 2021**, Section 10, amends NDCC Section 15.1-02-18 to require the Statewide Longitudinal Data System Committee to provide a report on the status of the statewide longitudinal data system to the Information Technology Committee, interim Education Issues Committee, and interim Economic Development Committee. (The bill eliminates the temporary nature of the report by deleting reference to providing the report before the 61<sup>st</sup> Legislative Assembly.)

### **Higher Education Committee (New)**

**Senate Bill No. 2038**, Section 6, requires the Legislative Council to consider appointing a Higher Education Committee to study the means by which the North Dakota University System can further contribute to developing and attracting the human capital to meet North Dakota's economic and workforce needs and to visit select higher education institutions. If appointed, the committee must include the chairmen of the House and Senate Education Committees or each chairman's designee.

**Senate Bill No. 2038**, Section 9, requires the chairman of the Legislative Council to appoint a Higher Education Committee during the 2009-10 interim to study issues affecting higher education.

### **Information Technology Committee**

**Senate Bill No. 2021**, Section 9, requires the Information Technology Department to report to the Information Technology Committee the department's level of outsourcing information technology services, nonessential technology services that could be outsourced, the number of employees who have resigned from the department and have been rehired from the private sector to provide consulting services, and the department's efforts to assist in the creation of North Dakota technology-related companies.

**Senate Bill No. 2021**, Section 10, amends NDCC Section 15.1-02-18 to require the Statewide Longitudinal Data System Committee to provide a report on the status of the statewide longitudinal data system to the Information Technology Committee, interim Education Issues Committee, and interim Economic Development Committee. (The bill eliminates the temporary nature of the report by deleting reference to providing the report before the 61<sup>st</sup> Legislative Assembly.)

### **Legislative Audit and Fiscal Review Committee**

**House Bill No. 1037**, Section 2, amends NDCC Section 65-02-30 to provide the biennial performance evaluation of Workforce Safety and Insurance is to be presented to the Workers' Compensation Review Committee rather than the Legislative Audit and Fiscal Review Committee and the House and Senate Industry, Business and Labor Committees.

### **Legislative Management Committee**

**Senate Bill No. 2001**, Section 5, provides any expenditure relating to \$400,000 of the \$1,000,000 appropriation for legislative wing equipment and improvements must be approved by a majority of the Senate members of the Legislative Management Committee, any expenditure relating to a separate sum of \$400,000 must be approved by a majority of the House members of the Legislative Management Committee, and any expenditure relating to the remaining \$200,000 must be approved by a majority of all members of the committee, for the 2009-11 biennium.

### **Tribal and State Relations Committee**

**House Bill No. 1060**, Section 1, amends NDCC Section 54-35-23 to extend the expiration date of the Tribal and State Relations Committee from July 31, 2009, to July 31, 2011.

### **Water-Related Topics Overview Committee (New)**

**Senate Bill No. 2336**, Section 1, amends NDCC Section 54-35-02.7 to require the Legislative Council to appoint a Water-Related Topics Overview Committee consisting of nine members. The committee must meet quarterly and is responsible for legislative overview of water-related topics and related matters and for any necessary discussions with adjacent states on water-related topics. The bill is effective through November 30, 2013.

### **Workers' Compensation Review Committee**

**House Bill No. 1037**, Section 2, amends NDCC Section 65-02-30 to provide the biennial performance evaluation of Workforce Safety and Insurance is to be presented to the Workers' Compensation Review Committee rather than the Legislative Audit and Fiscal Review Committee and the House and Senate Industry, Business and Labor Committees. The committee is authorized to select up to four elements to be evaluated in the performance evaluation.

**House Bill No. 1062**, Section 2, creates NDCC Section 65-05.1-06.3 to require Workforce Safety and Insurance to implement pilot programs to assess alternative methods of providing rehabilitation services and to include information on future, current, and completed pilot programs in its annual report to the Workers' Compensation Review Committee.

**House Bill No. 1525**, Section 1, requires Workforce Safety and Insurance to study the postretirement benefits available to an individual whose disability benefits end at the time of Social Security retirement eligibility and report the results of the study to the Workers' Compensation Review Committee before August 1, 2010.

### **Workforce Committee (Reference to)**

**Senate Bill No. 2019**, Section 2, requires the State Board of Higher Education to study the status of the training activities provided by the four institutions of higher education assigned primary responsibility for workforce training in the state and to report the findings to the interim Workforce Committee, which is to report the findings and its recommendations to the 62<sup>nd</sup> Legislative Assembly.

### **Reports to the Legislative Council**

**House Bill No. 1016**, Section 11, requires the Adjutant General to report to the Budget Section during the 2009-10 interim regarding reintegration program expenditures and the program's impact on service members.

**House Bill No. 1029**, Section 1, creates NDCC Section 54-06-32 to authorize state employee service awards under rules adopted by Human Resource

Management Services and approved by the State Personnel Board and the Administrative Rules Committee with respect to employees in the classified service. Within 60 days after each biennial period, each state agency providing an award under the rules is to file a report with the Office of Management and Budget, and within 90 days after each biennial period the Office of Management and Budget is to submit a report to the Legislative Council summarizing these reports.

**House Bill No. 1029**, Section 2, creates NDCC Section 54-06-33 to authorize state agencies to provide employer-paid costs of training or educational courses under rules adopted by Human Resource Management Services and approved by the State Personnel Board and the Administrative Rules Committee with respect to employees in the classified service. Within 60 days after each biennial period, each state agency providing employer-paid costs of training under the rules is to file a report with the Office of Management and Budget, and within 90 days after each biennial period the Office of Management and Budget is to submit a report to the Legislative Council summarizing these reports.

**House Bill No. 1029**, Section 3, creates NDCC Section 54-06-34 to authorize state agencies to pay employee membership dues for professional organizations and membership dues for service clubs when required to do business or if the membership is primarily for the benefit of the state. Within 60 days after each biennial period, each executive branch state agency providing employer-paid dues is to file a report with the Office of Management and Budget, and within 90 days after each biennial period the Office of Management and Budget is to submit a report to the Legislative Council summarizing these reports.

**House Bill No. 1043**, Section 2, requires the Department of Human Services to report to the Legislative Council during the 2009-10 interim but after June 30, 2010, regarding the outcomes of the dementia care services program.

**House Bill No. 1057**, Section 4, requires the Commissioner of Veterans' Affairs to provide to the Legislative Council by December 1, 2009, July 1, 2010, and December 1, 2010, a report regarding the number of county veterans' service officers accredited by the National Association of County Veterans' Service Officers and the use of funds for accreditation training for county veterans' service officers.

**House Bill No. 1057**, Section 4, requires the board of county commissioners of each county to report to the Legislative Council by December 1, 2010, on the status of the county's compliance with the county veterans' service officer accreditation requirements.

**House Bill No. 1151**, Section 4, creates NDCC Section 65-03-05 to require Workforce Safety and Insurance to compile data relating to safety grants issued under Chapter 65-03 and report biennially to the Legislative Council.

**House Bill No. 1196**, Section 1, amends NDCC Section 26.1-36.4-06 to delete the requirement that

the Insurance Commissioner report to the Legislative Council the findings of the commissioner related to implementation of modified community rating.

**House Bill No. 1304**, Section 1, amends NDCC Section 57-51-15 to provide various allocations of oil and gas gross production tax revenues and to require counties receiving allocations to file reports with the Tax Commissioner within 60 days after the end of each fiscal year, describing funds received, expended, and unexpended, and requires the Tax Commissioner to compile the reports and provide a report to the Legislative Council within 60 days after the several reports were due.

**House Bill No. 1322**, Section 1, establishes the Energy Policy Commission and requires the commission to develop a comprehensive energy policy for the state and report biennially to the Legislative Council.

**House Bill No. 1322**, Section 2, requires the State Water Commission to conduct a study of water resources for each sector of energy production and report its findings and recommendations to the Legislative Council before September 1, 2010.

**House Bill No. 1368**, Section 1, creates NDCC Section 18-13-02(6) to require the State Fire Marshal to report to the Legislative Council each interim the State Fire Marshal's findings and any recommendation for legislation to improve the effectiveness of the law on reduced ignition propensity standards for cigarettes.

**House Bill No. 1394**, Section 3, amends NDCC Section 15-70-05 to require any tribally controlled community college receiving a grant under Chapter 15-70 to submit to the Legislative Council a report detailing the expenditures of the grant funds, a copy of the institution's latest audit report, and documentation of the enrollment status of students.

**House Bill No. 1399**, Section 5, requires the chairman of the American Indian Language Preservation Committee to provide a report to the Legislative Council before September 2010 regarding the work of the committee and any recommendations for ongoing preservation efforts.

**House Bill No. 1400**, Section 39, amends NDCC Section 15.1-27-35.3 to require any school district having more than \$50,000 excluded in the determination of its ending general fund balance to report to the Legislative Council.

**House Bill No. 1400**, Section 40, amends NDCC Section 15.1-27-41 to revise the duties of the North Dakota Commission on Education Improvement to include examination of high school graduation requirements, curricular standards, and assessment, and examination of the measures enacted by the most recent Legislative Assembly to improve student performance and the quality of instruction, confirm their full implementation, and recommend future measures for continued improvement. The commission is to provide periodic reports to the Legislative Council.

**House Bill No. 1400**, Section 44, creates NDCC Section 15.1-37-03 to require the North Dakota Early Childhood Education Council to provide a biennial report regarding its activities to the Legislative Council.

**House Bill No. 1400**, Section 51, requires each school district to use at least 70 percent of all new money received for per student payments and supplemental operations grants to increase compensation paid to teachers, counselors, and career advisors, but by a two-thirds vote a school board can exclude its district from the 70 percent requirement and notify the Superintendent of Public Instruction. The Superintendent of Public Instruction is to report all notices received to the Legislative Council.

**House Bill No. 1400**, Section 52, requires any school district receiving a one-time supplemental grant for certain uses to file a report with the Superintendent of Public Instruction describing the expenditures, obligations, or other commitments as a result of receiving a grant, and the Superintendent is to compile the information and present the information to the Legislative Council.

**House Bill No. 1463**, Section 1, creates NDCC Section 54-07-08 to establish the North Dakota Youth Council. Section 4 creates Section 54-07-11 to require the council to develop a list of issues and concerns pertinent to residents of this state under the age of 25 and to provide a report and any recommendations to the Legislative Council before September 1, 2010.

**House Bill No. 1556**, Section 1, requires the Department of Human Services to contract for a study of the methodology and calculations for the ratesetting structure for public and private licensed developmental disability and home and community-based services providers. The department is to report the outcomes and recommendations of the study to the Legislative Council before September 1, 2010.

**Senate Bill No. 2003**, Section 37, creates NDCC Section 15-62.2-05 to require the State Board of Higher Education to provide to the Legislative Council an annual report regarding the number of North Dakota academic scholarships and career and technical education scholarships provided and demographic information pertaining to the recipients.

**Senate Bill No. 2004**, Section 6, requires the State Department of Health to report to the Legislative Council on the use of funding provided for grants to emergency medical services operations during the 2009-11 biennium.

**Senate Bill No. 2012**, Section 13, authorizes the director of the Department of Transportation to transfer between operating and capital assets line items when it is cost-effective for construction and maintenance of highways and requires the Department of Transportation to report to the Legislative Council any such transfers.

**Senate Bill No. 2024**, Section 16, requires the Racing Commission, in its biennial report to the

Legislative Council under NDCC Section 53-06.2-04, to include information and recommendations for legislation which address the issue of the liability of charitable organizations that receive and disburse moneys handled through account wagering.

**Senate Bill No. 2035**, Section 5, requires the Tax Commissioner to conduct during the 2009-11 and 2011-13 bienniums a cost-benefit analysis of the coal severance tax exemption for coal used in certain plants and, during the 2013-14 interim, report the findings and recommendations of the analysis to the Legislative Council.

**Senate Bill No. 2038**, Section 5, requires the State Board of Higher Education, during the 2009-10 interim, to compile by campus information regarding the salaries, benefits, and total compensation of higher education instructional personnel, the number of students who are enrolled in courses delivered electronically to a site not on the campus, and the number of students who have not yet graduated from high school but who are enrolled in higher education courses offered for credit, and to provide the information to the Legislative Council.

**Senate Bill No. 2061**, Section 1, requires Human Resource Management Services to study and evaluate steps the state could take to recruit and retain state employees in state government employment as those state employees reach retirement and report the outcome of the study, including recommendations of legislative and nonlegislative actions the state could take to address the issue, to the Legislative Council before July 1, 2010.

**Senate Bill No. 2081**, Sections 1 and 2, amends NDCC Sections 15-52-03 and 15-52-04 to rename the North Dakota Medical Center as the University of North Dakota School of Medicine and Health Sciences and replace the requirement that the School of Medicine and Health Sciences Advisory Council make its recommendations to the Legislative Assembly with the requirement that the advisory council biennially submit a report and its recommendations regarding the strategic plan, programs, and facilities of the School of Medicine and Health Sciences to the Legislative Council.

**Senate Bill No. 2095**, Section 1, creates NDCC Section 38-22-15 to require the Industrial Commission to file with the director of the Legislative Council a report discussing whether the amount in the carbon dioxide storage facility trust fund and fees being paid into the fund are sufficient to satisfy the fund's objectives. The first report is due in December 2014 and subsequent reports are due every four years thereafter.

**Senate Bill No. 2174**, Section 1, creates the Autism Spectrum Disorder Task Force to develop a state autism spectrum disorder plan and present the plan to the Governor and the Legislative Council before July 1, 2010, and an annual status report thereafter to the Legislative Council.

**Senate Bill No. 2217**, Section 2, requires the Superintendent of Public Instruction to appoint an Advisory Committee on Truancy, which is to review existing school district policies and responses to truancy and report its findings and recommendations to the Legislative Council before September 1, 2010.

**Senate Bill No. 2221**, Section 2, creates NDCC Section 57-60-02.1 to provide a carbon dioxide capture credit for certain coal conversion facilities and require the operator of a coal conversion facility that receives a credit to report annually to the Legislative Council regarding the facility's carbon dioxide capture project.

**Senate Bill No. 2266**, Section 1, amends NDCC Section 15-11-39, among other things, to remove the requirement that the dean of the University of North Dakota College of Nursing serve as chairman of the Nursing Education Consortium from July 1, 2007, through December 31, 2009, and eliminate the report of the dean to the Legislative Council.

**Senate Bill No. 2309**, Section 1, requires the Parks and Recreation Department, State Historical Society, Game and Fish Department, and the Tourism Division of the Department of Commerce to conduct a study of linking and improving a series of public sites along the Sibley and Sully historic trails for historical education, heritage tourism, and access for public hunting. The Parks and Recreation Department is to report the findings and recommendations of the study to the Legislative Council by September 1, 2010.

**Senate Bill No. 2332**, Section 7, requires the Health Information Technology Office and the Health Information Technology Advisory Committee to provide periodic reports during the 2009-10 interim to the Legislative Council and the Budget Section on the status of health information technology activities.

**Senate Bill No. 2333**, Section 2, requires the State Health Officer to appoint a Regional Public Health Network Task Force to establish protocol for the regional public health network. The State Health Officer and the Regional Public Health Network Task Force are to provide periodic reports during the 2009-10 interim to the Legislative Council regarding the development of the regional public health network.

**Senate Bill No. 2355**, Section 3, requires the Department of Corrections and Rehabilitation to provide a report to the Legislative Council regarding the short-term shelter and assessment pilot program for at-risk children and youth in the South Central Judicial District during the 2009-11 biennium.

**Senate Bill No. 2391**, Section 2, requires the Department of Human Services, during the 2009-10 interim, to make annual reports to the Legislative Council regarding the status of the alternatives-to-abortion services program.

**Senate Bill No. 2412**, Section 2, requires the North Dakota Fetal Alcohol Syndrome Center to provide to the Legislative Council before September 1, 2010, an accountability report with respect to the use of funds granted to the center by the State Department of Health.

**Senate Bill No. 2425**, Section 1, creates NDCC Section 54-44-04(24) to require the director of the Office of Management and Budget to submit to the Legislative Council by October 1, 2010, a report including the location, expenses, and square footage requirements of all facilities occupied by each state agency and recommendations for relocation of any entity to achieve improvements in service and efficiencies in usage of space and cost.

**Senate Bill No. 2438**, Section 2, creates NDCC Section 4-01-23 relating to an advisory committee on sustainable agriculture, which is to report to the Legislative Council on the status of committee activities.

**Senate Concurrent Resolution No. 4015** requires the Industrial Commission to study the economic impacts of proposed federal, regional, and state carbon cap and trade systems, including the Minnesota Next Generation Energy Act of 2007, and report the findings and recommendations of the study to the Legislative Council by September 1, 2010.

### Laws Publication Responsibilities

**House Bill No. 1022**, Section 7, provides the increase (provided in Section 4 of the Act) in the employer contribution under the Teachers' Fund for Retirement from 8.25 percent to 8.75 percent is effective until the fund reaches a 90 percent funded ratio, at which time the Board of Trustees of the fund is to notify the Legislative Council of the expiration date of Section 4.

**House Bill No. 1041**, Section 6, provides the Act, relating to the statewide automated victim information and notification system, becomes effective on the date the Criminal Justice Information Sharing Board certifies to the Legislative Council that the statewide automated victim information and notification system is operational.

**House Bill No. 1042**, Section 1, amends NDCC Section 1-02-12 to provide an effective date or expiration date note preceding a headnote is not a part of the headnote and is a part of the statute.

**House Bill No. 1368**, Section 4, provides the Act, relating to reduced ignition propensity standards for cigarettes, becomes ineffective on the date the State Fire Marshal certifies to the Legislative Council that a federal reduced cigarette ignition propensity standard has been adopted and has become effective.

**House Bill No. 1394**, Section 7, provides a statement of intent that the amendment of NDCC Section 57-51.1-07.4 in House Bill No. 1394 prevails over any repeal of Section 57-51.1-07.4 by the 61<sup>st</sup> Legislative Assembly.

**House Bill No. 1433**, Section 1, amends NDCC Section 50-24.4-16 to require the Department of Human Services to provide for a special care rate to be paid to certain nursing homes that have a capacity of fewer than 31 licensed beds. Section 4 provides that the Act is contingent on the State Department of Health certifying to the Legislative Council before April 16, 2009, that Richardton Memorial Hospital has

notified the department that the hospital is releasing the hospital's critical access designation. (By letter dated April 14, 2009, the State Department of Health notified the Legislative Council that the department was notified on April 6, 2009, that the Richardton Health Center intends on terminating its critical access hospital designation on May 1, 2009.)

**Senate Bill No. 2072**, Section 73, provides the Act--amendments to the Uniform Interstate Family Support Act--becomes effective on the date the Department of Human Services certifies to the Legislative Council that the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is ratified and that the United States deposited its instrument of ratification.

### Budget Section

#### Reports to the Budget Section

**House Bill No. 1008**, Section 3, requires the Public Service Commission to report to the Budget Section before July 1, 2010, on the status of the metrology program.

**House Bill No. 1012**, Section 7, requires the Department of Human Services to report to the Budget Section after June 30, 2010, any transfers of appropriation authority in excess of \$50,000 between line items within subdivisions and between subdivisions for the 2009-11 biennium.

**House Bill No. 1015**, Section 38, requires the Tobacco Prevention and Control Executive Committee to report to the Budget Section quarterly during the 2009-10 interim on the implementation of the comprehensive tobacco prevention and control plan and outcomes achieved.

**House Bill No. 1030**, Section 1, amends NDCC Section 54-06-30 to allow Human Resource Management Services to approve pay bonuses above the 25 percent limitation on the number of employees receiving bonuses. Human Resource Management Services is to report any exceptions granted to the Budget Section.

**House Bill No. 1350**, Section 2, requires the Department of Commerce to provide a report to the Budget Section at its first meeting after September 1, 2009, and its first meeting after March 1, 2010, regarding the status of the construction of the Great Plains Applied Energy Technology Center.

**Senate Bill No. 2007**, Section 8, requires the Veterans' Home construction project manager to provide a quarterly written summary report to the Budget Section regarding the status of the Veterans' Home construction project during the 2009-10 interim.

**Senate Bill No. 2011**, Section 7, requires the Highway Patrol to report semiannually to the Budget Section regarding the status of implementation of the commercial vehicle information systems and networks.

**Senate Bill No. 2012**, Section 7, requires the Department of Emergency Services to report to the Budget Section regarding emergency snow removal

grants distributed to counties, townships, and cities before June 30, 2009.

**Senate Bill No. 2012**, Section 8, requires the Department of Emergency Services to report to the Budget Section in the fourth quarter of 2009 and the third quarter of 2010 on emergency disaster relief grants awarded to political subdivisions.

**Senate Bill No. 2012**, Section 11, requires the Department of Transportation to provide periodic reports to the Budget Section regarding the use of state, federal, emergency, and other highway funding during the 2009-10 interim.

**Senate Bill No. 2014**, Section 11, requires the Industrial Commission to obtain a consultant to evaluate the Mill and Elevator during the 2009-10 interim and provide a summary report to the Budget Section on the results of the evaluation during the 2009-10 interim.

**Senate Bill No. 2018**, Section 13, requires the Department of Commerce to report to the Budget Section in the third quarter of 2010 on the status of the technology-based entrepreneurship grant program.

**Senate Bill No. 2018**, Section 14, requires the Department of Commerce to compile information identifying tax-exempt property by school district and report the information to the Budget Section during the third quarter of 2010.

**Senate Bill No. 2018**, Section 28, requires the Department of Commerce to report to the Budget Section in the third quarter of 2010 on the status of the centers of excellence program and the centers of excellence fund.

**Senate Bill No. 2075**, Section 2, requires the Veterans' Home to report during the 2009-11 biennium to the Budget Section regarding the status of the Veterans' Home exterior finishing construction projects at the first Budget Section meeting scheduled after the projects are completed.

**Senate Bill No. 2225**, Section 4, requires the Department of Commerce to report to the Budget Section during the second quarter of 2010 on the status of financing and grants provided to early childhood facilities.

**Senate Bill No. 2332**, Section 7, requires the Health Information Technology Office and the Health Information Technology Advisory Committee to provide periodic reports during the 2009-10 interim to the Legislative Council and the Budget Section on the status of health information technology activities.

**Senate Bill No. 2444**, Section 5, requires the Adjutant General to provide periodic reports to the Budget Section on 2009 flood disaster-related expenditures, transfers, reimbursements, and general fund deposits for the period beginning with April 9, 2009, and ending June 30, 2011.

#### **Budget Section Approval Requirements**

**House Bill No. 1001**, Section 2, authorizes the Governor to spend any additional federal stimulus or fiscal recovery funds in excess of funds appropriated

for fiscal stabilization for education or other government services upon approval by the Emergency Commission and the Budget Section.

**House Bill No. 1001**, Section 3, authorizes the Governor to accept but not spend any additional federal stimulus or fiscal recovery funds until the expenditure is approved by the Emergency Commission and the Budget Section.

**House Bill No. 1002**, Section 3, authorizes the Secretary of State to borrow up to \$3,400,698 from the Bank of North Dakota to implement the North Dakota business development engine computer project upon approval by the Budget Section.

**House Bill No. 1003**, Section 11, authorizes the Attorney General to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for Edward J. Byrne Memorial Justice Assistance Grants, Internet Crimes Against Children Grants, and Rural Law Enforcement Assistance Act funding upon approval by the Emergency Commission and the Budget Section.

**House Bill No. 1003**, Section 12, authorizes the Attorney General to accept and spend funds under the American Recovery and Reinvestment Act of 2009 for the Community Oriented Policing Services Grant program upon approval by the Emergency Commission and the Budget Section.

**House Bill No. 1009**, Section 8, authorizes the Agriculture Commissioner to lease additional office space for department purposes upon approval by the Budget Section.

**House Bill No. 1012**, Section 2, authorizes the Department of Human Services to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for certain human services programs upon approval by the Emergency Commission and the Budget Section.

**House Bill No. 1012**, Section 4, authorizes the Department of Human Services to borrow \$8.5 million from the Bank of North Dakota upon approval by the Budget Section if the caseload/utilization of medical services, long-term care, and developmental disabilities services is more than anticipated for the 2009-11 biennium.

**House Bill No. 1013**, Section 3, authorizes the Superintendent of Public Instruction to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for various education programs upon approval by the Emergency Commission and the Budget Section.

**House Bill No. 1350**, Section 2, as amended by House Bill No. 1015, Section 2, requires the Department of Commerce to present the independent comprehensive commercialization study and related business and operational plan for the Great Plains Applied Energy Technology Center to the Budget Section for approval.

**House Bill No. 1400**, Section 2, authorizes the Office of Management and Budget to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for information technology,

accounting, and verification upon approval by the Emergency Commission and the Budget Section.

**House Bill No. 1016**, Section 2, authorizes the Adjutant General to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for military energy-related maintenance and repairs upon approval by the Emergency Commission and the Budget Section.

**House Bill No. 1018**, Section 5, authorizes the State Historical Society to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for Camp Hancock, Fort Totten, and geographic information system projects upon approval by the Emergency Commission and the Budget Section.

**House Bill No. 1019**, Section 9, authorizes the Parks and Recreation Department to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for Turtle River, Turtle Mountain, and Fort Abraham Lincoln projects upon approval by the Emergency Commission and the Budget Section.

**House Bill No. 1020**, Section 2, authorizes the State Water Commission to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for the Southwest Pipeline Project upon approval by the Emergency Commission and the Budget Section.

**House Bill No. 1027**, Section 2, creates NDCC Section 54-16-04.3 to authorize the Budget Section, on the advice of the Office of Management and Budget and the recommendation of the Emergency Commission, to authorize a state officer to employ full-time equivalent (FTE) positions in addition to those authorized by the Legislative Assembly.

**House Bill No. 1418**, Section 3, authorizes the Department of Human Services to accept and spend funds in excess of federal stimulus or fiscal recovery funds appropriated for early childhood care programs upon approval by the Emergency Commission and the Budget Section.

**House Bill No. 1487**, Section 1, provides federal funds made available to this state under the American Recovery and Reinvestment Act of 2009 may be accepted but may be spent only pursuant to appropriation authority provided by the Legislative Assembly or the approval by the Emergency Commission and the Budget Section for the 2009-11 biennium. Approval is limited to expenditure of competitive grant awards and other funds that the Legislative Assembly has not indicated intent to reject.

**Senate Bill No. 2003**, Section 3, authorizes the North Dakota University System to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for the Lake Region State College wind energy project upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2003**, Section 4, authorizes the North Dakota University System to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for Minot State University Swain Hall and the University of North Dakota Education

Building upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2003**, Section 30, requires the State Board of Higher Education to limit any annual tuition increase for students attending institutions under its control for the 2009-10 and 2010-11 academic years to not more than 4 percent for each year unless otherwise approved by the Budget Section.

**Senate Bill No. 2004**, Section 3, authorizes the State Department of Health to spend any additional federal stimulus or fiscal recovery funds in excess of funds appropriated for various department projects upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2007**, Section 3, authorizes the Veterans' Home to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for the thermal imager, electronic health records system, and Bobcat utility vehicle projects upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2010**, Section 4, authorizes the Council on the Arts to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for grants to arts organizations upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2012**, Section 2, authorizes the Department of Transportation to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for highway infrastructure and rural transit program grants upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2012**, Sections 6 and 8, appropriates \$23 million to the Department of Emergency Services to provide emergency disaster relief grants of up to 50 percent of the local match required of political subdivisions for federal emergency relief funding. After the first \$13 million of grants, the remaining funds may be used to match federal disaster relief funds for state purposes subject to Budget Section approval.

**Senate Bill No. 2013**, Section 6, authorizes one FTE position relating to minerals management to the Commissioner of University and School Lands to be filled upon approval by the Budget Section.

**Senate Bill No. 2014**, Section 20, authorizes the Housing Finance Agency to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for the HOME tax credit assistance and the housing tax credit exchange programs upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2015**, Section 8, authorizes the Department of Corrections and Rehabilitation to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for various purposes upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2016**, Section 2, authorizes Job Service North Dakota to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for certain Job Service North Dakota programs upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2018**, Section 2, authorizes the Department of Commerce to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for various grant and assistance programs upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2019**, Section 3, authorizes the Department of Career and Technical Education to spend additional federal stimulus or fiscal recovery funds upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2020**, Section 5, authorizes the Main Research Center to spend additional federal stimulus or fiscal recovery funds for the construction of the third phase of the Main Research Center greenhouse project upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2021**, Section 2, authorizes the Information Technology Department to spend additional federal stimulus or fiscal recovery funds in excess of funds appropriated for the statewide longitudinal data system upon approval by the Emergency Commission and the Budget Section.

**Senate Bill No. 2021**, Section 3, makes a contingent appropriation to the Information Technology Department if federal funds are not available for costs associated with a statewide longitudinal data system subject to approval by the Budget Section.

#### **Budget Section Block Grant Hearings**

**Senate Concurrent Resolution No. 4001** authorizes the Budget Section to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

### **LEGISLATIVE ASSEMBLY**

#### **Appointments**

**House Bill No. 1013**, Section 17, requires the Department of Public Instruction and the School for the Deaf to develop a plan for future services to be offered by the school and begin implementing the plan for the 2009-11 biennium. As part of the plan, the department and the school are to meet regularly with a transition team appointed by the Superintendent of Public Instruction consisting of representation from the Legislative Assembly, parents of school students, school employees, members of the Devils Lake community, School for the Deaf alumni, and others.

**House Bill No. 1463**, Section 1, creates NDCC Section 54-07-08 to establish the North Dakota Youth Council, consisting of the Lieutenant Governor as chairman, 16 members appointed by the Governor, 1 member appointed by the House majority leader,

1 member appointed by the House minority leader, 1 member appointed by the Senate majority leader, and 1 member appointed by the Senate minority leader.

**Senate Bill No. 2174**, Section 1, creates the 14-member Autism Spectrum Disorder Task Force, 1 member of which is a member of the Legislative Assembly appointed by the Governor.

#### **Members**

**House Bill No. 1178**, Section 1, amends NDCC Section 54-03-26 to authorize the Legislative Council to establish a policy under which a member of the Legislative Assembly may purchase the computer used by that member for the appraised or market value of the computer upon replacement of the computer by the Legislative Council.

**House Bill No. 1400**, Section 43, creates NDCC Section 15.1-37-02 to establish the North Dakota Early Childhood Education Council, consisting of, among others, the chairmen of the House and Senate Education Committees or each chairman's designee.

**Senate Bill No. 2001**, Section 8, provides, notwithstanding the monthly maximum, a member of the 61<sup>st</sup> Legislative Assembly is entitled to lodging reimbursement as provided in NDCC Section 44-08-04 for each day the Legislative Assembly was in session during April 2009.

**Senate Bill No. 2001**, Sections 9 and 10, amends NDCC Section 54-03-20(7) to increase the monthly compensation of the majority and minority leaders and the Legislative Council chairman to \$284 per month effective July 1, 2009, and to \$298 per month effective July 1, 2010.

**Senate Bill No. 2064**, Sections 2, 3, 4, 5, 6, 8, and 9, amends NDCC Sections 54-03-20, 54-06-09, and 54-35-10 to increase the daily compensation of legislators during legislative sessions from \$135 to \$141 effective July 1, 2009, and from \$141 to \$148 effective July 1, 2010; to increase the monthly compensation from \$378 to \$396 effective July 1, 2009, and from \$396 to \$415 effective July 1, 2010; and to increase the per diem for attending interim committee meetings from \$135 to \$141 effective July 1, 2009, and from \$141 to \$148 effective July 1, 2010. Section 1 amends Section 44-08-04(2) to authorize the director of the Office of Management and Budget to set the fourth quarter lodging expense reimbursement rate equal to 90 percent of the United States General Services Administration rate for lodging reimbursement in this state, and Section 4 amends Section 54-03-20(2) and (3) to establish the maximum monthly lodging reimbursement rate for a legislator during a legislative session equal to 30 times 55 percent of the rate established under Section 44-08-04(2).

**Senate Bill No. 2438**, Section 2, creates NDCC Section 4-01-24 to require the Agriculture Commissioner to appoint an Advisory Committee on Sustainable Agriculture. Membership on the committee includes the chairmen of the House and

Senate Agriculture Committees or each chairman's designee. If both houses of the Legislative Assembly are controlled by the same party, the committee also must include one member of the Legislative Assembly from the minority party appointed by the chairman of the Legislative Council. The legislative members of the committee are entitled to the per diem compensation legislators receive during a legislative session.

### **Powers or Duties**

**House Bill No. 1006**, Section 4, declares the intent of the 61<sup>st</sup> Legislative Assembly that as it considers proposals offering individual income tax relief it work toward restoring the simplicity originally intended for tax Form ND-1.

**House Concurrent Resolution No. 3054**, Section 1, proposes to create a new section to Article X of the Constitution of North Dakota to establish a North Dakota Legacy Fund, consisting of certain revenue derived from taxes on oil and gas production or extraction. Principal of the legacy fund may not be expended until after June 30, 2017, and then only by a vote of two-thirds of the members elected to each house of the Legislative Assembly, and not more than 15 percent of the principal may be expended during any biennium.

**Senate Concurrent Resolution No. 4004** designates Senate and House employment positions and fixes compensation of session employees.

### **Reports**

**House Bill No. 1025**, Section 13, creates NDCC Section 4.1-13-22, which requires the Wheat Commission to present a report, at the same time commodities groups report to the Legislative Assembly under Section 4-24-10, detailing the nature and extent of the commission's efforts to address trade and domestic policy issues.

**House Bill No. 1025**, Section 13, creates NDCC Section 4.1-13-24, which requires each trade association with which the Wheat Commission has a contract under Section 4.1-13-23 to present a report, at the same time commodities groups report to the Legislative Assembly under Section 4-24-10, detailing all activities in which the trade association engaged under the contract.

**House Bill No. 1037**, Section 2, amends NDCC Section 65-02-30 to provide the biennial performance evaluation of Workforce Safety and Insurance is to be presented to the Workers' Compensation Review Committee rather than the Legislative Audit and Fiscal Review Committee and the House and Senate Industry, Business and Labor Committees.

**House Bill No. 1175**, Section 18, requires the Department of Human Services to report the findings and recommendations of its Child Support Enforcement Task Force, together with any legislation required to implement the recommendations, to the 62<sup>nd</sup> Legislative Assembly.

**House Bill No. 1196**, Section 1, amends NDCC Section 26.1-36.4-06 to delete the requirement that the Insurance Commissioner report to the Legislative Assembly the findings of the commissioner related to implementation of modified community rating.

**House Bill No. 1414**, Section 1, creates NDCC Section 39-04-10.14 to authorize the director of the Department of Transportation to issue North Dakota Gold Star number plates upon payment of an initial fee of \$15 and an annual surcharge of \$10. The department is to report to the Legislative Assembly during each legislative session regarding the funds collected.

**House Bill No. 1496**, Section 2, requires the Department of Commerce to conduct an equine processing facility feasibility study and report the department's findings and recommendations, together with any legislation required to implement the recommendations, to the 62<sup>nd</sup> Legislative Assembly.

**House Bill No. 1566**, Section 1, requires the Commissioner of Higher Education to study the interplay between the North Dakota University System and tribally controlled community colleges and report any findings and recommendations, together with any legislation required to implement the recommendations, to the 62<sup>nd</sup> Legislative Assembly.

**Senate Bill No. 2059**, Section 3, requires Workforce Safety and Insurance to report the number of injured employees per year that were eligible for payment of attorney's fees and costs for legal review in preparation for rehearing of an administrative order to the Senate and House Industry, Business and Labor Committees during the 62<sup>nd</sup> Legislative Assembly.

**Senate Bill No. 2081**, Sections 1 and 2, amends NDCC Sections 15-52-03 and 15-52-04 to rename the North Dakota Medical Center as the University of North Dakota School of Medicine and Health Sciences and replace the requirement that the School of Medicine and Health Sciences Advisory Council make its recommendations to the Legislative Assembly with the requirement that the advisory council biennially submit a report and its recommendations regarding the strategic plan, programs, and facilities of the School of Medicine and Health Sciences to the Legislative Council.

**Senate Bill No. 2147**, Section 2, requires the director of the Department of Transportation to work with the appropriate and affected professionals and contractors to evaluate the design-build method project delivery system authorized for two projects under Section 1--which creates NDCC Section 24-02-47--and report to the Legislative Assembly with findings and recommendations as a result of the analysis.

**Senate Bill No. 2223**, Section 2, requires the director of the Department of Transportation to report to the 62<sup>nd</sup> Legislative Assembly with findings and recommendations based on the results of the two regional public transportation coordination pilot projects provided under Section 1.

**Senate Bill No. 2316**, Section 1, requires the State Water Commission to develop policies, including cost-sharing guidelines, which further the development of water retention projects for flood control and provide a report regarding the policies to the 62<sup>nd</sup> Legislative Assembly.

**Senate Bill No. 2350**, Section 15, amends NDCC Section 4-24-10, to add the North Dakota Ethanol Council to the agricultural commodity promotion groups that file a uniform report at a public hearing by the Senate and House Agriculture Committees between the 1<sup>st</sup> and 10<sup>th</sup> legislative day of each regular legislative session.

**Senate Bill No. 2373**, Section 3, requires the Grape and Wine Program Committee to report to the 62<sup>nd</sup> and 63<sup>rd</sup> Legislative Assemblies on the progress of research, producer education, marketing, and promotion of the grape and wine industry in this state.

**Senate Bill No. 2423**, Section 2, requires the Department of Human Services to provide a report to the 62<sup>nd</sup> Legislative Assembly which includes recommendations or proposed legislation relating to audits and reimbursement of private providers for individuals with developmental disabilities.