

# APPROPRIATIONS

## CHAPTER 1

HOUSE BILL NO. 1001  
(Committee on Appropriations)

### LEGISLATIVE BRANCH

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION FOR THE LEGISLATIVE BRANCH OF STATE GOVERNMENT. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the legislative branch of the state government for the purpose of defraying the expenses thereof, for the fiscal period beginning with the effective date of this Act and ending June 30, 1993, as follows:

Subdivision 1.

FIFTY-SECOND AND FIFTY-THIRD LEGISLATIVE ASSEMBLIES AND BIENNIUM

Salaries and wages	\$ 4,209,263
Operating expenses	1,836,702
Equipment	33,568
National conference of state legislatures	116,104
Total general fund appropriation	<u>\$ 6,195,637</u>

Subdivision 2.

LEGISLATIVE COUNCIL

Salaries and wages	\$ 2,981,408
Operating expenses	1,213,860
Equipment	11,825
Total general fund appropriation	<u>\$ 4,207,093</u>

Grand total general fund appropriation	\$10,402,730
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SECTION 2. TRANSFERS. The director of the office of management and budget and the state treasurer shall make such transfers of funds between line items of appropriations for the legislative council as may be requested by the chairman of the council or his designee upon the finding by the chairman or his designee that the nature of studies and duties assigned to the council requires such transfers in properly carrying on the council's functions and duties. The director of the office of management and budget and the state treasurer shall similarly make transfers of funds between the line items for the fifty-second and fifty-third legislative assemblies, upon request of the chairman of the legislative council or his designee upon the finding by the chairman or his designee that such transfers are required for the legislative assembly to carry on its functions and duties.

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

Approved April 8, 1991  
Filed April 8, 1991

## CHAPTER 2

HOUSE BILL NO. 1002  
(Committee on Appropriations)

## JUDICIAL BRANCH

AN ACT to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to the salaries of the judges of the supreme and district courts; and to provide for a legislative council study of the feasibility and desirability of including all county judges in the public employees retirement system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the judicial branch for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

## Subdivision 1.

## SUPREME COURT

Salaries and wages	\$ 4,053,691
Information services	204,000
Operating expenses	1,035,390
Equipment	28,000
Judges retirement	269,505
Court of appeals	22,000
Total all funds	\$ 5,612,586
Less estimated income	213,828
Total general fund appropriation	\$ 5,398,758

## Subdivision 2.

## DISTRICT COURTS

Salaries and wages	\$12,551,844
Information services	50,226
Operating expenses	3,959,324
Equipment	121,224
Judges retirement	877,182
Total all funds	\$17,559,800
Less estimated income	101,942
Total general fund appropriation	\$17,457,858

## Subdivision 3.

JUDICIAL CONDUCT COMMISSION  
AND DISCIPLINARY BOARD

Salaries and wages	\$ 230,473
Information services	9,998

Operating expenses	95,501
Equipment	12,500
Total all funds	<u>\$ 348,472</u>
Less estimated income	<u>72,000</u>
Total general fund appropriation	\$ 276,472
Grand total general fund appropriation H.B. 1002	\$23,133,088
Grand total special funds appropriation H.B. 1002	\$ 387,770
Grand total all funds appropriation H.B. 1002	\$23,520,858

SECTION 2. APPROPRIATION. There is hereby appropriated any funds received by the judicial conduct commission and disciplinary board, not otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the purpose as designated in such federal acts or private gifts, grants, and donations for the period beginning July 1, 1991, and ending June 30, 1993.

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

\* SECTION 4. AMENDMENT. Section 27-02-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-02-02. Salaries of judges of supreme court. Each judge of the supreme court ~~shall~~ is entitled to receive an annual salary commencing July 1, ~~1989~~ 1991, of ~~sixty-three~~ seventy-one thousand ~~eight hundred seventy-one~~ seventy-five dollars except that the chief justice of the supreme court ~~shall~~ is entitled to receive an additional ~~one two thousand seven hundred seventy-seven~~ one thousand nine hundred one dollars per annum ~~and commencing on July 1, 1990~~, each judge of the supreme court ~~shall~~ receive an annual salary of ~~sixty-eight thousand three hundred forty-two~~ sixty-two thousand nine hundred sixty-nine dollars except that the chief justice of the supreme court ~~shall~~ receive an additional ~~one thousand nine hundred one~~ one thousand nine hundred one dollars per annum.

\*\* SECTION 5. AMENDMENT. Section 27-05-03 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-05-03. Salaries and expenses of district judges. Each district judge of this state ~~shall~~ is entitled to receive an annual salary commencing July 1, ~~1989~~ 1991, of ~~fifty-nine~~ sixty-five thousand four hundred ~~five~~ nine dollars and commencing July 1, ~~1990~~, an annual salary of ~~sixty-two thousand nine hundred sixty-nine~~ sixty-two thousand nine hundred sixty-nine dollars and ~~his~~ his actual travel expenses, which shall include mileage and subsistence while engaged in the discharge of ~~his~~ his official duties outside the county in which ~~his~~ the judge's chambers are located. Such salary and expenses shall be payable monthly in the manner provided by law.

Each district judge who has been appointed by the supreme court to act as presiding judge of a judicial district ~~shall~~ is entitled to receive an additional one thousand ~~four~~ eight hundred ~~eighty~~ fifty dollars per annum commencing July 1, ~~1989~~, and ~~one thousand four hundred ninety-three~~ one thousand four hundred ninety-three dollars per annum commencing July 1, ~~1990~~ 1991.

\* NOTE: Section 27-02-02 was also amended by section 6 of Senate Bill No. 2594, chapter 53.

\*\* NOTE: Section 27-05-03 was also amended by section 7 of Senate Bill No. 2594, chapter 53.

SECTION 6. LEGISLATIVE COUNCIL STUDY OF INCLUDING ALL COUNTY JUDGES IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM. During the 1991-92 interim the legislative council may study the feasibility and desirability of including all county judges in the public employees retirement system. The legislative council may report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-third legislative assembly.

Approved April 16, 1991  
Filed April 18, 1991

**CHAPTER 3**

HOUSE BILL NO. 1003  
(Committee on Appropriations)

**HIGHER EDUCATION**

AN ACT to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education; to provide an exemption to the provisions of section 54-44.1-11 of the North Dakota Century Code; and to amend and reenact sections 15-10-18.3 and 15-10-18.5 of the North Dakota Century Code, relating to tuition waivers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the state board of higher education and to the various institutions of higher learning under the supervision of the state board of higher education for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.

NORTH DAKOTA UNIVERSITY SYSTEM

Salaries and wages	\$ 1,625,652
Information services	73,175
Operating expenses	394,767
Equipment	24,150
Telecommunications	1,200,000
Computer network management	211,680
Higher education contingency fund	182,937
Institutional public relations and development	500,000
Professional student exchange program	1,130,400
Experimental program to stimulate competitive research	5,000,000
Scholars program	688,262
Perkins loan program match	102,885
Title II grant	300,000
Paul Douglas scholarship	99,420
Student financial assistance grants	3,828,221
Special initiatives	300,000
Native American scholarships	200,000
Institutional pay equity adjustments	644,442
Total all funds	<u>\$ 16,505,991</u>
Less budget adjustment	158,039
Less estimated income	4,799,420
Total general fund appropriation	<u>\$ 11,548,532</u>

Subdivision 2.		
	BISMARCK STATE COLLEGE	
Salaries and wages		\$ 12,389,340
Operating expenses		3,493,725
Equipment		569,777
Capital improvements		317,354
Total all funds		<u>\$ 16,770,196</u>
Less budget adjustment		122,175
Less estimated income		<u>7,720,232</u>
Total general fund appropriation		\$ 8,927,789

Subdivision 3.		
	UNIVERSITY OF NORTH DAKOTA - LAKE REGION	
Salaries and wages		\$ 3,561,868
Operating expenses		1,217,975
Equipment		253,517
Capital improvements		81,980
Total all funds		<u>\$ 5,115,340</u>
Less budget adjustment		41,294
Less estimated income		<u>2,056,512</u>
Total general fund appropriation		\$ 3,017,534

Subdivision 4.		
	UNIVERSITY OF NORTH DAKOTA - WILLISTON	
Salaries and wages		\$ 3,987,914
Operating expenses		987,459
Equipment		187,670
Capital improvements		101,078
Total all funds		<u>\$ 5,264,121</u>
Less budget adjustment		38,264
Less estimated income		<u>2,429,773</u>
Total general fund appropriation		\$ 2,796,084

Subdivision 5.		
	UNIVERSITY OF NORTH DAKOTA	
Salaries and wages		\$ 88,947,230
Operating expenses		24,832,659
Equipment		2,199,002
Capital improvements		6,308,546
Total all funds		<u>\$122,287,437</u>
Less budget adjustment		1,038,505
Less estimated income		<u>45,361,128</u>
Total general fund appropriation		\$ 75,887,804

Subdivision 6.		
	NORTH DAKOTA STATE UNIVERSITY	
Salaries and wages		\$ 71,054,659
Operating expenses		21,002,471
Equipment		2,188,242
Capital improvements		2,320,245
Total all funds		<u>\$ 96,565,617</u>
Less budget adjustment		843,378
Less estimated income		<u>34,093,198</u>
Total general fund appropriation		\$ 61,629,041

## Subdivision 7.

## NORTH DAKOTA STATE COLLEGE OF SCIENCE

Salaries and wages	\$ 19,659,313
Operating expenses	5,394,598
Equipment	999,607
Capital improvements	621,382
Total all funds	<u>\$ 26,674,900</u>
Less budget adjustment	268,292
Less estimated income	6,801,444
Total general fund appropriation	<u>\$ 19,605,164</u>

## Subdivision 8.

## DICKINSON STATE UNIVERSITY

Salaries and wages	\$ 10,672,014
Operating expenses	3,165,362
Equipment	277,787
Capital improvements	245,899
Total all funds	<u>\$ 14,361,062</u>
Less budget adjustment	131,310
Less estimated income	4,634,427
Total general fund appropriation	<u>\$ 9,595,325</u>

## Subdivision 9.

## MAYVILLE STATE UNIVERSITY

Salaries and wages	\$ 7,010,789
Operating expenses	1,859,191
Equipment	112,698
Capital improvements	310,213
Total all funds	<u>\$ 9,292,891</u>
Less budget adjustment	90,912
Less estimated income	2,558,643
Total general fund appropriation	<u>\$ 6,643,336</u>

## Subdivision 10.

## MINOT STATE UNIVERSITY

Salaries and wages	\$ 23,920,433
Operating expenses	4,934,617
Equipment	669,382
Capital improvements	670,668
Total all funds	<u>\$ 30,195,100</u>
Less budget adjustment	243,046
Less estimated income	12,191,679
Total general fund appropriation	<u>\$ 17,760,375</u>

## Subdivision 11.

## VALLEY CITY STATE UNIVERSITY

Salaries and wages	\$ 9,322,419
Operating expenses	2,252,691
Equipment	212,308
Capital improvements	397,918
Total all funds	<u>\$ 12,185,336</u>
Less budget adjustment	117,178
Less estimated income	3,505,486
Total general fund appropriation	<u>\$ 8,562,672</u>

## Subdivision 12.

## NORTH DAKOTA STATE UNIVERSITY - BOTTINEAU

Salaries and wages	\$ 3,289,875
Operating expenses	878,737
Equipment	92,280
Capital improvements	251,335
Total all funds	\$ 4,512,227
Less budget adjustment	41,285
Less estimated income	1,454,085
Total general fund appropriation	\$ 3,016,857

## Subdivision 13.

## NORTH DAKOTA STATE UNIVERSITY - STATE TOXICOLOGIST

Salaries and wages	\$ 523,672
Operating expenses	103,000
Equipment	18,000
Total all funds	\$ 644,672
Less budget adjustment	8,190
Less estimated income	38,000
Total general fund appropriation	\$ 598,482

## Subdivision 14.

## NORTH DAKOTA FOREST SERVICE

Salaries and wages	\$ 1,591,462
Operating expenses	385,259
Equipment	120,900
Capital improvements	70,000
Total all funds	\$ 2,167,621
Less budget adjustment	18,989
Less estimated income	761,015
Total general fund appropriation	\$ 1,387,617

## Subdivision 15.

## UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

Salaries and wages	\$ 40,652,480
Operating expenses	16,817,309
Equipment	1,384,431
Total all funds	\$ 58,854,220
Less budget adjustment	371,748
Less estimated income	31,317,320
Total general fund appropriation	\$ 27,165,152

## Subdivision 16.

## MEDICAL CENTER REHABILITATION HOSPITAL

Salaries and wages	\$ 16,122,901
Operating expenses	8,039,216
Equipment	348,356
Total appropriation from institutional income	\$ 24,510,473
Grand total general fund appropriation H.B. 1003	\$258,141,764
Grand total special funds appropriation H.B. 1003	\$190,530,347
Grand total all funds appropriation H.B. 1003	\$448,672,111

SECTION 2. APPROPRIATION TRANSFER. The higher education contingency fund in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 1 through 15 of section 1 as determined by the state board of higher education. The board shall notify the office of management and budget of the allocation of general fund authority from the higher education contingency fund to the various entities

and institutions and which line items in the various institutions and entities shall be adjusted.

**SECTION 3. APPROPRIATION.** There are hereby appropriated any funds received by the board of higher education, not otherwise appropriated, pursuant to federal acts and private grants for the purpose as designated in such federal acts or other grants for the period beginning July 1, 1991, and ending June 30, 1993.

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

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

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

**SECTION 7. TRANSFER.** The state board of higher education may transfer monies from the institutional pay equity adjustments line item in subdivision 1 of section 1 of this Act to the salary and wage line item of any of the entities under the control of the board. The board shall notify the office of management and budget of such transfers.

**SECTION 8. EXEMPTION.** The operating expenses, higher education contingency fund, student financial assistance grants, and reciprocal agreements appropriations contained in subdivision 1 of section 1 of chapter 32 of the 1989 Session Laws shall not be subject to the provisions of North Dakota Century Code section 54-44.1-11 and any unexpended funds from these appropriations shall be available during the biennium beginning July 1, 1991, and ending June 30, 1993.

**SECTION 9. DEPOSIT OF FUNDS.** Funds received from Minnesota by the board of higher education pursuant to the reimbursement provisions of the Minnesota-North Dakota public higher education and vocational technical education tuition reciprocity agreement authorized by chapter 15-10.1 of the North Dakota Century Code, shall be deposited in the board of higher education special revenue fund in the state treasury. These funds shall be used for the North Dakota student financial assistance program authorized by chapter 15-62.2 of the North Dakota Century Code.

**SECTION 10. ESTIMATED INCOME.** Subdivision 5 of section 1 includes the sum of \$1,025,442, or so much thereof as may be necessary, in the estimated

income line item from the net proceeds from issuance of parts a and b of the December 1990 certificates of participation approved by the board of higher education to be used for the financing of capital projects for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 11. APPROPRIATION. There is hereby appropriated the sum of \$6,297,512, or so much thereof as may be necessary, to the university of North Dakota from proceeds of the December 1990 issue of certificates of participation approved by the board of higher education. These funds shall not be expended for any purpose except for costs of issuance. The funds shall be deposited by the university of North Dakota in an interest-bearing account for the purpose of making the payments on this issue. The issue shall be repaid immediately, if possible.

SECTION 12. LEGISLATIVE INTENT. It is the intent of the legislative assembly that Dickinson state university may add the necessary positions for an air traffic controllers program if the board of higher education approves a cooperative air traffic controller program between the university of North Dakota and Dickinson state university.

SECTION 13. AMENDMENT. Section 15-10-18.3 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-10-18.3. Free tuition in North Dakota institutions of higher education. Any dependent, as defined in section 15-10-18.2 upon being duly accepted for enrollment into any North Dakota state-supported institution of higher education or state-supported technical or vocational school, ~~shall be allowed to obtain a bachelor's degree, or certificate of completion, for so long as he is eligible, free of any~~ may be granted a waiver of tuition and fee charges, except those charged to retire outstanding bonds, ~~provided, however, that such.~~ The waiver must be based upon a showing of financial need, using the same criteria as that used to determine eligibility for federal financial aid under Title IV of the Higher Education Act of 1965, as amended. The waiver applies only to a bachelor's degree or certificate of completion that is earned within a thirty-six-month or eight-semester period or its equivalent; and further provided that tuition and fee charges shall not include costs for aviation flight charges or expenses. Once a person qualifies as a dependent under sections 15-10-18.2 and 15-10-18.3, there shall be no removal from the benefits of this section due to such an occurrence as the return of the prisoner of war or person missing in action.

SECTION 14. AMENDMENT. Section 15-10-18.5 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-10-18.5. Free tuition in North Dakota institutions of higher education for survivor of firefighter or peace officer. Should a firefighter or peace officer die as a direct result of injuries received while engaged in the performance of official duties under circumstances dangerous to human life, the survivor, upon being duly accepted for enrollment into any North Dakota state-supported institution of higher education or state-supported technical or vocational school, ~~must be allowed to obtain a bachelor's degree, or certificate of completion, for so long as the survivor is eligible, free~~ may be granted a waiver of any tuition and fee charges, except those charged to retire outstanding bonds, ~~provided, however, that the.~~ The waiver must be based upon a showing of financial need, using the same criteria as that used to determine eligibility for federal financial aid under Title IV of the Higher Education Act of 1965, as amended. The waiver

applies only to a bachelor's degree or certificate of completion that is earned within a thirty-six-month or eight-semester period or its equivalent; and further provided that tuition and fee charges may not include costs for aviation flight charges or expenses.

Approved April 8, 1991  
Filed April 8, 1991

## CHAPTER 4

HOUSE BILL NO. 1004  
(Committee on Appropriations)

### UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the upper great plains transportation institute for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$1,201,055
Operating expenses	464,644
Equipment	30,650
Grants, benefits, and claims	<u>1,800,000</u>
Total all funds	\$3,496,349
Less estimated income	<u>3,098,622</u>
Total general fund appropriation	\$ 397,727

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

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

Approved April 2, 1991  
Filed April 4, 1991

## CHAPTER 5

HOUSE BILL NO. 1005  
(Committee on Appropriations)

### EXTENSION SERVICE AND RESEARCH STATIONS

AN ACT making an appropriation for defraying the expenses of the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station; and to provide a contingent appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.

NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE

Salaries and wages	\$18,428,550
Operating expenses	3,587,344
Equipment	458,008
Total all funds	<u>\$22,473,902</u>
Less estimated income	11,825,507
Total general fund appropriation	<u>\$10,648,395</u>

Subdivision 2.

NORTHERN CROPS INSTITUTE

Salaries and wages	\$ 575,655
Operating expenses	82,400
Equipment	210,000
Total all funds	<u>\$ 868,055</u>
Less estimated income	300,511
Total general fund appropriation	<u>\$ 567,544</u>

Subdivision 3.

NORTH DAKOTA STATE UNIVERSITY MAIN RESEARCH STATION

Salaries and wages	\$30,880,270
Operating expenses	5,026,200
Equipment	1,379,380
Capital improvements	528,822
Animal replacement	300,000
Total all funds	<u>\$38,114,672</u>
Less estimated income	16,243,342
Total general fund appropriation	<u>\$21,871,330</u>

Subdivision 4.		
	DICKINSON RESEARCH CENTER	
Salaries and wages		\$ 878,521
Operating expenses		444,100
Equipment		41,076
Capital improvements		71,000
Total all funds		\$ 1,434,697
Less estimated income		391,676
Total general fund appropriation		\$ 1,043,021
Subdivision 5.		
	CENTRAL GRASSLANDS RESEARCH CENTER	
Salaries and wages		\$ 424,923
Operating expenses		344,000
Equipment		116,700
Capital improvements		37,000
Total all funds		\$ 922,623
Less estimated income		384,900
Total general fund appropriation		\$ 537,723
Subdivision 6.		
	HETTINGER RESEARCH CENTER	
Salaries and wages		\$ 481,686
Operating expenses		197,700
Equipment		73,600
Capital improvements		25,000
Total all funds		\$ 777,986
Less estimated income		256,069
Total general fund appropriation		\$ 521,917
Subdivision 7.		
	LANGDON RESEARCH CENTER	
Salaries and wages		\$ 549,698
Operating expenses		175,500
Equipment		44,000
Capital improvements		36,000
Total all funds		\$ 805,198
Less estimated income		207,644
Total general fund appropriation		\$ 597,554
Subdivision 8.		
	NORTH CENTRAL RESEARCH CENTER	
Salaries and wages		\$ 430,686
Operating expenses		244,000
Equipment		42,000
Capital improvements		40,000
Total all funds		\$ 756,686
Less estimated income		369,100
Total general fund appropriation		\$ 387,586
Subdivision 9.		
	WILLISTON RESEARCH CENTER	
Salaries and wages		\$ 643,995
Operating expenses		140,800
Equipment		64,900
Capital improvements		4,000
Total all funds		\$ 853,695

Less estimated income	342,000
Total general fund appropriation	\$ 511,695

## Subdivision 10.

## CARRINGTON RESEARCH CENTER

Salaries and wages	\$ 1,181,331
Operating expenses	575,000
Equipment	108,900
Capital improvements	40,000
Total all funds	\$ 1,905,231
Less estimated income	983,837
Total general fund appropriation	\$ 921,394

## Subdivision 11.

## AGRONOMY SEED FARM

Salaries and wages	\$ 260,636
Operating expenses	374,100
Equipment	157,000
Capital improvements	23,000
Total special funds appropriation	\$ 814,736

## Subdivision 12.

## LAND RECLAMATION RESEARCH CENTER

Salaries and wages	\$ 1,254,689
Operating expenses	130,000
Equipment	50,000
Total special funds appropriation	\$ 1,434,689
Grand total general fund appropriation H.B. 1005	\$37,608,159
Grand total special funds appropriation H.B. 1005	\$33,554,011
Grand total all funds appropriation H.B. 1005	\$71,162,170

SECTION 2. ADDITIONAL INCOME - APPROPRIATION. Any additional income including funds from the federal government and gifts and donations from private sources received by the North Dakota agricultural experiment station, northern crops institute, and the North Dakota state university extension service, except as otherwise provided by law, is hereby appropriated for the purpose designated in the gift, grant, or donation. All of the moneys in the operating fund must remain in such fund until expended pursuant to any specific legislative appropriation or an authorization from the emergency commission, and the balances of such moneys except those received from the federal government or as gifts from private sources, must be used to reduce the amount of moneys to be expended pursuant to the general fund appropriation only to the extent that the unencumbered balance in the operating fund on June 30, 1991, exceeds the estimated income for the biennium ending June 30, 1993.

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

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

**SECTION 5. INTENT.** It is the intent of the legislative assembly that the funds appropriated for the land reclamation research center be used for the following research projects, and that these projects be concluded and final reports issued not later than June 30, 1993.

1. Determine the effect of postmine topography and soils on soil moisture levels and yield on reclaimed prime farmland; and
2. Determine the relation of soil properties and topography to the characteristics of vegetation on reclaimed rangeland.

The following projects in progress shall be concluded to the extent possible and all data collected shall be summarized and reports issued not later than June 30, 1993:

1. Determine the minimum vegetation ground cover necessary for erosion control on reclaimed land;
2. Evaluate the predictability of regraded soil quality based on overburden quality;
3. Determine the effect of reclamation techniques on soil compaction and soil productivity; and
4. Develop criteria for evaluating reclamation success for bond release based on vegetative reestablishment and soil parameters.

In addition, it is the intent of the legislative assembly that the land reclamation research center file an annual report with the legislative council, the public service commission, and the industrial commission on June 30, 1991, June 30, 1992, and thereafter as specified by the commission. The annual report must contain a description and analysis of the conclusions reached from each reclamation research project that has been conducted to date for the preceding fiscal year as well as a brief description and analysis of any tentative conclusions reached from all ongoing projects. The annual report of the land reclamation research center must also include any recommendations it may have for reducing unnecessary and duplicative regulatory costs that do not contribute to effective reclamation practices. For any new reclamation research project to be approved for funding, each proposed project must meet all of the following criteria:

1. Development of data and conclusions that will assist in returning the land to its original or better productivity;
2. Development of data and conclusions that will assist in returning the land to an approved postmining land use as soon as possible; and
3. Development of data and conclusions that will reduce unnecessary regulatory costs and assist in effectively reclaiming the land to its original or better productivity.

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

SECTION 7. LAND RECLAMATION RESEARCH CENTER - FUNDING. The amount of \$623,533, included in the special funds appropriation line item in subdivision 12 of section 1 of this Act, is from funds to be transferred by the industrial commission from the lignite research fund for the biennium beginning July 1, 1991, and ending June 30, 1993, as provided in House Bill No. 1019. In addition to the \$623,533 referred to above, the special funds appropriation line item in subdivision 12 of section 1 includes \$136,080 of funds that the industrial commission may transfer from the lignite research fund to the land reclamation research center during the biennium beginning July 1, 1991, and ending June 30, 1993.

Approved April 3, 1991  
Filed April 4, 1991

## CHAPTER 6

HOUSE BILL NO. 1006  
(Committee on Appropriations)

### DEPARTMENT OF HEALTH

AN ACT making an appropriation for defraying the expenses of the department of health and consolidated laboratories of the state of North Dakota; to provide an appropriation from the solid waste management fund; and to provide for an appropriation from the abandoned motor vehicle disposal fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of health and consolidated laboratories of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$18,921,264
Information services	681,381
Operating expenses	21,212,609
Equipment	715,900
Grants, benefits, and claims	9,527,504
Abandoned motor vehicle	400,000
Diabetes control project	35,000
Galactosemia equipment and testing program	280,000
Rural water	1,979,406
Total all funds	\$53,753,064
Less estimated income	39,565,105
Total general fund appropriation	\$14,187,959

SECTION 2. ABANDONED MOTOR VEHICLE DISPOSAL FUND. The estimated income line item included in section 1 of this Act includes \$400,000 which the department of health and consolidated laboratories may spend from the abandoned motor vehicle disposal fund pursuant to section 39-26-11 for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. SOLID WASTE MANAGEMENT FUND. The estimated income line item included in section 1 of this Act includes \$220,000 which the department of health and consolidated laboratories may spend from the solid waste management fund for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 4. GALACTOSEMIA TESTING PROGRAM FUNDING. The estimated income line item in section 1 of this Act includes \$280,000 which the department of health and consolidated laboratories may spend from the department of health and consolidated laboratories operating account for the galactosemia testing program for the biennium beginning July 1, 1991, and ending June 30, 1993, as appropriated in section 1 of this Act.

Approved April 16, 1991  
Filed April 18, 1991

**CHAPTER 7**

HOUSE BILL NO. 1007  
(Committee on Appropriations)

**INDIAN AFFAIRS COMMISSION**

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the Indian affairs commission of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$112,720
Information services	4,000
Operating expenses	24,150
Grants, benefits, and claims	<u>385,000</u>
Total general fund appropriation	\$525,870

SECTION 2. ALCOHOL AND DRUG ABUSE EDUCATION PROGRAM - EXPENDITURE LIMITATIONS. The moneys appropriated in the grants line item for the native American alcohol and drug abuse education program may not be spent for the services provided by the tribes to administer the program.

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 8

HOUSE BILL NO. 1008  
(Committee on Appropriations)

### AERONAUTICS COMMISSION

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the aeronautics commission for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$ 386,989
Information services	12,216
Operating expenses	758,708
Equipment	106,000
Capital improvements	300,000
Grants, benefits, and claims	1,531,000
Total all funds	<u>\$3,094,913</u>
Less estimated income	<u>2,801,697</u>
Total general fund appropriation	\$ 293,216

Approved April 8, 1991  
Filed April 8, 1991

## CHAPTER 9

HOUSE BILL NO. 1009  
(Committee on Appropriations)

## VETERANS' HOME AND VETERANS' AFFAIRS

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the veterans' home and the department of veterans' affairs for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.

VETERANS' HOME

Salaries and wages	\$3,228,004
Operating expenses	1,138,401
Equipment	96,903
Capital improvements	100,000
Nursing home startup cost	300,000
Total all funds	\$4,863,308
Less estimated income	3,282,463
Total general fund appropriation	\$1,580,845

Subdivision 2.

VETERANS' AFFAIRS

Salaries and wages	\$ 315,381
Information services	3,800
Operating expenses	71,302
Equipment	10,000
Total all funds	\$ 400,483
Less estimated income	\$ 10,000
Total general fund appropriation	\$ 390,483
Grand total general funds appropriated H.B. 1009	\$1,971,328
Grand total special funds appropriated H.B. 1009	\$3,292,463
Grand total all funds appropriated H.B. 1009	\$5,263,791

SECTION 2. VETERANS' POSTWAR TRUST FUND EARNINGS. The amount of \$246,876, or so much thereof as may be necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act is from interest earnings of the veterans' postwar trust fund for the purpose of defraying costs related to the completion of the nursing home facility of \$100,000, equipment purchases of \$76,876, and operating expenses of \$70,000.

SECTION 3. NURSING HOME STARTUP COSTS. The amount of \$300,000, or so much thereof as may be necessary, included in the nursing home startup costs line item in subdivision 1 of section 1 of this Act is from the veterans' home improvement fund for the purpose of defraying startup costs of the nursing home facility.

SECTION 4. VETERANS' POSTWAR TRUST FUND EARNINGS. The amount of \$10,000, or so much thereof as may be necessary, included in the estimated income line item in subdivision 2 of section 1 of this Act is from interest earnings of the veterans' postwar trust fund for the purpose of equipment purchases.

Approved April 8, 1991  
Filed April 8, 1991

**CHAPTER 10**

HOUSE BILL NO. 1010  
(Committee on Appropriations)

**BANKING AND FINANCIAL INSTITUTIONS**

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the financial institutions regulatory fund in the state treasury, not otherwise appropriated, to the department of banking and financial institutions for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$1,745,644
Information services	20,286
Operating expenses	482,361
Equipment	18,400
Contingency - banking and financial institutions	<u>15,000</u>
Total appropriation from the financial institutions regulatory fund	\$2,281,691

Approved March 18, 1991  
Filed March 19, 1991

## CHAPTER 11

HOUSE BILL NO. 1011  
(Committee on Appropriations)

### SECURITIES COMMISSIONER

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the securities commissioner for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$479,812
Information services	14,520
Operating expenses	56,736
Equipment	<u>8,500</u>
Total general fund appropriation	\$559,568

Approved April 2, 1991  
Filed April 4, 1991

**CHAPTER 12**

HOUSE BILL NO. 1012  
(Committee on Appropriations)

**MILK STABILIZATION BOARD**

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the milk stabilization fund in the state treasury, not otherwise appropriated, to the milk stabilization board for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$342,553
Information services	6,200
Operating expenses	136,256
Equipment	2,544
Contingency	<u>5,000</u>
Total appropriation from milk stabilization fund	\$492,553

Approved March 18, 1991  
Filed March 19, 1991

**CHAPTER 13**

HOUSE BILL NO. 1013  
(Committee on Appropriations)

**STATE FAIR ASSOCIATION**

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the state fair association for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Capital improvements	\$210,000
Premiums	<u>350,000</u>
Total general fund appropriation	\$560,000

Approved April 16, 1991

Filed April 18, 1991

## CHAPTER 14

HOUSE BILL NO. 1014  
(Committee on Appropriations)

### COUNCIL ON THE ARTS

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the council on the arts for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$ 328,332
Information services	5,665
Operating expenses	153,143
Equipment	5,700
Grants, benefits, and claims	1,299,516
Cultural endowment	8,516
Total all funds	<u>\$1,800,872</u>
Less estimated income	<u>1,223,609</u>
Total general fund appropriation	\$ 577,263

SECTION 2. APPROPRIATION. All income from the cultural endowment fund is hereby appropriated for the furthering of the cultural arts in the state for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. ADDITIONAL INCOME. All income of the council on the arts in excess of the estimated income appropriated in section 1 of this Act is hereby appropriated to the council on the arts for the biennium beginning July 1, 1991, and ending June 30, 1993, and may be spent only upon authorization of the emergency commission.

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 15

HOUSE BILL NO. 1015  
(Committee on Appropriations)

### HIGHWAY PATROL

AN ACT making an appropriation for defraying the expenses of the highway patrol.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys not otherwise appropriated, from special funds derived from federal funds and other income, to the highway patrol for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$14,707,626
Information services	275,606
Operating expenses	3,465,277
Equipment	144,508
Capital improvements	30,000
Total special funds appropriation	\$18,623,017

SECTION 2. SPECIAL FUNDS. The total special funds appropriation line item in section 1 of this Act includes \$18,062,359, or so much thereof as may be necessary, from the state highway fund for the purpose of defraying the expenses of the highway patrol during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. PAYMENTS TO HIGHWAY PATROLMEN. Each patrolman of the state highway patrol shall receive from funds appropriated in the salaries and wages line item in section 1 of this Act an amount not to exceed one hundred twenty dollars per month for the biennium beginning July 1, 1991, and ending June 30, 1993. Such payments shall be in lieu of reimbursement for meals and other expenses, except lodging, while in travel status within the state of North Dakota or while at their respective home stations. Such amounts shall be paid without the presentation of receipts or other memoranda at the time and in the same manner as salaries of members of the highway patrol are paid.

Approved April 8, 1991  
Filed April 8, 1991

## CHAPTER 16

HOUSE BILL NO. 1016  
(Committee on Appropriations)

## DEPARTMENT OF TRANSPORTATION

AN ACT making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to the assignment of motor vehicle number plates; to provide for a contingent temporary transfer from the petroleum tank release compensation fund; and to provide a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, from special funds derived from federal funds and other income, to the various divisions under the supervision of the director of the department of transportation for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

## Subdivision 1.

## TRANSPORTATION OPERATIONS

Salaries and wages	\$ 69,435,365
Information services	2,890,496
Operating expenses	49,474,121
Equipment	5,915,500
Capital improvements	331,785,000
Grants, benefits, and claims	8,248,327
Public transportation	1,340,000
Total special funds appropriation	<u>5469,088,809</u>

## Subdivision 2.

## MOTOR VEHICLE

Salaries and wages	\$ 2,430,869
Information services	753,332
Operating expenses	1,840,000
Equipment	60,488
Contingency fund	45,000
License plates and tabs	1,800,000
Total special funds appropriation	<u>\$ 6,929,689</u>

## Subdivision 3.

## FLEET SERVICES

Salaries and wages	\$ 964,015
Information services	210,000
Operating expenses	6,560,740
Equipment	<u>9,860,086</u>

Total special funds appropriation	\$ 17,594,841
Grand total special funds appropriation H.B. 1016	\$499,689,851

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

SECTION 3. FLEET SERVICES OPERATING FUND - ADDITIONAL INCOME - TRANSFER. The department of transportation shall establish a fleet services operating fund to be used for the procurement and maintenance of fleet services. The funds collected from various agencies must be deposited in the operating fund and must be expended in accordance with legislative appropriations. Income in excess of the amounts appropriated for operating expenses and equipment in subdivision 3 of section 1 of this Act may be spent within the provisions of Senate Bill No. 2168 for purposes of those items. The director of the department of transportation may transfer \$2,500,000, or so much thereof as may be necessary, from the operating fund to the highway fund and may transfer appropriation authority of \$2,500,000 from the equipment line item in subdivision 3 of section 1 of this Act to the capital improvements line item in subdivision 1 of section 1 of this Act for the purpose of matching federal funds for highway construction.

SECTION 4. LEGISLATIVE INTENT - REVIEW OF FEDERAL MATCHING NEEDS. It is the intent of the legislative assembly that the reconvened fifty-second legislative assembly address the need for providing additional state funding via the motor vehicle fuel tax to the department of transportation for the purpose of matching federal funds for highway maintenance, construction, and reconstruction for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 5. LAKE OAHE BRIDGE PROJECT. The capital improvements line item in subdivision 1 of section 1 of this Act includes \$22,500,000 of federal funds for the Lake Oahe bridge project. The state's matching amount for the project of \$2,250,000 is from funds appropriated from the highway fund included in the capital improvements line item in subdivision 1 of section 1 of this Act and may only be spent when the federal funds are available to be spent for the project.

SECTION 6. CONTINGENT APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated, subject to approval of the budget section of the legislative council, out of any moneys in the state treasury, not otherwise appropriated, from special funds derived from federal funds and other income, to the various divisions under the supervision of the director of the department of transportation for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.		
	TRANSPORTATION OPERATIONS	
Salaries and wages		\$1,580,863
Operating expenses		4,294,649
Total special funds appropriation		<u>\$5,875,512</u>
Subdivision 2.		
	FLEET SERVICES	
Operating expenses		<u>\$201,000</u>

Total special funds appropriation \$201,000

SECTION 7. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Assignment of motor vehicle number plates. Motor vehicle number plates may not be assigned as a reward for any political activity, in recognition of any political affiliation or membership in any political party, or on the basis of political favoritism. However, an elected state office may be assigned a single or double digit number on a number plate as requested by that official. The department of transportation shall adopt rules governing the assignment of numbers on motor vehicle number plates in accordance with this section.

SECTION 8. SPECIAL ROAD FUND. Notwithstanding section 24-02-37, the director of the department of transportation may use the moneys in the special road fund for the purpose of matching federal funds for highway maintenance, construction, and reconstruction for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 9. PETROLEUM TANK RELEASE COMPENSATION FUND. If House Bill No. 1439 of the fifty-second legislative assembly does not become effective, the state treasurer, at the request of the director of the department of transportation, shall transfer \$1,000,000, or so much thereof as may be necessary, from the petroleum tank release compensation fund to the highway fund for the purpose of matching federal funds for highway maintenance, construction, and reconstruction for the biennium beginning July 1, 1991, and ending June 30, 1993. An amount equal to all moneys transferred must be paid to the petroleum tank release compensation fund from the highway fund by December 31, 1992.

Approved April 16, 1991  
Filed April 18, 1991

# CHAPTER 17

HOUSE BILL NO. 1017  
(Committee on Appropriations)

## COMMISSIONER OF UNIVERSITY AND SCHOOL LANDS

AN ACT making an appropriation for defraying the expenses of the commissioner of university and school lands; and to provide for an appropriation of funds from the oil and gas impact grant fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated from special funds derived from the state lands maintenance fund, in the state treasury, not otherwise appropriated, and other income, to the commissioner of university and school lands for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$1,340,550
Information services	65,034
Operating expenses	623,664
Equipment	33,200
Grants, benefits, and claims	5,085,086
Contingency fund	50,000
Total special funds appropriation	<u>\$7,197,534</u>

SECTION 2. APPROPRIATION. The amount of \$5,000,000, or so much thereof as may be necessary, included in the salaries and wages, information services, operating expenses, equipment, grants, and estimated income line items in section 1 of this Act may be spent from the oil and gas impact grant fund by the commissioner of university and school lands for the purpose of providing oil and gas development impact grants and for related administrative expenses for the biennium beginning July 1, 1991, and ending June 30, 1993.

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

Approved April 8, 1991  
Filed April 8, 1991

## CHAPTER 18

HOUSE BILL NO. 1018  
(Committee on Appropriations)

### CHILDREN'S SERVICES COORDINATING COMMITTEE

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the children's services coordinating committee for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$ 109,651
Information services	3,503
Operating expenses	223,035
Equipment	3,200
Grants, benefits, and claims	<u>5,069,369</u>
Total all funds	<u>\$5,408,758</u>
Less estimated income	<u>3,303,816</u>
Total general fund appropriation	<u>\$2,104,942</u>

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 19

HOUSE BILL NO. 1019  
(Committee on Appropriations)

## INDUSTRIAL COMMISSION

AN ACT making an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to amend and reenact section 57-61-01.5 of the North Dakota Century Code, relating to the lignite research fund; to repeal section 7 of House Bill No. 1005, as approved by the fifty-second legislative assembly, relating to the land reclamation research center; to provide for a bond issuance for a Bismarck state college parking lot; to provide a continuing appropriation for the lignite research fund; and to provide for a lease agreement for the board of higher education to acquire Hastings hall.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state industrial commission and agencies under its control for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

## Subdivision 1.

## INDUSTRIAL COMMISSION

Salaries and wages	\$ 4,356,658
Data processing	208,924
Operating expenses	1,535,897
Equipment	135,293
Grants, benefits, and claims	6,743,807
Administrative contingency	10,000
Lease payments	12,483,264
Oil and gas contingency	50,000
Total all funds	\$ 25,523,843
Less estimated income	25,144,036
Total general fund appropriation	\$ 379,807

## Subdivision 2.

## BANK OF NORTH DAKOTA

Salaries and wages	\$ 11,509,348
Data processing	4,100,109
Operating expenses	5,728,834
Equipment	471,000
Capital improvements	400,000
Contingency	300,000
Total appropriation from Bank of North Dakota fund	\$ 22,509,291

Subdivision 3.

MILL AND ELEVATOR ASSOCIATION

Salaries and wages	\$ 10,174,977
Operating expenses	5,929,164
Emergency fund	250,000
Agriculture promotion	50,000
Total appropriation from mill and elevator fund	<u>\$ 16,404,141</u>

Subdivision 4.

HOUSING FINANCE AGENCY

Salaries and wages	\$ 2,101,429
Data processing	58,400
Operating expenses	771,252
Equipment	50,000
Grants, benefits, and claims	31,100,000
HFA contingency	100,000
Total appropriation from housing finance agency fund	<u>\$ 34,181,081</u>
Grand total general fund appropriation H.B. 1019	\$ 379,807
Grand total special funds appropriation H.B. 1019	<u>\$ 99,088,549</u>
Grand total all funds appropriation H.B. 1019	<u>\$ 99,468,356</u>

SECTION 2. APPROPRIATION. In addition to the amount appropriated to the industrial commission in subdivision 1 of section 1 of this Act, there is hereby appropriated, with the approval of the emergency commission, funds which may become available to the commission from bonds authorized by law to be issued by the industrial commission under chapters 4-36 and 54-17.2 and section 54-17-25, for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. APPROPRIATION. The amount of \$5,532,775, or so much thereof as is necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, may be spent from the lands and minerals trust fund for the purpose of providing funds for the administration of the industrial commission.

SECTION 4. TRANSFER. The industrial commission as reimbursement for administrative expenses may transfer from funds available to the following agencies to the industrial commission operating fund the following amounts during the biennium beginning July 1, 1991, and ending June 30, 1993:

Mill and elevator association	\$ 62,202
Bank of North Dakota	74,593
Housing finance agency	55,048
Municipal bond bank	28,351
Student loan trust	55,048

SECTION 5. TRANSFER. There is hereby authorized the transfer to the general fund in the state treasury, the sum of \$3,000,000 from the accumulated and undivided profits of the North Dakota mill and elevator association. Such moneys shall be transferred during the biennium beginning July 1, 1991, and ending June 30, 1993, upon order of the industrial commission, with one-half of the transfer to be made no later than June 30, 1992.

SECTION 6. CONTINGENCY - EMERGENCY COMMISSION APPROVAL REQUIRED - OIL AND GAS DIVISION. The sums appropriated in subdivision 1 of section 1 of this Act for the oil and gas contingency are appropriated from the lands and

minerals trust fund contingent upon emergency commission approval if funds are required due to an increase in oil and gas exploration or production.

SECTION 7. LIGNITE RESEARCH, DEVELOPMENT AND MARKETING PROGRAM - APPROPRIATION - LIGNITE MARKETING FEASIBILITY STUDY. The amount of \$1,000,000, or so much thereof as is necessary, included in the grants and special funds appropriation line items in subdivision 1 of section 1 of this Act, is to be spent from the lignite research fund for the purpose of contracting for an independent, nonmatching lignite marketing feasibility study or studies that determine those focused priority areas where near-term, market-driven projects, activities, or processes will generate matching private industry investment and have the most potential of preserving existing lignite production and jobs or that will lead to increased development of lignite and its products and create new jobs and economic growth for the general welfare of North Dakota. Moneys not needed for the purposes stated herein shall be available to the commission for funding projects, processes, or activities under the lignite research, development, and marketing program.

SECTION 8. AMENDMENT. Section 57-61-01.5 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-61-01.5. Separate and additional coal severance tax - Lignite research contracts, development, and marketing program - Continuing appropriation - Administration.

1. There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax, separate from and additional to the tax imposed by section 57-61-01, of two cents per ton of two thousand pounds [907.18 kilograms]. All of the provisions of this chapter for administration of the coal severance tax apply to the tax imposed under this section. The state tax commissioner shall transfer revenue from the tax imposed by this section to the state treasurer for deposit in a special fund in the state treasury, which is hereby created, to be known as the lignite research fund. Moneys in the lignite research fund must be available to the industrial commission for contracts with research facilities within this state. Such moneys must be used for contracts for land reclamation research projects and for research, development, and marketing of lignite and products derived from lignite. The industrial commission shall adopt rules for submission and consideration of research, development, and marketing proposals and entering into contracts under this section the lignite research, development, and marketing program.
2. The state treasurer shall deposit in the lignite research fund, fifty percent of the taxes collected and deposited subsequent to July 1, 1990, in the permanent trust fund established by section 21 of article X of the Constitution of North Dakota and shall, beginning in July 1991, no less than monthly, deposit in the lignite research fund fifty percent of the taxes collected and deposited in the permanent trust fund. All moneys in the lignite research fund as well as any moneys received from federal and private sources for lignite research, development, and marketing, including interest on all such moneys, are hereby appropriated to the industrial commission, and may be spent only within limits of legislative appropriations, for the administration, development,

and funding of the lignite research, development, and marketing program.

SECTION 9. LEGISLATIVE INTENT - LEASE PAYMENTS. The amount of \$12,483,264 included in subdivision 1 of section 1 of this Act in the lease payments line shall be paid from the following funding sources during the biennium beginning July 1, 1991, and ending June 30, 1993:

Higher education institutions	\$ 1,900,000
Capital construction fund's portion of sales, use, and motor vehicle excise taxes	10,306,142
Veterans home improvement fund	277,122
Total	<u>\$12,483,264</u>

The amounts shall be deposited in the capital construction fund and used for payments on the bonds issued by the North Dakota building authority including the 1986 Series A issue for projects at the state developmental center, state hospital, and state penitentiary.

SECTION 10. CAPITAL CONSTRUCTION FUND - BORROWING AUTHORITY. The industrial commission may borrow up to \$2,500,000 from the state general fund for deposit in the capital construction fund during the biennium beginning July 1, 1991, and ending June 30, 1993, for the purpose of making lease payments. Any amounts borrowed from the general fund must be repaid to the general fund prior to June 30, 1993.

SECTION 11. CONTINGENT APPROPRIATION. There is hereby appropriated from the Bank of North Dakota accumulated and undivided profits, not otherwise appropriated, the sum of \$500,000, or so much thereof as may be necessary, to the Bank of North Dakota to be used for profit enhancement programs not anticipated during the fifty-second legislative assembly for the biennium beginning July 1, 1991, and ending June 30, 1993. The amounts can be made available to the Bank of North Dakota only after receiving emergency commission approval.

SECTION 12. LAND RECLAMATION RESEARCH CENTER FUNDING. The amount of \$379,807 included in grants in subdivision 1 of section 1 of this Act shall be made available to the land reclamation research center from the general fund for the biennium beginning July 1, 1991, and ending June 30, 1993, and the amount of \$210,193 included in grants in subdivision 1 of section 1 of this Act must be made available from the lignite research fund for nonmatching grants to maintain the center's core staff for the second year of the 1991-93 biennium. The land reclamation research center must submit bids before receiving additional grant moneys from the lignite research fund.

SECTION 13. APPROPRIATION - HOUSING FINANCE AGENCY. In addition to the amount appropriated to the housing finance agency in subdivision 4 of section 1 of this Act, there is hereby appropriated any additional income from federal or other funds which may become available to the agency for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 14. SOLID WASTE MANAGEMENT FUND. The estimated income line item included in section 1 of this Act includes \$140,000 which the geological survey may spend from the solid waste management fund for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 15. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - APPROPRIATION. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to, but not exceeding, \$350,000, for the purpose of constructing a revenue-producing parking lot at Bismarck state college. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota. The proceeds from the sale of bonds, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and equipping of a parking lot. Any unexpended balance from the sale of bonds must be placed in a sinking fund for the retirement of the authorized bonds.

SECTION 16. LEGISLATIVE INTENT - MILL AND ELEVATOR ASSOCIATION. It is the intent of the fifty-second legislative assembly that the mill and elevator association phase out its certified seed grains processing and marketing program.

SECTION 17. BOARD OF HIGHER EDUCATION - LEASE PURCHASE AGREEMENT. The board of higher education may enter into a lease purchase agreement subject to such limitations as may be required by law for the purpose of acquiring title to Hastings hall on the North Dakota state university campus from the North Dakota state seed department beginning July 1, 1992. Terms of the agreement must be approved by the budget section of the legislative council. Moneys to make lease payments must be made within the limits of appropriations made to North Dakota state university.

SECTION 18. REPEAL. Section 7 of House Bill No. 1005, as approved by the fifty-second legislative assembly, is repealed.

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 20

HOUSE BILL NO. 1020  
(Committee on Appropriations)

### INTERNATIONAL PEACE GARDEN

AN ACT making an appropriation for defraying the expenses of the international peace garden; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the international peace garden for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Capital improvements	\$ 75,000
Grants, benefits, and claims	<u>383,772</u>
Total general fund appropriation	\$458,772

SECTION 2. PROJECT AUTHORIZATION. The amount of \$55,000 included in the general fund appropriation line item in section 1 of this Act is for the purpose of remodeling the administration building.

SECTION 3. EMERGENCY. The capital improvements line item in section 1 and section 2 of this Act are declared to be emergency measures.

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 21

HOUSE BILL NO. 1021  
(Committee on Appropriations)

## CORRECTIONS AND REHABILITATION

AN ACT making an appropriation for defraying the expenses of the department of corrections and rehabilitation; providing for an appropriation from the North Dakota state penitentiary land fund; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the department of corrections and rehabilitation for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.		
	CENTRAL OFFICE	
Salaries and wages		\$ 444,787
Information services		10,000
Operating expenses		253,248
Institutional medical fees		220,000
Total all funds		\$ 928,035
Less estimated income		200,000
Total general fund appropriation		\$ 728,035
Subdivision 2.		
	JUVENILE COMMUNITY SERVICES	
Salaries and wages		\$ 1,430,659
Information services		45,300
Operating expenses		2,126,090
Equipment		8,200
Grants		150,000
Total all funds		\$ 3,760,249
Less estimated income		1,259,759
Total general fund appropriation		\$ 2,500,490
Subdivision 3.		
	STATE INDUSTRIAL SCHOOL	
Salaries and Wages		\$ 5,019,711
Information services		65,171
Operating expenses		1,361,378
Equipment		51,186
Capital improvements		272,928
Total all funds		\$ 6,770,374
Less estimated income		1,803,828

Total general fund appropriation		\$ 4,966,546
Subdivision 4.		
	STATE PENITENTIARY	
Salaries and wages		\$10,870,900
Information services		99,813
Operating expenses		4,762,574
Equipment		108,750
Capital improvements		2,441,096
Total all funds		<u>\$18,283,133</u>
Less estimated income		2,569,660
Total general fund appropriation		<u>\$15,713,473</u>

Subdivision 5.		
	ROUGH RIDER INDUSTRIES	
Salaries and wages		\$ 1,541,964
Information services		30,000
Operating expenses		5,468,700
Equipment		304,000
Capital improvements		200,000
Total special funds		<u>\$ 7,544,664</u>

Subdivision 6.		
	PAROLE AND PROBATION	
Salaries and wages		\$ 2,547,508
Information services		44,685
Operating expenses		444,135
Equipment		10,157
Total all funds		<u>\$ 3,046,485</u>
Less estimated income		511,622
Total general fund appropriation		<u>\$ 2,534,863</u>

Subdivision 7.		
	PARDON BOARD	
Operating expenses		\$ 1,482
Total general fund appropriation		<u>\$ 1,482</u>
Grand total general fund appropriation H.B. 1021		\$26,444,889
Grand total special funds appropriation H.B. 1021		\$13,889,533
Grand total all funds appropriation H.B. 1021		\$40,334,422

SECTION 2. STATE PENITENTIARY LAND FUND. The amount appropriated for operating expenses and capital improvements in subdivision 4 of section 1 of this Act includes \$425,000 which is from the North Dakota state penitentiary land fund for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. TRANSFER AUTHORITY. Upon approval of the budget section, the director of the department of corrections and rehabilitation may transfer appropriation authority contained in the various subdivisions in section 1 of this Act.

SECTION 4. ROUGH RIDER INDUSTRIES' OPERATING FUND - BANK OF NORTH DAKOTA. Roughrider industries may establish its own operating fund in the Bank of North Dakota. Interest earned on the roughrider industries' operating fund shall be deposited in the state general fund. Roughrider industries may use its own manufacturing accounting system and must report annually its revenues and expenditures to the office of management and budget

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for the purpose of its financial statements being included in the state's comprehensive audited financial statements.

SECTION 5. EMERGENCY. The capital improvements line in subdivision 4 of section 1 of this Act is declared to be an emergency measure.

Approved April 16, 1991  
Filed April 18, 1991

**CHAPTER 22**

HOUSE BILL NO. 1022  
(Committee on Appropriations)

**JOB SERVICE NORTH DAKOTA**

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in special funds in the state treasury, not otherwise appropriated, derived from federal funds and other income, to job service North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$28,657,487
Operating expenses	6,765,026
Equipment	680,000
Grants, benefits, and claims	<u>10,585,000</u>
Total special funds appropriation	<u>\$46,687,513</u>

SECTION 2. APPROPRIATION. All federal funds received by job service North Dakota in excess of those funds appropriated in section 1 of this Act are hereby appropriated for the biennium beginning July 1, 1991, and ending June 30, 1993.

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 23

HOUSE BILL NO. 1023  
(Committee on Appropriations)

### PAY EQUITY

AN ACT to provide an appropriation relating to pay equity adjustments; to provide requirements for the expenditure of funds for pay equity adjustments; and to provide for progress reports to the legislative council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. EMERGENCY COMMISSION - APPROPRIATION - PAY EQUITY. The emergency commission may approve the expenditures of up to \$2,000,000 of special funds derived from federal funds and other income, which are hereby appropriated for pay equity adjustments during the biennium beginning July 1, 1991, and ending June 30, 1993. This additional spending authority may be approved by the emergency commission upon request of state agencies and institutions, only after the office of management and budget has determined that appropriations made by the fifty-second legislative assembly are insufficient to allow such payments.

SECTION 2. PAY EQUITY IMPLEMENTATION FUND. Any moneys in the pay equity implementation fund created by House Bill No. 1035 of the fifty-first legislative assembly may be disbursed only for pay equity adjustments for persons whose compensation is paid from the state general fund.

SECTION 3. PAY EQUITY ADJUSTMENTS. State agencies and institutions may only make pay equity adjustments during the 1991-93 biennium to the extent moneys are available for such adjustments. Any moneys to be spent from the pay equity fund or pursuant to the special fund appropriation provided by section 1 of this Act may be made only after the office of management and budget determines that sufficient funds are available to pay the pay equity adjustment for the remainder of the biennium, and that other appropriations are insufficient to provide for the payment of approved pay equity adjustments including those relating to work hazards.

SECTION 4. HAZARDOUS CONDITIONS. The central personnel division may only apply hazardous condition adjustments to positions based on severity of hazard and frequency of exposure to hazard.

SECTION 5. LEGISLATIVE COUNCIL - PROGRESS REPORTS. The office of management and budget shall periodically report to the legislative council or its designated committee its progress in determining necessary pay equity adjustments, and its findings resulting therefrom including the cost of full implementation of pay equity recommendations, for the 1993-95 biennium. The legislative council shall report its findings and recommendations together with any legislation required to implement the recommendations, to the fifty-third legislative assembly.

Approved March 27, 1991  
Filed March 28, 1991

## CHAPTER 24

HOUSE BILL NO. 1215  
(Committee on Natural Resources)  
(At the request of the State Department of Health and  
Consolidated Laboratories)

### **BELFIELD/BOWMAN PROJECT**

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$70,000 to the North Dakota state department of health and consolidated laboratories for a portion of the state's ten percent share of \$140,000 for the Belfield/Bowman radiation remediation project for the biennium beginning July 1, 1991, and ending June 30, 1993. The remaining \$70,000 is the responsibility of Stark and Bowman counties where the remediation activity is occurring.

SECTION 2. Land acquisition. The department of health and consolidated laboratories in consultation with the North Dakota board of university and school lands and the department of transportation may acquire any land, including all mineral rights and improvements by purchase, donation, or condemnation, pursuant to the procedures of chapter 32-15, and other laws governing eminent domain, in fee simple or such easements thereof which the state department of health and consolidated laboratories shall deem necessary for cleanup and remediation of the abandoned uranium processing sites near Belfield and Bowman and providing a permanent disposal site near Bowman. Title to all lands acquired pursuant to this Act must be in the name of the state of North Dakota.

SECTION 3. Transfer or sale of acquired lands. The state department of health and consolidated laboratories in consultation with the North Dakota board of university and school lands and the department of transportation may transfer land including all mineral rights and improvements acquired pursuant to this Act to either the United States where provided by federal law or an appropriate state agency or political subdivision of the state. Where land acquired pursuant to this Act is deemed suitable for use as it was used prior to contamination, the department of health and consolidated laboratories may sell such land back to the owner it was acquired from at not less than fair market value. If the owner does not desire to repurchase the land, the department of health and consolidated laboratories may sell such land by

public sale under a system of competitive bidding, at not less than fair market value, pursuant to the provisions of laws applicable to the sale of state-owned land.

SECTION 4. Intent and purpose. The Uranium Mill Tailings Radiation Control Act of 1978 [Pub. L. 95-604] was enacted to provide a mechanism for federal and state cooperation and funding to clean up abandoned uranium tailings piles needing reclamation in order to protect the health and safety of the general public. On November 8, 1979, the department of energy designated twenty-four "processing sites" throughout the United States, including two in North Dakota near Belfield and Bowman. The Belfield/Bowman project is a multiannual project that began in the 1987-89 biennium and will be completed in the 1993-95 biennium. The project costs for all uranium radiation cleanup projects are cost-shared at a ninety percent department of energy and ten percent state matching ratio. The costs related to the Belfield/Bowman radiation remediation project through the 1993-95 biennium are projected by the department of energy as follows:

Remediation Construction Costs:

Estimated Total Cost	Estimated 90% Federal Share	Estimated 10% State Share
\$11,280,288	\$10,152,259	\$1,128,029

Approved April 8, 1991  
Filed April 8, 1991

**CHAPTER 25**

HOUSE BILL NO. 1391  
(Martinson, Clayburgh, Gerntholz, Belter)

**NATIONAL GUARD TUITION TRUST FUND**

AN ACT to provide an appropriation to the national guard tuition trust fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to the national guard tuition trust fund for the tuition assistance program for the biennium beginning July 1, 1991, and ending June 30, 1993.

Approved April 2, 1991  
Filed April 4, 1991

## CHAPTER 26

HOUSE BILL NO. 1416  
(Representatives R. Anderson, Thompson)  
(Senator Meyer)

### **PUBLIC LAND ECONOMIC BENEFITS STUDY**

AN ACT providing an appropriation to North Dakota state university to provide funds for a study to determine the economic benefits to North Dakota from public lands.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the lands and minerals trust fund in the state treasury, not otherwise appropriated, the sum of \$15,000, or so much thereof as may be necessary, to North Dakota state university for the funding of a study to determine the economic benefits to North Dakota from public lands. North Dakota state university shall have reports available on its completed study by July 1, 1992, for distribution to members of the Fifty-second Legislative Assembly.

Approved April 2, 1991  
Filed April 4, 1991

## CHAPTER 27

HOUSE BILL NO. 1511  
(Representatives Larson, Scherber)  
(Senators Mathern, Thane)

### HUMAN SERVICE CENTER LEASE

AN ACT to direct the department of human services to negotiate a new lease; to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for the acquisition of lands and the construction and equipping of a regional human service center facility or the purchase of an existing facility; to provide for the termination of a current lease; to provide an appropriation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

#### SECTION 1. CANCELLATION AND RENEGOTIATION OF LEASE.

1. The department of human services shall furnish to the landlord, on or before April 1, 1991, written notice of cancellation of the real estate lease, entered into between red river human services foundation and the state of North Dakota, department of human services, designated as contract number 05-123, relating to the premises and office space in the former first national bank and trust company building located at 15 Broadway, Fargo, North Dakota, and currently used to house the southeast human service center. In order to permit the department of human services to cancel that lease, under the cancellation terms provided for in that lease, insufficient funds have been provided by legislative appropriation for rent of human service facilities within North Dakota during the entire biennial period ending June 30, 1993.
2. The department of human services shall attempt to negotiate a new lease with the red river human services foundation to be executed and effective no later than Friday, November 1, 1991. The lease to be negotiated must be based on the model lease used by the department as the basis for its leases for other regional human service center sites, specifically running for a term ending at the end of each fiscal biennium subject to renewal by the department. The negotiation required by this subsection must be based on a detailed accounting report to be furnished to the department of human services by red river human services foundation. The detailed accounting report must be verified by a certified public accountant and showing, in detail, for the most recent fiscal year of the foundation, all foundation expenditures, salaries paid to all foundation employees, all foundation revenues detailed by revenue source, a listing of all outstanding debt, and a listing of the amounts of any allocable foundation costs allocated to each foundation activity.

SECTION 2. PROJECT AUTHORIZATION - APPROPRIATION. The industrial commission, acting as the state building authority, shall determine whether it is more cost effective to purchase an existing building or construct a new facility for the regional human service center in or near the city of Fargo. The industrial commission shall arrange for the funding of the purchase of an existing facility or for the acquisition of land and the erection of improvements, including furniture and equipment, on that land for the purpose of housing that regional human service center, hereby declared to be in the public interest, through the issuance of loan notes, under North Dakota Century Code chapter 54-17.2, during the period beginning November 1, 1991, and ending June 30, 1993. The industrial commission may offer loan notes issued under this section for sale only to the Bank of North Dakota at a price that is as representative as possible of the current market interest rates for comparable loan notes purchased by the Bank of North Dakota. The proceeds of the loan notes and other available funds are hereby appropriated during the biennium beginning July 1, 1991, and ending June 30, 1993, for the acquisition of suitable real property or the construction of improvements, or both, including furniture and equipment, for that human service center. The construction and acquisition funds may not exceed \$2,475,000.

The industrial commission shall issue loan notes authorized under this section with the condition that the payments need not begin until July 1, 1993. This authority of the industrial commission to issue loan notes ends on June 30, 1993, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act, and to comply with any covenants entered into before that date.

SECTION 3. CONTINGENT EFFECTIVE DATE. If the department of human services is able to negotiate a lease pursuant to subsection 2 of section 1 of this Act which is satisfactory to the executive director of the department and the attorney general, then section 2 of this Act is of no force and effect. The executive director and the attorney general shall approve and find satisfactory any lease that provides profit to the landlord of three percent or less per year. By November 1, 1991, the attorney general shall certify to the industrial commission that a satisfactory lease has been negotiated and executed pursuant to subsection 2 of section 1 of this Act or that such is not the case.

Approved April 2, 1991  
Filed April 4, 1991

**CHAPTER 28**

SENATE BILL NO. 2001  
(Committee on Appropriations)

**ELECTED OFFICIALS**

AN ACT making an appropriation for defraying the expenses of various elected state officials and the state firemen's association; to create and enact two new sections to chapter 53-06.1 of the North Dakota Century Code, relating to the establishment of a state gaming commission; to amend and reenact sections 4-01-21, 26.1-01-09, subsection 2 of section 27-20-49, sections 34-05-01.2, 39-01-02, 49-01-05, 53-06.1-01, 53-06.1-03, 53-06.1-06, 53-06.1-12, 53-06.1-12.1, 53-06.1-12.2, 53-06.1-13, 53-06.1-14, 53-06.1-17, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, 57-01-04, 57-39.2-26.1, and 57-58-01 of the North Dakota Century Code and section 54 of Senate Bill No. 2058, as approved by the fifty-second legislative assembly, relating to motor vehicles owned or leased by the state, to the salaries of the commissioner of agriculture, commissioner of insurance, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, tax commissioner, to prosecution witness fees paid by the attorney general, to the state aid distribution fund, to definitions and the conducting of games of chance, and to the appropriation for the science and technology corporation; to provide a statement of legislative intent; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income the sums as hereinafter provided to the various elected officials and the state firemen's association for the purpose of defraying the expenses of the various elected officials and the state firemen's association of the state of North Dakota, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.

GOVERNOR'S OFFICE

Salaries and wages	\$ 1,184,856
Information services	52,500
Operating expenses	291,821
Equipment	7,845
Contingency	7,000
President electors	942
ND-Sask-Man commission	4,000
Yellow-Missouri-Fort Union commission	5,239
Governor's transition in	10,000
Governor's transition out	10,000

Rough rider awards	2,400
Total general fund appropriation	<u>\$ 1,576,603</u>

## Subdivision 2.

## LIEUTENANT GOVERNOR

Salaries and wages	\$ 246,632
Information services	868
Operating expenses	7,132
Equipment	1,300
Contingency	6,893
Total general fund appropriation	<u>\$ 262,825</u>

## Subdivision 3.

## SECRETARY OF STATE

Salaries and wages	\$ 1,000,338
Information services	27,100
Operating expenses	330,390
Equipment	56,600
Public printing	311,543
Petition review	17,000
Total general fund appropriation	<u>\$ 1,742,971</u>

## Subdivision 4.

## ATTORNEY GENERAL

Salaries and wages	\$10,199,243
Information services	452,877
Operating expenses	2,084,412
Controlled substances board	4,000
Equipment	314,949
Arrest and return of fugitives	34,376
Grants, benefits, and claims	4,530,000
ARC legal fees	38,250
Gaming commission	20,000
State employee defense	250,000
Litigation fees	118,324
Total all funds	<u>\$18,046,431</u>
Less estimated income	9,406,407
Total general fund appropriation	<u>\$ 8,640,024</u>

## Subdivision 5.

## STATE AUDITOR

Salaries and wages	\$ 4,566,044
Information services	115,770
Operating expenses	482,637
Equipment	25,500
Total all funds	<u>\$ 5,189,951</u>
Less estimated income	1,919,733
Total general fund appropriation	<u>\$ 3,270,218</u>

## Subdivision 6.

## STATE TREASURER

Salaries and wages	\$ 534,417
Information services	147,100
Operating expenses	56,307
Equipment	4,837
Veterans postwar trust fund	1,575,005
Total all funds	<u>\$ 2,317,666</u>

Less estimated income	5,000
Total general fund appropriation	<u>\$ 2,312,666</u>

## Subdivision 7.

## STATE TAX COMMISSIONER

Salaries and wages	\$ 9,838,283
Information services	1,620,374
Operating expenses	2,037,344
Equipment	114,920
Witness fee contingency	180,000
City sales administrative funds	400,000
Total all funds	<u>\$14,190,921</u>
Less estimated income	400,000
Total general fund appropriation	<u>\$13,790,921</u>

## Subdivision 8.

## LABOR COMMISSIONER

Salaries and wages	\$ 484,039
Information services	16,856
Operating expenses	63,831
Equipment	16,832
Total all funds	<u>\$ 581,558</u>
Less estimated income	43,000
Total general fund appropriation	<u>\$ 538,558</u>

## Subdivision 9.

## PUBLIC SERVICE COMMISSION

Salaries and wages	\$ 4,174,559
Information services	192,700
Operating expenses	3,517,321
Equipment	96,600
Total all funds	<u>\$ 7,981,180</u>
Less estimated income	4,494,293
Total general fund appropriation	<u>\$ 3,486,887</u>

## Subdivision 10.

## AGRICULTURE COMMISSIONER

Salaries and wages	\$ 2,351,112
Information services	101,224
Operating expenses	1,402,922
Equipment	33,531
Ag in the classroom	25,000
Waterbank program	50,000
Pride of Dakota	150,000
Leafy spurge control	458,368
Agriculture mediation services	1,792,037
Total all funds	<u>\$ 6,364,194</u>
Less estimated income	1,806,279
Total general fund appropriation	<u>\$ 4,557,915</u>

## Subdivision 11.

## INSURANCE COMMISSIONER

Salaries and wages	\$ 2,674,087
Information services	109,243
Operating expenses	655,153
Equipment	19,609
Total special funds appropriation	<u>\$ 3,458,092</u>

## Subdivision 12.

## STATE FIREMEN'S ASSOCIATION

Grants, benefits, and claims	\$ 55,000
Total appropriation from the state fire and tornado fund	\$ 55,000
Grand total general fund appropriation S.B. 2001	\$40,454,588
Grand total special funds appropriation S.B. 2001	\$21,607,804
Grand total all funds S.B. 2001	\$62,062,392

SECTION 2. APPROPRIATION - AUTHORIZATION - GOVERNOR'S OFFICE. The governor's office is hereby authorized to receive and expend any federal or private funds which are hereby appropriated that become available during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. FIRE AND TORNADO FUND - ATTORNEY GENERAL. The appropriation for the attorney general in subdivision 4 of section 1 of this Act, includes \$624,393, or so much thereof as may be necessary, from the state fire and tornado fund for the purpose of defraying the expenses related to the state fire marshal program including the hazardous material control officer.

SECTION 4. INCOME AUTHORIZATION - TAX COMMISSIONER. Notwithstanding section 57-01-02.1 or any other provision to the contrary, income of up to \$400,000 received from administrative fees generated through tax collection agreements with political subdivisions and Indian tribes initiating taxes during the biennium ending June 30, 1993, will be deposited in the tax commissioner's operating fund. The maximum of \$400,000 authorized in this section for administrative fees may include income of up to \$25,000 collected by the tax commissioner under House Bill No. 1061, as approved by the fifty-second legislative assembly. All fees collected over \$400,000 will be deposited in the general fund.

SECTION 5. TRANSFER - GENERAL FUND. There is hereby transferred to the general fund in the state treasury, out of motor vehicle fuel taxes revenue, collected pursuant to section 57-43.1-02, the sum of \$988,904 for the purpose of reimbursing the general fund for expenses incurred in the collection of the motor vehicle fuels and special fuels taxes and the administration of the respective tax acts.

SECTION 6. ASSETS FORFEITURE FUND - ATTORNEY GENERAL. The appropriation for the attorney general in subdivision 4 of section 1 of this Act, includes \$36,000, or so much thereof as may be necessary, from the assets forfeiture fund.

SECTION 7. BONDING FUND - INSURANCE COMMISSIONER. The appropriation for the insurance commissioner included in subdivision 11 of section 1 of this Act includes \$15,780, or so much thereof as may be necessary, from the state bonding fund to pay bonding fund administrative expenses for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 8. FIRE AND TORNADO FUND - INSURANCE COMMISSIONER. The appropriation for the insurance commissioner included in subdivision 11 of section 1 of this Act includes \$295,866, or so much thereof as may be necessary, from the state fire and tornado fund to pay fire and tornado administrative expenses for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 9. UNSATISFIED JUDGMENT FUND - INSURANCE COMMISSIONER. The appropriation for the insurance commissioner included in subdivision 11 of section 1 of this Act includes \$91,619, or so much thereof as may be necessary, from the state unsatisfied judgment fund to pay unsatisfied judgment administrative expenses for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 10. BONDING FUND - ATTORNEY GENERAL. The appropriation for the attorney general included in subdivision 4 of section 1 of this Act includes \$250,000, or so much thereof as may be necessary, from the state bonding fund for the purpose of providing state employee defense services pursuant to section 26.1-21-10.2. The emergency commission, notwithstanding section 54-16-04, is authorized during the biennium beginning July 1, 1991, and ending June 30, 1993, to approve the expenditure of the funds from the state bonding fund appropriated in subdivision 4 of section 1 of this Act to the extent necessary and based upon applications by the attorney general. Funds expended by the attorney general for state employee defense must be reimbursed to the state bonding fund through deficiency appropriation and the attorney general shall report to the budget section of the legislative council the amount of any deficiency appropriation that may be introduced to the fifty-third legislative assembly.

SECTION 11. COLLECTIONS - PUBLIC SERVICE COMMISSION. Notwithstanding any other provisions of law, up to \$26,602 in funds generated by the public service commission due to oil and gas meter monitoring responsibilities for the period beginning July 1, 1991, and ending June 30, 1993, is included in subdivision 9 of section 1 of this Act as estimated income. Any amounts in excess of \$26,602 shall be deposited in the general fund.

SECTION 12. COLLECTIONS - ATTORNEY GENERAL. Notwithstanding any other provisions of law, up to \$15,000 in revenues collected from fees charged for gaming law and administrative rules manuals published by the attorney general for the period beginning July 1, 1991, and ending June 30, 1993, is included in subdivision 4 of section 1 of this Act as estimated income.

SECTION 13. COLLECTIONS - STATE AUDITOR. Notwithstanding any other provisions of law, up to \$1,351,844 in funds generated by the state auditor from political subdivision audit service fees for the period beginning July 1, 1991, and ending June 30, 1993, is included in subdivision 5 of section 1 of this Act as estimated income. Any collections in excess of expenditures shall be deposited in the state auditor operating account and made available for appropriation after June 30, 1993.

\* SECTION 14. AMENDMENT. Section 4-01-21 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

\*\* SECTION 15. AMENDMENT. Section 26.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

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

\* NOTE: Section 4-01-21 was also amended by section 3 of Senate Bill No. 2594, chapter 53.

\*\* NOTE: Section 26.1-01-09 was also amended by section 5 of Senate Bill No. 2594, chapter 53.

SECTION 16. AMENDMENT. Subsection 2 of section 27-20-49 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The supreme court shall pay reasonable compensation for services and related expenses of counsel appointed by the court for a party and reasonable compensation for a guardian ad litem. The attorney general shall pay the ~~expense of service of summons, notices, subpoenas,~~ travel expense of witnesses, ~~and other like expenses~~ incurred in the proceedings under this chapter. Expenses of the state include the cost of any necessary transportation for medical and other examinations and treatment of a child ordered by the court if the child is in the legal custody of a state agency in which case the cost must be borne by that state agency at the state mileage rate excluding meals and lodging.

\* SECTION 17. AMENDMENT. Section 34-05-01.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-05-01.2. Department of labor to be administered by commissioner of labor. The department of labor must be administered by a commissioner of labor who must be elected for a four-year term on a no-party ballot in the year 1966 and every four years thereafter in the same manner as provided for no-party candidates pursuant to title 16.1. Following his election, the term of the commissioner of labor commences on the same day as the terms for other elected state officials. The commissioner of labor shall possess the same qualifications for office as the commissioner of agriculture. The annual salary of the commissioner of labor is forty-nine thousand ~~three~~ nine hundred dollars through June 30, 1992, and fifty-one thousand two hundred seventy-two dollars thereafter.

\*\* SECTION 18. AMENDMENT. Section 39-01-02 of the 1989 Supplement to the North Dakota Century Code as amended in section 1 of House Bill No. 1167, as approved by the fifty-second legislative assembly, is amended and reenacted as follows:

39-01-02. Motor vehicles owned or leased by the state to display name on side of vehicles - Exceptions - Penalty. All motor vehicles owned and operated by the state, except vehicles under the control of the central vehicle management system and the official vehicle for use by the governor, must have displayed on each front door the words NORTH DAKOTA. The words must be in letters four inches [10.16 centimeters] in height. Two and one-half inches [6.35 centimeters] directly below those words there must be printed in letters one and one-half inches [3.81 centimeters] in height the name of the state agency owning or leasing the motor vehicle. The width of the display required by this section must be proportionate to the required height. The color of the lettering must be in clear and sharp contrast to the background. The state auditor shall include in the auditor's report to the governor and the legislative assembly any instance of noncompliance with this section. The above requirements do not apply to vehicles operated by the attorney general's office, the highway patrol, or vehicles used principally in juvenile, parole, and placement service. The central vehicle management system vehicles must display a window decal designed by the director. The state highway patrol and all peace officers of this state shall enforce this section.

\* NOTE: Section 34-05-01.2 was also amended by section 8 of Senate Bill No. 2594, chapter 53.

\*\* NOTE: Section 39-01-02 was also amended by section 1 of House Bill No. 1167, chapter 394, and by section 12 of Senate Bill No. 2245, chapter 592.

\* SECTION 19. AMENDMENT. Section 49-01-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

\*\* SECTION 20. AMENDMENT. Section 53-06.1-01 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-01. Definitions.

1. "Adjusted gross proceeds" means, except in the case of the games of draw poker and stud poker authorized under section 53-06.1-07.2, gross proceeds less cash prizes or the price of merchandise prizes. In the games of draw poker and stud poker, "adjusted gross proceeds" means the time buy-ins or tournament fees collected by the eligible organization.
2. "Bona fide guest" means a person who is not a member of an eligible organization, but who is allowed to use the facilities of the organization when invited by a member or the organization in accordance with the eligible organization's bylaws, articles of incorporation, charter, rules, or other written statement.
3. "Charitable gaming ticket" means the game piece used in pull tab games or jar ticket games.
4. "Charitable organization" means any nonprofit organization operated for the relief of poverty, distress, or other condition of public concern within this state, which has been so engaged within this state for two years.
5. "Civic and service club" means any branch, lodge, or chapter of a nonprofit national or state organization which is authorized by its written constitution, charter, articles of incorporation, or bylaws to engage in a civic or service purpose within this state, which shall have existed in this state for two years. "Civic and service club" also means a similar local nonprofit organization, not affiliated with a state or national organization, which is recognized by resolution adopted by the governing body of the city in which the organization conducts its principal activities, or by the governing body of a county if such organization conducts its principal activities outside the limits of a city but within a county. Such club shall have existed in this state for two years.
6. "Commission" means the state gaming commission.
7. "Distributor" means a person, firm, corporation, association, or organization which sells, markets, or otherwise distributes raffle tickets, bingo equipment, or any other implements of gambling usable in the lawful conduct of games of chance under this chapter, to an organization licensed or authorized to conduct such games of chance under this chapter. "Distributor" does not include a

\* NOTE: Section 49-01-05 was also amended by section 9 of Senate Bill No. 2594, chapter 53.

\*\* NOTE: Section 53-06.1-01 was also amended by section 1 of House Bill No. 1050, chapter 547; by section 1 of Senate Bill No. 2063, chapter 546; and by section 1 of Senate Bill No. 2219, chapter 545.

resident printer who prints raffle tickets at the request of a licensed or authorized organization, and who sells or otherwise distributes such raffle tickets to such organization.

- ~~7-~~ 8. "Educational, charitable, patriotic, fraternal, religious, or other public-spirited uses" are:
- a. To the extent used for purposes enumerated in subdivisions c through j, uses benefiting those organizations that are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code.
  - b. To the extent used for purposes enumerated in subdivisions c through j, uses benefiting an organization registered with the North Dakota secretary of state under chapter 50-22.
  - c. Uses benefiting an indefinite number of persons either by bringing them under the influence of education, cultural programs, or religion or relieving them of disease, suffering, or constraint.
  - d. Fraternal uses specified by an organization's constitution, charter, or bylaws not of direct benefit to the eligible organization or any member thereof.
  - e. Uses increasing comprehension of and devotion to the principles upon which the nation was founded, not of direct benefit to the eligible organization or any member thereof.
  - f. The erection or maintenance of public buildings or works.
  - g. Uses otherwise lessening the burden of government.
  - h. Uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and the losses uncompensated by insurance.
  - i. Uses benefiting a definite number of persons suffering from a seriously disabling disease or injury causing severe loss of income or incurring extraordinary medical expense which is uncompensated by insurance.
  - j. Uses, for community service projects, by chambers of commerce exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code. A project qualifies as a community service project if it promotes the common good, enhances the social welfare of the community, and benefits an indefinite number of persons. The specific goals of a community service project may be to develop or promote public services in areas such as education, housing, transportation, recreation, crime prevention, fire protection and prevention, safety, and health. Uses that directly benefit a chamber of commerce do not qualify.

Such uses do not include the erection, acquisition, improvement, maintenance, or repair of real, personal, or mixed property unless

it is used exclusively for one or more of the stated uses. Uses do not include any activities consisting of attempts to influence legislation, promote or oppose referendums or initiatives, or participation in any political campaign on behalf of any active official or person who is or has been a candidate for public office.

- ~~8-~~ 9. "Educational organization" means any nonprofit public or private elementary or secondary school, two-year or four-year college, or university in this state which has been in existence for two years.
- ~~9-~~ 10. "Eligible organization" means bona fide nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and other public-spirited organizations as defined by this chapter, which may be licensed by the attorney general or authorized by the governing body of a city or county to conduct games of chance under this chapter.
- ~~10-~~ 11. "Entire net proceeds" or "net proceeds" means the adjusted gross proceeds less such expenses, charges, fees, taxes, and deductions as are specifically authorized under this chapter.
- ~~11-~~ 12. "Fraternal organization" means a nonprofit organization within this state, except college and high school fraternities, which is a branch, lodge, or chapter of a national or state organization and exists for the common business, brotherhood, or other interests of its members. Such organization shall have existed within this state for two years.
- ~~12-~~ 13. "Gross proceeds" means all moneys collected or received from games of chance and admissions thereto.
- ~~13-~~ 14. "Licensee" means an eligible organization licensed under ~~the provisions~~ of this chapter.
- ~~14-~~ 15. "Licensing authority" means the attorney general.
- ~~15-~~ 16. "Manufacturer" means a person who designs, assembles, fabricates, produces, constructs, or who otherwise prepares a product or a component part of a product of any implement of gambling usable in the lawful conduct of games of chance under this chapter. "Manufacturer" does not include a resident printer who prints raffle tickets at the request of a licensed or authorized organization, and who sells or otherwise distributes such raffle tickets to such an organization.
- ~~16-~~ 17. "Member" means a person who has qualified for and been admitted to membership in an eligible organization pursuant to its bylaws, articles of incorporation, charter, rules, or other written statement, and who pays regular monthly, annual, or other periodic dues or is a fully paid life member of the eligible organization. "Member" includes auxiliary members, but excludes social and honorary members.
- ~~17-~~ 18. "Other public-spirited organization" means a nonprofit organization which has been in existence within this state for two years and is recognized by the governing body of a city or county by resolution

as public-spirited and eligible to conduct games of chance under this chapter.

- ~~18-~~ 19. "Person" means any person, firm, corporation, association, or organization.
- ~~19-~~ 20. "Religious organization" means any nonprofit organization, church, body of communicants, or group gathered in common membership for mutual support and edification in piety, worship, and religious observances which has been so gathered or united in this state for two years.
- ~~20-~~ 21. "Veterans organization" means any congressionally chartered organization within this state, or any branch or lodge or chapter of a nonprofit national or state organization within this state, the membership of which consists of individuals who were members of the armed services or forces of the United States. Such organizations shall have been in existence in this state for two years.

SECTION 21. Two new sections to chapter 53-06.1 of the North Dakota Century Code are created and enacted as follows:

Gaming commission - Members - Appointment - Term - Qualifications - Compensation.

1. The state gaming commission consists of the chairman and four other members appointed by the governor, with the consent of the senate. The members serve three-year terms and until a successor is appointed and qualified. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves only for the unexpired portion of the term. The terms of the commissioners must be staggered so that one term expires each July first.
2. A person is ineligible for appointment to the commission if that person has not been a resident of this state for at least two years before the date of appointment. A person is also ineligible if that person is not of such character and reputation as to promote public confidence in the administration of gaming in this state. A person who has a financial interest in gaming cannot be a member of the commission and cannot be employed by the commission. Failure to maintain compliance with this subsection is grounds for removal from the commission or from employment with the commission.
3. Commission members are entitled to forty dollars per day for compensation for each day spent on commission duties, and mileage and expense reimbursement as allowed to other state employees.

Duty of attorney general to participate in certain hearings - Employment of private counsel by commission. The attorney general shall represent the state in all hearings before the commission and shall prosecute all criminal proceedings arising from violations of chapters 53-06.1 and 53-06.2. The commission may employ private counsel for adoption of rules and to ensure that its hearings are conducted fairly.

\* SECTION 22. AMENDMENT. Section 53-06.1-03 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-03. Licensure - Exceptions for raffles, sports pools, and bingo - City and county authorization - Fees - Suspension and revocation.

1. Except as otherwise provided in this section, eligible organizations desiring to conduct games of chance shall ~~annually~~ apply annually for a license from the attorney general before July first on forms provided by the attorney general and shall include with the application a one hundred fifty dollar license fee, except for those organizations whose average annual gross proceeds do not exceed twenty-five thousand dollars, for which the fee is one hundred dollars.
2.
  - a. Any nonprofit organization recognized as public-spirited by the governing body of a city or county may obtain local authorization to conduct raffles or bingo in which the primary prize does not exceed one thousand dollars, and the aggregate does not exceed six thousand dollars annually, or to conduct sports pools in which the total wagers do not exceed five hundred dollars for each pool.
  - b. A nonprofit organization that conducts a city or county festival or celebration, ~~or a centennial committee organized by a city or county for the purpose of celebrating the North Dakota centennial,~~ may obtain local authorization to conduct raffles in which the primary prize does not exceed one thousand dollars and the aggregate does not exceed two thousand dollars. For purposes of this subdivision, a "city or county festival or celebration" means an event:
    - (1) In celebration of local heritage, anniversary of establishment of the political subdivision, or other significant local event recognized as public-spirited by the governing body of the city or county; and
    - (2) Supported by significant community participation.
  - c. To obtain local authorization, the organization shall apply directly to the governing body of the city in which it conducts its principal activities or, if its principal activities are conducted in a county but outside the limits of a city, it shall apply to the board of county commissioners. Applications for the conduct of games of chance subject to authorization by a city or county must be made on forms provided by the attorney general. The governing body may by ordinance or resolution establish authorization fees not to exceed twenty-five dollars for each authorization.
  - d. For purposes of this subsection, the determination of what is a "public-spirited" organization is within the sole discretion of the governing body of the city or county.
3. The attorney general shall license ~~such organizations which that~~ conform to the requirements of this chapter by issuing licenses as follows:

\* NOTE: Section 53-06.1-03 was also amended by section 1 of House Bill No. 1051, chapter 548, and by section 1 of House Bill No. 1597, chapter 549.

- a. A class A license to an eligible organization licensed as a retail alcoholic beverage dealer in North Dakota that maintains a building for the use of its members and guests, and that offers meals or liquor, or both, as part of its operation.
  - b. A class B license to any other eligible organization. The attorney general may deny a class B license to an otherwise eligible organization if the organization is connected, directly or indirectly, to the holder of a North Dakota retail alcoholic beverage license. An eligible organization that qualifies for a class A license may not also be issued a class B license.
  - c. A class C license to an eligible organization that conducts games of chance on not more than two occasions per year, regardless of whether that organization is licensed as a retail alcoholic beverage dealer in this state.
  - d. The attorney general shall establish by rule no more than two additional classes of licenses based on the frequency of gaming, the types of games of chance conducted by the eligible organization, and the adjusted gross proceeds collected or expected to be collected by the eligible organization.
4. Games of chance may be operated or conducted only on premises or sites set forth in the application as follows:
- a. Class A license applicants are limited to one location. A special permit for an alternate location may be granted by the attorney general for a single specific occasion per licensing year upon written request.
  - b. License applicants shall first secure approval of the proposed site or sites on which it intends to conduct games of chance under this chapter from the governing body of the city, if within city limits, or the county, if outside city limits, where the site or sites are located. This approval or permit, which may be granted at the discretion of the governing body, must accompany the license application to the attorney general. The governing body may charge a one hundred dollar fee for this permit.
  - c. Rented premises are subject to rules adopted by the attorney general.
  - d. Only one eligible organization at a time may be authorized to conduct games of chance at a specific location, except that a raffle drawing may be conducted for special occasions when one of the following conditions are met:
    - (1) When the area for the raffle drawing is physically separated from the area where gaming is conducted by the regular licensee.
    - (2) Upon request of the licensee, the license is suspended for that specific day by the attorney general.

- e. Licenses, rules of play, and state identification devices must be displayed on forms and in the manner specified in rules adopted by the attorney general.
5. The attorney general may, by motion, based on reasonable ground or upon written complaint, suspend or revoke, under chapter 28-32, any license granted under this chapter for violations by the licensee, or any officer, director, agent, member, or employee of the licensee, of this chapter or any rule adopted under this chapter.
6. The attorney general or the commission may impose monetary fines on licensed organizations, distributors, and manufacturers for failure to comply with any provision of this chapter or any rule adopted under this chapter. The monetary fine for each violation by an organization is a minimum of twenty-five dollars and may not exceed two percent of the organization's average quarterly gross proceeds, or five thousand dollars, whichever is greater. The monetary fine for each violation by a distributor or manufacturer is a minimum of one hundred dollars and may not exceed five thousand dollars. This fine may be in addition to or in lieu of license suspensions or revocations.

\* SECTION 23. AMENDMENT. Section 53-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-06. Persons permitted to conduct games of chance - Premises - Equipment - Compensation.

1. No person, except a member or employee of an eligible organization or a member of an organization auxiliary to an eligible organization, may assist in the holding, operating, or conducting of any game of chance under this chapter.
2. Except when authorized by the attorney general, no games of chance may be conducted with any gaming equipment other than gaming equipment owned by an eligible organization or rented at a reasonable rate by an eligible organization from a licensed distributor.
3. The governing board of an eligible organization is primarily responsible for the proper determination and distribution of the entire net proceeds of any game of chance held in accordance with this chapter.
4. The premises where any game of chance is being held, operated, or conducted, or where it is intended that such the game will be held, must be open to inspection by the ~~licensing authority~~ attorney general, its the attorney general's agents and employees, by representatives of the governing body authorizing games of chance, and by peace officers of any political subdivision of this state.
5. When any merchandise prize is awarded in a game of chance, its value is its current retail price.
6. Equipment, prizes, and supplies for games of chance may not be purchased or sold at prices in excess of the usual price thereof.

\* NOTE: Section 53-06.1-06 was also amended by section 4 of House Bill No. 1597, chapter 549; by section 2 of Senate Bill No. 2219, chapter 545; by section 27 of Senate Bill No. 2068, chapter 54; and by section 1 of Senate Bill No. 2541, chapter 550.

7. The entire net proceeds derived from the holding of games of chance must be devoted within three months from the date such proceeds were earned to the uses permitted by this chapter. Any organization desiring to hold the net proceeds of games of chance for a period longer than three months from the date such proceeds were earned must apply to the licensing authority or governing body, as the case may be, for special permission, and upon good cause shown, the licensing authority or governing body may grant the request.
8. Except at the temporary alternate site provided by subdivision a of subsection ~~3~~ 4 of section 53-06.1-03, only the members of an organization licensed as a class A licensee by the attorney general under this chapter and their spouses and bona fide guests may participate in playing games of chance conducted by such licensed organization.
9. No person convicted of a felony within the last two years, or determined by the attorney general to have participated in organized crime or unlawful gambling, may be permitted to sell or distribute equipment, or conduct or assist in games of chance under this chapter.
10. Any person involved with the conduct of games of chance must be:
  - a. A person of good character, honesty, and integrity.
  - b. A person whose prior activities, criminal record, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming.
11. The attorney general may prohibit a person from playing games of chance if the person violates any provision of this chapter or any rule adopted under this chapter.

SECTION 24. AMENDMENT. Section 53-06.1-12 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-12. Tax based on adjusted gross proceeds. A tax as provided in this section upon the total adjusted gross proceeds received by a licensed eligible organization must be paid to the ~~licensing authority~~ attorney general on a quarterly basis in the manner and upon the forms as prescribed by the ~~licensing authority~~ attorney general by rule. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for expenses. The amount of this tax must be paid from adjusted gross proceeds and may not be charged against the percentage limitation of expenses. The tax is hereby imposed upon every eligible organization, to be levied, collected, and paid quarterly with respect to the adjusted gross proceeds of the eligible organization as provided in this section, computed at the following rates:

1. On adjusted gross proceeds not in excess of two hundred thousand dollars per quarter, a tax of five percent.
2. On adjusted gross proceeds in excess of two hundred thousand dollars per quarter but not in excess of four hundred thousand dollars per quarter, a tax of ten percent.
3. On adjusted gross proceeds in excess of four hundred thousand dollars per quarter but not in excess of six hundred thousand dollars per quarter, a tax of fifteen percent.
4. On adjusted gross proceeds in excess of six hundred thousand dollars per quarter, a tax of twenty percent.

SECTION 25. AMENDMENT. Section 53-06.1-12.1 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-12.1. Allocation of games of chance tax - Appropriation. The state treasurer, at the direction of the licensing authority attorney general, shall pay one hundred seventy thousand dollars per quarter to cities and counties in proportion to the adjusted gross proceeds within each city, for sites within city limits, or within each county, for sites outside city limits, to the total adjusted gross proceeds. Any amounts received by a city or county under this section must be used by the city or county for expenses connected with enforcement of this chapter within the city or county. In addition, two hundred thousand dollars per biennium, must be deposited in the attorney general's operating fund and must be used only for the enforcement of gaming as appropriated. Any remaining taxes collected under this chapter must be deposited by the state treasurer in the general fund.

SECTION 26. AMENDMENT. Section 53-06.1-12.2 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-12.2. Charitable gaming tickets excise tax in lieu of sales and use taxes. In addition to any other tax provided by law and in lieu of sales or use taxes, there is imposed a tax of two percent on the gross receipts from the sale at retail of charitable gaming tickets to a final user. A sale at retail for purposes of this section includes charitable gaming tickets sold and charitable gaming tickets given in return for another charitable gaming ticket as authorized under this chapter. Gross receipts for purposes of this section includes the face value of all charitable gaming tickets sold or given in return for another charitable gaming ticket. The tax imposed by this section must be paid to the licensing authority attorney general at the time returns are made and taxes are paid by the eligible organization under section 53-06.1-12.

SECTION 27. AMENDMENT. Section 53-06.1-13 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-13. Examination of books and records. The licensing authority attorney general and ~~its~~ the attorney general's agents, and representatives of the governing body of a city or county with respect to eligible organizations authorized by that governing body, ~~shall have the power to may~~ examine or cause to be examined the books and records of any eligible organization licensed or authorized to conduct games of chance under this chapter to the extent that such books and records relate to any transaction connected with holding, operating, or conducting any game of chance.

\* SECTION 28. AMENDMENT. Section 53-06.1-14 of the 1990 Special Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-14. Distributors and manufacturers - Licensure.

1. Every manufacturer of charitable gaming tickets, every manufacturer of paper bingo cards, and every distributor shall annually apply annually for a license upon a form prescribed by the attorney general before the first day of April in each year and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require. The license fee for a distributor is one thousand five hundred dollars, and the license fee for a manufacturer of charitable gaming tickets or a manufacturer of paper bingo cards is two thousand dollars.
2. No distributor may sell, market, or otherwise distribute raffle tickets or equipment for games of chance except to other licensed distributors, licensed organizations, or organizations that have been issued a local permit. A manufacturer of charitable gaming tickets or paper bingo cards may not sell, market, or otherwise distribute charitable gaming tickets or paper bingo cards, other than to a licensed distributor. A distributor of charitable gaming tickets or paper bingo cards must purchase or otherwise receive charitable gaming tickets or paper bingo cards only from a licensed manufacturer or licensed distributor.
3. Every eligible organization shall acquire all raffle tickets or equipment for games of chance from a distributor licensed under this chapter, unless the raffle tickets or equipment for games of chance are printed, manufactured, or constructed by the eligible organization or unless the raffle tickets are obtained from a resident printer who has printed the raffle tickets at the request of the organization. No game of charitable gaming tickets, punchboards, sports pool boards, or a series of raffle wheel ticket cards may be sold without a North Dakota gaming stamp being affixed to them. North Dakota licensed distributors shall purchase the North Dakota gaming stamps from the attorney general's office and the cost for each stamp may not exceed twenty-five cents.
4. No licensed or authorized eligible organization may be a distributor. No wholesaler of liquor or alcoholic beverages may be a distributor. No North Dakota licensed manufacturer may be a distributor.
5. The attorney general or commission may, by motion based on reasonable grounds or on written complaint, suspend or revoke a distributor's or manufacturer's license in accordance with chapter ~~20-32~~ for violation, by the licensee or any officer, director, agent, member, or employee of the licensee, of this chapter or any rule adopted under this chapter.

SECTION 29. AMENDMENT. Section 53-06.1-17 of the 1990 Special Supplement to the North Dakota Century Code is amended and reenacted as follows:

- \* NOTE: Section 53-06.1-14 was also amended by section 1 of House Bill No. 1052, chapter 554; by section 4 of House Bill No. 1290, chapter 552; and by section 5 of Senate Bill No. 2219, chapter 545.

53-06.1-17. Rules. The ~~licensing authority commission~~ shall adopt rules in accordance with chapter 28-32, relating to, but not limited to, methods of play, conduct, and promotion of games of chance; methods, procedures, and minimum standards for accounting and recordkeeping; requiring reports by licensees and authorized organizations; methods of competition and doing business by distributors; marking or identification of raffle tickets, charitable gaming tickets, bingo equipment, ticket receptacles, punchboards, or any other implements of gambling used or distributed in this state to implement or effectuate the provisions and purpose of this chapter; quality standards for the manufacture of charitable gaming tickets; to ensure that the entire net proceeds of games of chance are devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this chapter; to protect and promote the public interest; to ensure fair and honest games of chance; to ensure that fees and taxes are paid; to impose monetary fines and establish appeal procedures; and to seek to prevent or detect unlawful gambling activity.

\* SECTION 30. AMENDMENT. Section 54-07-04 of the North Dakota Century Code is amended and reenacted as follows:

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

\*\* SECTION 31. AMENDMENT. Section 54-08-03 of the North Dakota Century Code is amended and reenacted as follows:

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

\*\*\* SECTION 32. AMENDMENT. Section 54-09-05 of the North Dakota Century Code is amended and reenacted as follows:

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

\*\*\*\* SECTION 33. AMENDMENT. Section 54-10-10 of the North Dakota Century Code is amended and reenacted as follows:

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

\*\*\*\*\* SECTION 34. AMENDMENT. Section 54-11-13 of the North Dakota Century Code is amended and reenacted as follows:

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

\*\*\*\*\* SECTION 35. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

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

\* NOTE: Section 54-07-04 was also amended by section 10 of Senate Bill No. 2594, chapter 53.

\*\*\*\* NOTE: Section 54-10-10 was also amended by section 13 of Senate Bill No. 2594, chapter 53.

\*\* NOTE: Section 54-08-03 was also amended by section 11 of Senate Bill No. 2594, chapter 53.

\*\*\*\*\* NOTE: Section 54-11-13 was also amended by section 14 of Senate Bill No. 2594, chapter 53.

\*\*\* NOTE: Section 54-09-05 was also amended by section 12 of Senate Bill No. 2594, chapter 53.

\*\*\*\*\* NOTE: Section 54-12-11 was also amended by section 15 of Senate Bill No. 2594, chapter 53.

\* SECTION 36. AMENDMENT. Section 57-01-04 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 37. AMENDMENT. Section 57-39.2-26.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26.1. Allocation of sales, use, and motor vehicle excise tax revenues to revenue sharing and personal property tax replacement. Notwithstanding any other provision of law, a portion of sales, use, and motor vehicle excise tax collections equal to sixty percent of an amount determined by multiplying the quotient of one percent divided by the general sales tax rate, that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. The state aid distribution fund must be allocated, subject to legislative appropriation, as follows:

1. Fifty percent of the revenues must be allocated in the ~~last~~ first month ~~of~~ subsequent to each quarterly period for state revenue sharing as provided in sections 54-27-20.2 and 54-27-20.3.
2. Fifty percent of the revenues must be allocated for personal property tax replacement as provided in section 57-58-01.

SECTION 38. AMENDMENT. Section 57-58-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-58-01. Distribution to counties and local subdivisions. It is hereby provided that any political subdivision which has an existing bonded indebtedness for which a tax levy must be made in 1970 or any year thereafter, shall reduce its levy in each such year for current operating purposes by the amount which its tax levy on taxable property in that year for retirement of the bonded indebtedness is increased because of the exemption of personal property by subsection 25 of section 57-02-08. On or before February 1, 1971, the county auditor of each county shall certify to the state tax commissioner the total amount of taxes levied in the year 1968 for the state, county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes, and levies voted by the people, new or present levies increased by legislative action of such county on those items of personal property exempt under the provisions of section 57-02-08, and, in addition, the total valuation of real estate and taxes levied on real estate for the year 1968. On or before the fifth working day following June 30, 1990 ~~1991~~, and each year thereafter, the state tax commissioner shall certify for payment to the state treasurer an amount, for payment by the state treasurer to each chief county and city fiscal officer, determined to be due such county and city based upon the personal property taxes levied in the year 1968 for the political subdivisions herein mentioned on the items of personal property exempt from the personal property tax under the provisions of section 57-02-08, the per capita school tax under the provisions of former section 57-15-23, and the grain tax under the provisions of former chapter

\* NOTE: Section 57-01-04 was also amended by section 16 of Senate Bill No. 2594, chapter 53.

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

On or before the fifth working day following June 30, ~~1990~~ 1991, and each year thereafter, the state tax commissioner shall certify to the state treasurer the amount determined to be due to the state based upon the personal property taxes levied in the year 1968 for the North Dakota state medical center. The amount so certified must be computed in accordance with the formula provided in this section for computing the amounts to be certified and paid to the counties. The state treasurer upon receiving the certification from the tax commissioner shall transfer from the general fund to the credit of the North Dakota state medical center the amount so certified.

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

If the classification of any property for taxation purposes is changed from real to personal property or from personal to real property because of legislative or judicial action, the county auditor of the county in which the property is located shall forthwith certify to the tax commissioner the amount of real estate taxes or personal property taxes that was levied on all such property by each taxing district in the year 1968 and in any other year thereafter that the tax commissioner may request. The tax commissioner, in

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

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

**SECTION 39. AMENDMENT.** Section 54 of House Bill No. 2058, as approved by the fifty-second legislative assembly, is amended and reenacted as follows:

**SECTION 54. APPROPRIATION - TRANSFER.** The amount of ~~\$3,500,000~~ \$3,000,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the science and technology corporation for the purposes of North Dakota Century Code chapter 10-30.4 for the biennium beginning July 1, 1991, and ending June 30, 1993. Of this appropriation, \$500,000 must be used to investigate and research potential value-added opportunities for livestock and crops and examine alternatives that can produce a system of agriculture which can sustain the state's present agriculture population. No more than \$300,000 of the moneys appropriated in this section may be used for administrative costs. The science and technology corporation may not duplicate, and shall coordinate with, existing programs at the university of North Dakota and North Dakota state university.

**SECTION 40. INCOME AUTHORIZATION - STATE TREASURER.** The state treasurer is authorized, as included in the appropriation for the state treasurer in subdivision 6 of section 1 of this Act, to administer the sale of alcohol beverage decals for liquor and beer destined for delivery to a federal enclave in North Dakota for domestic consumption and not transported through a licensed North Dakota wholesaler.

**SECTION 41. AGRICULTURE COMMISSIONER - ENVIRONMENT AND RANGELAND PROTECTION FUND.** The estimated income line item in subdivision 10 of section 1 of this Act includes \$50,000, or so much thereof as may be necessary, from the environment and rangeland protection fund, for the purpose of paying a portion of the costs related to a noxious weed program administrator position in the agriculture department for the biennium beginning July 1, 1991, and ending June 30, 1993.

**SECTION 42. LEGISLATIVE INTENT - ATTORNEY GENERAL - LITIGATION FEES.** It is the intent of the legislative assembly that \$50,000 included in the litigation fees line item in subdivision 4 of section 1 of this Act be used for costs related to the litigation involving the United States corps of engineers over the management of Missouri River dams.

SECTION 43. APPROPRIATION. There is hereby appropriated out of any moneys in the petroleum tank release compensation fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary, to the commissioner of insurance for the purpose of administering the fund for the period beginning with the effective date of this Act and ending June 30, 1991.

SECTION 44. ATTORNEY GENERAL - CONTINGENT APPROPRIATION. If House Bill No. 1515 or House Bill No. 1579 of the fifty-second legislative assembly becomes effective, there is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$275,000, or so much thereof as may be necessary, to the attorney general for the purpose of defraying the expenses relating to the state's defense in court of the provisions of this legislation for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 45. STATE AUDITOR - PERFORMANCE REVIEWS. The state auditor shall conduct performance reviews of divisions or programs of the department of human services utilizing at least one full-time equivalent position. The state auditor shall present the resulting reports to the legislative council's interim budget committee on human services and other committees as selected by the legislative council during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 46. EMERGENCY. Section 43 of this Act is declared to be an emergency measure.

Approved April 17, 1991  
Filed April 18, 1991

## CHAPTER 29

SENATE BILL NO. 2002  
(Committee on Appropriations)

## DEPARTMENT OF HUMAN SERVICES

AN ACT making an appropriation for defraying the expenses of the department of human services, making an appropriation from the lands and minerals trust fund to the common schools trust fund, and providing an appropriation from the revolving loan fund maintained in the Bank of North Dakota; to provide authority for lease of real and personal property at the state developmental center and the state hospital; to provide alternative contingent appropriations; to allow the sale of surplus steam heat at the state developmental center; regarding administration of the child care block grant and at-risk child care programs; to create and enact a new section to chapter 50-06, three new subsections to section 50-24.4-01, and two new subsections to section 50-24.4-10 of the North Dakota Century Code, relating to insurance payments by the department of human services for persons with acquired immune deficiency syndrome, and operating margins and efficiency incentives for nursing homes; to amend and reenact section 50-24.1-02.2 of the North Dakota Century Code, relating to community spouse resource allowance; to provide legislative intent statements; to provide for a legislative council study; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of human services and its various divisions for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

## Subdivision 1.

## EXECUTIVE DIRECTOR

Salaries and wages	\$	238,299
Operating expenses		43,796
Equipment		3,750
Total all funds	\$	285,845
Less estimated income		37,839
Total general fund appropriation	\$	248,006

## Subdivision 2.

## DEPARTMENTWIDE AND MANAGERIAL SUPPORT

Salaries and wages	\$	5,789,704
Information services		1,329,667
Operating expenses		5,572,803
Equipment		57,536
Grants, benefits, and claims		644,199

Developmentally disabled facility loan fund	1,840,956
Total all funds	<u>\$ 15,234,865</u>
Less estimated income	<u>9,923,917</u>
Total general fund appropriation	<u>\$ 5,310,948</u>

## Subdivision 3.

## ECONOMIC ASSISTANCE

Salaries and wages	\$ 3,476,783
Information services	7,200,320
Operating expenses	8,937,808
Equipment	27,059
Grants, benefits, and claims	<u>128,266,774</u>
Total all funds	<u>\$147,908,744</u>
Less estimated income	<u>129,327,278</u>
Total general fund appropriation	<u>\$ 18,581,466</u>

## Subdivision 4.

## MEDICAL ASSISTANCE

Salaries and wages	\$ 2,144,890
Information services	1,877,335
Operating expenses	1,053,527
Equipment	13,800
Grants, benefits, and claims	<u>445,429,855</u>
Total all funds	<u>\$450,519,407</u>
Less estimated income	<u>334,103,757</u>
Total general fund appropriation	<u>\$116,415,650</u>

## Subdivision 5.

## VOCATIONAL REHABILITATION

Salaries and wages	\$ 2,603,789
Information services	329,188
Operating expenses	882,284
Equipment	243,350
Grants, benefits, and claims	<u>10,066,465</u>
Total all funds	<u>\$ 14,125,076</u>
Less estimated income	<u>11,838,979</u>
Total general fund appropriation	<u>\$ 2,286,097</u>

## Subdivision 6.

## FIELD SERVICES AND PROGRAM DEVELOPMENT

Salaries and wages	\$ 5,468,634
Information services	644,689
Operating expenses	6,916,182
Equipment	94,304
Seriously mentally ill enhancement	2,836,409
Grants, benefits, and claims	<u>43,469,292</u>
Total all funds	<u>\$ 59,429,510</u>
Less estimated income	<u>33,391,969</u>
Total general fund appropriation	<u>\$ 26,037,541</u>

## Subdivision 7.

## HUMAN SERVICE CENTERS

Salaries and wages	\$ 41,057,213
Information services	245,634
Operating expenses	11,035,936
Equipment	259,590
Grants, benefits, and claims	<u>1,926,585</u>

Total all funds	\$ 54,524,958
Less estimated income	23,990,746
Total general fund appropriation	\$ 30,534,212

## Subdivision 8.

## STATE HOSPITAL

Salaries and wages	\$ 43,174,488
Information services	1,036,025
Operating expenses	7,821,200
Equipment	287,621
Capital improvements	800,500
Total all funds	\$ 53,119,834
Less estimated income	14,269,164
Total general fund appropriation	\$ 38,850,670

## Subdivision 9.

## STATE DEVELOPMENTAL CENTER

Salaries and wages	\$ 37,166,749
Information services	48,123
Operating expenses	8,120,622
Equipment	252,734
Capital improvements	50,000
Total all funds	\$ 45,638,228
Less estimated income	33,308,043
Total general fund appropriation	\$ 12,330,185
Grand total general fund appropriation S.B. 2002	\$251,256,164
Grand total special fund appropriation S.B. 2002	\$593,046,074
Grand total all funds S.B. 2002	\$844,302,238

SECTION 2. APPROPRIATION. The amount of \$1,840,956, or so much thereof as may be necessary, as appropriated in the developmentally disabled facility loan fund line item in subdivision 2 of section 1 of this Act may be spent by the department of human services from the lands and minerals trust fund for the purpose of making payments of principal and interest to the common schools trust fund on any loans made from it pursuant to the developmentally disabled loan fund program nos. 2 and 3 for the biennium beginning July 1, 1991, and ending June 30, 1993. The amount of \$700,000, or so much thereof as may be necessary, as appropriated in the capital improvements line item in subdivision 8 may be spent by the department from the lands and minerals trust fund for asbestos removal and relocation of utilities at the state hospital for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. APPROPRIATION. There may be spent by the department of human services, on or before June 1, 1993, from the cash balance of, and any payments deposited in, the revolving loan fund created under section 6-09.6-01, the sum of \$1,500,000, or so much thereof as may be necessary, which is appropriated in subdivision 2 of section 1 of this Act.

SECTION 4. CHILDREN'S SERVICES COORDINATING COMMITTEE FUNDING. Notwithstanding any other statutory provision, the department of human services is authorized, subject to the approval of the office of management and budget, to accept and spend \$2,854,382 from funds available through the children's services coordinating committee which is hereby appropriated for the biennium beginning July 1, 1991, and ending June 30, 1993. Prior to acceptance of these funds, the department shall develop a comprehensive plan detailing staff to be hired and services to be provided.

**SECTION 5. TRANSFER.** Upon approval of the budget section, the director of the department of human services may transfer appropriation authority between agencies and institutions included in subdivisions 1 through 9 of section 1 of this Act.

**SECTION 6. APPROPRIATION.** Notwithstanding section 57-39.2-26.1, the amount of \$6,250,000, or so much thereof as may be necessary, as appropriated in section 1 of this Act, may be spent by the department of human services from the state aid distribution fund for the biennium beginning July 1, 1991, and ending June 30, 1993.

**SECTION 7. LEGISLATIVE INTENT - FEDERAL FINANCIAL PARTICIPATION.** In the event actual federal financial participation funds are less than estimated in section 1 of this Act during the biennium beginning July 1, 1991, and ending June 30, 1993, the department shall report to the budget section the amount of the prospective deficiency appropriation that will be introduced to the fifty-third legislative assembly.

**SECTION 8. MEDICAID FUNDS - TRANSFER.** Upon receipt of medicaid funds for expenditure at the state hospital, the human service centers, and the developmental center, the department of human services may transfer the funds to the state hospital, the human service centers, and the developmental center and then spend them pursuant to the appropriation of such funds in the state hospital, the human service centers, and the developmental center appropriations contained in subdivisions 7, 8, and 9 of section 1 of this Act.

**SECTION 9. DEPARTMENT OF HUMAN SERVICES MAY LEASE REAL AND PERSONAL PROPERTY.** The executive director of the department of human services is authorized to lease surplus farm and pasture land at the state hospital and the developmental center, and to lease space in a building at the developmental center for a child care center. The executive director is also authorized to enter into further leases of real or personal property at the developmental center or the state hospital upon a specific finding that the granting of each such leasehold interest will result in a net economic gain for the department, taking into account all identifiable costs. The executive director may prescribe the terms and conditions of any leases entered into pursuant to this section and may renew existing leases. Any lease entered into must be subject to renewal or cancelable each biennium. Any lease or lease renewal of unneeded building or building space may be made only after consultation with the administrator of the state fire and tornado fund.

**SECTION 10. LEGISLATIVE INTENT - UNANTICIPATED FEDERALLY MANDATED PROGRAMS.** The legislative assembly recognizes the need to comply with the mandatory provisions of the various federal programs and the uncertainties inherent in anticipating federal legislation and in estimating the funds needed to comply with the new program requirements, including many of the medicaid expansion provisions within the Omnibus Budget Reconciliation Act of 1990 [Pub. L. 101-508]. If the general fund appropriations contained in subdivision 4 of section 1 of this Act are determined by the department to be insufficient to comply with the federal mandates during the biennium beginning July 1, 1991, and ending June 30, 1993, the department shall report to the budget section the amount of the prospective deficiency appropriation that will be introduced to the fifty-third legislative assembly.

**SECTION 11. CONTINGENT APPROPRIATION.**

1. If House Bill No. 1511 becomes effective, and if the department of human services is able to negotiate a new lease with the red river human services foundation, relating to office space in the building located at 15 Broadway, Fargo, North Dakota, and currently used to house the southeast human service center, the amount of \$505,463, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, to the department of human services for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center, for the period beginning November 1, 1991, and ending June 30, 1993. This appropriation is sufficient to defray rental at an amount equal to \$7.37 per square foot per year, or 1.03 times \$7.16 per square foot per year. The highest rental amount provided for in any current lease by any other state agency tenant of office space in the building located at 15 Broadway, Fargo, North Dakota, is \$7.16 per square foot per year.
2. If House Bill No. 1511 becomes effective, but the department of human services is unable to negotiate a new lease with the red river human services foundation, relating to office space in the building located at 15 Broadway, Fargo, North Dakota, and currently used to house the southeast human service center, the amount of \$389,440, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, to the department of human services for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center, for the period beginning November 1, 1991, and ending October 31, 1992. No additional appropriation is necessary for the purpose of defraying the cost of rental of that office space because, under the circumstances described in this subsection, that office space would be vacated by the southeast human service center on or before October 31, 1992.
3. The amount of \$11,035,936 identified in subdivision 7 of section 1 of this Act for human service centers' operating expenses includes \$132,278 appropriated for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, for the period beginning July 1, 1991, and ending October 31, 1991. If House Bill No. 1511 becomes effective, the appropriations made in section 1 of this Act, together with the appropriations made under this section, provide insufficient funds for rent of human service facilities within North Dakota. Insufficient funds have been appropriated in order to permit the department of human services to cancel, on its own terms, the real estate lease, entered into between red river human services foundation and the state of North Dakota, department of human services, designated as contract number 05-123, relating to rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center.
4. If House Bill No. 1511 fails to become effective, the amount of \$661,389, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund of the state

treasury, not otherwise appropriated, to the department of human services for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center.

SECTION 12. SALE OF SURPLUS STEAM HEAT - TERMS - NOT TO BE CONSTRUED AS THE DISTRIBUTION OF HEAT. The department, with the approval of the governor, is authorized but not required to determine if surplus steam heat is or may be produced at the developmental center, and to sell any surplus steam heat to the city of Grafton. The sale may be on such terms and conditions as may be deemed necessary by the department, provided that no sale may be made for less than the cost of producing the surplus steam heat. A sale of steam heat, if made by the department to the city of Grafton, may not be construed as the distribution of heat under title 49.

SECTION 13. ADMINISTRATION OF CHILD CARE BLOCK GRANT AND AT-RISK CHILD CARE PROGRAMS. The department of human services shall function as the designated state agency for administration of the Child Care and Development Block Grant Program under section 658C of the Omnibus Budget Reconciliation Act of 1990 [Pub. L. 101-508, Section 5081, 42 U.S.C. 602, et seq.] and the At-Risk Child Care Program under Section 5081 of the Omnibus Budget Reconciliation Act of 1990 [Pub. L. 101-508, Section 5081; 42 U.S.C. 602(i); 42 U.S.C. 603(n)]. The department may take actions reasonably necessary to conform the administration of programs under its supervision and direction to the requirements of federal law and regulations pertaining to the block grant and child care programs, including development of plan amendments and applications for federal funding and the issuance of policy manuals, forms, and program directives. Under the supervision and direction of the department, each county social service board shall administer the programs to the extent state and federal funds are available to defray the full costs of program administration and the provision of program benefits to eligible individuals and families. The department is authorized to employ such staff as is necessary for administration of the programs, within the limitations of appropriations therefor in section 1 of this Act.

SECTION 14. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Insurance payments by the department. Notwithstanding any other eligibility requirements for human services programs, the department, pursuant to rules promulgated by the department, may pay health insurance premiums, copayments, and deductibles for a person with acquired immune deficiency syndrome if the payment of premiums, copayments, and deductibles is determined to be a cost-effective alternative to the payment of future medical assistance and economic assistance costs for that person.

SECTION 15. AMENDMENT. Section 50-24.1-02.2 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-02.2. Community spouse resource allowance. In determining eligibility for medical assistance applicants and recipients, the department of human services shall establish a community spouse resource allowance of at least twenty-five thousand dollars for an ineligible community spouse equal to the maximum community spouse resource allowance as provided by 42 U.S.C. 1396r-5(f)(2).

SECTION 16. Three new subsections to section 50-24.4-01 of the North Dakota Century Code are created and enacted as follows:

"Direct care costs" means the cost category for allowable nursing and therapy costs.

"Indirect care costs" means the cost category for allowable administration, plant, housekeeping, medical records, chaplain, pharmacy, and dietary, exclusive of food costs.

"Other direct care costs" means the cost category for allowable activities, social services, laundry, and food costs.

SECTION 17. Two new subsections to section 50-24.4-10 of the North Dakota Century Code are created and enacted as follows:

Effective July 1, 1991, the efficiency incentives to be established by the department pursuant to subsection 4 for a facility with an actual rate below the limit rate for indirect care costs must include the lesser of two dollars and sixty cents per resident day or the amount determined by multiplying seventy percent times the difference between the actual rate, exclusive of inflation indices, and the limit rate, exclusive of current inflation indices. The efficiency incentive must be included as a part of the indirect care cost rate.

Effective July 1, 1991, each nursing home must receive an operating margin of a least three percent based upon the lesser of the actual direct care and other direct care costs and the limit rate prior to inflation. The operating margin will then be added to the rate for direct care and other direct care cost categories.

SECTION 18. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES BUDGET ALLOTMENTS. Notwithstanding the provisions of section 17 of this Act or any other provision of law, it is the intent of the legislative assembly that all general fund appropriations in section 1 of this Act be subject to the provisions of North Dakota Century Code sections 54-44.1-12 and 54-44.1-13.1 relating to budget allotments and reductions. It is the further intent of the legislative assembly that moneys appropriated for medical assistance payments required under section 17 of this Act shall not be reduced by a percentage greater than any percentage allotment of general fund moneys required of the department pursuant to the provisions of North Dakota Century Code sections 54-44.1-12 and 54-44-13.1.

SECTION 19. LEGISLATIVE INTENT - CASELOAD REPROJECTIONS. It is the intent of the legislative assembly that the department of human services prepare updated caseload reprojections for the 1993-95 biennium by January 15, 1993, and present these reprojections to the appropriations committees as requested by the committees.

SECTION 20. LEGISLATIVE INTENT - DEVELOPMENTAL DISABILITIES PROVIDER SALARY INCREASES. It is the intent of the legislative assembly that community developmental disabilities provider agencies provide employee salary increases of four percent the first year of the 1991-93 biennium. Funds for these increases are to be made available contingent upon individual developmental disabilities provider agencies maintaining title XIX certification and ACDD accreditation.

SECTION 21. LEGISLATIVE INTENT - EXPANDED CHILDREN'S MENTAL HEALTH PROGRAM. The amount of \$260,030 in estimated income, or so much thereof as may be necessary, as appropriated in subdivision 6 of section 1 of this Act, shall be expended for the expansion of children's mental health programs in accordance with the terms of the federal children and adolescent service system program grant received by the children's services coordinating committee and subgranted, in part, to the department for administration. The department is authorized to employ a full-time mental health professional and a secretary for the administration of the program, within the limitations of appropriations therefor in subdivision 6 of section 1 of this Act.

SECTION 22. LEGISLATIVE INTENT - CHILDREN'S PROGRAMS. It is the intent of the legislative assembly that \$200,000 in federal IV-E revenues, or so much thereof as may be necessary, as appropriated in subdivision 6 of section 1 of this Act be dedicated by the department to augment the operation of those children's service programs financed through the receipt and expenditure of funds appropriated to and received from the children's services coordinating committee during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 23. LEGISLATIVE INTENT - STATE HOSPITAL INCOME - MEDICAID GRANTS. It is the intent of the legislative assembly that in the event the department of human services projects a deficiency appropriation relating to state hospital income or Medicaid grant funding that it report any anticipated general fund deficiencies to the budget section and seek its approval before it continues to spend at a level which would require a request for a deficiency appropriation from the next legislative assembly.

SECTION 24. LEGISLATIVE COUNCIL STUDY - IMPACT OF CHILD SUPPORT GUIDELINE MODELS. The legislative council shall consider studying the impact of various child support guideline models on family units, on the quality of the relationships among the persons in the families affected by the guidelines, and on children who receive child support. The study, if conducted, should address the impact of the various models and whether the various models provide adequate financial support for the children involved. The legislative council, if a study is conducted, shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-third legislative assembly.

SECTION 25. EFFECTIVE DATE. Section 15 of this Act is effective on July 1, 1992.

Approved April 17, 1991  
Filed April 18, 1991

## CHAPTER 30

SENATE BILL NO. 2003  
(Committee on Appropriations)

### EDUCATIONAL AGENCIES AND INSTITUTIONS

AN ACT to provide an appropriation for defraying the expenses of the department of public instruction, the state board of vocational education, the school for the deaf, the school for the blind, and the state library; to provide for an appropriation of funds from the displaced homemaker fund and state school construction fund; to amend and reenact sections 15-21-02, 15-21-13.1, 15-44-09, and 15-65-05 of the North Dakota Century Code and section 10 of chapter 218 of the 1989 Session Laws of North Dakota, relating to the salary of the superintendent of public instruction, school district accounting and reporting systems, matching funds of school districts for telecommunication grants, and unspent funds of the 1989-91 school restructuring appropriation; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the superintendent of public instruction, the state board of vocational education, the school for the deaf, the school for the blind, and the state library for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.	DEPARTMENT OF PUBLIC INSTRUCTION	
Salaries and wages		\$ 8,476,073
Information services		595,714
Operating expenses		4,112,251
Equipment		427,418
Electronic media		360,000
Grants - foundation aid and transportation		381,014,334
Grants - tuition apportionment		47,225,456
Grants - special education		39,586,572
Grants - other grants		79,142,686
School restructuring		5,900,000
Total all funds		<u>\$566,840,504</u>
Less estimated income		140,859,930
Total general fund appropriation		<u>\$425,980,574</u>

Subdivision 2.

BOARD OF VOCATIONAL EDUCATION

Salaries and wages	\$ 2,388,161
Information services	47,216
Operating expenses	450,566
Equipment	86,223
Grants - vocational, other	19,470,083
Advisory council - vocational education	310,000
BSC vocational grant	1,747,206
UND-LR vocational grant	787,001
UND-W vocational grant	784,048
Adult farm management	250,000
Total all funds	<u>\$ 26,320,504</u>
Less estimated income	12,327,069
Total general fund appropriation	<u>\$ 13,993,435</u>

Subdivision 3.

STATE LIBRARY

Salaries and wages	\$ 1,439,982
Information services	73,109
Operating expenses	1,026,064
Equipment	14,500
Grants, benefits, and claims	1,050,000
Total all funds	<u>\$ 3,603,655</u>
Less estimated income	994,485
Total general fund appropriation	<u>\$ 2,609,170</u>

Subdivision 4.

SCHOOL FOR THE DEAF

Salaries and wages	\$ 3,408,370
Information services	5,420
Operating expenses	743,251
Equipment	103,699
Capital improvements	25,300
Total all funds	<u>\$ 4,286,040</u>
Less estimated income	389,775
Total general fund appropriation	<u>\$ 3,896,265</u>

Subdivision 5.

SCHOOL FOR THE BLIND

Salaries and wages	\$ 2,048,358
Operating expenses	458,971
Equipment	69,500
Capital improvements	70,000
Expanded outreach	268,120
Total all funds	<u>\$ 2,914,949</u>
Less estimated income	836,449
Total general fund appropriation	<u>\$ 2,078,500</u>
Grand total general fund appropriation S.B. 2003	\$448,957,944
Grand total special funds appropriation S.B. 2003	\$155,457,708
Grand total all funds S.B. 2003	\$604,415,652

SECTION 2. INTENT. It is the intent of the legislative assembly that the sum of \$47,225,456, or such greater or lesser sums as become available, included in the grants-tuition apportionment and estimated income line items in subdivision 1 of section 1 of this Act, be distributed by the office of management and budget out of any moneys in the state tuition fund in the

state treasury to the public schools of this state as provided in section 2 of article IX of the Constitution of North Dakota and chapter 15-44 for the biennium beginning July 1, 1991, and ending June 30, 1993.

**SECTION 3. DISPLACED HOMEMAKERS.** The amount of \$260,000, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act may be spent from the displaced homemaker fund for the purpose of providing services for displaced homemakers as provided in chapter 14-06.1 for the biennium beginning July 1, 1991, and ending June 30, 1993.

**SECTION 4. TELECOMMUNICATIONS.** The amount of \$3,000,000, or so much thereof as is necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act may be spent, notwithstanding the provisions of chapter 15-60 of the North Dakota Century Code, from the state school construction fund for the biennium beginning July 1, 1991, and ending June 30, 1993. The total amount shall be used for telecommunication grants.

**SECTION 5. ADDITIONAL INCOME.** The department of public instruction may seek additional income for support of the teacher center network, departmental computerization, and to provide instructional courses by electronic media for the biennium beginning July 1, 1991, and ending June 30, 1993. Income received for these projects can be expended by authorization of the emergency commission.

**SECTION 6. APPROPRIATION.** The line item entitled grants, benefits, and claims in subdivision 3 of section 1 of this Act includes \$1,000,000 for aid to public libraries of which no more than one-half is to be expended during the fiscal year ending June 30, 1992.

\* **SECTION 7. AMENDMENT.** Section 15-21-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 8. AMENDMENT.** Section 15-21-13.1 of the North Dakota Century Code is amended and reenacted as follows:

15-21-13.1. Uniform accounting and reporting system. The superintendent of public instruction shall implement a uniform computerized system for the accounting, budgeting, and reporting of fiscal data for all school districts in the state. The accounting system shall be based on Handbook II-B, Revised, as developed and piloted in the state's school districts during the past two years. All school districts shall, upon request, submit additional reports concerning finances to the superintendent. The superintendent of public instruction shall select one type of computer hardware, which must be compatible with personal computer systems, and no more than two software programs to be used by school districts.

**SECTION 9. AMENDMENT.** Section 15-44-09 of the North Dakota Century Code is amended and reenacted as follows:

\* NOTE: Section 15-21-02 was also amended by section 4 of Senate Bill No. 2594, chapter 53.

15-44-09. Funds controlled and paid out by school district clerk business manager of the school district - Accounting. All funds shall be kept in the possession or under the control of, and shall be paid out by, the business manager of the school district clerk except as otherwise provided by the laws of this state, and he. The business manager shall keep one general account of the entire receipts and expenditures of the district and separate itemized accounts for each class of receipts and expenditures, unless otherwise directed by the superintendent of public instruction. ~~His~~ The business manager's books shall or computer systems must show at all times, by entries under proper heads, all receipts of funds and payments made therefrom so as to enable any person readily to ascertain the balance in any fund.

SECTION 10. AMENDMENT. Section 10 of chapter 218 of the 1989 Session Laws of North Dakota is amended and reenacted as follows:

SECTION 10. If House Bill No. 1637 is approved by the fifty-first legislative assembly, becomes effective, and contains a provision authorizing the superintendent of public instruction to distribute any unspent amount appropriated to the grants - foundation aid program, then a new section is hereby created and enacted to read as follows:

DISTRIBUTION OF UNSPENT FUNDS. If the amount appropriated pursuant to section 9 of this Act exceeds the amount necessary to make the payments as required in section 6 of this Act the unspent amount first \$200,000 of unspent funds may not be spent but any additional unspent amounts must be made available to the superintendent of public instruction to distribute pursuant to the superintendent's authority to distribute any unspent amount appropriated to the grants - foundation aid program under the provisions of House Bill No. 1637.

SECTION 11. EXEMPTION. The educational technology grants, authorized for the 1989-91 biennium, are not subject to the provisions of section 54-44.1-11 and any unexpended funds from this appropriation shall be available for educational technology grants during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 12. AMENDMENT. Section 15-65-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-65-05. Telecommunications grants - Matching by school districts. The educational telecommunications council may require a school district to provide up to twenty five ~~fifty~~ percent in matching funds to receive any funds appropriated or that may otherwise become available for telecommunications.

SECTION 13. CHILDREN'S SERVICES COORDINATING COMMITTEE - DEPARTMENT OF HUMAN SERVICES FUNDING. Notwithstanding any other statutory provision, the department of public instruction is authorized, subject to the approval of the office of management and budget, to accept and expend funds available through the children's services coordinating committee and the department of human services. Prior to acceptance of these funds, the department shall develop a comprehensive plan detailing staff to be hired and services to be provided.

SECTION 14. APPROPRIATION - GEOGRAPHIC EDUCATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be

necessary, and the sum of \$50,000 from other funds, or so much thereof as may be necessary, derived from the national geographic society to the department of public instruction for the North Dakota geographic alliance for the biennium beginning July 1, 1991, and ending June 30, 1993. The amount from the general fund shall not be spent unless the matching amount from the national geographic society has become available.

**SECTION 15. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of providing matching grants on a dollar-for-dollar basis with up to \$2,000 per school district in order that school districts may purchase computers and equipment needed to implement a uniform computerized accounting system for the biennium beginning July 1, 1991, and ending June 30, 1993.

**SECTION 16. LEGISLATIVE INTENT.** It is the intent of the 1991 legislative assembly that the line items entitled BSC vocational grant, UND-LR vocational grant, and UND-W vocational grant in subdivision 2 of section 1 of this Act are vocational program funds which shall be distributed on an equal monthly basis to the respective colleges during the 1991-93 biennium.

**SECTION 17. LEGISLATIVE INTENT - OTHER FUNDS - POSITIONS.** Persons in positions funded from other funds and federal funds may be employed only for as long as such funding is available.

**SECTION 18. LEGISLATIVE INTENT - NATIVE AMERICAN CURRICULUM.** It is the intent of the legislative assembly that up to \$50,000 of operating expenses included in subdivision 1 of section 1 of this Act may be used for developing, testing, and implementing a native American curriculum for the biennium beginning July 1, 1991, and ending June 30, 1993.

**SECTION 19. CONTINGENT APPROPRIATION - VOCATIONAL EDUCATION GRANTS.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, an amount equal to the amount of unspent moneys appropriated in 1989 House Bill No. 1507 for school district restructuring, but not to exceed \$200,000, to the board of vocational education for secondary vocational education grants for the biennium beginning July 1, 1991, and ending June 30, 1993.

**SECTION 20. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that the state library will support the planning committee established to implement 1991 Senate Bill No. 2448 relating to library authorities. The department of public instruction and the state library will facilitate participation of all types of libraries, including school libraries, in this process in order to facilitate delivery of efficient and equitable information services to all North Dakotans. The superintendent of public instruction through the state librarian will provide direction to state library staff on its role in this process.

**SECTION 21. EMERGENCY.** Section 10 of this Act is declared to be an emergency measure.

Approved April 17, 1991  
Filed April 18, 1991

**CHAPTER 31**

SENATE BILL NO. 2004  
(Committee on Appropriations)

**OFFICE OF MANAGEMENT AND  
BUDGET DIVISIONS**

AN ACT to make an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide a statement of legislative intent relating to state employee compensation adjustments; providing an appropriation to the state board of higher education for various higher education institutions; to provide legislative intent regarding tuition increases; to authorize and provide an appropriation for the disposition of san haven properties; and to establish a committee to authorize public sector supported employment in state agencies and institutions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the various divisions under the supervision of the director of the office of management and budget for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.

OFFICE OF MANAGEMENT AND BUDGET CENTRAL OPERATIONS

Salaries and wages	\$ 4,829,177
Information services	2,280,705
Operating expenses	1,499,681
Equipment	75,603
Capital grounds planning	25,000
Grants, benefits, and claims	26,039,180
State contingencies	500,000
Boys and girls clubwork	53,000
Miscellaneous refunds	25,000
State memberships	221,900
Unemployment insurance	2,000,000
Total all funds	<u>\$37,549,246</u>
Less estimated income	29,965,376
Total general fund appropriation	<u>\$ 7,583,870</u>

Subdivision 2.

FACILITY MANAGEMENT

Salaries and wages	\$ 2,846,565
Information services	32,000
Operating expenses	2,695,000
Equipment	31,000

Capital improvements	2,025,000
Total all funds	\$ 7,629,565
Less estimated income	2,025,000
Total general fund appropriation	\$ 5,604,565

## Subdivision 3.

## INFORMATION SERVICES DIVISION

Salaries and wages	\$ 8,830,037
Operating expenses	21,597,600
Equipment	6,910,000
Total special funds appropriation	\$37,337,637

## Subdivision 4.

## CENTRAL DUPLICATING SERVICES

Salaries and wages	\$ 1,222,623
Information services	50,510
Operating expenses	2,058,752
Equipment	31,500
Total special funds appropriation	\$ 3,363,385
Grand total general fund appropriation S.B. 2004	\$16,935,198
Grand total special funds appropriation S.B. 2004	\$73,741,398
Grand total all funds appropriation S.B. 2004	\$90,676,596

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

SECTION 3. ADDITIONAL INCOME. All income in excess of estimated income in the budget appropriated by the legislative assembly to the office of management and budget for the biennium beginning July 1, 1991, and ending June 30, 1993, must be deposited in the appropriate operating funds in the state treasury and can be expended with the authorization of the emergency commission.

SECTION 4. EXEMPTION. The information services appropriation contained in section 1 of chapter 3 of the 1989 Session Laws is not subject to the provisions of section 54-44.1-11 and any unexpended funds from this appropriation shall be available for continued development and operation of the accounting, management, and payroll systems during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 5. FACILITY MANAGEMENT. The amount of \$2,025,000, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act, is to be spent by the facility management division from the capitol building fund during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 6. INTENT - STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES. It is the intent of the fifty-second legislative assembly that 1991-93 compensation adjustments for state employees in the classified service are to be average increases of 4.0 percent beginning with the month of July 1991 to be paid in August 1991. All classified employees not on a probation status are entitled to receive increases of at least fifty dollars per month. Pay grade maximums shall not limit the amount of such an increase.

SECTION 7. APPROPRIATION. The director of the office of management and budget shall appoint a three-member committee on public sector supported employment consisting of a representative from the office of vocational rehabilitation, department of human services; a representative of the executive budget office, office of management and budget; and a representative of the central personnel division, office of management and budget.

The committee shall have authority to consider applications from state agencies and institutions for permission to have and fill a supported employment position or positions within that agency or institution. The committee may approve or disapprove such applications based upon objective criteria established by the committee, or may return them with suggestions for modification. If the committee approves an original or modified application it shall also authorize the addition to the payroll of the appropriate number of full- or part-time positions. The emergency commission is authorized to transfer, where necessary, funds from the appropriation made by this section to the salary line item of the applicant agency or institution. State agencies and institutions upon emergency commission approval may spend special funds not to exceed an aggregate of \$500,000, which funds are hereby appropriated for the supported employment program during the biennium beginning July 1, 1991, and ending June 30, 1993.

Agency or institution applications pursuant to this section must be presented to the committee prior to April 1, 1992; and must assure that the agency or institution will evaluate the position regularly, and, if the position is of value to the agency or institution, assure that it will include the position and appropriate salary funding in its budget submission for the 1993-95 biennium.

SECTION 8. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to the board of higher education for the purpose of remodeling, renovation, and maintenance of buildings at the institutions under its control, including the following projects, for the biennium beginning July 1, 1991, and ending June 30, 1993:

- University of North Dakota - Williston
- Physical plant operating expenses
- University of North Dakota
- Physical plant operating expenses
- North Dakota college of science
- Capital improvements
- NDSU-Bottineau - Interactive video
- network site

SECTION 9. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the following institutions of higher learning under the supervision of the board of higher education for the purpose of defraying expenses which would otherwise be paid from tuition increases, for the biennium beginning July 1, 1991, and ending June 30, 1993:

University of North Dakota	\$1,165,215
North Dakota state university	902,037

Minot state university	331,991
Dickinson state university	118,154
Valley City state university	90,975
Mayville state university	64,613
University of North Dakota - medical center	73,778
Total general fund appropriation	<u>\$2,746,763</u>

SECTION 10. LEGISLATIVE INTENT - TUITION INCREASES. It is the intent of the legislative assembly that the amounts appropriated in section 9 of this Act are made available to reduce tuition rate increases proposed for the 1991-93 biennium in the executive budget and contained in House Bill No. 1003, as determined by the board of higher education. It is also the intent of the legislative assembly that the appropriations in section 9 of this Act will be the amounts by which the estimated income from tuition increases included in House Bill No. 1003 will not be collected.

SECTION 11. SAN HAVEN PROPERTIES - SALE, LEASE, EXCHANGE, OR TRANSFER. The director of the office of management and budget, with the approval of the governor, may sell, lease, exchange, or transfer title or use of any part or all of the san haven facilities and properties located in sections nineteen, twenty-nine, and thirty, township one hundred sixty-two north, range seventy-two west, located in Rolette County, North Dakota, under the following conditions:

1. By agreement with the governing body of the city of Dunseith, the director of the office of management and budget may designate up to eighty acres of the property authorized for sale by this section and, if the designated property is sold at auction, the city of Dunseith has the first right to purchase by matching the best bid received.
2. The portion of the property described in this section which is used as a golf course may be transferred for a nominal consideration to the city of Dunseith or a corporation or association of residents of the Dunseith community for use as a golf course. The transfer authorized by this subsection is exempt from the provisions of sections 54-01-05.2 and 54-01-05.5. A transfer under this subsection may be made with an easement for the appurtenant use of water from any other property described in this section.
3. The property described in this section which is not otherwise disposed of under this section may be sold at auction, subject to the provisions of section 54-01-05.2. Any sale under this section is exempt from the provisions of section 54-01-05.5, except that one appraisal must be obtained before the sale of any property. If no satisfactory bid is received on property offered for sale at auction, the director of the office of management and budget, with the approval of the governor, may cause any buildings on the property to be demolished.
4. Any sale, use, or demolition of the property described in this section is subject to approval of the lienholder, the economic development administration.

SECTION 12. APPROPRIATION. There is hereby appropriated out of any moneys in the state fire and tornado fund, not otherwise appropriated, the sum of \$550,000, or so much thereof as may be necessary, to the office of

management and budget, of which \$500,000 may be used for asbestos removal at the san haven facilities only if the facilities are sold, disposed of in any manner, or demolished during the period and \$50,000 may be used for removing fuel tanks, securing facilities, and preparing the facilities for sale or other disposition, for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 13. STATE AID DISTRIBUTION FUND - AMERICAN DISABILITIES ACT. The amount of \$50,000 included in the estimated income line item in subdivision 1 of section 1 of this Act, may be spent by the office of intergovernmental assistance from the state aid distribution fund for the American Disabilities Act during the biennium beginning July 1, 1991, and ending June 30, 1993.

Approved April 17, 1991  
Filed April 18, 1991

## CHAPTER 32

SENATE BILL NO. 2005  
(Committee on Appropriations)

### STATE RADIO COMMUNICATIONS

AN ACT making an appropriation for defraying the expenses of the state radio communications department; and providing for transfers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from other income, to the state radio communications department for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$1,841,162
Information services	1,494,006
Operating expenses	374,047
Equipment	523,245
Total all funds	\$4,232,460
Less estimated income	1,813,861
Total general fund appropriation	\$2,418,599

SECTION 2. TRANSFER. There is hereby authorized the transfer to the state radio communications operating account the sum of \$1,288,861, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act from the state highway fund for the use of state radio communications services. Such moneys shall be transferred during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. TRANSFER. There is hereby authorized the transfer to the state radio communications operating account the sum of \$250,000, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act from the game and fish fund for the use of state radio communications services. Such moneys shall be transferred during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the office of management and budget study and develop a cost allocation plan for state radio communications to use to bill agencies for the cost of services provided by state radio communications. The cost allocation plan must be available for consideration by the fifty-third legislative assembly.

Approved April 17, 1991  
Filed April 18, 1991

# CHAPTER 33

SENATE BILL NO. 2006  
(Committee on Appropriations)

## EMERGENCY MANAGEMENT DIVISION

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the division of emergency management under the supervision of the adjutant general for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$1,218,142
Information services	38,900
Operating expenses	382,939
Equipment	35,100
Grants	65,000
Total all funds	<u>\$1,740,081</u>
Less estimated income	<u>1,406,874</u>
Total general fund appropriation	<u>\$ 333,207</u>

SECTION 2. APPROPRIATION. Federal funds of \$1,500,000, or so much thereof as may be necessary, received by the division of emergency management from the federal emergency management agency in excess of those funds appropriated in section 1 of this Act are hereby appropriated for grants in the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. STATE HAZARDOUS MATERIAL PREPAREDNESS AND RESPONSE FUND. The amount appropriated for salaries and wages and grants in section 1 of this Act includes \$125,100 from the state hazardous material preparedness and response fund for the biennium beginning July 1, 1991, and ending June 30, 1993.

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 34

SENATE BILL NO. 2007  
(Committee on Appropriations)

### ADJUTANT GENERAL

AN ACT to provide for an appropriation for defraying the expenses of the adjutant general; to provide for an appropriation of funds from the national guard tuition trust fund; to provide an appropriation for the North Dakota veterans' cemetery; and to provide legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds or other income, to the adjutant general's office for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

ADJUTANT GENERAL	
Salaries and wages	\$ 1,707,621
Information services	78,900
Operating expenses	1,952,200
Equipment	50,800
Capital improvements	510,000
Grants, benefits, and claims	517,248
Inauguration	1,500
Recruiting and retention	27,000
Army guard contract	4,607,372
Tuition fees	1,015,000
Air guard contract	4,163,337
Total all funds	<u>\$14,630,978</u>
Less estimated income	<u>9,288,986</u>
Total general fund appropriation	<u>\$ 5,341,992</u>

SECTION 2. APPROPRIATION. The amount of \$1,485,063, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act is to be spent from the national guard tuition trust fund to the adjutant general for the tuition programs provided for in chapters 37-07.1 and 37-07.2 and for adjutant general operations for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. LEGISLATIVE INTENT - NATIONAL GUARD ARMORIES. It is the intent of the legislative assembly that the Bottineau and Hillsboro armories receive rent from the adjutant general for the 1991-93 biennium; however, the adjutant general may choose not to use the armories. The moneys are to come from the increase in rent expenses for other armories recommended in the executive budget.

SECTION 4. APPROPRIATION - REPORT TO BUDGET SECTION. There is hereby appropriated any funds received by the adjutant general from federal and private sources for the purpose of constructing and operating the North Dakota veterans' cemetery at or adjacent to Fort Abraham Lincoln state park for the biennium beginning July 1, 1991, and ending June 30, 1993. The adjutant general shall report to the budget section of the legislative council during the 1991-93 biennium on the funds received and spent for the veterans' cemetery.

Approved April 11, 1991

Filed April 12, 1991

## CHAPTER 35

SENATE BILL NO. 2008  
(Committee on Appropriations)

### BOARD OF ANIMAL HEALTH

AN ACT making an appropriation for defraying the expenses of the board of animal health.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the board of animal health for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$459,664
Information services	7,069
Operating expenses	171,966
Equipment	4,850
Total general fund appropriation	<u>\$643,549</u>

Approved April 11, 1991  
Filed April 12, 1991

**CHAPTER 36**

SENATE BILL NO. 2009  
(Committee on Appropriations)

**SOIL CONSERVATION AND CENTENNIAL TREES**

AN ACT making an appropriation for defraying the expenses of the soil conservation committee and centennial trees program; and to provide a statement of intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the soil conservation committee and the centennial trees program of the state of North Dakota for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.

SOIL CONSERVATION COMMITTEE

Salaries and wages	\$ 545,769
Information services	7,648
Operating expenses	51,700
Equipment	1,000
Grants, benefits, and claims	745,386
Total general fund appropriation	<u>\$1,351,503</u>

Subdivision 2.

CENTENNIAL TREES PROGRAM

Salaries and wages	\$ 169,602
Information services	1,020
Operating expenses	68,200
Total all funds	<u>\$ 238,822</u>
Less estimated income	176,547
Total general fund appropriation	<u>\$ 62,275</u>
Grand total general fund appropriation S.B. 2009	\$1,413,778
Grand total special funds appropriation S.B. 2009	\$ 376,547
Grand total all funds appropriation S.B. 2009	<u>\$1,790,325</u>

SECTION 2. INTENT. It is the intent of the fifty-second legislative assembly that no transfers be made between the subdivisions in section 1 of this Act. The director of each agency to which funds are appropriated in section 1 of this Act must operate within the limits of legislative appropriations included in each subdivision in section 1.

SECTION 3. SOIL CONSERVATION COMMITTEE - AUTHORITY TO TRANSFER FUNDS. The soil conservation committee may transfer \$195,971, or so much thereof as may be necessary, from the general fund for 5.5 FTE positions for the soil survey digitizing center included in the salaries and wages line item in

subdivision 1 of section 1 of this Act to the operating expenses line item to pay for contract personnel for the soil survey digitizing center or to the grants, benefits, and claims line item to provide additional grants in the soil conservation technician grants program.

**SECTION 4. CENTENNIAL TREES PROGRAM - CENTENNIAL TREES PROGRAM TRUST FUND.** The total special funds appropriation line item in subdivision 2 of section 1 of this Act includes \$116,547, or so much thereof as may be necessary, from the centennial trees program trust fund for operating costs of the centennial trees commission for the biennium beginning July 1, 1991, and ending June 30, 1993.

**SECTION 5. CENTENNIAL TREES PROGRAM - APPROPRIATION.** The sum of \$200,000, or so much thereof as may be necessary, of special funds, derived from sales income, gifts, grants, and donations, is hereby appropriated to the centennial trees commission for defraying the expenses of the commission for the biennium beginning July 1, 1991, and ending June 30, 1993.

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 37

SENATE BILL NO. 2010  
(Committee on Appropriations)

### INSURANCE PREMIUM TAX DISTRIBUTIONS

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the insurance tax distribution fund in the state treasury, not otherwise appropriated, the sum of \$5,200,000, and from the state fire and tornado fund, the sum of \$520,000, or so much thereof as may be necessary, to the commissioner of insurance for the purpose of making payments of insurance premiums to fire departments, for the biennium beginning July 1, 1991, and ending June 30, 1993.

Approved April 16, 1991  
Filed April 18, 1991

**CHAPTER 38**

SENATE BILL NO. 2011  
(Committee on Appropriations)

**HOMESTEAD TAX CREDIT**

AN ACT making an appropriation to the state tax commissioner for payment of state reimbursement under the homestead tax credit.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the state tax commissioner for the purpose of reimbursing the homestead tax credit, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Grants, benefits, and claims	<u>\$4,879,163</u>
Total general fund appropriation	<u>\$4,879,163</u>

Approved April 2, 1991  
Filed April 4, 1991

## CHAPTER 39

SENATE BILL NO. 2012  
(Committee on Appropriations)

### STATE AID DISTRIBUTION FUND

AN ACT making an appropriation for the distribution of state aid distribution fund revenue to local political subdivisions of the state of North Dakota; and to provide a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the state aid distribution fund in the state treasury, not otherwise appropriated, to the state treasurer of the state of North Dakota for the purpose of distributing state aid distribution fund revenue to local political subdivisions, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Grants, benefits, and claims	<u>\$56,750,000</u>
Total state aid distribution fund appropriation	\$56,750,000

SECTION 2. INTENT. It is the intent of the legislative assembly that if the amount appropriated in this Act, plus \$6,250,000 appropriated to the department of human services, is less than the amount deposited in the state aid distribution fund during the 1991-93 biennium, the legislative assembly shall provide a deficiency appropriation to local political subdivisions of the excess amount deposited and that the deficiency appropriation be for the 1991-93 biennium, and not be considered in appropriations for the 1993-95 biennium.

Approved April 5, 1991  
Filed April 8, 1991

## CHAPTER 40

SENATE BILL NO. 2013  
(Committee on Appropriations)

### AGRICULTURAL COUNCILS AND COMMISSIONS

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated from special funds derived from federal funds and other income, to the agricultural councils and commissions listed in this section for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.

EDIBLE BEAN COUNCIL

Operating expenses	\$ 600,000
Total appropriation from edible bean fund	<u>\$ 600,000</u>

Subdivision 2.

OILSEED COUNCIL

Salaries and wages	\$ 60,741
Information services	56,254
Operating expenses	1,878,626
Equipment	<u>7,000</u>
Total appropriation from oilseed fund	<u>\$2,002,621</u>

Subdivision 3.

HONEY PROMOTION FUND

Operating expenses	\$ 56,000
Total appropriation from honey promotion fund	<u>\$ 56,000</u>

Subdivision 4.

STATE POTATO COUNCIL

Operating expenses	\$1,200,000
Total appropriation from spud fund	<u>\$1,200,000</u>

Subdivision 5.

TURKEY FUND

Operating expenses	\$ 55,000
Total appropriation from turkey promotion fund	<u>\$ 55,000</u>

Subdivision 6.

STATE WHEAT COMMISSION

Salaries and wages	\$ 665,730
Information services	25,501
Operating expenses	<u>2,585,349</u>

Equipment	20,000
Total appropriation from wheat promotion fund	<u>\$3,296,580</u>
Grand total special funds appropriation S.B. 2013	\$7,210,201

SECTION 2. APPROPRIATION. In addition to the appropriations provided in section 1 of this Act, all funds as may be on deposit in the various special funds for which appropriations are made in section 1 are hereby appropriated and can be spent only upon authorization of the emergency commission for the biennium beginning July 1, 1991, and ending June 30, 1993.

Approved April 2, 1991  
Filed April 4, 1991

## CHAPTER 41

SENATE BILL NO. 2014  
(Committee on Appropriations)

### STATE SEED DEPARTMENT

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys from special funds derived from federal funds or other income, to the state seed department for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$2,605,539
Information services	10,865
Operating expenses	782,556
Equipment	74,520
Capital improvements	2,000,000
Grants, benefits, and claims	94,000
Contingency	<u>100,000</u>
Total special funds appropriation	\$5,667,480

Approved April 2, 1991  
Filed April 4, 1991

## CHAPTER 42

SENATE BILL NO. 2015  
(Committee on Appropriations)

### GAME AND FISH DEPARTMENT

AN ACT making an appropriation for defraying the expenses of the state game and fish department; and to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to the establishment of a game and fish department statewide land acquisition plan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the game and fish fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state game and fish department for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$ 8,795,411
Information services	307,291
Operating expenses	4,596,646
Equipment	560,600
Capital improvements	2,053,926
Grants, benefits, and claims	2,033,094
Noxious weed control	145,000
Land habitat and deer depredation	1,500,000
Wildlife habitat	650,000
In lieu of taxes	450,000
Grants, gifts, and donations	100,000
Upland game bird stocking	70,000
Nongame wildlife	120,000
Lonetree reservoir	400,000
Total special funds appropriation	<u>\$21,781,968</u>

SECTION 2. HABITAT RESTORATION - APPROPRIATION. The amount of \$650,000, or such lesser amount as may be available, for the line item entitled wildlife habitat in section 1 of this Act is from the habitat restoration stamp program fund for the state game and fish department to lease privately owned lands for wildlife habitat to reestablish wildlife population for the biennium beginning July 1, 1991, and ending June 30, 1993. These funds may be spent only for the purposes and utilizing guidelines as outlined in section 20.1-03-12.1.

SECTION 3. PRIVATE HABITAT AND DEER DEPREDATION - APPROPRIATION. The amount of \$1,500,000, or such lesser amount as may be available, for the line item entitled land habitat and deer depredation in section 1 of this Act, is from the private land habitat improvement fund for the state game and fish department to improve wildlife habitat on private land and alleviate

depredation as provided in section 20.1-02-05 for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 4. NONGAME WILDLIFE - APPROPRIATION. The amount of \$120,000, or such lesser amount as may be available, included in the line item entitled nongame wildlife in section 1 of this Act, is from the nongame wildlife fund for the purposes of preservation, inventory, perpetuation, and conservation of nongame wildlife, natural areas, and nature preserves in this state for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 5. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Land acquisitions - Statewide land acquisition plan. The commissioner shall establish a comprehensive statewide land acquisition plan that must be approved by the budget section of the legislative council. Every land acquisition made by the department exceeding ten acres [4.05 hectares] or ten thousand dollars must be approved by the budget section.

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 43

SENATE BILL NO. 2016  
(Committee on Appropriations)

## PARKS, TOURISM, AND HISTORY

AN ACT making an appropriation for defraying the expenses of the department of parks and recreation, department of tourism, and the state historical board; providing a statement of legislative intent regarding historic site master plans; and providing a statement of legislative intent regarding interagency cooperation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of parks and recreation, department of tourism, and the state historical board for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

## Subdivision 1.

## DEPARTMENT OF PARKS AND RECREATION

Salaries and wages	\$ 3,401,516
Information services	36,000
Operating expenses	1,831,851
Equipment	160,682
Capital improvements	517,600
Grants, benefits, and claims	3,646,080
Parks and historic sites improvements	1,900,000
Total all funds	\$11,493,729
Less estimated income	5,429,905
Total general fund appropriation	\$ 6,063,824

## Subdivision 2.

## DEPARTMENT OF TOURISM

Salaries and wages	\$ 711,573
Information services	20,000
Operating expenses	3,443,129
Equipment	25,378
Grants, benefits, and claims	60,000
Total all funds	\$ 4,260,080
Less estimated income	180,000
Total general fund appropriation	\$ 4,080,080

## Subdivision 3.

## STATE HISTORICAL BOARD

Salaries and wages	\$ 3,235,546
Information services	71,600

Operating expenses	783,865
Equipment	124,759
Capital improvements	339,604
Grants, benefits, and claims	500,000
Total all funds	\$ 5,055,374
Less estimated income	1,710,418
Total general fund appropriation	\$ 3,344,956
Grand total general fund appropriation S.B. 2016	\$13,651,360
Grand total special funds appropriation S.B. 2016	\$ 7,420,323
Grand total all funds S.B. 2016	\$21,071,683

SECTION 2. SNOWMOBILE FUND. The amount of \$200,000, or so much thereof as is necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act, is from the snowmobile fund.

SECTION 3. TRAIL TAX TRANSFER FUND. The amount of \$100,000, or so much thereof as is necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act, is from the trail tax transfer fund.

SECTION 4. FILM PRODUCTION RECRUITMENT UNIT - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$62,500, or so much thereof as may be necessary, to the department of tourism for the purpose of funding a director position for the film production recruitment unit within the department for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 5. LAND ACQUISITION - APPROPRIATION. There is hereby appropriated the sum of \$100,000, out of any moneys in the general fund in the state treasury, not otherwise appropriated, and \$100,000 from special funds derived from other income, or so much thereof as may be necessary, to the department of parks and recreation for the purpose of acquiring the seventh day adventist camp property adjacent to the lake metigoshe state park for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 6. DEPARTMENT OF PARKS AND RECREATION - PARKS AND HISTORIC SITES IMPROVEMENTS. The parks and historic sites improvements line item in subdivision 1 of section 1 of this Act includes \$600,000 from the general fund which the department of parks and recreation shall use for purposes determined by the state historical board and the interagency working group as provided in section 7 of this Act. The director of the parks and recreation department may make payments of \$600,000, or so much thereof as may be necessary, from this line item to the state historical board for defraying the costs of parks and historic sites improvements conducted by the state historical board.

SECTION 7. LEGISLATIVE INTENT - INTERAGENCY COOPERATION. It is the intent of the legislative assembly that North Dakota tourism benefit from comprehensive planning and cooperation between the department of parks and recreation, department of tourism, and the state historical board. It is the intent of the legislative assembly that the governor organize an interagency working group to ensure communication, joint planning, and maximum cooperation among these agencies. Further, it is the intent of the legislative assembly that the planning and development of parks and historic sites be conducted by the respective departments as determined by the interagency working group.

SECTION 8. LEGISLATIVE INTENT - HISTORICAL BOARD - PLANNING. It is the intent of the legislative assembly that the state historical board develop master plans for the Fort Totten state historic site, the Fort Buford state historic site, and the Fort Seward state historic site by spending \$25,000 for each site's master plan from funds appropriated in subdivision 3 of section 1 of this Act during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 9. FORT SEWARD MASTER PLAN. The state historical board shall provide a grant of \$25,000 to the city of Jamestown for the development of the Fort Seward state historic site master plan.

Approved April 18, 1991  
Filed April 18, 1991

## CHAPTER 44

SENATE BILL NO. 2017  
(Committee on Appropriations)

### WATER COMMISSION

AN ACT making an appropriation for defraying the expenses of the various divisions of the state water commission; providing for an appropriation of funds from the resources trust fund; providing for an appropriation from the solid waste management fund; and to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to repayment of loan proceeds and reimbursement of federal funds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the various divisions of the state water commission for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$ 6,619,290
Information services	145,450
Operating expenses	5,409,947
Equipment	409,972
Capital improvements	28,040,000
Grants, benefits, and claims	11,013,960
Cooperative research	3,050,000
Total all funds	\$54,688,619
Less estimated income	48,903,496
Total general fund appropriation	\$ 5,785,123

SECTION 2. APPROPRIATION. The amount of \$14,960,662, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act may be spent from the resources trust fund by the state water commission for the biennium beginning July 1, 1991, and ending June 30, 1993.

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

SECTION 4. GRANTS, BENEFITS, AND CLAIMS. Section 54-44.1-11 does not apply to appropriations made for grants, benefits, and claims in this Act. However, this exclusion is only in effect for the two-year period after June 30, 1993. Any unexpended funds after that period has elapsed must be transferred to the resources trust fund.

SECTION 5. RESOURCES TRUST FUND APPROPRIATION - ADJUSTMENT. If the resources trust fund 1991-93 revenues are in excess of \$7,758,323, any excess is hereby appropriated, subject to emergency commission approval, from the resources trust fund to the state water commission for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 6. SOLID WASTE MANAGEMENT FUND. The estimated income line item included in section 1 of this Act includes \$140,000 which the state water commission may spend from the solid waste management fund for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 7. A new section to chapter 61-02 of the North Dakota Century Code is created and enacted as follows:

Repayment of loan proceeds and reimbursements deposited in resources trust fund. Notwithstanding section 61-02-64.1, any repayment made after January 1, 1991, of any loans disbursed from the contract fund or resources trust fund and any moneys paid to the state or the commission after January 1, 1991, to reimburse the commission for moneys used for municipal, rural, and industrial water supply projects must be deposited in the resources trust fund in the state treasury.

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 45

SENATE BILL NO. 2018  
(Committee on Appropriations)

### AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

AN ACT making an appropriation for defraying the expenses of the agricultural products utilization commission; and to provide a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the agricultural fuel tax fund and the general fund, in the state treasury, not otherwise appropriated, and from other income, to the agricultural products utilization commission for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Information services	\$ 4,000
Operating expenses	53,950
Contract personnel	72,000
Ethanol incentive program audit	2,000
Basic and applied research grants	651,038
Utilization and marketing grants	217,012
Cooperative marketing grants	200,000
Farm diversification	300,000
Total all funds	<u>\$1,500,000</u>
Less estimated income	<u>1,000,000</u>
Total general fund appropriation	\$ 500,000

SECTION 2. APPROPRIATION. All income received in excess of the amounts appropriated in section 1 of this Act is hereby appropriated to the agricultural products utilization commission for research, marketing, and utilization grants for the biennium beginning July 1, 1991, and ending June 30, 1993. Any funds received require the approval of the emergency commission before they can be spent.

SECTION 3. LEGISLATIVE INTENT - APPROPRIATION PRIORITY. If available moneys in the agricultural fuel tax fund are insufficient to fully fund all appropriations made from the fund by the fifty-second legislative assembly for the 1991-93 biennium, it is the intent of the legislative assembly that the appropriation from the agricultural fuel tax fund provided by section 1 of this Act not be reduced to less than \$1,000,000 for any reason and that any appropriation authority reduction that would reduce the appropriation in section 1 of this Act below that amount must instead be proportionately reduced from any other appropriations from the agricultural fuel tax fund.

Approved April 17, 1991  
Filed April 18, 1991

## CHAPTER 46

SENATE BILL NO. 2019  
(Committee on Appropriations)

### WORKERS COMPENSATION BUREAU

AN ACT making an appropriation for defraying the expenses of the workers compensation bureau and its divisions; and to provide a contingent appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and the workers' compensation fund in the state treasury, not otherwise appropriated, to the workers compensation bureau for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

WORKERS COMPENSATION BUREAU	
Salaries and wages	\$ 5,903,211
Information services	1,015,328
Operating expenses	2,719,498
Equipment	472,251
Grants, benefits, and claims	1,244,703
Contingency	118,000
Civil air patrol	<u>10,722</u>
Total all funds	\$11,483,713
Less estimated income	<u>11,065,782</u>
Total general fund appropriation	\$ 417,931

SECTION 2. APPROPRIATION. The amount appropriated in section 1 of this Act includes \$10,111,929 which is to be spent from the workers' compensation fund for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. CONTINGENT APPROPRIATION. If Senate Bill No. 2206 is approved by the fifty-second legislative assembly, becomes effective and contains provisions authorizing the workers compensation bureau to establish a workers' compensation arbitration panel and the workers compensation bureau to contract for third-party administrative services and the establishment of a managed care program, there is hereby appropriated out of the workers' compensation fund, not otherwise appropriated, the sum of \$447,854 for the purpose of establishing an arbitration panel, and the sum of \$2,605,000 for the purpose of contracting for third-party administrative services and the establishment of a managed care program to the workers compensation bureau beginning July 1, 1991, and ending June 30, 1993.

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 47

SENATE BILL NO. 2020  
(Committee on Appropriations)

### RETIREMENT AND INVESTMENT AGENCIES

AN ACT making an appropriation for defraying the expenses of various state retirement and investment agencies; and requiring reports on the group insurance plan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys from special funds derived from income, to the retirement and investment agencies listed in this section for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.	<b>RETIREMENT AND INVESTMENT OFFICE</b>	
Salaries and wages		\$1,358,969
Information services		335,366
Operating expenses		571,078
Equipment		108,586
Contingency		100,000
Contracted services		500,000
Total special funds appropriation		<u>\$2,973,999</u>
Subdivision 2.	<b>PUBLIC EMPLOYEES RETIREMENT SYSTEM</b>	
Salaries and wages		\$1,157,314
Information services		377,250
Operating expenses		620,344
Equipment		48,340
Health insurance program		125,000
Contingency		50,000
Total special funds appropriation		<u>\$2,378,248</u>
Grand total special funds appropriation S.B. 2020		<u>\$5,352,247</u>

**SECTION 2. REPORT TO BUDGET SECTION OF LEGISLATIVE COUNCIL.** In addition to the report required under North Dakota Century Code section 54-52.1-04.3, the public employees retirement board shall report to the budget section of the legislative council during the 1991-92 interim. The report must describe the status of the group insurance plan's reserve fund, the required balance of the reserve fund, and what action or events are necessary or have occurred in reaching the required balance.

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 48

SENATE BILL NO. 2021  
(Committee on Appropriations)

### STATE DEPARTMENTS AND INSTITUTIONS

AN ACT making an appropriation for defraying the expenses of various state departments and institutions; providing an appropriation for case mix nursing home reimbursement; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, the sums as hereinafter provided or so much thereof as may be necessary. These sums shall increase the general fund and special funds appropriation authority enacted by the fifty-first legislative assembly as adjusted by the allotment process to the stated departments and institutions of the state of North Dakota for the purpose of defraying the expenses thereof, for the period beginning January 1, 1991, and ending June 30, 1991, as follows:

Subdivision 1.

SECRETARY OF STATE - PUBLIC PRINTING

Operating expenses	\$ 32,000
Total general fund appropriation	<u>\$ 32,000</u>

Subdivision 2.

INDUSTRIAL COMMISSION

Lease payments	\$ 340,000
Total general fund appropriation	<u>\$ 340,000</u>

Subdivision 3.

ECONOMIC DEVELOPMENT COMMISSION

Operating expenses	\$ 45,000
Total general fund appropriation	<u>\$ 45,000</u>

Subdivision 4.

HOMESTEAD TAX CREDIT

Grants, benefits, and claims	\$ 230,000
Total general fund appropriation	<u>\$ 230,000</u>

Subdivision 5.

BOARD OF ANIMAL HEALTH

Salaries and wages	\$ 10,000
Total general fund appropriation	<u>\$ 10,000</u>

Subdivision 6.

CIVIL AIR PATROL

Operating expenses	<u>\$ 4,700</u>
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Total general fund appropriation		\$ 4,700
Subdivision 7.		
DEPARTMENT OF CORRECTIONS AND REHABILITATION		
Operating expenses		\$ 180,000
Total general fund appropriation		\$ 180,000
Subdivision 8.		
OFFICE OF THE ATTORNEY GENERAL		
State employee defense		\$ 120,000
Total general fund appropriation		\$ 120,000
Subdivision 9.		
DEPARTMENT OF HUMAN SERVICES		
Grants		\$ 125,600
Total general fund appropriation		\$ 125,600
Subdivision 10.		
NORTH DAKOTA VETERANS' HOME		
Salaries and wages		\$ 34,000
Operating expenses		47,000
Capital improvements		89,901
Total all funds		\$ 170,901
Less estimated income		39,000
Total general fund appropriation		\$ 131,901
Subdivision 11.		
OFFICE OF THE LABOR COMMISSIONER		
Salaries and wages		\$ 35,000
Operating expenses		9,867
Total general fund appropriation		\$ 44,867
Subdivision 12.		
FIFTY-SECOND LEGISLATIVE ASSEMBLY		
Salaries and wages		\$ 575,000
Operating expenses		85,000
Total general fund appropriation		\$ 660,000
Subdivision 13.		
DIRECTOR OF INSTITUTIONS		
Institutional medical fees		\$ 110,000
Total general fund appropriation		\$ 110,000
Subdivision 14.		
SCHOOL FOR THE DEAF		
Capital improvements		\$ 89,000
Total general fund appropriation		\$ 89,000
Grand total general fund appropriation S.B. 2021		\$2,123,068
Grand total special funds appropriation S.B. 2021		\$ 39,000
Grand total all funds appropriation S.B. 2021		\$2,162,068

SECTION 2. APPROPRIATION - INCREASED RATES FOR NURSING HOMES. The appropriation included in subdivision 9 of section 1 of this Act shall be used by the department of human services to match available federal and county funds to provide a total of \$456,331 for the payment of increased rates to nursing homes for the period beginning April 1, 1991, and ending

June 30, 1991. These increased rates are intended to restore a portion of the funding for efficiency incentives and operating margins which were reduced as a result of the December 1989 tax referrals. The department shall submit amendments to the state plan for medical assistance necessary to increase the funding for efficiency incentives and operating margins. The appropriation included in subdivision 9 of section 1 of this Act is contingent on approval of necessary state plan amendments by the health care financing administration.

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

Approved April 8, 1991  
Filed April 8, 1991

## CHAPTER 49

SENATE BILL NO. 2022  
(Committee on Appropriations)

### PROTECTION AND ADVOCACY PROJECT

AN ACT making an appropriation for defraying the expenses of the protection and advocacy project.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the protection and advocacy project for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$1,692,982
Information services	45,015
Operating expenses	477,418
Equipment	20,844
Total all funds	<u>\$2,236,259</u>
Less estimated income	863,310
Total general fund appropriation	<u>\$1,372,949</u>

Approved April 8, 1991  
Filed April 8, 1991

## CHAPTER 50

SENATE BILL NO. 2032  
(Legislative Council)  
(Interim Budget Committee on Long-Term Care)

### **BASIC CARE FACILITIES**

AN ACT making an appropriation from the state aid distribution fund for county optional supplemental payment grants by the department of human services; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. Notwithstanding section 57-39.2-26.1, there is hereby appropriated out of any moneys in the state aid distribution fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary, to the department of human services for allocation pursuant to section 50-01-09.2 to assist counties in meeting the cost of services provided in basic care facilities for the period beginning August 1, 1990, and ending June 30, 1991. County social service boards need not have established and paid rates for residents of basic care facilities which conform to the payable rate requirements of section 75-02-07-17 of the North Dakota Administrative Code in order to receive a part of this allocation.

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

Approved April 5, 1991  
Filed April 8, 1991

## CHAPTER 51

SENATE BILL NO. 2086  
(Redlin, Meyer)

### NOXIOUS WEED CONTROL

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the lands and minerals trust fund, not otherwise appropriated, the sum of \$34,500, or so much thereof as may be necessary, to the board of university and school lands for the purpose of controlling noxious weeds on the bed and islands of the Little Missouri River and on the state-owned Burlington project in Ward County for the biennium beginning July 1, 1991, and ending June 30, 1993. The board of university and school lands shall distribute these funds to the weed boards in Billings, Bowman, Golden Valley, Slope, McKenzie, and Ward counties based upon demonstrated need. Not more than \$22,500 may be distributed for noxious weed control on the Little Missouri River and not more than \$12,000 may be distributed for noxious weed control on the state-owned Burlington project in Ward County.

Approved March 11, 1991  
Filed March 11, 1991

## CHAPTER 52

SENATE BILL NO. 2572  
(Heinrich, O'Connell, Graba, Kelsh, Peterson)  
(Approved by the Committee on Delayed Bills)

### FOUNDATION AID

AN ACT making an appropriation for foundation aid per-pupil payments by the superintendent of public instruction; providing legislative intent; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$7,000,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of making foundation aid per-pupil payments for the period beginning January 1, 1991, and ending June 30, 1991.

SECTION 2. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the per-pupil payments resulting from the appropriation made in section 1 of this Act are to be computed and distributed in proportion to payments made on a per-pupil basis for the second year of the 1989-91 biennium.

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

Approved April 16, 1991  
Filed April 18, 1991

## CHAPTER 53

SENATE BILL NO. 2594  
 (Senators Satrom, Lips, Lindaas)  
 (Representatives Rydell, DeMers)  
 (Approved by the Committee on Delayed Bills)

### STATE EMPLOYEE ADDITIONAL COMPENSATION

AN ACT to provide an appropriation for additional compensation to North Dakota state employees; to amend and reenact sections 4-01-21, 15-21-02, 26.1-01-09, 27-02-02, 27-05-03, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, superintendent of public instruction, commissioner of insurance, supreme court justices, district court judges, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated out of the general fund and from special funds or moneys derived from federal funds or income in the state treasury as indicated to the agencies and institutions of state government named for the purpose of providing additional compensation to employees for the various agencies and institutions for the period beginning July 1, 1992, and ending June 30, 1993:

AGENCY OR INSTITUTION	GENERAL FUND	SPECIAL FUNDS	TOTAL
Governor	\$ 8,435		\$ 8,435
Lieutenant governor	1,691		1,691
Secretary of state	14,089		14,089
Office of management and budget			
Facility management	33,571		33,571
Central operations	36,066		36,066
Information services division		\$ 72,680	72,680
State auditor	23,078	13,553	36,631
Central duplicating services		13,524	13,524
State treasurer	5,072		5,072
Attorney general	68,453	3,602	72,055
Tax department	87,896		87,896
Legislative council	22,772		22,772
Supreme court	32,589		32,589
Judicial qualifications commission	2,254		2,254
District court	54,322		54,322
Retirement and investment office		12,361	12,361
Public employees retirement board		12,962	12,962
Public instruction	34,155	41,744	75,899

Board of higher education	7,816		7,816
Land department		10,989	10,989
Bismarck state college	80,120		80,120
UND-Lake Region	26,550		26,550
UND-Williston	27,836		27,836
University of North Dakota	585,288		585,288
Medical center rehabilitation hospital		109,395	109,395
University of North Dakota medical center	122,387	81,931	204,318
State toxicologist	4,332		4,332
North Dakota state university	456,891		456,891
North Dakota state college of science	145,154		145,154
Dickinson state university	75,129		75,129
Mayville state university	45,136		45,136
Minot state university	159,204		159,204
Valley City state university	68,265		68,265
NDSU-Bottineau branch	25,440		25,440
North Dakota forest service	11,947		11,947
State library	13,810		13,810
School for the deaf	29,615		29,615
School for the blind	19,806		19,806
Vocational education	8,169	9,984	18,153
State department of health and consolidated laboratories	97,076	64,718	161,794
Veterans home	16,071	24,106	40,177
Indian affairs commission	1,127		1,127
Veterans affairs	2,818		2,818
Children's services coordinating committee	2,215		2,215
Department of human services			
Executive office	997	111	1,108
Managerial support	34,577	15,535	50,112
Economic assistance	19,345	6,448	25,793
Medical assistance	7,924	13,491	21,415
Vocational rehabilitation	12,050	11,578	23,628
Office of field services	38,147	1,180	39,327
Regional centers	337,161	21,521	358,682
State hospital	409,223	8,352	417,575
Developmental center	136,633	277,405	414,038
Protection and advocacy project	16,263		16,263
Insurance commissioner		19,142	19,142
Industrial commission		30,414	30,414
Labor commissioner	3,905		3,905
Public service commission	18,288	9,848	28,136
Aeronautics commission	358	2,460	2,818
Department of banking and financial institutions		12,962	12,962
Securities commissioner	3,945		3,945
Bank of North Dakota		103,044	103,044
Housing finance agency		21,134	21,134
Job service		257,493	257,493
Workers compensation bureau		60,019	60,019
Highway patrol		114,476	114,476
Radio communications	16,906		16,906
Emergency management	2,536	7,608	10,144

Department of corrections			
Central office	2,818		2,818
Juvenile services	13,226		13,226
Industrial school	32,017	13,722	45,739
State penitentiary	103,271		103,271
Penitentiary industries		12,962	12,962
Parole and probation	21,302	2,367	23,669
Adjutant general	19,123	49,665	68,788
Economic development and finance department	18,542		18,542
Department of agriculture	18,935	4,734	23,669
Milk stabilization board		3,156	3,156
Oilseed council		564	564
Seed department		20,007	20,007
Board of animal health	3,495		3,495
State wheat commission		4,175	4,175
Transportation institute	2,112	3,596	5,708
Extension service	111,639	13,798	125,437
Northern crops institute	2,771	1,132	3,903
Main research center	141,325	60,568	201,893
Dickinson research center	6,317		6,317
Central grassland research center	2,812		2,812
Hettinger research center	3,285	365	3,650
Langdon research center	2,866	506	3,372
North central research center	3,369		3,369
Williston research center	3,653		3,653
Carrington research center	5,828	2,048	7,876
Agronomy seed farm		1,685	1,685
Land reclamation research center		11,344	11,344
Historical society	27,839	1,465	29,304
Council on the arts	1,803	451	2,254
Soil conservation committee	6,156		6,156
Centennial trees commission	564		564
Game and fish department		66,500	66,500
Department of tourism	5,072		5,072
Department of parks and recreation	20,880	1,099	21,979
Water commission	45,630		45,630
Department of transportation			
Transportation operation		567,091	567,091
Fleet services		9,242	9,242
Motor vehicle		27,614	27,614
Total	\$4,141,553	\$2,345,626	\$6,487,179

SECTION 2. STATE EMPLOYEE SALARY INCREASES - EFFECTIVE DATE. The amounts appropriated in section 1 of this Act are only to be available to state agencies and institutions beginning on July 1, 1992, to be paid beginning on August 1, 1992, or later, for employee compensation increases of forty dollars per month for each permanent full-time employee.

\* SECTION 3. AMENDMENT. Section 4-01-21 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

\* NOTE: Section 4-01-21 was also amended by section 14 of Senate Bill No. 2001, chapter 28.

\* SECTION 4. AMENDMENT. Section 15-21-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-21-02. Salary and traveling expenses. The annual salary of the superintendent of public instruction is fifty fifty-two thousand three hundred twelve dollars through June 30, 1992, and fifty-two thousand seven hundred ninety-two dollars thereafter. The superintendent is also entitled to reimbursement for expenses incurred in the discharge of official duties, such expenses to be paid monthly on a warrant prepared by the office of management and budget and signed by the state auditor, upon the filing of an itemized and verified statement of expenses.

\*\* SECTION 5. AMENDMENT. Section 26.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

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

\*\*\* SECTION 6. AMENDMENT. Section 27-02-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-02-02. Salaries of judges of supreme court. Each judge of the supreme court shall be entitled to receive an annual salary commencing July 1, 1989, of sixty three seventy-one thousand eight hundred seventy one seventy-five dollars except that the through June 30, 1992, and seventy-one thousand five hundred fifty-five dollars thereafter. The chief justice of the supreme court shall be entitled to receive an additional one two thousand seven hundred seventy seven dollars per annum and commencing on July 1, 1990, each judge of the supreme court shall receive an annual salary of sixty eight thousand three hundred forty two dollars except that the chief justice of the supreme court shall receive an additional one thousand nine hundred one dollars per annum through June 30, 1992, and two thousand forty dollars per annum thereafter.

\*\*\*\* SECTION 7. AMENDMENT. Section 27-05-03 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-05-03. Salaries and expenses of district judges. Each district judge of this state shall be entitled to receive an annual salary commencing July 1, 1989, of fifty nine sixty-five thousand four hundred five ninety dollars and commencing July 1, 1990, an annual salary of sixty two thousand nine hundred sixty nine dollars and his through June 30, 1992, and sixty-five thousand nine hundred seventy dollars thereafter. Each district judge is entitled to actual travel expenses, which shall include including mileage and subsistence while engaged in the discharge of his official duties outside the county in which his the judge's chambers are located. Such salary and expenses shall be payable monthly in the manner provided by law.

Each district judge who has been appointed by the supreme court to act as presiding judge of a judicial district shall be entitled to receive an additional one thousand four five hundred eight fifty dollars per annum commencing July 1, 1989, and one thousand four hundred ninety three dollars per annum commencing July 1, 1990, through June 30, 1992, and one thousand five hundred eighty-one dollars thereafter.

\* NOTE: Section 15-21-02 was also amended by section 7 of Senate Bill No. 2003, chapter 30.

\*\* NOTE: Section 26.1-01-09 was also amended by section 15 of Senate Bill No. 2001, chapter 28.

\*\*\* NOTE: Section 27-02-02 was also amended by section 4 of House Bill No. 1002, chapter 2.

\*\*\*\* NOTE: Section 27-05-03 was also amended by section 5 of House Bill No. 1002, chapter 2.

\* SECTION 8. AMENDMENT. Section 34-05-01.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-05-01.2. Department of labor to be administered by commissioner of labor. The department of labor must be administered by a commissioner of labor who must be elected for a four-year term on a no-party ballot in the year 1966 and every four years thereafter in the same manner as provided for no-party candidates pursuant to title 16.1. Following his election, the term of the commissioner of labor commences on the same day as the terms for other elected state officials. The commissioner of labor shall possess the same qualifications for office as the commissioner of agriculture. The annual salary of the commissioner of labor is forty-nine thousand ~~three~~ nine hundred dollars through June 30, 1992, and fifty-one thousand seven hundred fifty-two dollars thereafter.

\*\* SECTION 9. AMENDMENT. Section 49-01-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

49-01-05. Salary of commissioners. The annual salary of a commissioner is forty-nine ~~thirty~~ fifty-one thousand ~~three~~ two hundred ~~seventy~~ two dollars through June 30, 1992, and fifty-one thousand seven hundred fifty-two dollars thereafter. All fees received or charged by any such commissioner for any act or service rendered in any official capacity, shall be accounted for and paid over by him monthly to the state treasurer and shall be credited to the general fund of the state.

\*\*\* SECTION 10. AMENDMENT. Section 54-07-04 of the North Dakota Century Code is amended and reenacted as follows:

54-07-04. Salary of governor. The annual salary of the governor is sixty-five ~~sixty~~ sixty-seven thousand two eight hundred four dollars through June 30, 1992, and sixty-eight thousand two hundred eighty-four dollars thereafter.

\*\*\*\* SECTION 11. AMENDMENT. Section 54-08-03 of the North Dakota Century Code is amended and reenacted as follows:

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

\*\*\*\*\* SECTION 12. AMENDMENT. Section 54-09-05 of the North Dakota Century Code is amended and reenacted as follows:

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

\*\*\*\*\* SECTION 13. AMENDMENT. Section 54-10-10 of the North Dakota Century Code is amended and reenacted as follows:

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

\* NOTE: Section 34-05-01.2 was also amended by section 17 of Senate Bill No. 2001, chapter 28.

\*\* NOTE: Section 49-01-05 was also amended by section 19 of Senate Bill No. 2001, chapter 28.

\*\*\* NOTE: Section 54-07-04 was also amended by section 30 of Senate Bill No. 2001, chapter 28.

\*\*\*\* NOTE: Section 54-08-03 was also amended by section 31 of Senate Bill No. 2001, chapter 28.

\*\*\*\*\* NOTE: Section 54-09-05 was also amended by section 32 of Senate Bill No. 2001, chapter 28.

\*\*\*\*\* NOTE: Section 54-10-10 was also amended by section 33 of Senate Bill No. 2001, chapter 28.

\* SECTION 14. AMENDMENT. Section 54-11-13 of the North Dakota Century Code is amended and reenacted as follows:

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

\*\* SECTION 15. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

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

\*\*\* SECTION 16. AMENDMENT. Section 57-01-04 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

Approved April 16, 1991  
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- \* NOTE: Section 54-11-13 was also amended by section 34 of Senate Bill No. 2001, chapter 28.
- \*\* NOTE: Section 54-12-11 was also amended by section 35 of Senate Bill No. 2001, chapter 28.
- \*\*\* NOTE: Section 57-01-04 was also amended by section 36 of Senate Bill No. 2001, chapter 28.