

APPROPRIATIONS

CHAPTER 1

HOUSE BILL NO. 1001
(Appropriations Committee)

ELECTED OFFICIALS

AN ACT to provide an appropriation for defraying the expenses of various elected officials, the securities commissioner, the legislative council, and the insurance tax payments to fire departments; to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the authority of the attorney general to borrow funds to obtain evidence for law enforcement; to amend and reenact section 5-03-01, subsection 3 of section 26.1-01-07.1, subsection 7 of section 49-02-02, sections 53-06.1-12.1, 54-12-17, 54-12-18, and 60-06-06.1 of the North Dakota Century Code, relating to an exemption to wholesale liquor license requirements, the operation of the insurance regulatory trust fund, regulation of public utilities by the public service commission, deposit of the games of chance tax, operation of the attorney general refund fund, and the name of the consumer fraud and antitrust division; and to repeal sections 49-06-18, 49-06-19, 49-06-20, 49-06-21, 49-06-22, and 49-06-23 of the North Dakota Century Code, relating to costs of hearings for purposes of valuing public utility property and the public utility valuation fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income the sums as hereinafter provided to the various elected officials and the securities commissioner for the purpose of defraying the expenses of the various elected officials of the state of North Dakota and the securities commissioner, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

GOVERNOR'S OFFICE

Salaries and wages	\$ 1,564,596
Information services	42,387
Operating expenses	323,153
Equipment	9,145
Contingency	13,893
ND-Sask-Man commission	2,000
Yellow-Missouri-Fort Union commission	5,239
Roughrider awards	<u>2,400</u>
Total general fund appropriation	\$ 1,962,813

Subdivision 2.

SECRETARY OF STATE

Salaries and wages	\$ 1,448,489
Information services	1,194,938

Operating expenses	553,489
Equipment	54,000
Limited liability administration	5,000
Public printing	366,500
Petition review	<u>17,000</u>
Total general fund appropriation	\$ 3,639,416

Subdivision 3.

ATTORNEY GENERAL

Salaries and wages	\$11,341,664
Information services	515,684
Operating expenses	2,734,586
Equipment	295,743
Grants	2,363,504
Grants to state agencies	1,650,118
Local gaming enforcement grants	1,224,000
Controlled substances board	4,000
Arrest and return of fugitives	34,376
ARC legal fees	91,027
State employee defense	250,000
Gaming commission	20,000
Racing commission	222,421
Litigation fees	<u>418,324</u>
Total all funds	\$21,165,447
Less estimated income	<u>9,388,462</u>
Total general fund appropriation	\$11,776,985

Subdivision 4.

STATE AUDITOR

Salaries and wages	\$ 4,547,666
Information services	116,329
Operating expenses	409,382
Equipment	<u>45,120</u>
Total all funds	\$ 5,118,497
Less estimated income	<u>1,843,076</u>
Total general fund appropriation	\$ 3,275,421

Subdivision 5.

STATE TREASURER

Salaries and wages	\$ 552,085
Information services	32,167
Operating expenses	57,021
Equipment	7,150
Veterans' postwar trust fund	<u>745,670</u>
Total all funds	\$ 1,394,093
Less estimated income	<u>5,000</u>
Total general fund appropriation	\$ 1,389,093

Subdivision 6.

STATE TAX COMMISSIONER

Salaries and wages	\$10,421,404
Information services	1,365,653
Operating expenses	2,251,440
Equipment	82,888

Attorney and expert witness contingency	190,000
City tax administration fees	400,000
Motor fuels tax compliance	150,000
Total all funds	<u>\$14,861,385</u>
Less estimated income	<u>150,000</u>
Total general fund appropriation	<u>\$14,711,385</u>

Subdivision 7.

LABOR COMMISSIONER

Salaries and wages	\$ 580,487
Information services	24,535
Operating expenses	110,313
Equipment	4,200
Total all funds	<u>\$ 719,535</u>
Less estimated income	<u>82,080</u>
Total general fund appropriation	<u>\$ 637,455</u>

Subdivision 8.

PUBLIC SERVICE COMMISSION

Salaries and wages	\$ 4,267,388
Information services	113,286
Operating expenses	5,199,461
Equipment	72,100
Grants to state agencies	20,000
Total all funds	<u>\$ 9,672,235</u>
Less estimated income	<u>6,180,697</u>
Total general fund appropriation	<u>\$ 3,491,538</u>

Subdivision 9.

AGRICULTURE COMMISSIONER

Salaries and wages	\$ 2,401,963
Information services	86,257
Operating expenses	1,450,875
Equipment	19,500
Grants	111,720
Grants to state agencies	450,000
Pride of dakota	150,000
Waterbank program	214,000
Rangeland grasshopper control	50,000
Pesticide disposal	592,235
Ag mediation	1,792,037
Noxious weeds	982,856
Ag in the classroom	25,000
Total all funds	<u>\$ 8,326,443</u>
Less estimated income	<u>3,939,663</u>
Total general fund appropriation	<u>\$ 4,386,780</u>

Subdivision 10.

INSURANCE COMMISSIONER

Salaries and wages	\$ 3,192,202
Information services	83,243
Operating expenses	770,478
Equipment	19,609
Boiler inspection	<u>341,552</u>

Total special funds appropriation	\$ 4,407,084
Subdivision 11.	
SECURITIES COMMISSIONER	
Salaries and wages	\$ 521,121
Information services	17,920
Operating expenses	62,051
Equipment	5,600
Total general fund appropriation	\$ 606,692
Grand total general fund appropriation H.B. 1001	\$46,025,578
Grand total special funds appropriation H.B. 1001	\$31,258,762
Grand total all funds H.B. 1001	\$77,284,340

SECTION 2. APPROPRIATION - INSURANCE TAX PAYMENTS TO FIRE DEPARTMENTS. There is hereby appropriated out of any moneys in the insurance tax distribution fund in the state treasury, not otherwise appropriated, the sum of \$5,262,700, or so much of the sum as may be necessary, to the commissioner of insurance for the purpose of making payments of insurance premiums to fire departments for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 3. INSURANCE TAX PAYMENTS TO FIRE DEPARTMENTS - ADDITIONAL INCOME - APPROPRIATION. All income deposited in the insurance tax distribution fund pursuant to the provisions of House Bill No. 1036, as approved by the fifty-third legislative assembly, in addition to the funds appropriated in section 2 of this Act, is hereby appropriated to the commissioner of insurance for the purpose of making payments of insurance premiums to fire departments for the biennium beginning July 1, 1993, and ending June 30, 1995, and may be spent only upon approval of the budget section of the legislative council.

SECTION 4. APPROPRIATION - LEGISLATIVE COUNCIL. Notwithstanding section 49-21-22, there is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000, or so much of the sum as may be necessary, to the legislative council for the purpose of paying per diem for the 1991-93 biennium for legislative members of the regulatory reform review commission for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 5. REGULATORY REFORM REVIEW COMMISSION EXPENSES - CHARGES TO UTILITY COMPANIES. The public service commission shall charge public utility companies actual costs incurred pursuant to section 4 of this Act plus actual costs associated with the regulatory reform review commission, including expenses of legislative members of the commission for the period ending June 30, 1995, and deposit the moneys collected pursuant to this section in the general fund.

SECTION 6. TRANSFER. On July 1, 1993, the state treasurer shall transfer the unobligated balance of the public utility valuation fund to the general fund in the state treasury. After payment of all obligations of the public utility valuation fund, the state treasurer shall transfer the balance to the general fund in the state treasury.

SECTION 7. 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 of the sum as may be necessary, to the public service commission for the purpose of defraying the expenses of public utility regulation for the biennium beginning July 1, 1993, and ending June 30, 1995.

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 \$45,000, or so much of the sum as may be necessary, to the legislative council for the purpose of defraying the expenses of the legislative members of the regulatory reform review commission for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 9. LEGISLATIVE INTENT - SECRETARY OF STATE. It is the intent of the legislative assembly that the secretary of state pay no more than seventy-one percent of central indexing system fee collections to counties for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 10. STATE AUDITOR - APPROPRIATION LIMITATION. Of the \$3,275,421 appropriated from the general fund to the state auditor in subdivision 4 of section 1 of this Act, \$63,000 of this amount is equal to the estimated amount of funds remaining unspent from the general fund appropriation provided to the state auditor for the 1991-93 biennium contained in 1991 Senate Bill No. 2001. Expenditure of funds pursuant to this \$63,000 general fund appropriation included in subdivision 4 of section 1 of this Act may not exceed the amount of funds remaining unspent pursuant to the general fund appropriation contained in subdivision 5 of section 1 of 1991 Senate Bill No. 2001.

SECTION 11. INSURANCE REGULATORY TRUST FUND - TRANSFER. Notwithstanding subsection 3 of section 26.1-01-07.1, the state treasurer shall transfer any funds in excess of \$1,500,000 in the insurance regulatory trust fund on June 30, 1994, to the general fund.

SECTION 12. 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, 1993, and ending June 30, 1995.

SECTION 13. FIRE AND TORNADO FUND - ATTORNEY GENERAL. The estimated income included in the appropriation for the attorney general in subdivision 3 of section 1 of this Act includes the sum of \$617,522, or so much of the sum as may be necessary, from the state fire and tornado fund, for the purpose of defraying the expenses related to the state fire marshal program.

SECTION 14. LOCAL GAMING ENFORCEMENT GRANTS - ATTORNEY GENERAL. The attorney general, through the state treasurer's office, shall pay, from funds appropriated in the local gaming enforcement grants line item in subdivision 3 of section 1 of this Act, \$153,000 per quarter to cities and counties in proportion to the adjusted gross proceeds within each city, for sites within city limits, or within each county, for sites outside city limits, to the total adjusted gross proceeds for the biennium beginning July 1, 1993, and ending June 30, 1995. The attorney general may make a payment to a city or county pursuant to this section only if the amount owed to a city or county for that quarter is ten dollars or more. Any amounts received by a city or county under this section must be used by the city or county for expenses connected with gaming enforcement within the city or county.

SECTION 15. 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 \$1,025,000 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 16. ASSET FORFEITURE FUND - ATTORNEY GENERAL. The sum of \$32,485 is available from the asset forfeiture fund for the attorney general as included in estimated income in subdivision 3 of section 1 of this Act.

SECTION 17. BONDING FUND - INSURANCE COMMISSIONER. Subdivision 10 of section 1 of this Act includes the sum of \$112,969, or so much of the sum as may be necessary, from the state bonding fund to pay bonding fund administrative expenses for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 18. FIRE AND TORNADO FUND - INSURANCE COMMISSIONER. Subdivision 10 of section 1 of this Act includes the sum of \$646,996, or so much of the sum as may be necessary, from the state fire and tornado fund to pay fire and tornado administrative expenses and boiler inspection program expenses for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 19. UNSATISFIED JUDGMENT FUND - INSURANCE COMMISSIONER. Subdivision 10 of section 1 of this Act includes the sum of \$129,540, or so much of the sum as may be necessary, from the state unsatisfied judgment fund to pay unsatisfied judgment administrative expenses for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 20. PETROLEUM TANK RELEASE COMPENSATION FUND - INSURANCE COMMISSIONER. The sum of \$182,571, or so much of the sum as may be necessary, included in subdivision 10 of section 1 of this Act, is from the petroleum tank release compensation fund for petroleum tank release compensation fund administrative expenses for the biennium beginning July 1, 1993, and ending June 30, 1995.

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

SECTION 22. COLLECTIONS - PUBLIC SERVICE COMMISSIONER. Notwithstanding any other provisions of law, up to \$26,681 in funds generated by the public service commission due to oil and gas meter monitoring responsibilities for the period beginning July 1, 1993, and ending June 30, 1995, is included in subdivision 8 of section 1 of this Act as estimated income. Any amounts in excess of \$26,681 shall be deposited in the general fund.

SECTION 23. APPROPRIATION - ATTORNEY GENERAL. Subdivision 3 of section 1 of this Act includes the appropriation of up to \$15,000 in revenues collected from fees

charged for gaming law and administrative rules manuals published by the attorney general for the period beginning July 1, 1993, and ending June 30, 1995.

SECTION 24. POLITICAL SUBDIVISION AUDIT FEES. The estimated income line item in subdivision 4 of section 1 of this Act includes \$1,245,390 from political subdivision audit fees. Any amounts in excess of \$1,245,390 shall remain in the state auditor operating account.

SECTION 25. INCOME AUTHORIZATION - STATE TREASURER. The state treasurer is authorized, as included in the appropriation for the state treasurer in subdivision 5 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 26. AGRICULTURE COMMISSIONER - ENVIRONMENT AND RANGELAND PROTECTION FUND. The estimated income line item in subdivision 9 of section 1 of this Act includes the sum of \$1,235,000, or so much of the sum as may be necessary, from the environment and rangeland protection fund for the purpose of defraying pesticide and noxious weeds program costs, of which \$650,000 is for the pesticide program and \$585,000 is for the noxious weeds program, for the biennium beginning July 1, 1993, and ending June 30, 1995. Of the \$585,000 provided for the noxious weeds program, \$50,000 of this amount is equal to the estimated amount of funds remaining unspent from the appropriation provided for the noxious weeds program for the 1991-93 biennium contained in 1991 Senate Bill No. 2451. Expenditure of funds pursuant to this \$50,000 included in the estimated income line item in subdivision 9 of section 1 of this Act may not exceed the amount of funds remaining unspent pursuant to the appropriation contained in 1991 Senate Bill No. 2451. Of the \$650,000 provided for the pesticide program, \$50,000 of this amount is equal to the additional estimated amount of funds remaining unspent in addition to the amounts appropriated in Senate Bill No. 2387 from the appropriation provided for the pesticide program for the 1991-93 biennium contained in 1991 Senate Bill No. 2025. Expenditure of funds pursuant to this \$50,000 included in the estimated income line item in subdivision 9 of section 1 of this Act may not exceed the amount of funds remaining unspent, pursuant to the appropriation contained in 1991 Senate Bill No. 2025 considering the amounts appropriated in Senate Bill No. 2387.

SECTION 27. AMENDMENT. Section 5-03-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5-03-01. State wholesale license required - Qualifications - Penalty - Exception. Before any person engages in the sale at wholesale of beer or liquor in this state, that person shall first procure a license from only the state treasurer. That A lender who acquires an inventory of beer or liquor by reason of foreclosure of a security interest in the inventory is exempt from obtaining a license before the sale of the inventory. The lender shall offer the inventory for sale first to the wholesaler. A lender who forecloses upon a security interest in beer inventory for which the lender has a security interest shall dispose of the beer inventory within ninety days of obtaining possession of the inventory. The license must only allow sale to licensed retailers, licensed wholesalers, regular retail outlets on federal military reservations, and sale for export from a federally bonded warehouse, or a foreign trade zone, to an export bonded warehouse. No such license may be issued unless the applicant files a sworn application, accompanied by the required fee, showing the following qualifications:

1. If the applicant is not a corporation, the applicant must be a citizen of the United States and a resident of this state and a person of good moral character. If the applicant is a corporation, the manager of the licensed premises must be a resident of this state, a citizen of the United States, and a person of good moral character, and the officers, directors, and stockholders must be citizens of the United States and persons of good moral character. Corporate applicants must first be properly registered with the secretary of state.
2. The state treasurer may require the applicant to set forth other information necessary to enable the state treasurer to determine if a license should be granted.
3. A person is not eligible for such a license unless that person has a warehouse and office in this state, in which is kept a complete set of records relative to that person's alcoholic beverage transactions in this state.
4. The applicant may not have any financial interest in any retail alcoholic beverage business.
5. The provisions of this section relating to warehousing do not apply to a wholesaler of beer located in an adjoining state that permits wholesalers licensed in North Dakota to deliver beer to retailers without warehousing in that state.

Any person distributing alcoholic beverages in this state without compliance with ~~the provisions of~~ this title is guilty of a class B misdemeanor.

SECTION 28. AMENDMENT. Subsection 3 of section 26.1-01-07.1 of the North Dakota Century Code is amended and reenacted as follows:

3. Any cash balance in the insurance regulatory trust fund after all current biennium expenditures are met must be carried forward in the insurance regulatory trust fund for the next succeeding biennium, except when the balance at the end of the biennium exceeds ~~two one~~ million five hundred thousand dollars, any excess will be transferred to the general fund in the state treasury.

¹ **SECTION 29. AMENDMENT.** Subsection 7 of section 49-02-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7. Employ, and fix the compensation of, rate experts, engineers, auditors, attorneys, and all other expert help and assistance for hearings or investigations on rate increase application hearings, investigations, and proceedings relating to applications filed by gas, or electric, or telecommunications public utilities. The expense of any hearings, or investigations, and proceedings, and the compensation and actual expenses of any employees of the commission while engaged upon any such hearing, or investigation, or proceeding, shall must upon the order of the

¹ NOTE: Section 49-02-02 was also amended by section 106 of Senate Bill No. 2223, chapter 54.

commission be paid by the public utility being ~~investigated or involved in such hearing or proceeding.~~ The commission shall ascertain ~~such~~ the costs and expenditures. After giving the public utility notice and opportunity to demand a hearing, and after a hearing, if any, is held, the commission shall render a bill and make an order for payment by certified mail or by personal delivery to one of the managing officers of the public utility. The billing and order may be made from time to time during the hearing, ~~or investigation, or proceeding,~~ or at the conclusion thereof, as the commission ~~shall determine~~ determines. Upon receipt of the bill and order for payment, as evidenced by return receipt or other proof, the public utility, ~~within ten days after receipt,~~ shall pay to the commission the amount billed. All amounts not paid within thirty days after receipt of the order for payment shall draw interest at the rate of six percent per annum from the date of receipt of the order. All costs and expenses collected by the commission under this subsection shall must be paid into deposited in the general fund of in the state treasury.

SECTION 30. AMENDMENT. Section 53-06.1-12.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-12.1. Allocation of games Games of chance tax — Appropriation. The state treasurer, ~~at the direction of the 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 deposit all taxes collected under this chapter must be deposited by the state treasurer in the general fund in the state treasury.~~

SECTION 31. AMENDMENT. Section 54-12-17 of the North Dakota Century Code is amended and reenacted as follows:

54-12-17. Consumer fraud protection and antitrust division. A consumer fraud protection and antitrust division is created under the attorney general. This division consists of a director and such other personnel as may be appointed by the attorney general. ~~‡~~ The division shall act to enforce the consumer fraud laws and act with regard to the use or employment by any person of any deceptive act or practice, fraud, false pretense, false promise, or misrepresentation with the intent that others rely thereon in connection with the sale or advertisement of any merchandise, whether or not any person has in fact been misled, deceived, or damaged thereby, and shall make full investigation of such activities and maintain adequate facilities for filing reports, examining persons and merchandise in regard thereto, and storing impounded books, records, accounts, papers, and samples of merchandise relating to same. The division shall ~~further~~ cooperate with other governmental agencies, national, state, or local, and with all peace officers of the state in regard thereto. The division shall ~~also~~ shall investigate antitrust violations and enforce antitrust laws.

SECTION 32. AMENDMENT. Section 54-12-18 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-12-18. Special fund established - Continuing appropriation. A special fund is established in the state treasury and designated as the attorney general refund fund. The attorney general shall deposit all moneys recovered by the consumer ~~fraud protection~~ division for refunds to consumers in cases where persons or parties are found to have violated the consumer fraud laws, all costs, expenses, attorney's fees, and civil penalties collected by the division regarding any consumer ~~fraud protection~~ or antitrust matter, ~~and~~ all cash deposit bonds paid by applicants for a transient merchant's license who do not provide a surety bond, ~~and all funds and fees collected by the gaming section for licensing tribal gaming and for the investigation of gaming employees, applicants, organizations, manufacturers, distributors, or tribes involved in state or tribal gaming.~~ The moneys in the fund are appropriated, as necessary, for the following purposes:

1. To provide refunds of moneys recovered by the consumer ~~fraud protection~~ and antitrust division on behalf of consumers;
2. To pay valid claims against cash deposit bonds posted by transient merchant licensees;
3. To refund, upon expiration of the two-year period after the expiration of the transient merchant's license, the balance of any cash deposit bond remaining after the payment of valid claims;
4. To pay costs, expenses, and attorney's fees and salaries incurred in the operation of the consumer ~~fraud protection~~ division; and
5. To pay the actual costs of a background ~~investigation of applicants for a gaming employee work permit investigations, licensing, and enforcement of gaming in the state or pursuant to Indian gaming compacts.~~

At the end of each fiscal year any moneys in the fund in excess of the amounts required for subsections 1, 2, 3, and 5 must be deposited in the general fund. The attorney general, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for use of the attorney general refund fund, particularly with respect to expenditures under subsection 4.

SECTION 33. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Loans for law enforcement activities. The attorney general may obtain unsecured loans from any financial institution in this state for the purpose of conducting the activities listed in subsection 1 of section 54-12-14. Any funds obtained under this section must be repaid at the end of each biennium and are not subject to appropriation limitations.

SECTION 34. AMENDMENT. Section 60-06-06.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

60-06-06.1. Determination - Appropriation. Any party may petition the public service commission to determine rights governed under this chapter. The commission shall determine the matter in accordance with chapter 28-32 and the parties' rights of appeal are as limited by chapter 28-32. The commission shall conduct each hearing required under this section in the county where the right of way at issue is located. The parties to the determination proceeding shall pay the expense of the

proceeding, the compensation of any experts, and actual expenses of any employees of the commission while engaged in the proceeding. The commission shall ascertain those costs and expenditures and, after giving the parties notice and opportunity to be heard, and after a hearing to determine the amount of cost and expenditures if a hearing is demanded by either of the parties, shall render a bill and make and transmit to the parties an order for payment by registered mail. Within ten days after receipt of the order, the parties shall pay to the commission the amount of the costs and expenses. The commission shall deposit all costs and expenses collected under this section in the ~~public utility valuation revolving~~ general fund in the state treasury. ~~All moneys transferred or deposited in the public utility valuation revolving fund for the payment of costs and expenses incurred under this section are hereby appropriated. These moneys are not subject to section 54-44.1-11.~~

SECTION 35. REPEAL. Sections 49-06-18, 49-06-19, 49-06-20, 49-06-21, and 49-06-22 of the North Dakota Century Code and section 49-06-23 of the 1991 Supplement to the North Dakota Century Code are repealed.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 2

HOUSE BILL NO. 1002
(Appropriations Committee)

HUMAN SERVICES

AN ACT to provide an appropriation for defraying the expenses of the department of human services, an appropriation from the lands and minerals trust fund to the common schools trust fund, an appropriation from the revolving loan fund maintained in the Bank of North Dakota, and an appropriation from the state aid distribution fund; to provide for the transfer of appropriations between agencies and institutions and to require budget section approval of alternative programs at the state hospital; to create and enact a new subsection to section 23-01-03, a new subsection to section 23-17.2-02, a new subsection to section 50-06-05.1, a new section to chapter 50-06.2, and a new chapter to title 50 of the North Dakota Century Code, relating to the duties of the North Dakota health council, to the definition of long-term care facility, to the certificate of need program, to the lease of developmental center facilities or properties, to payment of services by county and state matching funds, and to aid to aged, blind, and disabled persons; to create and enact section 2 to House Bill No. 1274 as approved by the fifty-third legislative assembly, relating to residential care and services for the developmentally disabled and to provide an expiration date for that Act; to amend and reenact subsection 4 of section 14-09-08.4, section 14-09-08.8, subsection 7 of section 23-17.2-02, sections 23-17.2-03, and 50-01-01 of the North Dakota Century Code and section 4 of chapter 561 of the 1991 Session Laws of North Dakota, relating to amendment of support orders to meet the medical needs of children, to the definition of health care facility, to the scope of the certificate of need program, to state assistance for county poor relief costs, to matching funds for senior citizen services, and to extending an appropriation for the developmental center; to repeal sections 50-01-09.2 and 50-06-14.2 of the North Dakota Century Code, relating to state assistance for county poor relief costs and to rates payable to basic care facilities to provide for a review of the clubhouse project; to provide legislative intent regarding developmentally disabled provider salary increases, senior citizens mill levy match funding, a legislative council study of human service center funding formula, and establishment of a management information system for service payments for elderly and disabled by the department; to require the department of human services to develop basic care ratesetting methodology; to provide legislative intent regarding state hospital income; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of human services and its various divisions for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

EXECUTIVE DIRECTOR

Salaries and wages	\$ 248,400
Operating expenses	<u>39,096</u>
Total all funds	\$ 287,496
Less estimated income	<u>80,258</u>
Total general fund appropriation	\$ 207,238

Subdivision 2.

MANAGERIAL SUPPORT

Salaries and wages	\$ 5,795,088
Information services	1,097,356
Operating expenses	4,361,696
Equipment	44,746
Developmentally disabled facility loan fund	<u>1,840,956</u>
Total all funds	\$ 13,139,842
Less estimated income	<u>7,830,810</u>
Total general fund appropriation	\$ 5,309,032

Subdivision 3.

ECONOMIC ASSISTANCE

Salaries and wages	\$ 3,905,071
Information services	5,819,080
Operating expenses	11,315,445
Equipment	48,735
Grants	<u>137,148,559</u>
Total all funds	\$158,236,890
Less estimated income	<u>138,334,844</u>
Total general fund appropriation	\$ 19,902,046

Subdivision 4.

MEDICAL ASSISTANCE

Salaries and wages	\$ 2,513,389
Information services	1,668,932
Operating expenses	2,269,009
Equipment	8,000
Grants	<u>496,439,056</u>
Total all funds	\$502,898,386
Less estimated income	<u>366,602,003</u>
Total general fund appropriation	\$136,296,383

Subdivision 5.

VOCATIONAL REHABILITATION

Salaries and wages	\$ 3,085,227
Information services	362,174
Operating expenses	1,393,075
Equipment	184,082
Grants	<u>11,098,660</u>
Total all funds	\$ 16,123,218
Less estimated income	<u>14,237,576</u>
Total general fund appropriation	\$ 1,885,642

Subdivision 6.

FIELD SERVICES AND PROGRAM DEVELOPMENT

Salaries and wages	\$ 4,978,530
Information services	949,647
Operating expenses	9,046,217
State hospital downsizing funding pool	2,000,000
Equipment	157,896
Grants	<u>56,343,369</u>
Total all funds	\$ 73,475,659
Less estimated income	<u>45,747,985</u>
Total general fund appropriation	\$ 27,727,674

Subdivision 7.

HUMAN SERVICE CENTERS

Salaries and wages	\$ 54,247,424
Information services	558,224
Operating expenses	10,756,601
Equipment	409,826
Capital improvements	347,750
Grants	<u>8,941,540</u>
Total all funds	\$ 75,261,365
Less estimated income	<u>35,054,002</u>
Total general fund appropriation	\$ 40,207,363

Subdivision 8.

STATE HOSPITAL

Salaries and wages	\$ 41,947,820
Information services	832,878
Operating expenses	7,018,682
Equipment	287,621
Capital improvements	<u>501,352</u>
Total all funds	\$ 50,588,353
Less estimated income	<u>17,675,954</u>
Total general fund appropriation	\$ 32,912,399

Subdivision 9.

DEVELOPMENTAL CENTER

Salaries and wages	\$ 31,927,887
Information services	381,574
Operating expenses	8,215,554
Equipment	108,087
Capital improvements	<u>40,000</u>
Total all funds	\$ 40,673,102
Less estimated income	<u>28,470,313</u>
Total general fund appropriation	\$ 12,202,789

Subdivision 10.

DEVELOPMENTALLY DISABLED COUNCIL AND GOVERNOR'S COUNCIL

Salaries and wages	\$ 223,579
Information services	4,910
Operating expenses	167,757
Equipment	1,300
Grants	<u>782,482</u>
Total all funds	\$ 1,180,028
Less estimated income	<u>1,140,817</u>
Total general fund appropriation	\$ 39,211

Grand total general fund appropriation H.B. 1002	\$276,689,777
Grand total special fund appropriation H.B. 1002	\$655,374,562
Grand total all funds H.B. 1002	\$932,064,339

SECTION 2. LANDS AND MINERALS TRUST FUND. The amount of \$1,840,956, or so much of the sum as may be necessary, as appropriated in the developmentally disabled facility loan fund line item in 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, 1993, and ending June 30, 1995.

SECTION 3. DEVELOPMENTAL DISABILITIES REVOLVING LOAN FUND. There may be spent by the department of human services, on or before June 1, 1995, from the cash balance of, and any payments deposited in, the revolving loan fund created under section 6-09.6-01, the sum of \$950,000, or so much of the sum as may be necessary, which is appropriated in subdivision 2 of section 1 of this Act.

¹ **SECTION 4. TRANSFER - HUMAN SERVICE CENTER FUNDING.** 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 10 of section 1 of this Act. Funding for human services center programs must be used for programs in the manner they were prioritized in documents filed with the fifty-third legislative assembly on April 24, 1993, except as otherwise provided in this section. Upon approval from the budget section, the department of human services may fund the programs in a different manner. Each member of the budget section must be provided information and justification for any proposed changes at least one week before a budget section meeting.

SECTION 5. 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 6. CORRELATION OF RESOURCES FOR DEPARTMENTAL CLIENTS - STATE HOSPITAL ALTERNATIVE USES - BUDGET SECTION APPROVAL. The director of the department of human services may transfer, subject to budget section approval, appropriation authority and authorized positions between agencies and institutions included in subdivisions 7, 8, and 9 of section 1 of this Act to correlate fiscal and staff resources with the flow of institutional residents and human service center clients between community-based programs and the institutions. The department of human services, during the 1993-95 biennium, shall review the financial and other impacts of alternative programs at the state hospital, including the development of a psychiatric skilled nursing facility and, subject to budget section approval, shall begin such optional uses the department determines appropriate.

¹ NOTE: Section 4 was vetoed by the Governor, see chapter 648.

NOTE: Attorney General's Opinion 93-05 dated May 25, 1993, concludes that the Governor's veto of the first sentence of Section 4 of House Bill No. 1002 was valid but that the veto of the remainder of that section is "void and has no effect."

SECTION 7. AMENDMENT. Subsection 4 of section 14-09-08.4 of the North Dakota Century Code is amended and reenacted as follows:

4. A determination that a child who is the subject of a child support order is eligible for benefits furnished under subsection 18 or 20 of section 50-06-05.1, chapter 50-09, or chapter 50-24.1, or any substantially similar program operated by any state or tribal government, constitutes a material change of circumstances. The availability of health insurance at reasonable cost to a child who is the subject of a child support order constitutes a material change of circumstances. The need to provide for a child's health care needs, through health insurance or other means, constitutes a material change of circumstances.

SECTION 8. AMENDMENT. Section 14-09-08.8 of the North Dakota Century Code is amended and reenacted as follows:

² **14-09-08.8. Motion for amendment of amount for child support order - How made.** Upon a determination by a child support agency, made under section 16 of chapter 148 of the 1989 Session Laws or section 14-09-08.4, that it may or must seek amendment of a child support order, the child support agency may file and serve a motion and supporting documents.

SECTION 9. A new subsection to section 23-01-03 of the North Dakota Century Code is created and enacted as follows:

Regulate the expansion of long-term care facilities and services through the certificate of need process under chapter 23-17.2.

³ **SECTION 10. AMENDMENT.** Subsection 7 of section 23-17.2-02 of the North Dakota Century Code is amended and reenacted as follows:

7. "Health care facility" means ~~those~~ a health care ~~facilities~~ facility licensed by the department or certified by the department under the federal Social Security Act as amended including, but not limited to, hospitals, skilled nursing facilities, kidney disease treatment centers (including freestanding hemodialysis units), intermediate care facilities, rehabilitation facilities, and ambulatory surgical facilities, but not including clinical laboratories ~~which~~ that under title XVIII of the federal Social Security Act meet the requirements of paragraphs (10) and (11) of section 1861(s) of that Act. The term includes a long-term care facility.

⁴ **SECTION 11.** A new subsection to section 23-17.2-02 of the North Dakota Century Code is created and enacted as follows:

² NOTE: Section 14-09-08.8 was also amended by section 9 of House Bill No. 1181, chapter 152.

³ NOTE: Section 23-17.2-02 was also amended by section 106 of Senate Bill No. 2223, chapter 54.

⁴ NOTE: Section 23-17.2-02 was also amended by section 106 of Senate Bill No. 2223, chapter 54.

"Long-term care facility" means any nursing facility as defined in 42 U.S.C. 1396r(a), or basic care facility as defined in section 23-09.3-01. The term does not include a facility, as defined by subsection 2 of section 25-01.2-02, which provides services to developmentally disabled persons.

SECTION 12. AMENDMENT. Section 23-17.2-03 of the North Dakota Century Code is amended and reenacted as follows:

23-17.2-03. Scope of coverage of certificate of need program. The certificate of need program required under this chapter provides for the following:

1. The department, pursuant to this chapter and rules of the health council, shall review proposals subject to this chapter and shall approve, disapprove, or revoke the certificate of need, as appropriate. The certificate of need program applies to:
 - a. The obligation by or on behalf of a health care facility of any capital expenditure of seven hundred fifty thousand dollars or more (other than to acquire an existing facility). The capital expenditure must include the costs of designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment.
 - b. The addition or expansion of a health service by or on behalf of a health care facility beyond that which was offered within the previous twelve-month period before the month in which the health service would be offered which is associated with a capital expenditure and entails an annual operating cost of at least three hundred thousand dollars; or the termination of a health service effected by a capital expenditure of seven hundred fifty thousand dollars or more.
 - c. The acquisition by any person of major medical equipment that will be owned by or located in a health care facility the capital expenditure for which is five hundred thousand dollars or more or the annual operating cost for which is three hundred thousand dollars or more. In determining whether major medical equipment costs more than five hundred thousand dollars, the cost of designs, plans, working drawings, specifications, and other activities essential to placement, to acquiring the equipment and making it operational must be included. If the equipment is acquired at less than fair market value, the term "cost" includes the fair market value.
 - d. The acquisition by any person of major medical equipment not owned by or located in a health care facility the capital expenditure for which is five hundred thousand dollars or more or the annual operating cost for which is three hundred thousand dollars or more, if the department finds that the equipment will be used primarily to provide services to persons who are admitted patients in a health care facility. This does not include use of equipment on a temporary basis as in the case of a natural disaster, a major accident, or equipment failure.
 - e. The obligation of a capital expenditure of seven hundred fifty thousand dollars or more by any person to acquire an existing health care facility if a notice of intent is not received at least thirty

days prior to entering into a contract for the obligation or the department finds that the services or bed capacity of the facility will be changed.

- f. An acquisition by donation, lease, transfer, or comparable arrangement must be reviewed if such acquisition would have been subject to review if purchased. An acquisition for less than fair market value must be reviewed if the acquisition at fair market value would have been subject to review.
 - g. Any expansion of services by or of the physical plant of a long-term care facility or any conversion of beds from any other licensure category to any category of long term care.
2. Upon a decision by the health council to issue a certificate of need, the certificate ~~shall~~ must specify the maximum amount of capital expenditures which may be obligated under ~~such~~ the certificate.
 3. The health council shall prescribe by rule the extent to which a project authorized by a certificate of need ~~shall be~~ is subject to further review if the amount of capital expenditures obligated or expected to be obligated for the project exceed the maximum specified in the certificate of need.
 4. ~~Any state agency construction project subject to the provisions of this chapter, the determination of need established through legislative procedure, finalized by appropriation, must be accepted by the health council without any formal reviews.~~

SECTION 13. Section 2 to House Bill No. 1274, as approved by the fifty-third legislative assembly, is created and enacted to read as follows:

SECTION 2. EXPIRATION DATE. This Act expires on June 30, 1995.

SECTION 14. AMENDMENT. Section 50-01-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-01-01. County obligated to support poor - Eligibility for assistance - Transfer of property as security for assistance. Within the limits of the county human services appropriation therefor, ~~and utilizing reimbursement under section 50-01-09-2,~~ each county in this state is obligated, upon receipt of a written application on a form prescribed by the department of human services, to relieve and support persons who are residents of the county and who are in need of poor relief. To be eligible for such relief, the applicant:

1. May not at any time before or after making application for county poor relief have made an assignment or transfer of property for the purpose of rendering ~~himself~~ the applicant eligible for assistance under this chapter.
2. Shall comply with the written eligibility standards for county poor relief established by the county social service board. A copy of the written standards must be available upon request. Pursuant to this requirement, the ownership of real or personal property by an applicant for county poor relief, or by the spouse of ~~such~~ the applicant, either individually or

jointly, or of insurance on the life of the applicant does not preclude the granting of ~~such~~ the relief if the applicant is without funds for ~~his~~ the applicant's support. However, as a condition to the granting of county poor relief, the applicant may be required to transfer such property in trust by appropriate instrument as security for relief the applicant may thereafter receive, unless the property consists of one of the following:

- a. A homestead.
- b. A life insurance policy having a cash surrender value of less than three hundred dollars.
- c. Personal property of a value less than three hundred dollars, not including household goods, wearing apparel, and personal effects, such as money.
- d. Property selected by the applicant having a value of less than three hundred dollars.
- e. Real or personal property held in trust for the applicant by the federal government.
- f. Real or personal property on which the taking of security may be prohibited through legislation enacted by the Congress of the United States.

SECTION 15. A new subsection to section 50-06-05.1 of the North Dakota Century Code is created and enacted as follows:

With the approval of the governor, to lease or transfer use of any part of the developmental center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

- a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the developmental center.
- b. The transaction is exempt from the provisions of section 50-06-06.6.
- c. The term of any lease may not exceed ninety-nine years.
- d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.
- e. Any funds realized by any transaction must be deposited in the state's general fund.

SECTION 16. A new section to chapter 50-06.2 of the North Dakota Century Code is created and enacted as follows:

County share of service payments to elderly and disabled. Each county in this state shall reimburse the department of human services for amounts expended for service payments to the elderly and disabled in that county in excess of the amount provided by the federal government, in the amount of five percent.

SECTION 17. A new chapter to title 50 of the North Dakota Century Code is created and enacted as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Aged" means at least sixty-five years of age.
2. "Assisted living" means an environment where a person lives in an apartment-like unit and receives services on a twenty-four-hour basis to accommodate that person's needs and abilities to maintain as much independence as possible.
3. "Basic care facility" means a facility defined in section 23-09.3-01 which is not owned or operated by the state.
4. "Blind" has the same meaning as the term has when used by the social security administration in the supplemental security income program under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.].
5. "Congregate housing" means housing shared by two or more persons not related to each other which is not provided in an institution.
6. "County agency" means the county social service board.
7. "Department" means the department of human services.
8. "Disabled" has the same meaning as the term has when used by the social security administration in the supplemental security income program under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.].
9. "Eligible beneficiary" means a resident of this state who:
 - a. (1) Is aged; or
(2) Is at least eighteen years of age and is disabled or blind;
 - b. Has applied for and is eligible to receive benefits under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.], provided that a person who was eligible to receive benefits under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] and who was receiving benefits under title XVI before the effective date of this section is not ineligible because that person is not eligible to receive benefits under title XIX;
 - c. Based on a functional assessment, is not severely impaired in any of the activities of daily living of toileting, transferring to or from a bed or chair, or eating and:
 - (1) Has health, welfare, or safety needs, including a need for supervision or a structured environment, which require care in a

licensed adult family foster care home or a licensed basic care facility, or

(2) Is impaired in three of the following four instrumental activities of daily living: preparing meals, doing housework, taking medicine, and doing laundry; and

d. Is determined to be eligible pursuant to rules adopted by the department.

10. "Institution" means an establishment that makes available some treatment or services beyond food or shelter to four or more persons who are not related to the proprietor.
11. "Living independently" includes living in congregate housing. The term does not include living in an institution.
12. "Qualified service provider" means a county agency or independent contractor who agrees to meet standards for services and operations established by the department.
13. "Remedial care" means services that produce the maximum reduction of an eligible beneficiary's physical or mental disability and the restoration of an eligible beneficiary to the beneficiary's best possible functional level.
14. "Would be eligible to receive the cash benefits except for income" refers to a person whose countable income, less the cost of necessary remedial care that may be provided under this chapter, does not exceed an amount equal to the cash benefit under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] which the person would receive if the person had no income, plus forty-five dollars.

Powers and duties of the department. The department shall:

1. Administer aid to vulnerable aged, blind, and disabled persons and supervise and direct county agencies in the administration of aid to vulnerable aged, blind, and disabled persons.
2. Supplement, within the limits of legislative appropriation, the income of an eligible beneficiary receiving necessary adult family foster care services to the extent that the eligible beneficiary lacks income sufficient to meet the cost of that care provided at rates determined by the department.
3. Supplement, within the limits of legislative appropriation, the income of an eligible beneficiary receiving necessary basic care services to the extent that the eligible beneficiary lacks income sufficient to meet the cost of that care, provided at rates determined by the department.
4. Pay qualified service providers at rates determined by the department, within the limits of legislative appropriation, for the provision of the following services provided to an eligible beneficiary to the extent that the eligible beneficiary lacks income sufficient to meet the cost of these services:

- a. Homemaker services;
 - b. Chore services;
 - c. Respite care;
 - d. Home health aide services;
 - e. Case management;
 - f. Family home care;
 - g. Personal attendant care;
 - h. Adult family foster care;
 - i. Adaptive assessment; and
 - j. Other services the department determines to be essential and appropriate to sustain an individual in the individual's home and community and to delay or prevent institutional care.
5. Establish, maintain, and ensure the enforcement of standards for congregate housing as may be appropriate to the needs of the residents of congregate housing who are receiving services under this chapter. The standards must govern matters such as admission policy, safety, sanitation, and protection of civil rights.
 6. Establish an individualized care rate for each eligible beneficiary receiving adult family foster care services or assisted living services.
 7. Issue payment to basic facilities and adult family foster care facilities for services provided to an eligible beneficiary.
 8. Take action and give directions necessary to implement this chapter.
- Powers and duties of county agencies. Each county agency shall:
1. Administer aid to aged, blind, and disabled persons at the county level under the direction and supervision of the department, pursuant to state requirements.
 2. Provide the services described in this chapter. The county agency may contract with a qualified service provider in its provision of its services.
 3. Determine eligibility for benefits under this chapter and periodically redetermine eligibility of persons receiving benefits pursuant to this chapter.
 4. Review the circumstances of congregate housing for residents receiving services under this chapter which may exist or may be established in the county and certify to the department that each congregate housing facility conforms to standards contained in rules adopted by the department.
 5. Provide case management services to eligible beneficiaries.

6. Provide assessments to eligible beneficiaries and to applicants, where necessary.
7. Conduct initial and ongoing functional assessments of applicants in cooperation with basic care facilities.
8. Submit an annual budget to the board of county commissioners containing an estimate and supporting data, setting forth the county funds needed to carry out this chapter.
9. Cooperate with any other county agency to assure the conduct of initial and ongoing functional assessments and determinations of eligibility with respect to any applicant or eligible beneficiary who is physically present in a county other than the county in which the applicant or eligible beneficiary is a resident for purposes of chapter 50-02.

Services provided - Limit on cost. Services provided under this chapter must be treated as necessary remedial care to the extent those services are not covered under the medical assistance program. The cost of the services provided under this chapter to a person residing in a basic care or adult family foster care facility for which the rate charged includes room and board is limited to the rate set for services in that facility, plus forty-five dollars, less that person's total income.

Applicant's or guardian's duty to establish eligibility. The applicant or guardian of the applicant shall provide information sufficient to establish eligibility for benefits, including a social security number and proof of age, identity, residence, blindness, disability, functional limitation, and financial eligibility for each month for which benefits are sought.

Appropriation of county funds - Reimbursement by department - Reimbursement by county agency. The board of county commissioners of each county annually shall appropriate and make available to the human services fund an amount sufficient to pay the county's share of the cost of supplements provided and expenses of administration of this chapter. Upon certification of the costs of administration by each county, the department shall reimburse each county for one-half of the county's costs of administration. Upon claim being made by the department, the county agency shall reimburse the department for fifty percent the first year of the 1993-95 biennium and thirty percent thereafter of the cost of supplementing the income of any eligible beneficiary who is a resident of the county for purposes of chapter 50-02.

Residency. For purposes of this chapter:

1. A person is a resident of this state if:
 - a. The person is not living in an institution and is living in this state:
 - (1) With intent to remain in this state permanently or for an indefinite period; or
 - (2) Without intent if the person is incapable of stating intent.
 - b. The person is living in an institution outside this state and was receiving a benefit under chapter 50-01 upon the effective date of this Act.

- c. The person was placed in an out-of-state institution by a county agency or the department while the person was incapable of indicating intent.
- d. The person is living in an in-state institution, has lived in that institution for at least thirty days, and was not placed in that institution by another state. A person placed in an institution by another state is a resident of the state making the placement. Any action beyond providing information to the person and the person's family constitutes arranging or making a state placement. However, the following actions do not constitute state placement:
- (1) Providing basic information about this chapter and information about the availability of this chapter; or
 - (2) Assisting a person in locating an institution in this state, if the person is capable of indicating intent and independently decides to move.
2. A person who is a resident of this state is a resident of the county in which the person is a resident for purposes of chapter 50-02.

SECTION 18. AMENDMENT. Section 4 of chapter 561 of the 1991 Session Laws of North Dakota is amended and reenacted as follows:

SECTION 4. PROCEEDS - APPROPRIATION. The proceeds from the sale of land at the state developmental center at Grafton must be deposited in the lands and minerals trust fund. There is hereby appropriated \$200,000, or so much thereof as may be necessary, from the lands and minerals trust fund, to the department of human services for capital improvements or demolition of existing buildings at the state developmental center at Grafton for the ~~biennium~~ period beginning July 1, 1991, and ending June 30, ~~1993~~ 1995.

SECTION 19. DEPARTMENT OF HUMAN SERVICES TO DEVELOP BASIC CARE FACILITY RATESSETTING METHODOLOGY. The department of human services shall develop a ratesetting methodology that provides for rates for all residents of basic care facilities. The methodology may not provide for different rates for similarly situated residents because of the source of payment for any resident's care. The department shall consult with representatives of the basic care industry in this state in developing the ratesetting methodology. Beginning July 1, 1995, the department shall establish rates for all residents of basic care facilities in accordance with the ratesetting methodology developed by the department. After June 30, 1995, no agency of the state or any political subdivision may make payments to a basic care facility that does not set rates at the levels established by the department.

SECTION 20. REPORT TO LEGISLATIVE COUNCIL. No later than July 1, 1994, the department of human services shall report to the legislative council or an interim committee designated by the legislative council on the development of the ratesetting methodology required by section 19 of this Act. The report may include any legislation recommended by the department as necessary or appropriate to the establishment of the ratesetting methodology.

SECTION 21. CLUBHOUSE MODEL - DEPARTMENT REVIEW - REPORT TO LEGISLATIVE COUNCIL. The department of human services during the 1993-95 biennium shall conduct

or contract for a review of the clubhouse project in Minot to determine the effectiveness of the program. By July 1, 1994, the department shall report to the legislative council, or a committee designated by the legislative council, on the effectiveness of the program and provide recommendations regarding the continuation or expansion of funding for the clubhouse project for the 1995-97 biennium.

SECTION 22. LEGISLATIVE INTENT - DEVELOPMENTAL DISABILITIES PROVIDER SALARY INCREASES. It is the intent of the legislative assembly that community developmental disabilities provider agencies provide, to the extent possible, employee salary increases each year of the 1993-95 biennium similar to state employee salary increases.

SECTION 23. SENIOR CITIZENS MILL LEVY MATCH PROGRAM FUNDING. The amount of \$288,000, or so much of the sum as is necessary, included in the estimated income line item in subdivision 6 of section 1 of this Act, is to be spent by the department of human services from the state aid distribution fund during the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 24. HUMAN SERVICE CENTER FUNDING FORMULA - REPORT TO LEGISLATIVE COUNCIL. The department of human services shall, during the 1993-95 biennium, study and develop alternatives for a formula to allocate funding to human service centers. It shall periodically report to the Legislative Council or its designated committee on its findings and recommendations.

SECTION 25. MANAGEMENT INFORMATION SYSTEM - SERVICE PAYMENTS FOR THE ELDERLY AND DISABLED. The department of human services shall, during the 1993-95 biennium, develop a management information system to accumulate information for presentation to the members of the fifty-fourth legislative assembly regarding the costs and utilization of the service payments to the elderly and disabled program. The information developed must include client utilization, length of stay on the program, cost of services provided, and reasons for cases closed.

SECTION 26. 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 it report any anticipated deficiencies to the budget section and seek its approval before it continues to spend at a level which would require a request for a general fund deficiency appropriation from the next legislative assembly.

SECTION 27. REPEAL. Section 50-01-09.2 of the North Dakota Century Code is repealed.

SECTION 28. REPEAL. Section 50-06-14.2 of the North Dakota Century Code is repealed.

SECTION 29. EFFECTIVE DATE. Section 16 of this Act becomes effective on January 1, 1994. Sections 17 and 27 of this Act become effective January 1, 1995. Section 28 of this Act becomes effective July 1, 1995.

SECTION 30. EMERGENCY. Sections 9, 10, 11, and 12 of this Act are declared to be an emergency measure.

Approved May 5, 1993

Filed May 6, 1993

CHAPTER 3

HOUSE BILL NO. 1003
(Appropriations Committee)

PUBLIC INSTRUCTION

AN ACT to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, the school for the blind, and the state library; to provide exemptions from the provisions of section 54-44.1-11; to provide for an appropriation of funds from the displaced homemaker fund; to provide an appropriation for a legislative council study; to provide for the contingent distribution of a separate and additional per student payment; to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to cooperating school districts; and to amend and reenact section 2 of chapter 701 of the 1989 Session Laws of North Dakota, as amended by section 1 of chapter 656 of the 1991 Session Laws of North Dakota, sections 15-27.3-19, 15-27.6-10, and 15-38-17 as amended by section 11 of Senate Bill No. 2418, as approved by the fifty-third legislative assembly, sections 15-40.1-06, 15-40.1-07, 15-40.1-08, 15-40.1-09, 15-40.1-16, 15-40.1-18, and 15-40.2-04 of the North Dakota Century Code, relating to the foundation aid program, appointments to the education standards and practices board and the administrator's professional practices board, the expiration date concerning withdrawals from special reserve funds, school district reorganization, per student payments, and transportation aid.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹ **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of public instruction, the school for the deaf, and the state library for the purpose of defraying the expenses of their various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

DEPARTMENT OF PUBLIC INSTRUCTION

Salaries and wages	\$ 8,904,389
Information services	688,946
Operating expenses	5,170,554
Equipment	345,505
Capital improvements	35,557
Geographic education	50,000
Grants - foundation aid and transportation	396,519,892
Grants - tuition apportionment	46,017,000

¹ NOTE: The line item in section 1 entitled "Grants - vocational and technical education" was vetoed by the Governor, see chapter 649.

Grants - special education	46,577,495
Grants - governor's school	125,000
Grants - other grants	91,744,013
Grants - vocational and technical education	240,000
Electronic media	360,000
School district restructuring	3,266,375
Telecommunications	3,000,000
Teacher centers	200,000
LEAD	184,000
Grants to state agencies	<u>1,160,592</u>
Total all funds	\$604,589,318
Less estimated income	<u>159,843,094</u>
Total general fund appropriation	\$444,746,224

Subdivision 2.

STATE LIBRARY

Salaries and wages	\$ 1,614,325
Information services	78,289
Operating expenses	889,098
Equipment	22,500
Multitype library authority	50,000
Talking book program	235,271
Grants to state agencies	68,000
Grants	<u>893,000</u>
Total all funds	\$ 3,850,483
Less estimated income	<u>1,138,873</u>
Total general fund appropriation	\$ 2,711,610

Subdivision 3.

SCHOOL FOR THE DEAF

Salaries and wages	\$ 3,470,870
Information services	47,025
Operating expenses	802,536
Equipment	58,623
Capital improvements	<u>27,950</u>
Total all funds	\$ 4,407,004
Less estimated income	<u>469,688</u>
Total general fund appropriation	\$ 3,937,316

Subdivision 4.

SCHOOL FOR THE BLIND

Salaries and wages	\$ 2,271,017
Information services	4,950
Operating expenses	465,000
Equipment	20,000
Capital improvements	<u>20,000</u>
Total all funds	\$ 2,780,967
Less estimated income	<u>292,471</u>
Total general fund appropriation	\$ 2,488,496

Grand total general fund appropriation H.B. 1003	\$454,058,646
Grand total special funds appropriation H.B. 1003	\$161,804,126
Grand total all funds H.B. 1003	\$615,862,772

SECTION 2. INTENT. It is the intent of the legislative assembly that the sum of \$46,017,000, or such greater or lesser sums as become available, included in the grants-tuition apportionment and estimated income line items in subdivision 1 of section 1 of this Act, be distributed by the office of management and budget out of any moneys in the state tuition fund in the state treasury to the public schools of this state as provided in section 2 of article IX of the Constitution of North Dakota and chapter 15-44 for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 3. DISPLACED HOMEMAKER FUND. The amount of \$250,000, or so much of the sum as may be necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act is from the displaced homemaker fund for the purpose of providing services for displaced homemakers as provided in chapter 14-06.1 for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 4. APPROPRIATION. The line item entitled grants in subdivision 2 of section 1 of this Act includes \$893,000 for aid to public libraries of which no more than one-half is to be expended during the fiscal year ending June 30, 1994.

SECTION 5. EXEMPTION. The electronic media line item, authorized for the 1991-93 biennium, is not subject to the provisions of section 54-44.1-11 and any unexpended funds from this appropriation shall be available for electronic media during the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the residential services currently provided at the school for the blind are to be discontinued by July 1, 1994, and that any cost savings from the elimination of residential services during the second year of the biennium beginning July 1, 1993, and ending June 30, 1995, are to be used to enhance the outreach services provided by the school.

SECTION 7. LEGISLATIVE INTENT - BLIND SCHOOL RENTAL. It is the intent of the legislative assembly that the school for the blind pursue renting any of its available facilities to the university of North Dakota and that any proceeds from the rental charges be deposited in the state general fund.

SECTION 8. INTENT - SCHOOL CONSORTIUMS - CONTINGENT APPROPRIATION. Of the \$3,266,375 included in the school district restructuring line item in subdivision 1, \$400,000 is for grants to be distributed on a competitive basis for consortiums that received planning grants during 1992-93. Up to another \$125,000 may be used for grants during the 1993-95 biennium on a competitive basis if funding is available from unspent amounts for student payments resulting from fewer than estimated consortiums. It is the intent of the legislative assembly that any unspent student payment amounts over \$125,000 be transferred to the foundation aid line item and be distributed as part of the contingent separate and additional May 1, 1995, foundation aid payments. It is the intent of the fifty-third legislative assembly that the fifty-fourth legislative assembly review the school consortium issue to evaluate possible funding alternatives for those school consortiums if more than fifty percent of the consortiums vote to reorganize.

SECTION 9. 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 and up to \$60,000 from other funds that may be available from the office of intergovernmental assistance, or so much of the sum as may be necessary, to the

department of public instruction for the purpose of undertaking a study during the beginning biennium beginning July 1, 1993, and ending June 30, 1995, of school transportation services and developing by December 1, 1994, a school transportation system data base that includes the network of usable roads, school district boundaries, and the location of all schools and related facilities. The department of public instruction is to negotiate with North Dakota state university in order to utilize any available information the university has regarding the study.

SECTION 10. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the \$240,000 included in the grants - vocational and technical education line item in subdivision 1 of section 1 be used by the state board of vocational and technical education for the purchase and sharing of high technology equipment. It is the intent of the legislative assembly that the board of vocational education prior to spending any of the appropriation obtain a letter from the United States department of education stating that the \$240,000 for the above purpose does not increase the state's funding level requirements for meeting federal maintenance of effort requirements.

SECTION 11. LEGISLATIVE COUNCIL STUDY OF EDUCATION FINANCE. The legislative council shall appoint a committee consisting of fourteen members. The house and senate majority leaders shall each recommend four members, and the house and senate minority leaders shall each recommend three members. The legislative council shall ensure that the committee contains a balanced representation. During the 1993-95 interim, the committee shall study the use of nonproperty factors in financing education, quality of education, legal action in this state regarding education finance issues, and the effect of any legislation passed by the fifty-third legislative assembly that relates to education financing, and may consider any other matters related to education. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to a special session of the fifty-third legislative assembly or to the fifty-fourth legislative assembly.

SECTION 12. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$75,000, or so much of the sum as may be necessary, to the legislative council for the purpose of conducting the study required by section 11 of this Act, and paying associated expenses, including necessary travel and the professional services of one or more consultants to assist with the study, during the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 13. CONTINGENT SEPARATE AND ADDITIONAL PER STUDENT PAYMENTS. The superintendent of public instruction shall distribute a separate and additional per student payment from any unspent amount appropriated to the grants - foundation aid program for the biennium beginning July 1, 1993, and ending June 30, 1995, in the May 1, 1995, foundation aid payment to school districts. Any payment made under this section must be on a weighted basis, as determined under chapter 15-40.1.

SECTION 14. EXEMPTIONS. The educational technology grants authorized for the 1991-93 biennium in the grants - other grants line item of Senate Bill No. 2003, as approved by the fifty-second legislative assembly, are not subject to the provisions of section 54-44.1-11 and any unexpended funds from that appropriation are available for educational technology grants during the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 15. AMENDMENT. Section 15-27.3-19 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-27.3-19. Changes in reorganization proposal. At any time after the reorganization proposal has become effective, any provision of the reorganization proposal ~~theretofore or thereafter adopted~~, including provisions affecting the adjustment of assets and liabilities but excepting provisions defining the boundaries of the district, may be changed by a majority vote of the qualified electors without approval of the state board or the county committee. The school board in the reorganized district may, upon its own motion, or shall, upon the filing with it of a petition signed by ~~a number of~~ qualified electors equal in number to twenty percent of the ~~number of persons enumerated in the most recent school district census for that district for the most recent year the census was taken~~, unless the census is greater than four thousand, in which case only fifteen percent of the number of persons enumerated in the school census is required, submit the question of authorizing a change in the school district's adopted reorganization proposal at the next regular or special election. However, not fewer than twenty-five signatures of qualified electors is required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In ~~these~~ districts with fewer than twenty-five qualified electors, the county superintendent for the county in which the school is located shall determine the number of qualified electors in the qualified district. If a majority of all votes cast by the electors residing in each of the geographic areas is in favor of the proposed change, then the proposed change is effected. ~~However, a~~ If a reorganization plan has been in effect for at least ten years, any proposed change to geographic voting areas is effective upon a majority vote in an election at large by the qualified electors of the district. A school board in a reorganized school district may change, by resolution, to at large voting for school board candidates if there is a variance of more than ten percent in the population between any of the district's established geographic areas with resident candidates.

SECTION 16. AMENDMENT. Section 15-27.6-10 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

² **15-27.6-10. Approved proposal received by county superintendent - Special election called - Formation of new district.**

1. Upon receipt from the state board of an approved proposal for the reorganization of school districts, the county superintendent, after consulting with the interim district board, shall call a special election as provided in section 15-27.3-08.
2. If a majority of electors residing within each school district vote in favor of the formation of the new district, the county superintendent shall make the proper adjustments and perform all necessary duties as provided in subsection 6 of section 15-27.3-08.

² NOTE: Section 15-27.6-10 was also amended by section 2 of House Bill No. 1413, chapter 184; by section 3 of Senate Bill No. 2184, chapter 179; and by section 6 of Senate Bill No. 2528, chapter 182.

3. ~~If fewer than all of the districts vote in favor of a new district, any contiguous districts voting in favor of the proposal shall form a new district if the new district would qualify to receive the payments provided for in section 15-27.6-11 and if approved by the state board approves and:~~
- ~~a. There are three districts, at least one of which offers grades one through twelve, they have a minimum combined enrollment of six hundred students, and they cover a minimum combined area of seven hundred square miles [181299.168 hectares]; or~~
 - ~~b. There are four or more districts, at least one of which offers grades one through twelve, and they have a minimum combined enrollment of six hundred students or they cover a minimum combined area of seven hundred square miles [181299.168 hectares].~~

~~Any contiguous districts voting that vote in favor of forming a new district, but that would not qualify for payments under section 15-27.6-11 do not meet the requirements of either subdivision a or b of this subsection, may form a new district. To form a new district, the board members of the interim district board who represent the contiguous districts involved shall make a determination and adjustment of property, assets, debts, and liabilities of the districts as provided in section 15-27.3-04 and make a determination of tax levy as provided in section 15-27.3-06, hold a hearing similar to the one described in section 15-27.6-07, and submit a new proposal to the state board for approval. No additional vote is required on the revised proposal, including a proposal that becomes effective on July 1, 1993. However, the newly proposed mill levy may not exceed the general fund mill levy limitations provided in section 57-15-14 plus the additional levy authorized by Senate Bill No. 2024, as approved by the fifty-third legislative assembly. For purposes of determining the amount that can be levied under Senate Bill No. 2024, the amount levied in dollars in the base year is the amount proposed to be levied in dollars by the new district in its first year of operation. If the state board approves the plan, the county superintendent shall make the proper adjustment of the property, assets, debts, and liabilities as provided in the proposal and organize and establish the districts and, in doing so, shall perform all other necessary duties as provided in subsection 6 of section 15-27.3-08.~~

4. ~~a. If fewer than all of the districts vote in favor of a new district and the contiguous districts voting in favor do not meet the requirements of subdivision a or b of subsection 3, all or some of the districts may choose to vote again on the same or on a revised reorganization proposal, provided the districts meet the requirements of subdivision a or b of subsection 3.~~
- ~~b. If the reorganization proposal is revised, the interim district board members representing the districts choosing to vote again shall hold another hearing and make findings as outlined in section 15-27.6-07. The interim district board members shall keep a record of the hearing and shall submit the record and the revised proposal, along with any other relevant information, to the state board for approval. If the~~

state board approves the revised reorganization proposal, the county superintendent shall proceed pursuant to subsection 1 of this section.

c. The second special election must be held within one year after the initial special election.

5. If a school district does not vote in favor of forming a new school district, any part of that school district excluded from the reorganization proposal pursuant to section 15-27.6-07 may either proceed with annexation or remain a part of that school district.

SECTION 17. AMENDMENT. Section 15-38-17 of the North Dakota Century Code as amended by section 11 of Senate Bill No. 2418, as approved by the fifty-third legislative assembly, is amended and reenacted as follows:

15-38-17. Education standards and practices board and administrator's professional practices board. The education standards and practices board consists of nine members. The governor shall appoint four classroom teachers from public schools, one classroom teacher from a private school, one school board member, two school administrators, and one dean of a college of education. The superintendent of public instruction or the superintendent's designee shall serve as a nonvoting ex officio member. The administrator's professional practices board consists of five members from the education standards and practices board. The administrator's professional practices board includes the two school administrators who are members of the education standards and practices board, the one school board member who is a member of the education standards and practices board, and two teacher members who are members of and are selected by the education standards and practices board. The term of office of members of the education standards and practices board and the administrator's professional practices board shall be three years commencing on January first of the year of the appointment. Vacancies shall be filled for an unexpired term in the same manner as original appointments. No person may serve for more than two consecutive terms as a member of either board. ~~For each classroom teacher vacancy on the education standards and practices board, the governor shall appoint the member from a list of three names provided by the North Dakota education association. For each administrator vacancy on either board, the governor shall appoint the member from a list of three names provided by the North Dakota council of school administrators. For each school board vacancy on the board, the governor shall appoint the member from a list of three names provided by the North Dakota school board association. For each college dean vacancy on the board, the governor shall appoint a member from a list of three names provided by the deans of colleges of education.~~ Members of the current teachers' professional practices commission may serve out their remaining terms.

The education standards and practices board and the administrator's professional practices board shall each annually select a chairman and vice chairman, and the executive director of the education standards and practices board or the executive director's designee shall serve as secretary. Meetings of either board must be held after ten days' notice to all members at the call of the chairman or upon request in writing of a majority of either board. A majority shall constitute a quorum and a majority of the quorum shall have authority to act upon any matter properly before either board. Each board shall adopt its own rules of order and procedure not inconsistent with sections 15-38-16 through 15-38-19 and shall hold meetings pursuant to the provisions of sections 15-38-16 through 15-38-19.

The members of each board shall receive twenty-five dollars for each day actually engaged in the service of the appropriate board and shall be paid actual and necessary traveling and other expenses at the same rate as for employees of the state. No member of either board shall lose the member's regular salary or the above compensation while serving on official business of the appropriate board. The office of management and budget shall approve proper vouchers for expenses.

SECTION 18. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

High school per student payments - Cooperating districts. If any school district receiving payments under section 15-40.1-07 cooperates with another school district for the joint provision of education services under a plan approved by the superintendent of public instruction, each cooperating district is entitled to receive, for a period of four years, at least the same per student payment for each high school student as the district received prior to initiation of the cooperative plan.

SECTION 19. AMENDMENT. Section 15-40.1-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

³ **15-40.1-06. Declaration of legislative intent - Educational support per ~~per~~ student - School district equalization factor - Limitations.**

1. It is the intent of the legislative assembly, not considering any separate and supplemental payments as may be provided by law, to support elementary and secondary education in this state from state funds based on the educational cost per ~~per~~ student. In determining the educational cost per ~~per~~ student, the following criteria may not be used:
 - a. Expenditures for capital outlay for buildings and sites, or debt service.
 - b. Expenditures from school activities and school lunch programs.
 - c. Expenditures for the cost of transportation, including the cost of schoolbuses.
2. a. The educational support per ~~per~~ student during the first year of the ~~1991-93~~ 1993-95 biennium must be one thousand five hundred ~~fifty-two~~ seventy dollars and for the second year of the biennium the educational support per ~~per~~ student must be one thousand six hundred ~~eight~~ thirty-six dollars and is the basis for calculating grants-in-aid on a ~~per-per~~ per student basis as provided in sections 15-40.1-07 and 15-40.1-08.
- b. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 must be supported in the amount of

³ NOTE: Section 15-40.1-06 was also amended by section 1 of Senate Bill No. 2036, chapter 193.

two hundred twenty dollars, which is the basis for calculating grants-in-aid on a ~~per-pupil~~ per student basis as provided in section 15-40.1-07.

- c. School districts operating high schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1991, or that become unaccredited in any succeeding school year must be supported for the 1991-92 school year or for the first year that they become unaccredited in the amount of the educational support ~~per pupil~~ student established in subdivision a, which is the basis for calculating grants-in-aid on a ~~per-pupil~~ per student basis as provided in section 15-40.1-07, but those school districts are not entitled to the amounts resulting from applying the factors in that section. The amount of aid a school district is entitled to under this subsection for each high school that is not accredited must be reduced by two hundred dollars times the number of ~~pupils~~ students in the school for the second school year that the high school is unaccredited, and an additional two hundred dollars per ~~pupil~~ student in the unaccredited school for each additional year the school remains unaccredited. Any high school that becomes accredited is entitled to the ~~per-pupil~~ per student payments provided for in section 15-40.1-07 for the entire school year in which the school becomes accredited.
 - d. School districts operating elementary schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1992, or that become unaccredited in any succeeding school year must be supported for the 1992-93 school year or for the first year that they become unaccredited in the amount of the educational support ~~per pupil~~ student established in subdivision a, which is the basis for calculating grants-in-aid on a ~~per-pupil~~ per student basis as provided in section 15-40.1-08, except that the amount of aid that a school district is entitled to under this subsection for each elementary school that is unaccredited must be reduced by two hundred dollars times the number of ~~pupils~~ students in the school each year that the elementary school is unaccredited. Any elementary school that becomes accredited is entitled to the ~~per-pupil~~ per student payments provided for in section 15-40.1-08 for the entire school year in which the school becomes accredited.
3. In determining the amount of ~~payment~~ payments due school districts for ~~per-pupil~~ per student and transportation aid under this section, the amount of per student aid and transportation aid for which a school district is eligible must be added together, and from that total, the following amounts must be subtracted from the amount of such aid:
- a. The product of ~~twenty-one~~ twenty-three mills for the ~~1989-90~~ 1993-94 school year and ~~twenty-two~~ twenty-four mills for each year thereafter times the latest available net assessed and equalized valuation of property of the school district.
 - b. The amount that the unobligated general fund balance of a school ~~district's interim fund~~ district on the preceding June thirtieth is in excess of ~~the amount authorized by section 57-15-27~~ three-fourths

of the actual expenditures, plus an additional twenty thousand dollars.

4. No school district may receive foundation payments beyond the October payment unless the following reports have been filed with the superintendent of public instruction:
 - a. Annual average daily membership report.
 - b. Annual school district financial report.
 - c. The September tenth fall enrollment report.
 - d. The personnel report forms for certified and noncertified employees.
5. No school district may receive the January foundation payment unless the taxable valuation and mill levy certifications are on file with the department of public instruction by December fifteenth.

SECTION 20. AMENDMENT. Section 15-40.1-07 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

⁴ **15-40.1-07. High school ~~per-pupil~~ per student payments - Amount - Proportionate payments.** Payments must be made each year from state funds to each school district operating a high school and to each school district contracting to educate high school ~~pupils~~ students in a federal school, subject to adjustment as provided in section 15-40.1-09, as follows:

1. For each high school district having under seventy-five ~~pupils~~ students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.635 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.625 adjusted by twenty-five percent of the difference between 1.625 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction,~~ times the number of high school ~~pupils~~ students in grades nine through twelve registered in that school district, times the educational support per ~~pupil~~ student as provided in section 15-40.1-06. Beginning July 1, 1994, the factor is 1.625 adjusted by fifty percent of the difference between 1.625 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.
2. For each high school district having seventy-five or more, but less than one hundred fifty ~~pupils~~ students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.35 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.335 adjusted by twenty-five percent of the difference between 1.335 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of~~

⁴ NOTE: Section 15-40.1-07 was also amended by section 1 of House Bill No. 1158, chapter 194.

- public instruction, times the number of high school pupils students in grades nine through twelve registered in that school district, times the educational support per pupil as student provided in section 15-40.1-06. Beginning July 1, 1994, the factor is 1.335 adjusted by fifty percent of the difference between 1.335 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.
3. For each high school district having one hundred fifty or more, but less than five hundred fifty pupils students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.28 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.24 adjusted by twenty-five percent of the difference between 1.24 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction,~~ times the number of high school pupils students in grades nine through twelve registered in that school district, times the educational support per ~~pupil as student~~ provided in section 15-40.1-06. Beginning July 1, 1994, the factor is 1.24 adjusted by fifty percent of the difference between 1.24 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.
 4. For each high school district having a total high school enrollment of five hundred fifty or more pupils students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.17 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.14 adjusted by twenty-five percent of the difference between 1.14 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction,~~ times the number of high school pupils students in grades nine through twelve registered in that school district, times the educational support per ~~pupil as student~~ provided in section 15-40.1-06. Beginning July 1, 1994, the factor is 1.14 adjusted by fifty percent of the difference between 1.14 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.
 5. For high schools having an approved alternative education program, the amount of money resulting from multiplying the factor in:
 - a. Subsection 1 times the number of pupils students registered in the alternative education program, times the educational support per ~~pupil as student~~ provided in section 15-40.1-06, if the alternative education program has less than seventy-five pupils students in average daily membership.
 - b. Subsection 2 times the number of pupils students registered in the alternative education program, times the educational support per ~~pupil as student~~ provided in section 15-40.1-06, if the alternative education program has seventy-five or more, but less than one hundred fifty pupils students in average daily membership.

- c. Subsection 3 times the number of ~~pupils~~ students registered in the alternative education program, times the educational support per ~~pupil~~ as student provided in section 15-40.1-06, if the alternative education program has one hundred fifty or more, but less than five hundred fifty ~~pupils~~ students in average daily membership.
- d. Subsection 4 times the number of ~~pupils~~ students registered in the alternative education program times the educational support per ~~pupil~~ student as provided in section 15-40.1-06 if the alternative education program has five hundred fifty or more ~~pupils~~ students in average daily membership.

Every high school district must receive at least as much in total payments as it would have received if it had the highest number of ~~pupils~~ students in the next lower category. ~~Such payments~~ Payments may not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, and the other standards prescribed by this chapter have been met. Payments must be made to the high school district in which the student is enrolled for graduation and units of approved vocational education in accordance with the provisions of chapter 15-20.1, and other courses approved by the superintendent of public instruction, earned in another high school district must be included to meet the minimum four required units. In the case of students enrolled in nonpublic schools for graduation or students enrolled in less than four units of standard high school work who are in their fourth year of high school coursework and who are enrolled in approved alternative high school curriculum programs, proportionate payments must be made to the public school district in which ~~such~~ the student is enrolled for specific courses. School districts offering high school summer school programs are eligible for proportionate payments provided each course offered ~~in such programs~~ satisfies requirements for graduation, comprises at least as many clock hours as courses offered during the regular school term, and complies with rules adopted by the superintendent of public instruction. The superintendent may adopt rules regarding eligibility for school districts to receive proportionate payments for ~~such~~ summer education programs.

~~Districts that did not maintain high schools during the year of 1964-1965 are not eligible for payments unless they have a minimum enrollment of twenty five pupils if four years of high school work are offered, a minimum enrollment of twenty pupils if three years of high school work are offered, a minimum enrollment of fifteen pupils if two years of high school work are offered, and a minimum enrollment of ten pupils if one year of high school work is offered. Payments pursuant to this chapter to school districts in bordering states must be made after subtracting the amounts provided for in subsection 3 of section 15-40.1-06 in the sending school district divided by the total number of resident ~~pupils~~ students enrolled in the school district plus the number of resident ~~pupils~~ students from the district attending school in another state.~~

SECTION 21. AMENDMENT. Section 15-40.1-08 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

⁵ 15-40.1-08. Elementary per-pupil per student payments - Amount. Payments must be made from state funds to each school district operating an elementary school and to each school district contracting to educate elementary ~~pupils~~ students in a federal school, employing teachers holding valid certificates or permits in accordance with section 15-47-46 and chapter 15-36, adjusted as provided in section 15-40.1-09, as follows:

1. For each one-room rural school, the amount of money resulting from multiplying the factor ~~1.29 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.28 adjusted by twenty-five percent of the difference between 1.28 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction,~~ times the number of ~~pupils~~ students in that school in grades one through eight in average daily membership, up to a maximum of sixteen ~~pupils~~ students, times the educational support per ~~pupil as~~ student provided in section 15-40.1-06. There must be paid .9 times each additional ~~pupil student~~ in its school in grades one through eight in average daily membership times the educational support per ~~pupil as~~ student provided in section 15-40.1-06, except that no payment may be made for more than twenty ~~pupils~~ students in average daily membership. If the one-room rural school is located in a school district with another elementary school, the weighting factor for the ~~pupils~~ students in grades one through six must be based on the average daily membership in the district in grades one through six as provided in subsections 2 through 4. If the one-room rural school is located in a school district with another school that has ~~pupils~~ students in grade seven or eight, the weighting factor for the ~~pupils~~ students in ~~grades grade seven and or eight~~ must be the same as that provided for in subsection 5. Beginning July 1, 1994, the factor is 1.28 adjusted by fifty percent of the difference between 1.28 and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.
2. For each elementary school in school districts having under one hundred ~~pupils~~ students in average daily membership in grades one through six, the amount of money resulting from multiplying the factor ~~1.045 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.09 adjusted by twenty-five percent of the difference between 1.09 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction,~~ times the number of ~~pupils~~ students in that school in grades one through six in average daily membership in each classroom or for each teacher, up to a maximum of twenty ~~pupils~~ students per classroom or per teacher, times the educational support per ~~pupil as~~ student provided in section 15-40.1-06. There must be paid .9 times each additional ~~pupil student~~ in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per ~~pupil as~~ student provided in section 15-40.1-06, except that no payment may be made for more than twenty-five ~~pupils~~ students in average daily membership in each

⁵ NOTE: Section 15-40.1-08 was also amended by section 2 of House Bill No. 1158, chapter 194, and by section 1 of Senate Bill No. 2178, chapter 195.

- classroom or for each teacher. Beginning July 1, 1994, the factor is 1.09 adjusted by fifty percent of the difference between 1.09 and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.
3. For each elementary school in school districts having one hundred or more ~~pupils~~ students in average daily membership in grades one through six, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary ~~pupils~~ students in grades one through six, the amount of money resulting from multiplying the factor ~~.9025 for the 1989-90 school year and, beginning July 1, 1990, the factor .905~~ adjusted by twenty-five percent of the difference between .905 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of ~~pupils~~ students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per ~~pupil as student~~ provided in section 15-40.1-06, except that no payment may be made for more than thirty ~~pupils~~ students in average daily membership in each classroom or for each teacher. Beginning July 1, 1994, the factor is .905 adjusted by fifty percent of the difference between .905 and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.
 4. For each elementary school in school districts having an average daily membership of one thousand or more elementary ~~pupils~~ students in grades one through six, the amount of money resulting from multiplying the factor .95 adjusted by twenty-five percent of the difference between .95 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of ~~pupils~~ students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per ~~pupil as student~~ provided in section 15-40.1-06, except that no payment may be made for more than thirty ~~pupils~~ students in average daily membership in each classroom or for each teacher. Beginning July 1, 1994, the factor is .95 adjusted by fifty percent of the difference between .95 and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction. Beginning July 1, 1995, the factor is .95 adjusted by seventy-five percent of the difference between .95 and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction. Beginning July 1, 1996, the superintendent of public instruction shall establish the factor that reflects the five-year average cost of education per student for this category.
 5. For each of the above classes of elementary schools, except for one-room rural schools that are not located in a district with another school ~~that has pupils having students~~ in grade seven or eight, there must be paid to each school the amount of money resulting from multiplying the factor ~~1.005 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.01~~ adjusted by twenty-five percent of the difference between 1.01 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public

- instruction, times the number of pupils students in that school in grades seven and eight in average daily membership in each classroom or for each teacher times the educational support per pupil-as student provided in section 15-40.1-06, except that no payment may be made for more than thirty pupils students in average daily membership in each classroom or for each teacher. Beginning July 1, 1994, the factor is 1.01 adjusted by fifty percent of the difference between 1.01 and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.
6. For each elementary school having pupils students under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, the amount of money resulting from multiplying the factor .75 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.01 adjusted by twenty-five percent of the difference between 1.01 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of special education pupils students in that school under the compulsory age for school attendance in average daily membership in each classroom or for each teacher times the educational support per pupil-as student provided in section 15-40.1-06. Beginning July 1, 1994, the factor is 1.01 adjusted by fifty percent of the difference between 1.01 and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.
 7. For each elementary school providing a kindergarten that is established according to provisions of section 15-45-01, and for each out-of-state kindergarten program, approved by the state superintendent and utilized by North Dakota school districts bordering other states, the amount of money resulting from multiplying the factor .50 adjusted by twenty-five percent of the difference between .50 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of pupils students in that school in average daily membership in each classroom or for each teacher times the educational support per-pupil-payment per student for that elementary school, as determined under this section, except that no payment may be made for more than twenty-five pupils students in average daily membership in each classroom or for each teacher. The full per-pupil per student payment shall be made only to those kindergarten programs providing the equivalent of ninety full days of classroom instruction during any twelve-month period. Programs providing shorter periods of instruction during the same time period shall receive a proportionately smaller per-pupil per student payment. Beginning July 1, 1994, the factor is .50 adjusted by fifty percent of the difference between .50 and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

Every school district must receive at least as much in total payments for elementary pupils students as it would have received if it had the highest number of pupils students in the next lower category. Payments pursuant to this chapter to school districts in bordering states must be made after subtracting the amounts provided for in subsection 3 of section 15-40.1-06 in the sending school district divided by

the total number of resident ~~pupils~~ students enrolled in the school district plus the number of resident ~~pupils~~ students from the district attending school in another state.

SECTION 22. AMENDMENT. Section 15-40.1-09 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.1-09. Application for payments - Verification and determination of payments for high school students - Report of county superintendent of schools - Appeal. Immediately upon the completion of the registration of students at the beginning of each school term and in no event later than September tenth of each year, the business manager of each school district within or without this state which is claiming payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a claim on a form prescribed by the superintendent of public instruction stating the number of students registered in high school and elementary grades for which payments are claimed, and such other information as may be reasonably requested by the superintendent of public instruction. Not later than December first, the superintendent of public instruction shall certify to the office of management and budget a list of the school districts and schools not operated by school districts entitled to payments from state funds, together with the amounts to which the several districts and schools are entitled. ~~Per-pupil~~ Per student aid as provided under sections 15-40.1-06, 15-40.1-07, and 15-40.1-08 must be computed on the basis of the previous year's average daily membership less the number of students attending school during the current school year in another district under the provisions of open enrollment or the current year's fall enrollment, whichever is greater, for all current grade levels. Adjustments must be made in the subsequent year according to a comparison between the average daily membership for the year for which the adjusted payment is being made and the year preceding the year for which the adjusted payment is being made, whichever is greater, for grade levels that existed in both years. The greater of the two preceding years' average daily membership must be used in computing any adjustment in a district's foundation aid payments. For purposes of this chapter, "average daily membership" shall mean the total days all students in a given school are in attendance, including days set aside for the North Dakota education association convention, plus any three holidays selected from those listed in subsections 2 through 10 of section 15-38-04.1 which have been decided upon after consultation with the teachers, the total days all students are absent, and the two parent-teacher conference days authorized in section 15-47-33, divided by one hundred eighty days. School districts educating children of agricultural migratory workers or offering high school summer school programs during the months of June, July, and August shall not be restricted to payments for a one hundred eighty-day school term.

Immediately upon the termination of the school term and in no event later than July fifteenth of each year, the business manager of each school district within or without this state which has received payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a verified statement of the name, residence, and membership of elementary and high school students as provided for in this section, and number of units of high school work taken by each high school student enrolled during the previous school year. ~~Such~~ The statement shall be attested to by the county superintendent of schools. The county superintendent shall investigate the validity of the statement and shall determine the residence and other qualifications of each student named in the statement ~~filed with him. He.~~ The county superintendent shall certify to the

superintendent of public instruction on or before September first of each year the number of enrolled students in each district in ~~his~~ the county for the previous school year upon which any adjustment may be based as provided in this section. If any statement is disallowed in whole or in part, notice ~~thereof~~ of the disallowance and the names of students who are disallowed shall be reported to the superintendent of public instruction and to the district filing the statement. Any district may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before September fifteenth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final.

SECTION 23. AMENDMENT. Section 15-40.1-16 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

⁶ **15-40.1-16. Aid for transportation.** There shall be paid from state funds to each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city, the following amounts:

1. For schoolbuses and school vehicles transporting ~~pupils~~ students who live outside the incorporated limits of the city in which school the ~~pupil~~ student is enrolled is located, a sum equal to twenty-five cents per mile [1.61 kilometers] ~~during each year of the 1991-93 biennium~~ for vehicles having a capacity of nine or fewer ~~pupils~~ students and sixty-seven cents per mile [1.61 kilometers] ~~for each year of the 1991-93 biennium~~ for schoolbuses having a capacity of ten or more ~~pupils~~. ~~In addition, those school students.~~ School districts qualifying for payments for buses having a capacity of ten or more ~~pupils~~ students are entitled to an amount equal to twenty-eight cents per day for each public school ~~pupil~~ student living outside the city limits who is transported in such buses.
2. For ~~pupils~~ students who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city ~~in~~ within which the school ~~that~~ the ~~pupil is enrolled~~ students attend is located, a sum equal to seventeen and one-half cents per ~~pupil~~ student per one-way trip. However, no payment ~~shall~~ may be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1.

The mileage payments provided for in this section shall be made to each school district for transporting ~~pupils~~ students to and from school. ~~Such payments~~ Payments shall be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to ~~the~~ compliance with the laws of this state in regard to schoolbuses and their drivers shall be made in such

⁶ NOTE: Section 15-40.1-16 was also amended by section 4 of House Bill No. 1184, chapter 180.

manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section.

SECTION 24. AMENDMENT. Section 15-40.1-18 of the North Dakota Century Code is amended and reenacted as follows:

15-40.1-18. State transportation payments to school districts. The superintendent of public instruction shall determine the total amount of payments to be made to the school districts for transportation aid. The office of management and budget shall pay the sum certified by the superintendent of public instruction to each school district. ~~Such payments~~ Payments shall be made in the same manner and at the same time as other payments from the state to school districts are made, as provided in section 15-40.1-05. During the 1993-94 school year, no school district may receive more than one hundred percent of the actual costs it incurs in the provision of transportation services. During the 1994-95 school year, no school district may receive more than ninety percent of the actual costs it incurs in the provision of transportation services. The superintendent of public instruction shall calculate the difference between the actual costs incurred by all districts in the provision of transportation services during the 1994-95 school year and ninety percent of the actual costs incurred by all school districts in the provision of transportation services during the previous school year. The superintendent shall use the difference to increase the per student payments provided for in subsections 1 and 2 of section 15-40.1-16 by the same amount under each subsection. For purposes of this section, actual costs include the transportation operating expenditures reported to the superintendent of public instruction for the most recent year plus the eight-year average cost of transportation equipment determined by the superintendent of public instruction.

SECTION 25. AMENDMENT. Section 15-40.2-04 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

⁷ **15-40.2-04. Nonresident tuition payments mandatory - Payments are exclusive.**
Any

1. a. Except as provided in this subsection, any school district that admits nonresident pupils students to its schools, as provided by this chapter, shall charge tuition for such pupils except that school those students. School districts have the option of charging tuition for nonresident pupils students enrolled in an approved alternative education program. The whole amount of the tuition must be paid by the district from which the pupil student is admitted, in accordance with section 15-40.2-03, or by the pupil's student's parent or guardian, in accordance with section 15-40.2-06.
- b. Except as otherwise provided, any school district that fails to sign a tuition agreement and fails to charge and collect tuition for nonresident students as provided for in section 15-40.2-03 and this section shall forfeit foundation payments for those nonresident students for whom tuition is not paid. A school district may accept a nonresident student from another school district in this state which

⁷ NOTE: Section 15-40.2-04 was also amended by section 3 of Senate Bill No. 2187, chapter 196.

offers the same grade level as that in which the student is enrolled, without a charge and collection of tuition if a written agreement is made between the sending and receiving districts. No written agreement is necessary if the nonresident student is enrolled in an approved alternative education program for which no tuition is charged.

c. No school district may charge or collect from any nonresident pupil student, parent or guardian of a nonresident pupil student, or the district of the pupil's student's residence, any registration, textbook, or laboratory fee, or any other fee or charge which is not charged to or for all resident pupils students.

2. For purposes of subsection 1 and all statutory provisions relating to open enrollment, the member districts of a consortium must be treated as a single school district.

SECTION 26. AMENDMENT. Section 2 of chapter 701 of the 1989 Session Laws of North Dakota, as amended by section 1 of chapter 656 of the 1991 Session Laws of North Dakota, is amended and reenacted as follows:

SECTION 2. EXPIRATION DATE. This Act is effective through June 30, ~~1993~~ 1997, and after that date is ineffective.

Approved May 5, 1993
Filed May 6, 1993

CHAPTER 4

HOUSE BILL NO. 1004
 (Appropriations Committee)

PROTECTION AND ADVOCACY PROJECT

AN ACT to provide 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 of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds, to the protection and advocacy project for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$1,968,696
Information services	38,770
Operating expenses	474,265
Equipment	<u>15,493</u>
Total all funds	\$2,497,224
Less estimated income	<u>1,170,447</u>
Total general fund appropriation	\$1,326,777

Approved April 30, 1993
 Filed May 3, 1993

CHAPTER 5

HOUSE BILL NO. 1005
(Appropriations Committee)

OFFICE OF MANAGEMENT AND BUDGET

AN ACT to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide for the merger of a nonprofit corporation doing business as a hospital with a corporation organized for profit; to amend and reenact sections 4-01-19, 23-29-07, subsections 5, 9, and 10 of section 41-09-42, section 41-09-42.1, and subsections 2 and 5 of section 54-06-04 of the North Dakota Century Code and section 4 of House Bill No. 1027, as approved by the fifty-third legislative assembly, relating to the pride of Dakota program, solid waste management facility permits, the computerized Uniform Commercial Code central filing system fund, preparation of agency biennial reports, and accessibility standards for buildings and facilities subject to the federal Americans with Disabilities Act of 1990; 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 the homeless grant program; to provide a statement of legislative intent relating to total quality management in state government; to authorize appropriation grant line item transfers at the approval of the budget section; to authorize the transfer of various special funds to the general fund; to repeal section 3 of chapter 32 of the 1991 Session Laws of North Dakota, relating to the transfer of funds from the game and fish fund to the state radio communications operating account; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the various divisions under the supervision of the director of the office of management and budget for the purpose of defraying their expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.	
OFFICE OF MANAGEMENT AND BUDGET CENTRAL OPERATIONS	
Salaries and wages	\$ 4,773,576
Information services	1,794,378
Operating expenses	1,634,539
Equipment	64,220
Grants	32,667,427
Grants to state agencies	1,905,000
Grants for homeless programs	40,000
Boys and girls clubworks	53,000
State contingencies	2,500,000

State memberships	199,000
Firemen's association	55,000
Unemployment insurance	2,000,000
Capitol grounds planning commission	25,000
ADA contingency	100,000
Capital planning	<u>100,000</u>
Total all funds	\$47,911,140
Less estimated income	<u>40,414,648</u>
Total general fund appropriation	\$ 7,496,492

Subdivision 2.

FACILITY MANAGEMENT

Salaries and wages	\$ 3,110,931
Information services	28,800
Operating expenses	2,611,000
Equipment	72,000
Capital improvements	<u>1,626,000</u>
Total all funds	\$ 7,448,731
Less estimated income	<u>500,000</u>
Total general fund appropriation	\$ 6,948,731

Subdivision 3.

INFORMATION SERVICES DIVISION

Salaries and wages	\$10,262,330
Operating expenses	18,963,344
Equipment	<u>5,180,000</u>
Total special funds appropriation	\$34,405,674

Subdivision 4.

CENTRAL DUPLICATING SERVICES

Salaries and wages	\$ 1,305,546
Information services	56,133
Operating expenses	2,356,982
Equipment	<u>40,000</u>
Total special funds appropriation	\$ 3,758,661

Subdivision 5.

STATE RADIO COMMUNICATIONS

Salaries and wages	\$ 1,940,868
Information services	1,208,260
Operating expenses	411,208
Equipment	<u>123,000</u>
Total all funds	\$ 3,683,336
Less estimated income	<u>330,000</u>
Total general fund appropriation	\$ 3,353,336

Grand total general fund appropriation H.B. 1005	\$17,798,559
Grand total special funds appropriation H.B. 1005	\$79,408,983
Grand total all funds H.B. 1005	\$97,207,542

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, 1993, and ending, June 30, 1995, 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 31 of the 1991 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, 1993, and ending June 30, 1995.

SECTION 5. EXEMPTION. The state radio communications equipment appropriation contained in section 1 of chapter 32 of the 1991 Session Laws is not subject to the provisions of North Dakota Century Code section 54-44.1-11, and the unexpended funds from this appropriation shall be available for the purchase of radio consoles during the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 6. FACILITY MANAGEMENT. The amount of \$500,000, or so much of the sum 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, 1993, and ending June 30, 1995.

SECTION 7. INTENT - HOMELESS GRANT PROGRAM. It is the intent of the fifty-third legislative assembly that the grants for homeless program line item contained in section 1 of this Act is to be administered by the office of intergovernmental assistance and that none of the funding provided is to be used for administering the distribution of the grants. The funding provided in section 1 of this Act is to be used to supplement the emergency shelter grants program and the funds are to be distributed in accordance with the rules and regulations provided for the emergency shelter grants program.

SECTION 8. INTENT - TOTAL QUALITY MANAGEMENT. It is the intent of the fifty-third legislative assembly that state agencies and institutions participate in a coordinated effort of public and private organizations to develop and implement the highest possible operational standards utilizing continuous quality improvement processes. State agencies and institutions are hereby authorized to enter into contracts to provide office space, staff and educational needs to further this endeavor.

SECTION 9. TRANSFER. Upon approval of the budget section, all state agencies and institutions may transfer appropriation authority between the grants line item and the grants to state agencies line item during the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 10. INTENT - INDIRECT COST ALLOCATION. It is the intent of the fifty-third legislative assembly that the office of management and budget is to collect from state agencies, amounts for indirect cost reimbursement for which appropriations were provided. Notwithstanding North Dakota Century Code section 54-44.1-15, the department of public instruction and the state department of health and consolidated laboratories may deposit indirect cost recoveries in their operating accounts.

SECTION 11. TRANSFER. During the biennium beginning July 1, 1993, and ending June 30, 1995, the director of the office of management and budget is authorized to transfer special funds to the general fund as follows:

Fire and tornado fund	\$ 12,000,000
State bonding fund	2,500,000
Lands and minerals trust fund	2,500,000
Human services receivables	3,000,000
State aid distribution fund	18,894,000
Pay equity implementation fund	229,000

The state treasurer shall transfer to the general fund, upon request of the director of the office of management and budget, prior to June 30, 1995, any funds remaining in the state aid distribution fund, after it has been determined that sufficient funds have been deposited in the state aid distribution fund to make payments pursuant to all appropriations and other transfers from the state aid distribution fund for the biennium ending June 30, 1995.

The authorized transfers from the state bonding fund are up to \$2,000,000 after December 22, 1994, and up to \$500,000 after June 1, 1995. The authorized transfers from the fire and tornado fund are up to \$4,000,000 after December 29, 1993, up to \$4,000,000 after June 29, 1994, and up to \$4,000,000 after December 30, 1994.

SECTION 12. Merger of nonprofit corporation doing business as a hospital with a corporation organized for profit - Retention of property tax status. Notwithstanding any provision of chapters 10-19.1 and 10-25, a nonprofit corporation doing business as a hospital may merge with a corporation organized for profit and form a nonprofit corporation. Notwithstanding any provision of chapter 57-02 or any other provision of law, any interest in property of corporations merging under this section retains the same property tax status after the merger as it had in the taxable year before the merger. Notwithstanding any provision of chapters 57-39.2 or 57-40.2 or any other provision of law, the sale, purchase, or use of any property by a corporation merging under this section retains the same status under the sales and use tax laws after the merger as it would have had before the merger.

SECTION 13. TRANSFER. On July 1, 1993, the state treasurer shall transfer the unobligated balance of any moneys received or generated by the commissioner of agriculture as a result of the pride of Dakota program within the department of agriculture to the general fund in the state treasury. Upon payment of all obligations, the state treasurer shall transfer any balance to the general fund in the state treasury.

SECTION 14. AMENDMENT. Section 4-01-19 of the North Dakota Century Code is amended and reenacted as follows:

4-01-19. Marketing bureau. Within the department of agriculture of this state a marketing bureau must be established and maintained for the purpose of gathering and disseminating statistical information on agricultural marketing problems of the state, and to engage in marketing services of agricultural products. Any moneys received or generated by the pride of Dakota program must be deposited in the general fund in the state treasury.

SECTION 15. AMENDMENT. Section 23-29-07 of the North Dakota Century Code is amended and reenacted as follows:

¹ **23-29-07. Permits.**

1. The department is hereby authorized to may issue permits for solid waste management facilities and solid waste transporters. It is unlawful for any person to own, operate, or use a facility for solid waste disposal or transport solid wastes without a valid permit. All such permits are nontransferable and are for a term of not more than five years from the date of issuance. All such permits so issued are conditioned upon the observance of the laws of the state and the rules and regulations authorized herein under this chapter.
2. For any permit application completed after July 1, 1994, the department shall notify the board of county commissioners of a county in which a new solid waste management facility will be located of the department's intention to issue a permit for the facility. The board of county commissioners may call a special election to be held within sixty days after receiving notice from the department to allow the qualified electors of the county to vote to approve or disapprove of the facility based on public interest and impact on the environment. If a majority of the qualified electors voting in the election vote to disapprove of the facility, the department may not issue the permit and the facility may not be located in that county.
3. Notwithstanding subsection 2, if the new solid waste management facility for which the permit application was completed after July 1, 1994, will be owned or operated by a solid waste management district board established under section 23-29-06, a special election to approve or disapprove of a facility may be called only if the boards of county commissioners from a majority of the counties in the solid waste management district call for a special election. However, a special election must be conducted in each county within the district. If a majority of the qualified electors voting in the election vote to disapprove of the facility, the department may not issue the permit.
4. Subsections 2 and 3 do not apply to a solid waste management facility operated as part of an energy conversion facility or part of a surface coal mining and reclamation operation, if the solid waste management facility disposes of only waste generated by the energy conversion facility or surface coal mining and reclamation operation.

SECTION 16. TRANSFER. On July 1, 1993, the state treasurer shall transfer the unobligated balance of any moneys in the computerized Uniform Commercial Code central filing system fund to the general fund in the state treasury. Upon payment of all obligations, the state treasurer shall transfer any balance to the general fund in the state treasury.

¹ NOTE: Section 23-29-07 was also amended by section 6 of House Bill No. 1057, chapter 111, and by section 1 of House Bill No. 1445, chapter 267.

² SECTION 17. AMENDMENT. Subsections 5, 9, and 10 of section 41-09-42 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

5. The fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement or to obtain information from the system is as follows:
 - a. For filing and indexing any statement under the Uniform Commercial Code, five dollars, and when a nonstandard statement is presented for filing, an additional fee of five dollars plus one dollar per page must be made. No additional fee may be charged if the form is filed also to gain protection under the central notice system.
 - b. For making certified copies of any recorded instrument, ~~five~~ seven dollars.
 - c. For completing a certificate requesting information, ~~five~~ seven dollars for the first five entries and ~~one dollar~~ two dollars for each additional five entries or fraction thereof.
 - d. For completing a certificate requesting copies, ~~five~~ seven dollars for the first three copies or fraction thereof, and ~~one dollar~~ two dollars for each additional copy.
 - e. For furnishing copies only of any filed instrument, one dollar.
9. The fee for furnishing information on a verbal request pursuant to subsection 5 of section 41-09-46 is ~~five~~ seven dollars.
10. The fee for furnishing a certificate pursuant to subsection 5 of section 41-09-46 is ~~five~~ seven dollars.

SECTION 18. AMENDMENT. Section 41-09-42.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

~~41-09-42.1. Creation of special fund— Fees collected by secretary of state. A special fund is hereby established in the state treasury to be known as the computerized Uniform Commercial Code central filing system fund. Any fees collected by the secretary of state pursuant to subsections 5, 8, 9, 10, and 11 of section 41-09-42 must be deposited in the computerized Uniform Commercial Code central filing system fund and may be spent within the limits of legislative appropriations for the purpose of implementing, maintaining, updating, and administering the computerized Uniform Commercial Code central filing data base system, the computerized central notice system, and the computerized statutory lien data base system. This fund is not subject to section 54-44.1-11 general fund in the state treasury.~~

SECTION 19. AMENDMENT. Subsections 2 and 5 of section 54-06-04 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

² NOTE: Subsections 5, 9, and 10 of section 41-09-42 were also amended by section 2 of House Bill No. 1212, chapter 411.

2. A committee composed of ~~the governor~~, the superintendent of the state historical board, the state librarian, and the director of the office of management and budget, or such other persons as may be designated by such persons to represent them, shall meet at the call of the director of the office of management and budget to set ~~minimum the requirements and establish guidelines~~ which must be prescribed by the office of management and budget for form, style, materials, and content ~~to assist state departments, institutions, and agencies of the executive branch of government in preparation~~ of biennial reports required by law.
5. All officers, departments, boards, commissions, and state institutions required to submit reports covering their operations for the two preceding fiscal years to the governor and the office of management and budget shall submit ~~typewritten or mimeographed~~ copies of their reports in the form and style, using the materials, and having the content prescribed under the provisions of subsection 2 on or before the first day of December in each year after the regular session of the legislative assembly. One copy of each report must be submitted to the governor and two copies to the office of management and budget. The office of management and budget shall cause to be prepared twenty-five copies of each report submitted under the provisions of this subsection ~~and shall bind these reports into volumes or sets to be known as "governmental biennial reports"~~ which must be distributed to the following agencies:
 - a. Governor's office.
 - b. Attorney general's office.
 - c. Legislative council.
 - d. State law library.
 - e. The state institutions of higher education.
 - f. State library.
 - g. Two volumes copies of each report must be placed in the office of the secretary of state for official and public use.

~~The style of binding to be used for the biennial reports must be determined by the office of management and budget.~~ The reports included in this subsection may not be further printed or reproduced except as provided for in this subsection and section 54-06-05.

SECTION 20. AMENDMENT. Section 4 of House Bill No. 1027, as approved by the fifty-third legislative assembly, is amended and reenacted as follows:

SECTION 4. Accessibility standards. Notwithstanding section 54-21.3-04, every building or facility subject to the federal Americans with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327] must conform to the accessibility standards of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36]. State and political subdivision entities may not claim the exceptions to the requirement that elevators be installed in certain buildings as those exceptions are stated in exception 1 to section 4.1.3(5) and in section

4.1.6(1)(k)(i) in the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities found in the appendix to 28 CFR 36. A structural change to an existing state or political subdivision building or facility is not required if another method is effective in achieving compliance with regulations adopted under Public Law 101-336. For public accommodations, an alternative to a structural change in existing buildings or facilities is permitted only after it has been documented, in accordance with regulations adopted under Public Law 101-336, that a particular structural change is not readily achievable. A state agency or the governing body of a political subdivision shall require from any person preparing plans and specifications for a building or facility subject to the Americans with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327], a statement that the plans and specifications are, in the professional judgment of that person, in conformance with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities found in the appendix to 28 CFR 36, subject to the exception stated in this section. A statement of conformance must be submitted to the office of intergovernmental assistance for recording.

SECTION 21. REPEAL. Section 3 of chapter 32 of the 1991 Session Laws of North Dakota is repealed.

SECTION 22. UNCONSTITUTIONALITY - SEVERABILITY. If a court determines subsection 3 of North Dakota Century Code section 23-29-07 to be invalid, North Dakota Century Code section 1-02-20 applies and the remainder of section 23-29-07 remains valid.

SECTION 23. EFFECTIVE DATE. Section 20 of this Act becomes effective August 1, 1993.

SECTION 24. EMERGENCY. Section 12 of this Act and the portion of section 21 of this Act repealing section 3 of chapter 32 of the 1991 Session Laws of North Dakota are declared to be emergency measures.

Approved April 30, 1993
Filed May 3, 1993

CHAPTER 6

HOUSE BILL NO. 1006
(Appropriations Committee)

DIVISION OF EMERGENCY MANAGEMENT

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the division of emergency management under the supervision of the adjutant general for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$1,417,191
Information services	26,337
Operating expenses	541,153
Equipment	36,905
Grants	1,990,000
Grants to state agencies	<u>360,000</u>
Total all funds	\$4,371,586
Less estimated income	<u>4,069,022</u>
Total general fund appropriation	\$ 302,564

SECTION 2. STATE HAZARDOUS MATERIAL PREPAREDNESS AND RESPONSE FUND. The estimated income line item in section 1 of this Act includes \$326,652 from the state hazardous material preparedness and response fund for the biennium beginning July 1, 1993, and ending June 30, 1995.

Approved April 30, 1993
Filed May 3, 1993

CHAPTER 7

HOUSE BILL NO. 1007
(Appropriations Committee)

ADJUTANT GENERAL

AN ACT to provide an appropriation for defraying the expenses of the adjutant general; and to provide an appropriation for the North Dakota veterans' cemetery.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds or other income, to the adjutant general's office for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

ADJUTANT GENERAL

Salaries and wages	\$ 2,104,453
Information services	20,389
Operating expenses	2,114,275
Equipment	50,800
Capital improvements	299,000
Grants	396,164
Recruiting and retention	27,000
Army guard contract	6,884,523
Tuition fees	900,000
Air guard contract	<u>5,293,384</u>
Total all funds	\$18,089,988
Less estimated income	<u>11,590,028</u>
Total general fund appropriation	\$ 6,499,960

SECTION 2. SPECIAL FUNDS. The amount of \$570,000, or so much of the amount as is necessary, included in the estimated income line item in section 1 of this Act is to be spent from the national guard tuition trust fund for the tuition programs provided for in chapters 37-07.1 and 37-07.2 for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 3. APPROPRIATION - REPORT TO BUDGET SECTION. There is hereby appropriated any funds received by the adjutant general from federal and private sources for the purpose of constructing and operating the North Dakota veterans' cemetery at or adjacent to Fort Abraham Lincoln state park for the biennium beginning July 1, 1993, and ending June 30, 1995. The adjutant general shall report to the budget section of the legislative council during the 1993-95 biennium on the funds received and spent for the veterans' cemetery.

Approved April 29, 1993
Filed April 30, 1993

CHAPTER 8

HOUSE BILL NO. 1008
(Appropriations Committee)

BOARD OF ANIMAL HEALTH

AN ACT making an appropriation for defraying the expenses of the state board of animal health; and to amend and reenact section 36-01-08 of the North Dakota Century Code, relating to fees charged by the state 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 of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the state board of animal health for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$358,771
Information services	7,440
Operating expenses	128,054
Equipment	<u>2,234</u>
Total general fund appropriation	\$496,499

SECTION 2. AMENDMENT. Section 36-01-08 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

¹ **36-01-08. Duties of board - Rules - Fees.** The state board of animal health shall protect the health of the domestic animals and captive wildlife of this state and shall determine and employ the most efficient and practical means for the prevention, suppression, control, and eradication of dangerous, contagious, and infectious diseases among the domestic animals and captive wildlife of this state. The board may make rules for the conduct of its business and to carry into effect the purposes of this chapter and other duties prescribed in this title. The rules of the state board of animal health must be adopted in accordance with chapter 28-32. The board shall collect six cents for each brucellosis tag and each identification tag, and eight dollars for each health book it distributes. The fees collected by the board must be deposited in the state general fund.

Approved April 30, 1993
Filed May 3, 1993

¹ NOTE: Section 36-01-08 was also amended by section 2 of House Bill No. 1297, chapter 355.

CHAPTER 9

HOUSE BILL NO. 1009
(Appropriations Committee)

HOMESTEAD CREDIT APPROPRIATION

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 of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other income to the state tax commissioner for the purpose of reimbursing the homestead tax credit, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Grants	<u>\$5,375,000</u>
Total all funds	<u>\$5,375,000</u>
Less estimated income	<u>1,500,000</u>
Total general fund appropriation	<u>\$3,875,000</u>

SECTION 2. ESTIMATED INCOME - TRANSFER. The sum of \$1,500,000 of the other funds appropriated in section 1 of this Act is to be spent from moneys from the housing finance agency reserves to the state tax commissioner for the purpose of defraying expenses of the homestead tax credit program for the biennium beginning July 1, 1993, and ending June 30, 1995. The moneys shall be transferred upon order of the industrial commission to the state tax commissioner's office when it determines the transfer is necessary for the state tax commissioner to make the homestead tax credit payments.

Approved April 14, 1993
Filed April 15, 1993

CHAPTER 10

HOUSE BILL NO. 1010
(Appropriations Committee)

STATE AID DISTRIBUTION

AN ACT making an appropriation for state revenue sharing and personal property tax replacement payments to political subdivisions; to provide a statement of legislative intent; and to provide for allotments, reductions, and a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the state aid distribution fund in the state treasury, not otherwise appropriated, to the state treasurer for the purpose of distributing state aid distribution fund revenue to local political subdivisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

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

SECTION 2. INTENT. It is the intent of the legislative assembly that if the total of amounts appropriated and the amounts transferred from the state aid distribution fund, before budget allotments, is less than the amount deposited in the state aid distribution fund during the 1993-95 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 1993-95 biennium. This section recognizes that transfers may be made by the state treasurer, upon the request of the director of the office of management and budget, from the state aid distribution fund to the general fund, as authorized by 1993 House Bill No. 1005.

SECTION 3. BUDGET REDUCTIONS - TRANSFER. The appropriation provided in section 1 of this Act is to be reduced by the director of the budget by the same percentage as any general fund reductions or allotments made pursuant to North Dakota Century Code sections 54-44.1-12 and 54-44.1-13.1 which may occur during the biennium beginning July 1, 1993, and ending June 30, 1995, and an amount equal to the reduction must be transferred by the state treasurer from the state aid distribution fund to the general fund.

Approved April 30, 1993
Filed May 3, 1993

CHAPTER 11

HOUSE BILL NO. 1011
(Appropriations Committee)

SEED DEPARTMENT

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from income, to the state seed department for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$2,683,352
Information services	19,800
Operating expenses	845,617
Equipment	119,045
Grants	100,000
Contingency	<u>100,000</u>
Total appropriation from seed department fund	\$3,867,814

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 12

HOUSE BILL NO. 1012
(Appropriations Committee)

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 subsection to section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the game and fish fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state game and fish department for the purpose of defraying the expenses of the various divisions thereof, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$ 9,344,087
Information services	349,324
Operating expenses	5,452,225
Equipment	405,074
Capital improvements	883,160
Grants	927,000
Grants to state agencies	423,500
Noxious weed control	145,000
Land habitat and deer depredation	1,011,000
Wildlife habitat	650,000
Miscellaneous	200,000
Grants, gifts, and donations	100,000
Nongame wildlife	120,000
Lonetree reservoir	770,000
Total special funds appropriation	<u>\$20,780,370</u>

SECTION 2. HABITAT RESTORATION. The amount of \$650,000, or such lesser amount as may be available, for the line item entitled wildlife habitat in section 1 of this Act is from the habitat restoration stamp program fund, to lease privately owned lands for wildlife habitat to reestablish wildlife population for the biennium beginning July 1, 1993, and ending June 30, 1995. These funds may be spent only for the purposes and utilizing guidelines as outlined in section 20.1-03-12.1.

SECTION 3. LAND HABITAT AND DEER DEPREDATION. The amount of \$1,011,000, or such lesser amount as may be available, for the line item entitled land habitat and deer depredation in section 1 of this Act, is from the private land habitat improvement fund to improve wildlife habitat on private land and alleviate depredation as provided in section 20.1-02-05 for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 4. NONGAME WILDLIFE. The amount of \$35,000, or such lesser amount as may be available, for 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, 1993, and ending June 30, 1995.

SECTION 5. CONTINGENT APPROPRIATION. There is hereby appropriated upon budget section approval, any moneys in the state game and fish operating fund, not otherwise appropriated, to the state game and fish department, up to \$1,000,000 of the amount that the state game and fish operating fund balance exceeds \$6,000,000 on July 1, 1993, plus the amount that the game and fish operating fund balance exceeds \$5,500,000 on July 1, 1994, plus any amount that the state game and fish operating fund 1993-95 revenues are projected to exceed estimated 1993-95 revenues by \$150,000, for the operations of the state game and fish department for the biennium beginning July 1, 1993, and ending June 30, 1995.

¹ **SECTION 6.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For an annual nonresident license to sell minnows or other live bait at wholesale, two hundred dollars.

Approved April 28, 1993
Filed April 30, 1993

¹ NOTE: Section 20.1-03-12 was also amended by sections 2 and 3 of House Bill No. 1180, chapter 229; by section 1 of House Bill No. 1355, chapter 234; and by section 3 of House Bill No. 1514, chapter 227.

CHAPTER 13

HOUSE BILL NO. 1013
(Appropriations Committee)

HISTORICAL SOCIETY

AN ACT to provide an appropriation for defraying the expenses of the state historical society.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state historical society for the purpose of defraying the expenses of its divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$3,381,472
Information services	55,845
Operating expenses	573,035
Equipment	60,759
Capital improvements	221,154
Grants	452,900
Grants to state agencies	22,100
International peace garden	<u>364,583</u>
Total all funds	\$5,131,848
Less estimated income	<u>1,097,841</u>
Total general fund appropriation	\$4,034,007

SECTION 2. PARKS AND HISTORIC SITES IMPROVEMENTS. The state historical society may spend funds appropriated in the parks and historic sites improvements line item in section 1 of House Bill No. 1014, approved by the fifty-third legislative assembly, subject to the approval of the director of the parks and recreation department and the director of the office of management and budget, for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 3. FUNDING - INTERNATIONAL PEACE GARDEN. The superintendent of the state historical society shall transfer fifty percent of the amount appropriated in the international peace garden line item in section 1 of this Act to the international peace garden within ten days of July 1, 1993, and transfer the remaining fifty percent within ten days of July 1, 1994. The state historical society may not reduce the funds appropriated for the international peace garden in section 1 of this Act by a percentage greater than any percentage allotment of general fund moneys required of the department pursuant to the provisions of sections 54-44.1-12 and 54-44.1-13.1.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 14

HOUSE BILL NO. 1014
(Appropriations Committee)

PARKS AND RECREATION AND TOURISM

AN ACT to provide an appropriation for defraying the expenses of the parks and recreation department and the tourism department; to provide for an appropriation from the snowmobile fund and the trail tax transfer fund; and to provide statements of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the parks and recreation department and the tourism department for the purpose of defraying the expenses of their various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

PARKS AND RECREATION DEPARTMENT

Salaries and wages	\$ 3,754,371
Information services	45,070
Operating expenses	2,145,341
Equipment	160,682
Capital improvements	1,359,454
Grants	1,003,333
Parks and historic sites improvements	1,424,182
Intermodal transportation	<u>312,500</u>
Total all funds	\$10,204,933
Less estimated income	<u>4,047,605</u>
Total general fund appropriation	\$ 6,157,328

Subdivision 2.

TOURISM DEPARTMENT

Salaries and wages	\$ 782,033
Information services	54,865
Operating expenses	3,404,500
Equipment	15,378
Grants	<u>60,000</u>
Total all funds	\$ 4,316,776
Less estimated income	<u>180,000</u>
Total general fund appropriation	\$ 4,136,776

Grand total general fund appropriation H.B. 1014	\$10,294,104
Grand total special funds appropriation H.B. 1014	\$ 4,227,605
Grand total all funds H.B. 1014	\$14,521,709

SECTION 2. SNOWMOBILE FUND. The amount of \$240,000, or so much of the amount as is necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act, is from the snowmobile fund.

SECTION 3. TRAIL TAX TRANSFER FUND. The amount of \$10,000, or so much of the amount as is necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act, is from the trail tax transfer fund.

SECTION 4. ADDITIONAL INCOME. All income of the parks and recreation department in excess of the estimated income appropriated in subdivision 1 of section 1 of this Act is hereby appropriated to the parks and recreation department for the biennium beginning July 1, 1993, and ending June 30, 1995, and may be spent only upon authorization of the emergency commission.

SECTION 5. 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, tourism department, and the state historical society. It is the intent of the legislative assembly that a parks and historic sites improvements committee, consisting of the lieutenant governor as chairperson, one member of the senate appropriations committee and one member of the house of representatives appropriations committee each appointed by the legislative council, the director of the parks and recreation department, the director of the tourism department, and the president of the state historical board or the president's designee, determine the parks and historic sites improvement projects to be conducted for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 6. NORTH DAKOTA 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 \$1,194,182 from the general fund and \$300,000 from special funds which the parks and recreation department and the state historical society shall use for purposes determined by the parks and historic sites improvements committee as provided in section 5 of this Act. With the approval of the director of parks and recreation and the director of the office of management and budget, the state historical society may spend funds from this line item for defraying the costs of parks and historic sites improvements conducted by the state historical society.

SECTION 7. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the tourism department, based on numbers of visitors and other factors, may close one of its visitor information centers after the 1994 tourism season.

SECTION 8. PARKS AND RECREATION - APPROPRIATION LIMITATION. Of the \$1,128,682 appropriated from the general fund in the parks and historic sites improvements line item in subdivision 1 of section 1 of this Act, \$100,000 of this amount is equal to the estimated amount of funds remaining unspent from the appropriation provided for the acquisition of the seventh-day adventist camp property adjacent to the Lake Metigoshe state park for the 1991-93 biennium contained in section 5 of 1991 Senate Bill No. 2016. Expenditure of funds pursuant to this \$100,000 general fund appropriation may not exceed the amount of funds remaining unspent pursuant to the general fund appropriation contained in section 5 of 1991 Senate Bill No. 2016.

Approved April 30, 1993
Filed May 3, 1993

CHAPTER 15

HOUSE BILL NO. 1015
(Appropriations Committee)

**WATER COMMISSION, SOIL CONSERVATION, AND
CENTENNIAL TREES**

AN ACT to provide an appropriation for defraying the expenses of the various divisions of the state water commission, the soil conservation committee, and the centennial trees commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the various divisions of the state water commission, the soil conservation committee, and the centennial trees commission for the purpose of defraying the expenses of their various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

STATE WATER COMMISSION

Salaries and wages	\$ 7,044,722
Information services	93,747
Operating expenses	7,478,650
Equipment	226,350
Capital improvements	26,600,000
Grants	9,297,509
Cooperative research	<u>3,050,000</u>
Total all funds	\$53,790,978
Less estimated income	<u>48,258,894</u>
Total general fund appropriation	\$ 5,532,084

Subdivision 2.

SOIL CONSERVATION COMMITTEE

Salaries and wages	\$ 419,031
Information services	7,253
Operating expenses	60,558
Equipment	1,000
Grants	<u>745,386</u>
Total general fund appropriation	\$ 1,233,228

Subdivision 3.

CENTENNIAL TREES COMMISSION

Salaries and wages	\$ 105,368
Information services	2,123
Operating expenses	<u>47,758</u>
Total special funds appropriation	\$ 155,249
Grand total general fund appropriation H.B. 1015	\$ 6,765,312
Grand total special fund appropriation H.B. 1015	\$48,414,143
Grand total all funds appropriation H.B. 1015	\$55,179,455

SECTION 2. RESOURCES TRUST FUND. The amount of \$11,501,581, or so much of the funds as is necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act is available from the resources trust fund to the state water commission for the biennium beginning July 1, 1993, and ending June 30, 1995.

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

SECTION 4. GRANTS. Section 54-44.1-11 does not apply to appropriations made for grants in subdivision 1 of section 1 of this Act. However, this exclusion is only in effect for the two-year period after June 30, 1995. 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 1993-95 revenues are in excess of \$11,501,581, 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, 1993, and ending June 30, 1995.

SECTION 6. SOLID WASTE MANAGEMENT FUND. The estimated income line item included in subdivision 1 of 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, 1993, and ending June 30, 1995.

SECTION 7. WATER USE FUND. The estimated income line item included in subdivision 1 of section 1 of this Act includes \$30,000 which the state water commission may spend from the water use fund for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 8. SOUTHWEST PIPELINE OPERATION AND MAINTENANCE FUND. The estimated income line item included in subdivision 1 of section 1 of this Act includes \$2,120,527 which the state water commission may spend from the southwest pipeline operation and maintenance fund for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 9. CENTENNIAL TREES PROGRAM - CENTENNIAL TREES PROGRAM TRUST FUND. The total special funds appropriation line item in subdivision 3 of section 1 of this Act includes \$155,249, or so much of the sum 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, 1993, and ending June 30, 1995.

SECTION 10. CENTENNIAL TREES COMMISSION - PRIVATIZATION. The centennial trees commission, during the biennium beginning July 1, 1993, and ending June 30, 1995, shall study the feasibility of creating a private, nonprofit organization to conduct the programs and activities of the centennial trees commission and methods

of funding these programs and activities. The commission shall present a report of the commission's recommendations together with any legislation required to implement the commission's recommendations to the fifty-fourth legislative assembly.

SECTION 11. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the centennial trees commission present to the fifty-fourth legislative assembly its recommendation regarding the use of the balance in the centennial trees program trust fund on June 30, 1995.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 16

HOUSE BILL NO. 1016
(Appropriations Committee)

AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

AN ACT to provide an appropriation for defraying the expenses of the agricultural products utilization commission and for ethanol production incentives; to create and enact a new section to chapter 4-14.1 of the North Dakota Century Code, relating to administrative costs of the agricultural products utilization commission; to amend and reenact sections 4-14.1-02 and 4-14.1-03.1 of the North Dakota Century Code, relating to uses of the agricultural fuel tax fund and grant programs 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 of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds and other income, to the agricultural products utilization commission for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$ 95,212
Information services	3,906
Operating expenses	116,164
Equipment	3,350
Research, utilization, and marketing grants	2,812,395
Ethanol incentive	<u>3,650,000</u>
Total special funds appropriation	\$6,681,027

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, 1993, and ending June 30, 1995. Any funds received require the approval of the emergency commission before they can be spent.

SECTION 3. AGRICULTURAL FUEL TAX FUND. The total special funds appropriation line item in section 1 of this Act includes \$1,349,537, or so much of the amount as may be necessary, from the agricultural fuel tax fund for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 4. HIGHWAY TAX DISTRIBUTION FUND - ETHANOL PRODUCTION INCENTIVES. The total special funds appropriation line item in section 1 of this Act includes \$3,657,000, or so much of the amount as may be necessary, from the highway tax distribution fund for the ethanol production incentive program. Of this amount, \$3,650,000 is for the purpose of providing production incentives to North Dakota ethanol plants and \$7,000 is for audits of the use of these funds for the biennium beginning July 1, 1993, and ending June 30, 1995. Distribution from the appropriation in section 1 of this Act to the producers of agriculturally derived fuel must be at the rate of forty cents for each gallon of agriculturally derived fuel produced in the state which is marketed by the producing plant to a distributor

or wholesaler for sale within North Dakota. For purposes of this section "gallon of agriculturally derived fuel" means a gallon of fuel that qualifies for the alcohol credit under 26 U.S.C. 40, specifically including fuel to which a denaturant has been added. Payment to the producing plant must be approved by the agricultural products utilization commission upon presentation by the plant of an affidavit to the effect that the ethanol sold from the plant and for which the producers credit is being sought is to be sold at retail to consumers in North Dakota. The affidavit of the producer of the ethanol must be accompanied by an affidavit from the wholesaler or retailer to the same effect. If two or more ethanol production plants are in operation in this state throughout the 1993-95 biennium, a single plant may not receive incentive payments of more than nine hundred fifty thousand dollars for production in either fiscal year of the 1993-95 biennium. However, during any time one of the plants eligible for production incentives is not in operation for thirty or more consecutive days, any other ethanol production plant that is in operation may receive up to one hundred fifty thousand dollars per thirty calendar days in incentive payments for production during such time and the annual incentive payment limitation is waived to the extent of payments received under the authority of this sentence. Within ninety days after the end of each fiscal year of the ethanol plant beginning after December 31, 1992, any North Dakota ethanol plant receiving production incentives from the state shall file with the budget section of the legislative council a statement, certified by a certified public accountant as to whether or not the plant produced a profit from its operation in the preceding fiscal year, after deducting the payments received from this incentive program.

SECTION 5. EXEMPTION. The funds appropriated in the research, utilization, and marketing grants line item in section 1 of this Act are not subject to the provisions of section 54-44.1-11 and any unexpended funds from this line item may be available for continued payment of grants awarded but not paid during the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 6. A new section to chapter 4-14.1 of the North Dakota Century Code is created and enacted as follows:

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

SECTION 7. AMENDMENT. Section 4-14.1-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-02. Agricultural fuel tax fund - Purposes —~~Other funds.~~ There is hereby created in the state treasury, a fund, to be known as the agricultural fuel tax fund, which must be used to fund programs for the enhancement of agricultural research, development, processing, and marketing. The fund must be used ~~for the following purposes:~~

- ~~1. Appropriation to the North Dakota agricultural products utilization commission for its necessary administrative expenses including expenses of members of the commission, employment of needed personnel, hiring of consultants, contracting with public or private entities for services, and other expenditures necessary to implement the purposes of this chapter.~~
- ~~2. Seventy five percent of agricultural fuel tax funds available to the North Dakota agricultural products utilization commission after amounts~~

~~necessary under subsection 1 must be made available for basic and applied research efforts regarding uses and processing for agricultural products and byproducts in consultation with the president of North Dakota state university and with the prior approval of the commission on each research proposal.~~

- ~~3. Twenty five percent of agricultural fuel tax funds available to the North Dakota agricultural products utilization commission after amounts necessary under subsection 1 must be made available for utilization and marketing efforts in consultation with the commissioner of agriculture and with the prior approval of the commission on each marketing proposal.~~
- ~~4. Employment of needed personnel, hiring of consultants, and contracting with public entities or private parties for services as may be necessary to implement the policy and purposes of this chapter. The allocation of funds in subsections 2 and 3 may be changed by the agricultural products utilization commission, subject to emergency commission approval.~~

to defray the expenses of the North Dakota agricultural products utilization commission necessary to implement the purposes of this chapter.

SECTION 8. AMENDMENT. Section 4-14.1-03.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-03.1. Agricultural products utilization commission - Authority - Duties.

- ~~1. The North Dakota agricultural products utilization commission may apply for, accept, and expend any appropriation, grant, gift, or service made available from public or private sources consistent with the purpose of this chapter.~~
- ~~2. The commission shall may administer a cooperative marketing grant program designed to encourage groups of agricultural producers to develop innovative marketing strategies. The commission shall adopt rules to implement this grant program.~~
- ~~3. The commission shall administer a farm diversification grant program designed to stimulate and foster diversification and innovation and to encourage value added processing. The commission shall adopt rules to implement this grant program grant programs consistent with the purpose of this chapter including a basic and applied research grant program, utilization and marketing grant program, cooperative marketing grant program, farm diversification grant program, and a North American marketing grant program.~~

SECTION 9. LEGISLATIVE INTENT - ETHANOL PRODUCTION INCENTIVE PROGRAM REVENUE.

It is the intent of the legislative assembly that the \$3,657,000 appropriated from the highway tax distribution fund in section 1 of this Act is generated from additional revenue of \$2,400,000 resulting from the amendment in section 1 of chapter 404 of the 1991 Session Laws of North Dakota, relating to motor vehicle registration fees and mile tax, and additional revenue of \$1,257,000 resulting from the amendment in section 3 of chapter 404 of the 1991 Session Laws of North Dakota, relating to agricultural fuel tax refund reduction.

Approved April 29, 1993
Filed April 30, 1993

CHAPTER 17

HOUSE BILL NO. 1017
 (Appropriations Committee)

WORKERS' COMPENSATION

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from 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 its various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

WORKERS COMPENSATION BUREAU

Salaries and wages	\$ 9,625,310
Information services	1,417,052
Operating expenses	4,369,277
Equipment	1,152,559
Third-party administration	2,505,000
Imaging project	2,800,000
Workers' compensation contingency	1,008,867
All states coverage	1,000,000
Civil air patrol payment	<u>10,373</u>
Total all funds	\$23,888,438
Less estimated income	<u>23,878,065</u>
Total general fund appropriation	\$ 10,373

SECTION 2. SPECIAL FUNDS. The amount appropriated in section 1 of this Act includes \$23,784,922 which is to be spent from the workers' compensation fund for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 3. WORKERS' COMPENSATION CONTINGENCY - EMERGENCY COMMISSION APPROVAL REQUIRED. The sums appropriated in section 1 of this Act for the workers' compensation contingency line item can be spent only upon authorization of the emergency commission for the biennium beginning July 1, 1993, and ending June 30, 1995.

Approved April 30, 1993
 Filed May 3, 1993

CHAPTER 18

HOUSE BILL NO. 1018
(Appropriations Committee)

RETIREMENT AND INVESTMENT AGENCIES

AN ACT to provide an appropriation for defraying the expenses of various state retirement and investment agencies and to provide for transfers between line items and statements of intent regarding state employee salary increases and state agencies' information services line items.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys from special funds derived from income, to the retirement and investment agencies listed in this section for the purpose of defraying their expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

RETIREMENT AND INVESTMENT OFFICE

Salaries and wages	\$1,410,511
Information services	288,039
Operating expenses	624,641
Equipment	20,000
Contingency	100,000
Contracted services	<u>200,000</u>
Total special funds appropriation	\$2,643,191

Subdivision 2.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Salaries and wages	\$1,313,564
Information services	381,193
Operating expenses	623,256
Equipment	17,300
Contingency	<u>40,000</u>
Total special funds appropriation	\$2,375,313
Grand total special funds appropriation H.B. 1018	\$5,018,504

SECTION 2. TRANSFERS BETWEEN LINE ITEMS. Notwithstanding the provisions of chapter 54-16, the director of the office of management and budget and the state treasurer shall make transfers of funds between line items of an agency or institution upon the request of the agency or institution in order to provide funding for 3.0 percent employee salary increases for the second year of the 1993-95 biennium as provided in section 3 of this Act.

SECTION 3. LEGISLATIVE INTENT - STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES. It is the intent of the legislative assembly that 1993-95 compensation adjustments for state employees are to be \$60 per month beginning with the month of July 1993, to be paid in August 1993, and 3.0 percent beginning with the month of July 1994, to be paid in August 1994. The 3.0 percent adjustment during the second

year of the biennium may only be given to the extent that the increase can be paid without an increase in an agency's appropriation. State employees not on a probationary status are entitled to receive the increases provided in this section. Temporary and part-time employees must be provided pro rata increases in accordance with the number of hours worked. Pay grade maximums may not be used to limit the amount of any increases under this section. State agencies and institutions shall report to the office of management and budget the amounts provided for salary increases for the second year of the 1993-95 biennium and any amounts transferred between line items pursuant to section 2 of this Act. The office of management and budget shall report to the budget section at its first meeting after August 1, 1994, concerning the amounts provided by state agencies and institutions for salary increases for the second year of the biennium and line item transfers relating to the increases.

SECTION 4. LEGISLATIVE INTENT - INFORMATION SERVICES. It is the intent of the legislative assembly that state agencies and institutions' information services line items in total are to be reduced by \$2,775,817, of which \$1,085,060 is from the general fund and \$1,690,757 is from other funds, from the amounts that were included in bills as introduced.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 19

HOUSE BILL NO. 1019
(Appropriations Committee)

STATE OFFICIALS AND INSTITUTIONS

AN ACT making an appropriation for defraying the expenses of various state departments and institutions; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, the sums as hereinafter provided or so much of the sums as may be necessary. These sums shall increase the general fund and special funds appropriation authority enacted by the fifty-second 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 their expenses, for the period beginning January 1, 1993, and ending June 30, 1993, as follows:

Subdivision 1.

SECRETARY OF STATE

Information services	\$ 593,000
Operating expenses	<u>50,000</u>
Total general fund appropriation	\$ 643,000

Subdivision 2.

INDUSTRIAL COMMISSION

Operating expenses	\$ 900,000
Total general fund appropriation	\$ 900,000

Subdivision 3.

NORTH DAKOTA SCHOOL FOR THE BLIND

Salaries and wages	\$ 125,000
Operating expenses	<u>125,000</u>
Total general fund appropriation	\$ 250,000

Subdivision 4.

HOMESTEAD TAX CREDIT

Grants	\$ 160,000
Total general fund appropriation	\$ 160,000

Subdivision 5.

BOARD OF ANIMAL HEALTH

Salaries and wages	\$ <u>9,747</u>
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Total general fund appropriation	\$ 9,747
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Subdivision 6.

DEPARTMENT OF CORRECTIONS AND REHABILITATION
STATE PENITENTIARY

Salaries and wages	\$ 196,400
Operating expenses	294,050
Capital improvements	<u>225,000</u>
Total all funds	\$ 715,450
Less estimated income	<u>677,000</u>
Total general fund appropriation	\$ 38,450

PAROLE AND PROBATION

Salaries and wages	\$ 13,134
Operating expenses	<u>1,793</u>
Total general fund appropriation	\$ 14,927

DIVISION OF JUVENILE SERVICES

Salaries and wages	\$ 50,000
Information services	10,000
Operating expenses	<u>50,000</u>
Total special fund appropriation	\$ 110,000
Grand total general fund appropriation subdivision 6	\$ 53,377
Grand total special funds appropriation subdivision 6	\$ 787,000
Grand total all funds appropriation subdivision 6	\$ 840,377

Subdivision 7.

OFFICE OF THE ATTORNEY GENERAL

State employee defense	<u>\$ 150,000</u>
Total general fund appropriation	\$ 150,000

Subdivision 8.

NORTH DAKOTA VETERANS' HOME

Salaries and wages	\$ 37,392
Operating expenses	25,338
Capital improvements	<u>8,485</u>
Total all funds	\$ 71,215
Less estimated income	<u>8,485</u>
Total general fund appropriation	\$ 62,730

Subdivision 9.

AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

Basic and applied research grants	\$ 161,973
Marketing and utilization grants	<u>84,183</u>
Total special fund appropriation	\$ 246,156

Subdivision 10.

DIVISION OF EMERGENCY MANAGEMENT

Equipment	\$ 13,534
Grants	<u>70,000</u>
Total special fund appropriation	\$ 83,534

Subdivision 11.

OFFICE OF ADMINISTRATIVE HEARINGS

Operating expenses	<u>\$ 31,575</u>
Total general fund appropriation	\$ 31,575
Grand total general fund appropriation H.B. 1019	\$2,260,429
Grand total special funds appropriation H.B. 1019	\$1,125,175
Grand total all funds appropriation H.B. 1019	\$3,385,604

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

Approved April 14, 1993
 Filed April 15, 1993

CHAPTER 20

HOUSE BILL NO. 1020
(Appropriations Committee)

CAPITAL PROJECTS

AN ACT providing an appropriation for capital projects of various state departments and institutions; to authorize the state board of higher education to issue and sell self-liquidating tax-exempt bonds for capital projects; and to authorize the industrial commission to issue and sell evidences of indebtedness for capital projects.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - GENERAL FUND. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sums as hereinafter provided or so much of the sums as may be necessary to the stated departments and institutions of the state of North Dakota for the purpose of defraying their capital project expenses, for the period beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

NORTH DAKOTA VETERANS' HOME

Capital improvements	\$ <u>40,600</u>
Total general fund appropriation	\$ 40,600

Subdivision 2.

DEPARTMENT OF CORRECTIONS AND REHABILITATION
STATE PENITENTIARY

Capital improvements	\$ <u>85,400</u>
Total general fund appropriation	\$ 85,400

Subdivision 3.

NORTH DAKOTA STATE FAIR

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

Subdivision 4.

INTERNATIONAL PEACE GARDEN

Capital improvements	\$ <u>30,000</u>
Total general fund appropriation	\$ 30,000

SECTION 2. APPROPRIATION - SPECIAL FUNDS. There is hereby appropriated out of any special funds derived from federal funds and other income, the sums as hereinafter provided or so much of the sums as may be necessary to the stated departments and institutions of the state of North Dakota for the purpose of defraying their capital project expenses, for the period beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

DEPARTMENT OF PUBLIC INSTRUCTION

Capital improvements		\$ 90,000
Total special funds appropriation		<u>\$ 90,000</u>
Subdivision 2.		
	NORTH DAKOTA STATE UNIVERSITY	
Capital improvements		\$ 250,000
Total special funds appropriation		<u>\$ 250,000</u>
Subdivision 3.		
	UNIVERSITY OF NORTH DAKOTA	
Capital improvements		<u>\$ 4,065,035</u>
Total special funds appropriation		<u>\$ 4,065,035</u>
Subdivision 4.		
	MINOT STATE UNIVERSITY	
Capital improvements		<u>\$ 2,000,000</u>
Total special funds appropriation		<u>\$ 2,000,000</u>
Subdivision 5.		
	DEPARTMENT OF CORRECTIONS AND REHABILITATION ROUGH RIDER INDUSTRIES	
Capital improvements		<u>\$ 390,000</u>
Total special funds appropriation		<u>\$ 390,000</u>
Subdivision 6.		
	STATE SEED DEPARTMENT	
Capital improvements		<u>\$ 50,000</u>
Total special funds appropriation		<u>\$ 50,000</u>
Subdivision 7.		
	NORTHERN CROPS INSTITUTE	
Capital improvements		<u>\$ 1,500,000</u>
Total special funds appropriation		<u>\$ 1,500,000</u>
Subdivision 8.		
	PARKS AND TOURISM	
Capital improvements		<u>\$ 560,000</u>
Total special funds appropriation		<u>\$ 560,000</u>
Subdivision 9.		
	DEPARTMENT OF TRANSPORTATION	
Capital improvements		<u>\$ 177,000</u>
Total special funds appropriation		<u>\$ 177,000</u>
Grand total general fund appropriation H.B. 1020		\$ 366,000
Grand total special funds appropriation H.B. 1020		\$27,422,943
Grand total all funds appropriation H.B. 1020		<u>\$27,788,943</u>

SECTION 3. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, may issue and sell self-liquidating tax-exempt bonds in an amount not exceeding \$6,315,035, for the purpose of constructing the capital projects at institutions under the control of the board named in section 2 of this Act, including an amount not exceeding \$250,000 for an addition to the varsity mart at North Dakota state university, \$3,565,035 to renovate McCannel hall, \$500,000 for a parking lot at the university of North Dakota, and \$2,000,000 for an addition to the student center at Minot state

university. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota.

SECTION 4. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 3, or so much of the sum as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and equipment of the facilities named in section 3. Any unexpended balance from the sale of bonds must be placed in sinking funds for the retirement of the authorized bonds.

SECTION 5. PROJECT AUTHORIZATION - APPROPRIATION. The industrial commission, acting as the state building authority, shall arrange for the funding of the projects authorized in this section, hereby declared to be in the public interest, through the issuance of evidences of indebtedness under North Dakota Century Code chapter 54-17.2, during the biennium beginning July 1, 1993, and ending June 30, 1995. The proceeds of the evidences of indebtedness and other available funds are hereby appropriated during the biennium beginning July 1, 1993, and ending June 30, 1995, for the following projects:

NAME OF AGENCY, DEPARTMENT, OR INSTITUTION	TYPE OF FACILITY	CONSTRUCTION/ ACQUISITION FUNDS
Job service North Dakota	Office building	\$ 1,735,000
Minot state university	Memorial library	2,550,000
North Dakota university system	Capital construction projects, including handicapped accessibility projects and special assessments	8,630,908
Industrial school	Building demolition and asbestos removal from tunnel system	250,000
Adjutant general	Grand Forks armory and other projects	<u>375,000</u>
Total		\$13,540,908

The industrial commission shall issue evidences of indebtedness authorized under this section with the condition that lease rental payments need not begin until July 1, 1995. This authority of the industrial commission to issue evidences of indebtedness ends on June 30, 1995, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date. Any unexpended balances from the sale of evidences of indebtedness must be placed in a sinking fund for the retirement of authorized evidences of indebtedness.

The state board of higher education may obtain and utilize federal funds to assist in remodeling and expanding the former library at Minot state university. There is hereby appropriated to the state board of higher education the sum of \$4,800,000, or so much of the sum as may be necessary, from any federal or other funds that may become available for this project for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 6. PAYMENT OF MATCHING SHARE. Of the total amount of evidences of indebtedness issued under the provisions of section 5 of this Act, a total of

\$1,990,000 from nongeneral fund sources will become available to assist in the retirement of the evidences of indebtedness, issued for the project costs associated with construction of the projects authorized by this Act.

Minot state university	Memorial library	255,000
Job service North Dakota	Office building	<u>1,735,000</u>
Total		\$1,990,000

Minot state university shall pay fifty percent of its local matching share to the industrial commission by June 30, 1996, and the remaining fifty percent of the local matching amount in six equal annual installments beginning after fiscal year 1996, and may prepay any or all of its matching share. Job service North Dakota shall pay its matching share to the industrial commission in equal annual installments over the life of the issue. Such payments of local matching amounts must be deposited in a special industrial commission account from which the industrial commission shall use the funds in making principal and interest payments.

SECTION 7. INTENT. It is the intent of the fifty-third legislative assembly that no institution in the North Dakota university system, which sells computers and provides warranty services for computers shall enter the business in competition with the private sector of providing computer repair services to students for nonwarranty computer repairs.

SECTION 8. INTENT. It is the intent of the fifty-third legislative assembly that the state board of higher education present to the fifty-fourth legislative assembly its proposal for major capital projects at the university of North Dakota - Lake Region, the university of North Dakota - Williston center, North Dakota state university - Bottineau, Dickinson state university, Bismarck state college, University of North Dakota and Valley City state university.

Approved April 30, 1993
 Filed May 3, 1993

CHAPTER 21

HOUSE BILL NO. 1065
(Appropriations Committee)

AGRICULTURAL BOARDS, COUNCILS, AND COMMISSIONS

AN ACT making an appropriation for defraying the expenses of various agricultural boards, 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 of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds and other income, to the agricultural boards, councils, and commissions listed in this section for the purpose of defraying their expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, 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	\$ 71,817
Information services	56,254
Operating expenses	1,868,996
Equipment	<u>7,000</u>
Total appropriation from oilseed fund	<u>\$2,004,067</u>

Subdivision 3.

HONEY PROMOTION FUND

Operating expenses	\$ 30,000
Total appropriation from honey promotion fund	<u>\$ 30,000</u>

Subdivision 4.

STATE POTATO COUNCIL

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

Subdivision 5.

CORN UTILIZATION COUNCIL

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

Subdivision 6.

TURKEY FUND

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

Subdivision 7.

STATE WHEAT COMMISSION

Salaries and wages	\$ 717,271
Information services	13,380
Operating expenses	2,485,120
Grants to state agencies	432,340
Equipment	<u>25,000</u>
Total appropriation from wheat promotion fund	\$3,673,111

Subdivision 8.

MILK STABILIZATION BOARD

Salaries and wages	\$ 364,442
Information services	6,200
Operating expenses	129,252
Equipment	<u>6,480</u>
Total appropriation from milk stabilization fund	\$ 506,374
Grand total special funds appropriation H.B. 1065	\$8,668,552

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, 1993, and ending June 30, 1995.

Approved April 28, 1993
 Filed April 30, 1993

CHAPTER 22

HOUSE BILL NO. 1519
 (Representatives R. Berg, Gates, Payne, Price, Rydell, Wald)
 (Approved by the Delayed Bills Committee)

BOARD OF HIGHER EDUCATION

AN ACT to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education, to provide an exemption to the provisions of section 54-44.1-11, and to authorize the state board of higher education to convey certain state-owned land to Ramsey County, North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds or other income, to the state board of higher education and to the various institutions of higher learning under the supervision of the state board of higher education for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

NORTH DAKOTA UNIVERSITY SYSTEM OFFICE

Salaries and wages	\$ 1,781,948
Information services	79,009
Operating expenses	429,900
Equipment	24,150
Computer network management	188,000
Higher education contingency fund	92,168
Professional student exchange program	1,108,870
Experimental program to stimulate competitive research	4,980,000
Scholars program	642,240
Perkins loan program match	102,885
Title II grant	300,000
Paul Douglas scholarship	99,420
Student financial assistance grants	3,943,086
Disabled student services	50,000
Native American scholarships	200,000
College technical administration	150,000
Total all funds	<u>\$ 14,171,676</u>
Less estimated income	<u>4,949,420</u>
Total general fund appropriation	<u>\$ 9,222,256</u>

Subdivision 2.

BISMARCK STATE COLLEGE

Salaries and wages	\$ 13,120,260
Operating expenses	3,274,959

Equipment	433,271
Capital improvements	<u>317,354</u>
Total all funds	\$ 17,145,844
Less estimated income	<u>8,333,130</u>
Total general fund appropriation	\$ 8,812,714

Subdivision 3.

UNIVERSITY OF NORTH DAKOTA-LAKE REGION

Salaries and wages	\$ 3,719,797
Operating expenses	1,158,763
Equipment	122,631
Capital improvements	<u>41,333</u>
Total all funds	\$ 5,042,524
Less estimated income	<u>2,039,656</u>
Total general fund appropriation	\$ 3,002,868

Subdivision 4.

UNIVERSITY OF NORTH DAKOTA - WILLISTON

Salaries and wages	\$ 4,296,707
Operating expenses	1,173,587
Equipment	238,766
Capital improvements	<u>150,880</u>
Total all funds	\$ 5,859,940
Less estimated income	<u>2,989,753</u>
Total general fund appropriation	\$ 2,870,187

Subdivision 5.

UNIVERSITY OF NORTH DAKOTA

Salaries and wages	\$ 92,879,513
Operating expenses	26,023,217
Equipment	2,154,002
Capital improvements	2,000,000
Interactive video network	<u>1,831,190</u>
Total all funds	\$124,887,922
Less estimated income	<u>49,114,063</u>
Total general fund appropriation	\$ 75,773,859

Subdivision 6.

NORTH DAKOTA STATE UNIVERSITY

Salaries and wages	\$ 73,651,942
Operating expenses	21,691,055
Equipment	2,038,242
Capital improvements	<u>1,370,940</u>
Total all funds	\$ 98,752,179
Less estimated income	<u>39,242,039</u>
Total general fund appropriation	\$ 59,510,140

Subdivision 7.

NORTH DAKOTA STATE COLLEGE OF SCIENCE

Salaries and wages	\$ 19,390,920
Operating expenses	5,355,464
Equipment	1,068,285
Capital improvements	<u>386,782</u>
Total all funds	\$ 26,201,451

Less estimated income	<u>7,015,638</u>
Total general fund appropriation	\$ 19,185,813

Subdivision 8.

DICKINSON STATE UNIVERSITY

Salaries and wages	\$ 11,644,301
Operating expenses	3,171,605
Equipment	277,787
Capital improvements	<u>245,899</u>
Total all funds	\$ 15,339,592
Less estimated income	<u>5,599,113</u>
Total general fund appropriation	\$ 9,740,479

Subdivision 9.

MAYVILLE STATE UNIVERSITY

Salaries and wages	\$ 7,104,730
Operating expenses	1,865,809
Equipment	83,344
Capital improvements	<u>80,000</u>
Total all funds	\$ 9,133,883
Less estimated income	<u>2,622,459</u>
Total general fund appropriation	\$ 6,511,424

Subdivision 10.

MINOT STATE UNIVERSITY

Salaries and wages	\$ 25,656,129
Operating expenses	4,805,237
Equipment	669,382
Capital improvements	<u>670,668</u>
Total all funds	\$ 31,801,416
Less estimated income	<u>13,776,567</u>
Total general fund appropriation	\$ 18,024,849

Subdivision 11.

VALLEY CITY STATE UNIVERSITY

Salaries and wages	\$ 9,286,197
Operating expenses	2,227,364
Equipment	197,502
Capital improvements	230,000
Special initiatives	<u>250,000</u>
Total all funds	\$ 12,191,063
Less estimated income	<u>3,466,540</u>
Total general fund appropriation	\$ 8,724,523

Subdivision 12.

NORTH DAKOTA STATE UNIVERSITY - BOTTINEAU

Salaries and wages	\$ 3,391,858
Operating expenses	898,374
Equipment	92,280
Capital improvements	<u>76,050</u>
Total all funds	\$ 4,458,562
Less estimated income	<u>1,380,316</u>
Total general fund appropriation	\$ 3,078,246

Subdivision 13.

NORTH DAKOTA FOREST SERVICE

Salaries and wages	\$ 1,539,161
Operating expenses	367,148
Equipment	36,976
Capital improvements	<u>31,061</u>
Total all funds	\$ 1,974,346
Less estimated income	<u>663,040</u>
Total general fund appropriation	\$ 1,311,306

Subdivision 14.

UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

Salaries and wages	\$ 43,355,211
Operating expenses	15,866,050
Equipment	<u>1,747,887</u>
Total all funds	\$ 60,969,148
Less estimated income	<u>35,687,469</u>
Total general fund appropriation	\$ 25,281,679

Subdivision 15.

MEDICAL CENTER REHABILITATION HOSPITAL

Salaries and wages	\$ 17,049,762
Operating expenses	8,085,572
Equipment	<u>526,356</u>
Total appropriation from institutional income	\$ 25,661,690

Grand total general fund appropriation	\$251,050,343
Grand total special funds appropriation	\$202,540,893
Grand total all funds appropriation	\$453,591,236

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

SECTION 3. APPROPRIATION. All operating fund income received in excess of the estimated income line item appropriated to the entities in section 1 of this Act which is deposited in their respective operating funds in the state treasury is hereby appropriated. Any excess estimated income up to the following amounts may be spent subject to board of higher education approval:

INSTITUTION	AMOUNT
Bismarck state college	\$ 249,994
University of North Dakota - Lake Region	61,190
University of North Dakota - Williston	89,692
University of North Dakota	1,473,422
North Dakota state university	1,177,261
North Dakota state college of science	210,469
Dickinson state university	167,973
Mayville state university	78,674

Minot state university	413,297
Valley City state university	103,996
North Dakota state university - Bottineau	41,409
North Dakota forest service	19,891
University of North Dakota medical center	1,070,624
Medical center rehabilitation hospital	<u>769,851</u>
Total	\$5,927,743

Any additional excess estimated income can be spent only upon authorization of the emergency commission. Any funds received by the board of higher education and the entities of the North Dakota university system pursuant to federal acts, private grants, and other sources not deposited in the operating funds in the state treasury are hereby appropriated for the period beginning July 1, 1993, and ending June 30, 1995.

SECTION 4. TRANSFERS. Each institution or agency included in subdivisions 1 through 15 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 5. EXEMPTION. The operating expenses line items, scholars program, higher education contingency fund, student financial assistance grants, and professional student exchange program appropriations contained in subdivision 1 of section 1 of chapter 3 of the 1991 Session Laws of North Dakota shall not be subject to the provisions of section 54-44.1-11 and any unexpended funds from these appropriations shall be available during the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 6. 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 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.

SECTION 7. LEGISLATIVE INTENT. The legislative assembly recognizes the appropriations in section 1 may be insufficient to provide for both full funding of faculty and staff positions and for 1994-95 salary adjustments. Therefore, it intends that the board of higher education take such action as it considers necessary to allocate the funding to maintain quality academic programs.

SECTION 8. TRAINING - SALARIES. The amounts included in the institutions appropriations for training funding in section 1 may be used within each institution as determined appropriate by the board of higher education and the institutions for 1994-95 salary adjustments.

SECTION 9. LEGISLATIVE INTENT - ADMINISTRATIVE STREAMLINING. The legislative assembly supports the board of higher education's goal to reduce and streamline administrative functions within the entities under the board's control. In making personnel reductions which will be required at the levels appropriated, it is the intent of the legislative assembly that the board first make reductions in

administrative areas before eliminating positions directly related to instruction and student services.

SECTION 10. LEGISLATIVE INTENT - COMPARABLE PROGRAMS. The legislative assembly expresses its concern to the board of higher education regarding institutional expenditures to seek national accreditation of programs where comparable programs have already received national accreditation at other institutions.

SECTION 11. TRANSFER OF LAND BY STATE BOARD OF HIGHER EDUCATION.

1. The state board of higher education may convey to Ramsey County, North Dakota, land owned by the state under the jurisdiction of the state board of higher education which is located in Ramsey County and described as follows:

All that part of section eighteen, township one hundred fifty-three north of range sixty-four west in Ramsey County, North Dakota, described as follows:

Beginning at the southwest corner of lot one, block one, Lake Front Park Addition of Devils Lake Chautauqua Association of North Dakota, now known as Lakewood Park of the City of Devils Lake, thence west to the west side of Ramsey County Highway No. 1 right of way, which is the point of beginning, thence in a southerly direction following the right of way a distance of one hundred feet, thence west to the ordinary high water mark of Devils Lake, thence in a northerly direction along the ordinary high water mark a distance of three hundred feet, thence east to the west right-of-way line of Ramsey County Highway No. 1, thence in a southerly direction along the right of way to the point of beginning.

2. The conveyance authorized by this Act is not subject to North Dakota Century Code sections 54-01-05.2 and 54-01-05.5.
3. The attorney general shall review and approve as to form and legality all legal documents, papers, and instruments required by the conveyance authorized by this Act.
4. Before the board of higher education may convey the property as authorized by subsection 1, the board shall submit the terms of the transfer to the budget section of the legislative council. The board may convey the property only after the budget section has approved the terms of the transfer.

Approved April 30, 1993
Filed May 3, 1993

CHAPTER 23

SENATE BILL NO. 2001
(Appropriations Committee)

LEGISLATIVE BRANCH

AN ACT providing an appropriation for defraying the expenses of the legislative branch of government; to amend and reenact subsection 2 of section 28-32-03, section 28-32-03.1, and subsections 3 and 4 of section 28-32-03.2 of the North Dakota Century Code, relating to publication of the administrative code; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION FOR THE LEGISLATIVE BRANCH OF STATE GOVERNMENT. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the legislative branch of the state government for the purpose of defraying the expenses of that branch, for the fiscal period beginning with the effective date of this Act and ending June 30, 1995, as follows:

Subdivision 1.

FIFTY-THIRD AND FIFTY-FOURTH LEGISLATIVE ASSEMBLIES AND BIENNIUM

Salaries and wages	\$ 3,944,635
Operating expenses	1,862,734
Equipment	33,568
National conference of state legislatures	<u>125,470</u>
Total general fund appropriation	\$ 5,966,407

Subdivision 2.

LEGISLATIVE COUNCIL

Salaries and wages	\$ 3,101,222
Operating expenses	1,307,648
Equipment	<u>11,825</u>
Total general fund appropriation	\$ 4,420,695

Grand total general fund appropriation \$10,387,102

SECTION 2. AMENDMENT. Subsection 2 of section 28-32-03 of the North Dakota Century Code is amended and reenacted as follows:

2. Nonemergency rules approved by the attorney general as to legality, adopted by an administrative agency, and filed with the office of the legislative council become effective the first day of the month after the month of publication as provided for in section 28-32-03.1, except that if a later date is required by statute or specified in the rule, the later date is the effective date. If publication is delayed due to technological problems or lack of funds, nonemergency rules, unless otherwise provided, become effective on the first day of the month after the month publication would have occurred but for the delay.

SECTION 3. AMENDMENT. Section 28-32-03.1 of the North Dakota Century Code is amended and reenacted as follows:

28-32-03.1. Administrative code and code supplement.

1. The office of the legislative council shall compile, index, and publish all rules filed pursuant to this chapter in a publication which must be known as the North Dakota Administrative Code, in this chapter referred to as the code. The code must also contain all objections filed with the office of the legislative council by the committee on administrative rules pursuant to section 28-32-03.3. The code must be printed or otherwise duplicated in looseleaf form. The office of the legislative council shall revise the code, or any part thereof, as often as the legislative council deems necessary.
2. The office of the legislative council shall compile and publish the North Dakota Administrative Code supplement, in this chapter referred to as the code supplement, the month after the month that rules are submitted to the office of the legislative council for publication unless technological problems or lack of funds prevent the publication at that time. Any delayed supplements must be published as soon as the technological problems are resolved or the necessary funds are available.
 - a. The code supplement must contain all rules filed with the office of the legislative council since the compilation and publication of the preceding issue of the code supplement. The office of the legislative council may establish a due date by which rules must be submitted by an agency for publication during any month.
 - b. The code supplement must contain all objections filed with the office of the legislative council by the committee on administrative rules pursuant to section 28-32-03.3.
 - c. The code supplement must be printed or duplicated in the same style as the code so as to permit changes to be inserted as pages in the code in lieu of the pages containing superseded material and to permit additions to the code.
3. The office of the legislative council, with the consent of the adopting agency, may omit from the code or code supplement any rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the rule in printed or duplicated form is made available on application to the agency, and if the code or code supplement contains a notice stating the general subject matter of the omitted rule and stating how a copy may be obtained.
4. The code must be arranged, indexed, and printed or duplicated in a manner to permit separate publication of portions thereof relating to individual agencies. ~~An agency may make arrangements with the office of the legislative council for the printing of print as many copies of such separate portions of the code as it may require. The cost of any such separate portions must be paid by the agency. If the office of the legislative council does not publish the code supplement due to technological problems or lack of funds, the agency whose rules would have been published in the code supplement shall provide a copy of the rules to~~

any person upon request. The agency may charge for the actual cost of providing copies of the rules.

SECTION 4. AMENDMENT. Subsections 3 and 4 of section 28-32-03.2 of the North Dakota Century Code are amended and reenacted as follows:

3. The secretary of state shall make copies of and subscriptions to the code, ~~revisions thereto,~~ and the code supplement available to any person at prices fixed to cover publication and distribution costs upon payment of the appropriate subscription fee.
4. The office of the legislative council shall determine the ~~cost of supplying copies of appropriate fee for subscribing to the code,~~ revisions thereto, and the code supplement. Such cost must be the approximate cost of publication and distribution. However, a uniform price per page or group of pages may be established without regard to differences in the cost of publishing different parts of the code, ~~revisions thereto, and the code supplement.~~

SECTION 5. 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 the chairman's designee upon the finding by the chairman or designee that the nature of studies and duties assigned to the council requires the transfers in properly carrying on the council's functions and duties. The director of the office of management and budget and the state treasurer shall similarly make transfers of funds between the line items for the fifty-third and fifty-fourth legislative assemblies, upon request by the chairman of the legislative council or the chairman's designee upon the finding by the chairman or designee that the transfers are required for the legislative assembly to carry on its functions and duties.

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

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 24

SENATE BILL NO. 2002
(Appropriations Committee)

JUDICIAL BRANCH

AN ACT to provide an appropriation for defraying the expenses of the judicial branch; to create and enact a new subsection to section 27-05-06 of the North Dakota Century Code, relating to jurisdiction of the district court; to amend and reenact the new section to chapter 11-20 of the North Dakota Century Code, as created by section 1 of House Bill No. 1501, as approved by the fifty-third legislative assembly, relating to the jurisdiction of the district court; to amend and reenact section 15 of chapter 374 of the 1987 Session Laws of North Dakota, as amended by section 1 of chapter 379 of the 1989 Session Laws of North Dakota, relating to the expiration date for legislation creating a temporary court of appeals; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the judicial branch for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.		
	SUPREME COURT	
Salaries and wages		\$ 4,258,269
Information services		167,910
Operating expenses		1,204,310
Equipment		99,565
Judges retirement		<u>375,233</u>
Total all funds		\$ 6,105,287
Less estimated income		<u>46,639</u>
Total general fund appropriation		\$ 6,058,648
Subdivision 2.		
	TRIAL COURTS	
Salaries and wages		\$14,533,734
Information services		49,190
Operating expenses		4,317,805
Equipment		338,272
Judges retirement		<u>858,960</u>
Total all funds		\$20,097,961
Less estimated income		<u>185,258</u>
Total general fund appropriation		\$19,912,703
Subdivision 3.		

JUDICIAL CONDUCT COMMISSION
AND DISCIPLINARY BOARD

Salaries and wages	\$ 322,768
Information services	9,650
Operating expenses	124,000
Equipment	11,250
Total all funds	<u>\$ 467,668</u>
Less estimated income	<u>72,000</u>
Total general fund appropriation	\$ 395,668
Grand total general fund appropriation S.B. 2002	\$26,367,019
Grand total special funds appropriation S.B. 2002	\$ 303,897
Grand total all funds appropriation S.B. 2002	\$26,670,916

SECTION 2. APPROPRIATION. There is hereby appropriated any funds received by the supreme court and judicial conduct commission and disciplinary board, not otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the purpose as designated in such federal acts or private gifts, grants, and donations for the period beginning July 1, 1993, and ending June 30, 1995.

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. The new section to chapter 11-20 of the North Dakota Century Code, as created by section 1 of House Bill No. 1501, as approved by the fifty-third legislative assembly, is amended and reenacted as follows:

Disputed property lines - Petition to county district court - Effect of survey - Payment of expenses.

1. One or more owners of property may file with the clerk of county district court a petition requesting the county district court to direct the county surveyor to survey the property. The county court shall set a time and place for a hearing on the petition. The hearing may not occur until three weeks after the petitioner has published notice of the petition, containing the substance of the petition, a description of the lands affected, and the names of the owners of the affected lands as they appear in the latest tax roll, and after the petitioner has mailed written notice to each occupant of land affected by the survey.
2. At the hearing on the petition, all interested parties may appear and be heard. If the county district court finds that there is a dispute as to the location of a property line, the county court may grant the petition. If a county surveyor is not available to conduct the survey, the county court may appoint a registered land surveyor to conduct the survey. The surveyor shall provide reasonable advance written notice to occupants of affected lands specifying the date when the survey will begin.
3. After the survey has been completed, the surveyor shall file a record of survey under sections 11-20-12 and 11-20-13. The certificate of the

surveyor is presumptive evidence of the facts contained in the survey and certificate.

4. After the survey has been completed, the surveyor shall make a certified report to the county district court showing in detail the entire expense of the survey with recommendations as to apportionment of the expense. The county court shall apportion equitably the expense of the survey to the several tracts affected and provide written notice of the proposed assessment to each owner affected. The notice ~~shall~~ must inform the affected owners of their right to appear in county district court no sooner than fourteen days after the notices are mailed to object to the assessments. Following consideration of any objections, the county court shall make any corrections or adjustments necessary, enter an order confirming the assessment, and order the parties to pay the surveyor within thirty days.
5. Upon certification by the surveyor that an affected owner has not paid the fees ordered by the county district court within thirty days, the county auditor shall assess the amount against the land of each person affected. The county treasurer shall collect the assessments in the same manner as general property taxes are collected. On the order of the county auditor, the county treasurer shall pay any fees and expenses to a registered land surveyor who has conducted the survey.

SECTION 5. A new subsection to section 27-05-06 of the North Dakota Century Code is created and enacted as follows:

Disputed property line proceedings pursuant to section 4 of this Act.

SECTION 6. AMENDMENT. Section 15 of chapter 374 of the 1987 Session Laws of North Dakota, as amended by section 1 of chapter 379 of the 1989 Session Laws of North Dakota, is amended and reenacted as follows:

SECTION 15. EXPIRATION DATE. This Act is effective through January 1, ~~1994~~ 1996, and after that date is ineffective.

SECTION 7. EFFECTIVE DATE. Sections 4 and 5 of this Act become effective on January 2, 1995.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 25

SENATE BILL NO. 2004
(Appropriations Committee)

UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the upper great plains transportation institute for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$2,140,436
Operating expenses	677,950
Equipment	45,000
Grants	2,410,000
Grants to state agencies	<u>150,000</u>
Total all funds	\$5,423,386
Less estimated income	<u>5,022,015</u>
Total general fund appropriation	\$ 401,371

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

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 26

SENATE BILL NO. 2005
(Appropriations Committee)

**EXTENSION SERVICE, CROPS INSTITUTE, AND
EXPERIMENT STATIONS**

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station for the purpose of defraying the expenses of their various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.		
NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE		
Salaries and wages		\$18,205,201
Operating expenses		3,333,000
Equipment		<u>400,000</u>
Total all funds		\$21,938,201
Less estimated income		<u>11,889,529</u>
Total general fund appropriation		\$10,048,672
Subdivision 2.		
NORTHERN CROPS INSTITUTE		
Salaries and wages		\$ 711,655
Operating expenses		112,400
Equipment		<u>70,000</u>
Total all funds		\$ 894,055
Less estimated income		<u>317,557</u>
Total general fund appropriation		\$ 576,498
Subdivision 3.		
MAIN RESEARCH STATION		
Salaries and wages		\$31,089,443
Operating expenses		3,976,978
Equipment		1,397,746
Capital improvements		653,800
Animal replacement		<u>300,000</u>
Total all funds		\$37,417,967
Less estimated income		<u>16,493,699</u>
Total general fund appropriation		\$20,924,268

Subdivision 4.

DICKINSON RESEARCH CENTER

Salaries and wages	\$ 981,689
Operating expenses	420,103
Equipment	<u>39,076</u>
Total all funds	\$ 1,440,868
Less estimated income	<u>431,676</u>
Total general fund appropriation	\$ 1,009,192

Subdivision 5.

CENTRAL GRASSLANDS RESEARCH CENTER

Salaries and wages	\$ 437,639
Operating expenses	358,593
Equipment	<u>75,193</u>
Total all funds	\$ 871,425
Less estimated income	<u>347,900</u>
Total general fund appropriation	\$ 523,525

Subdivision 6.

HETTINGER RESEARCH CENTER

Salaries and wages	\$ 484,643
Operating expenses	187,567
Equipment	<u>72,600</u>
Total all funds	\$ 744,810
Less estimated income	<u>233,486</u>
Total general fund appropriation	\$ 511,324

Subdivision 7.

LANGDON RESEARCH CENTER

Salaries and wages	\$ 548,298
Operating expenses	163,862
Equipment	<u>42,800</u>
Total all funds	\$ 754,960
Less estimated income	<u>172,630</u>
Total general fund appropriation	\$ 582,330

Subdivision 8.

NORTH CENTRAL RESEARCH CENTER

Salaries and wages	\$ 437,026
Operating expenses	232,563
Equipment	<u>41,200</u>
Total all funds	\$ 710,789
Less estimated income	<u>329,100</u>
Total general fund appropriation	\$ 381,689

Subdivision 9.

WILLISTON RESEARCH CENTER

Salaries and wages	\$ 650,104
Operating expenses	130,372
Equipment	<u>63,900</u>
Total all funds	\$ 844,376
Less estimated income	<u>312,775</u>
Total general fund appropriation	\$ 531,601

Subdivision 10.

CARRINGTON RESEARCH CENTER

Salaries and wages	\$ 1,192,279
Operating expenses	554,792
Equipment	<u>106,250</u>
Total all funds	\$ 1,853,321
Less estimated income	<u>955,723</u>
Total general fund appropriation	\$ 897,598

Subdivision 11.

AGRONOMY SEED FARM

Salaries and wages	\$ 276,640
Operating expenses	376,500
Equipment	<u>157,000</u>
Total special funds appropriation	\$ 810,140

Subdivision 12.

LAND RECLAMATION RESEARCH CENTER

Salaries and wages	\$ 1,244,067
Operating expenses	130,000
Equipment	<u>50,000</u>
Total all funds	\$ 1,424,067
Less estimated income	<u>1,134,245</u>
Total general fund appropriation	\$ 289,822

Grand total general fund appropriation S.B. 2005	\$36,276,519
Grand total special funds appropriation S.B. 2005	\$33,428,460
Grand total all funds appropriation S.B. 2005	\$69,704,979

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, 1993, exceeds the estimated income for the biennium ending June 30, 1995.

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. 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 6. LEGISLATIVE INTENT - EXTENSION SERVICE. It is the intent of the legislative assembly that during the 1993-95 biennium, the North Dakota state university extension service, by assisting counties to cooperate and collaborate for purposes of providing extension services, develop and implement more efficient methods of providing extension services throughout the state.

SECTION 7. LAND RECLAMATION RESEARCH CENTER - 1993-95 BIENNIUM REPORTS. The land reclamation research center shall file an annual report with the legislative council and the lignite research council on August 1, 1993, and August 1, 1994. The annual report must contain a description and analysis of the conclusions reached from each reclamation research project that has been completed during the preceding fiscal year and a brief description and analysis of any conclusions reached from all ongoing projects. The report must also include any recommendations for reducing unnecessary and duplicative regulatory costs that do not contribute to effective reclamation practices.

The land reclamation research center, in consultation with the lignite research council, shall report to the budget section of the legislative council in October 1994 on additional reclamation research needed, if any, to reduce unnecessary and duplicative regulatory costs involved in the reclamation process and on general fund appropriations needed, if any, to continue operating the land reclamation research center for the 1995-97 biennium.

SECTION 8. LEGISLATIVE INTENT - SEPARATE BUDGETS. It is the intent of the legislative assembly that funds appropriated in this Act not be commingled with the funds appropriated to North Dakota state university in House Bill No. 1519 for the biennium beginning July 1, 1993, and ending June 30, 1995. Further, it is the intent of the legislative assembly that appropriation requests to defray the expenses of the North Dakota state university extension service, the northern crops institute, and the entities of the North Dakota agricultural experiment station for the 1995-97 biennium be separate from the appropriation request for funding the higher education institutions under the control of the board of higher education.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 27

SENATE BILL NO. 2006
(Appropriations Committee)

DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES

AN ACT to provide an appropriation for defraying the expenses of the state department of health and consolidated laboratories; to provide a statement regarding the disbursement of domestic violence prevention grants; to provide for appropriations from the abandoned motor vehicle disposal fund, solid waste management fund, environment and rangeland protection fund, and domestic violence fund; to create and enact nine new subsections to section 23-09-01 of the North Dakota Century Code, relating to food establishments, hotels, lodginghouses, restaurants, and boardinghouses; to amend and reenact subsection 1 of section 19-02.1-24, sections 23-09-11, 23-09-17, 23-09-18, 23-09-19, 23-09.1-03, 23-10-05, and 61-28.2-01 of the North Dakota Century Code, relating to license fees and inspections by the department of health and consolidated laboratories and to the water pollution control revolving loan fund program; and to provide for a legislative council study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state department of health and consolidated laboratories for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$22,296,250
Information services	491,703
Operating expenses	25,787,229
Equipment	845,976
Grants	11,981,168
Grants to state agencies	820,000
Abandoned motor vehicle	400,000
Physician loan program	<u>80,000</u>
Total all funds	\$62,702,326
Less estimated income	<u>47,571,082</u>
Total general fund appropriation	\$15,131,244

SECTION 2. ABANDONED MOTOR VEHICLE DISPOSAL FUND. The estimated income line item in section 1 of this Act includes \$400,000, or so much of the sum as may be necessary, to be made available to the state department of health and consolidated laboratories from the abandoned motor vehicle disposal fund, pursuant to section 39-26-11 for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 3. SOLID WASTE MANAGEMENT FUND. The estimated income line item included in section 1 of this Act includes \$700,000, or so much of the sum as may be

necessary, to be made available to the state department of health and consolidated laboratories from the solid waste management fund for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 4. ENVIRONMENT AND RANGELAND PROTECTION FUND. The estimated income line item included in section 1 of this Act includes \$200,000, or so much of the sum as may be necessary, to be made available to the state department of health and consolidated laboratories from the environment and rangeland protection fund for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 5. DOMESTIC VIOLENCE PREVENTION FUND. The estimated income line item included in section 1 of this Act includes \$414,753, or so much of the sum as may be necessary, to be made available to the state department of health and consolidated laboratories from the domestic violence prevention fund for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 6. DOMESTIC VIOLENCE PREVENTION GRANT DISTRIBUTION. The domestic violence grants funded from the domestic violence prevention fund and the general fund in section 1 of this Act must be disbursed quarterly as grants to local nonprofit agencies. The department of health and consolidated laboratories shall not disburse the funds on a cost reimbursement basis.

SECTION 7. AMENDMENT. Subsection 1 of section 19-02.1-24 of the North Dakota Century Code is amended and reenacted as follows:

1. No establishment may sell any type of prepackaged food from a food vending machine without first obtaining a license from the department. A license may be issued upon payment of a fee of ~~ten~~ fifteen dollars annually. The license expires on June thirtieth of each year.

SECTION 8. Nine new subsections to section 23-09-01 of the North Dakota Century Code are created and enacted as follows:

"Bakery" means an establishment or any part of an establishment which manufactures or prepares bread or bread products, pies, cakes, cookies, crackers, doughnuts, or other similar products, or candy, whether plain; chocolate or chocolate coated; mixed with nuts, fruits, or other fillers; covered with chocolate or other coating; and shaped, molded, or formed in various shapes. The term does not include food service establishments nor home cake decorators.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored, including a service center or base of operations directly from which mobile food units are supplied or serviced. The term does not include an area or conveyance at a vending machine location used for the temporary storage of packaged food or beverages.

"Limited restaurant" means a food service establishment that is restricted to a specific menu as determined by the department or an establishment serving only prepackaged foods, such as frozen pizza and sandwiches, which receive no more than heat treatment and are served directly in the package or on single-serve articles.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous food or commissary-wrapped food maintained at proper temperatures.

"Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for offpremise consumption. The term includes a delicatessen that offers prepared food in bulk quantities only. The term does not include an establishment that handles only prepackaged nonpotentially hazardous foods, roadside market that offers only fresh fruits and vegetables for sale, food service establishment, or food and beverage vending machine.

"Retail meat market" means a commercial establishment and buildings or structures connected with it, used to process, store, or display meat or meat products for retail sale to the public for human consumption. The term does not include a meat establishment operating under the federal or state meat inspection program.

"Salvage processing facility" means an establishment engaged in the business of reconditioning or by other means salvaging distressed merchandise for human consumption or use.

"Temporary food service establishment" means any food service establishment that operates at a fixed location for not more than fourteen consecutive days. The term does not include a nonprofit public-spirited organization or person providing a limited type of food service as defined in chapter 23-09.2.

SECTION 9. AMENDMENT. Section 23-09-11 of the North Dakota Century Code is amended and reenacted as follows:

23-09-11. Inspection - ~~Records kept~~ Reports. Every hotel, restaurant, lodginghouse, and boardinghouse must be inspected once ~~in each year~~ every two years by the state department of health and consolidated laboratories. The department and its inspectors ~~are granted police power to~~ may enter any such establishment at reasonable hours to determine whether the provisions of compliance with this chapter are being complied with. The state department of health and consolidated laboratories shall keep a complete set of books for public use and inspection showing the condition of each establishment inspected, the name of the proprietor thereof, and its sanitary condition, the number and condition of its fire escapes, and any other information which may be required for the betterment of the public service.

SECTION 10. AMENDMENT. Section 23-09-17 of the North Dakota Century Code is amended and reenacted as follows:

23-09-17. License fees. The following annual license fees must be paid to the state department of health and consolidated laboratories by proprietors of hotels, restaurants, boardinghouses, and lodginghouses, and other food and food service establishments:

1. For a ~~restaurant, limited restaurant, or boardinghouse,~~ hotel or lodginghouse containing not more than three sleeping rooms, ~~twenty dollars.~~
2. For a hotel or lodginghouse containing at least four but not more than ten sleeping rooms, ~~five~~ thirty dollars.
3. For a hotel or lodginghouse containing more than ten sleeping rooms and not more than twenty sleeping rooms, ~~ten~~ forty-five dollars.
4. For a hotel or lodginghouse containing more than twenty sleeping rooms and not more than fifty sleeping rooms, ~~twenty~~ sixty dollars.
5. For a hotel or lodginghouse containing fifty-one sleeping rooms or more, ~~forty~~ eighty dollars.
6. For a restaurant or boardinghouse with a seating capacity of less than seventy-five, thirty-five dollars.
7. For a restaurant or boardinghouse with a seating capacity of seventy-five to not more than one hundred fifty, forty-five dollars.
8. For a restaurant or boardinghouse with a seating capacity of of more than one hundred fifty, fifty-five dollars.
9. For a limited restaurant, twenty-five dollars.
10. For a retail food store, retail meat market, or bakery with not more than five thousand square feet [464.52 square meters], twenty-five dollars.
11. For a retail food store, retail meat market, or bakery with more than five thousand square feet [464.52 square meters], forty dollars.
12. For a bar or tavern dispensing beer, liquor, or alcoholic beverages, twenty dollars.
13. For an establishment operating one or more mobile food units or pushcarts, twenty-five dollars.

If a business operates more than one type of establishment on the same premises and under the same management, a single license must be issued by the department stating the types of establishments the business is licensed for and the maximum license fee charged may not exceed seventy-five dollars. The department shall waive all or a portion of the license fee for any restaurant, limited restaurant, or boardinghouse, or other food or food service establishment that is subject to a license fee by a city or district health unit if the local unit's sanitation, safety, and inspection rules are approved by the department.

SECTION 11. AMENDMENT. Section 23-09-18 of the North Dakota Century Code is amended and reenacted as follows:

23-09-18. Failure to comply with provisions of chapter - Notice - How served. Whenever the proprietor of any hotel, restaurant, lodginghouse, or boardinghouse fails to comply with ~~any of the provisions of this chapter~~, he the proprietor must be given notice of the time within which he the proprietor must meet the requirements. The notice must be in writing and ~~must be delivered personally by an inspector of the state department of health and consolidated laboratories or must be sent by registered or certified mail.~~

SECTION 12. AMENDMENT. Section 23-09-19 of the North Dakota Century Code is amended and reenacted as follows:

23-09-19. State's attorney to prosecute violation. The state's attorney of any county of this state, upon complaint on oath of an inspector of the ~~state department of health and consolidated laboratories~~, shall prosecute in the name of the state of North Dakota a proper proceeding against any person violating any provision of this chapter.

SECTION 13. AMENDMENT. Section 23-09.1-03 of the North Dakota Century Code is amended and reenacted as follows:

23-09.1-03. License fee. The annual license fee paid to the ~~state department of health and consolidated laboratories~~ by proprietors of bed and breakfast facilities is ~~five~~ fifteen dollars.

SECTION 14. AMENDMENT. Section 23-10-05 of the North Dakota Century Code is amended and reenacted as follows:

23-10-05. License fees. ~~The department shall charge the following fees must be charged~~ for licenses to operate mobile home parks, trailer parks, or campgrounds in this state:

1. For a mobile home park containing at least three but not more than ten lots, ~~thirty-five~~ fifty dollars.
2. For a mobile home park containing at least eleven but not more than twenty-five lots, ~~fifty~~ seventy-five dollars.
3. For a mobile home park containing at least twenty-six but not more than fifty lots, ~~sixty-five~~ one hundred dollars.
4. For a mobile home park containing more than fifty lots, ~~eighty~~ one hundred twenty dollars.
5. For a trailer park or campground containing at least three but not more than ten lots, ~~thirty~~ fifty dollars.
6. For a trailer park or campground containing at least eleven but not more than twenty-five lots, ~~forty-five~~ seventy-five dollars.
7. For a trailer park or campground containing at least twenty-six but not more than fifty lots, ~~sixty~~ one hundred dollars.

8. For a trailer park or campground containing more than fifty lots, eighty one hundred twenty dollars.

The department shall waive the license fee ~~must be waived~~ for any mobile home park, trailer park, or campground owned by the state, a municipality, or a nonprofit organization. The department shall waive all or a portion of the license fee for any mobile home park, trailer park, or campground ~~which~~ that is subject to local sanitation, safety, and inspection requirements accepted by the department under section 23-10-02.1.

SECTION 15. AMENDMENT. Section 61-28.2-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

61-28.2-01. Water pollution control revolving loan fund program - Purposes - Establishment - Capitalization of fund - Disposition of moneys - Administration.

1. It is the determination of the legislative assembly that the federal funds for the administration and implementation of the federal wastewater construction grants program will decline within the years to come, thereby decreasing the amount of funds that the state will have to operate and carry out the functions that it has been assigned to accomplish. In order to continue to provide funds to political subdivisions for the planning, design, construction, and rehabilitation of wastewater treatment facilities, public water supply systems, and other lawful activities connected with this program, it is the purpose of this section to provide for the establishment of a revolving loan fund to be capitalized by federal grants, matching state funds when required, and by any other funds generated by the operation of the revolving loan fund.
2. There is hereby established a ~~fund to be known as the water pollution control revolving loan fund, hereafter referred to as the "revolving loan fund"~~, which must be maintained and operated by the state department of health and consolidated laboratories. Grants from the federal government or its agencies allotted to the state for the capitalization of the revolving loan fund, and state matching funds when required, must be deposited directly in the revolving loan fund in compliance with the terms of the federal grant. Money in the revolving loan fund must be expended in a manner consistent with terms and conditions of the grants received by the state and may be used to offer loan guarantees; to provide payments to reduce interest on loans and loan guarantees; to make bond interest subsidies; to provide bond guarantees on behalf of municipalities, other local political subdivisions, and intermunicipal or interstate agencies; to provide assistance to a municipality, other local political subdivisions, or intermunicipal or interstate agencies with respect to the nonfederal share of the costs of a project; to finance the cost of facility planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works or public water supply systems; to provide financial assistance for the construction and rehabilitation of a project on the state priority list; to secure principal and interest on bonds issued by a public trust having the state of North Dakota as its beneficiary, or the North Dakota municipal bond bank if the proceeds of such bonds are deposited in the revolving loan fund and to the extent provided in the terms of the federal grant; to provide for loan guarantees for similar revolving funds established by

- municipalities, other local political subdivisions, or intermunicipal agencies; to purchase debt incurred by municipalities or other local political subdivisions for wastewater treatment projects or public water supply systems; to improve credit market access by guaranteeing or purchasing insurance or other credit enhancement devices for local obligations or obligations of a public trust having the state of North Dakota as its beneficiary or the North Dakota municipal bond bank; to fund other programs which the federal government authorizes by the terms of its grants; to fund the administrative expenses of the ~~state~~ department of ~~health and consolidated laboratories~~ associated with the revolving loan fund; and to provide for any other expenditure consistent with the federal grant program and state law. Money not currently needed for the operation of the revolving loan fund or otherwise dedicated may be invested. All interest earned on investments must be credited to the revolving loan fund.
3. ~~The department shall administer the revolving loan fund must be administered by the state department of health and consolidated laboratories, which is authorized to.~~ The department may enter into contracts and other agreements in connection with the operation of the revolving loan fund, including contracts and agreements with federal agencies, political subdivisions, public trusts having the state of North Dakota as beneficiary or the North Dakota municipal bond bank, and other parties to the extent necessary or convenient for the implementation of the revolving loan fund program. The ~~state department of health and consolidated laboratories~~ shall maintain full authority for the operation of the revolving loan fund in accordance with applicable federal and state law.
 4. The ~~state department of health and consolidated laboratories~~ has the following powers and duties in regard to the revolving loan fund:
 - a. To apply for and accept grants of money from the United States environmental protection agency or other federal agencies for the purpose of making funds available to political subdivisions for the planning, design, construction, and rehabilitation of wastewater treatment facilities, public water supply systems, and other related activities. The department may contract to receive such grants, agree to match the grant in whole or in part when required, and to comply with applicable federal laws and regulations in order to secure the grants. Money received through these grants and state matching funds must be deposited into the water pollution control revolving loan fund or used for appropriate administrative purposes.
 - b. To administer the revolving loan fund as established. ~~The office is also authorized to~~ department may enter into contracts and other agreements in connection with the operation of the revolving loan fund to the extent necessary or convenient for the implementation of the revolving loan fund program.
 - c. To administer and disburse funds in accordance with the federal Clean Water Act and Safe Drinking Water Acts, as amended.

- d. To ~~promulgate~~ adopt rules as necessary to carry out the provisions of this chapter and meet the requirements of the federal Clean Water Act and Safe Drinking Water Acts, as amended.

SECTION 16. LEGISLATIVE COUNCIL STUDY - STUDY OF ENVIRONMENTAL HEALTH FUNCTIONS WITHIN THE DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES AND OF ENVIRONMENTAL HEALTH AS AN INDEPENDENT AGENCY. The legislative council shall consider studying the feasibility and desirability of removing the environmental health functions and responsibilities of the department of health and consolidated laboratories from that department and establishing a department to handle all environmental functions and responsibilities. The study, if conducted, should address the complexity and diversity of health-related and environmental functions and responsibilities of the department of health and consolidated laboratories and whether the needs of the state would be best served by removing the environmental health functions and responsibilities from the department of health and consolidated laboratories. The legislative council, if a study is conducted, shall report its findings and recommendations, together with any legislation requested to implement the recommendations, to the fifty-fourth legislative assembly.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 28

SENATE BILL NO. 2007
(Appropriations Committee)

INDIAN AFFAIRS COMMISSION

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the Indian affairs commission for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$184,754
Information services	5,350
Operating expenses	32,742
Equipment	6,540
Grants	<u>385,000</u>
Total general fund appropriation	<u>\$614,386</u>

SECTION 2. ALCOHOL AND DRUG EDUCATION PROGRAM - EXPENDITURE - LIMITATIONS. The moneys appropriated in the grants line item in section 1 of this Act for the native American alcohol and drug abuse education program may not be spent for the services provided by the tribes to administer the program.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 29

SENATE BILL NO. 2008
(Appropriations Committee)

AERONAUTICS COMMISSION

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the aeronautics commission for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$ 468,731
Information services	11,579
Operating expenses	728,651
Equipment	106,000
Capital improvements	300,000
Grants	<u>1,685,816</u>
Total all funds	<u>\$3,300,777</u>
Less estimated income	<u>3,043,988</u>
Total general fund appropriation	<u>\$ 256,789</u>

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 30

SENATE BILL NO. 2009
(Appropriations Committee)

VETERANS' AFFAIRS AND HOME

AN ACT to amend and reenact section 37-18-04 of the North Dakota Century Code, relating to duties of the commissioner of the department of veterans' affairs; and to provide an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the veterans' home and the department of veterans' affairs for the purpose of defraying their expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

VETERANS' HOME

Salaries and wages	\$4,100,644
Operating expenses	1,578,091
Equipment	190,523
Capital improvements	<u>321,851</u>
Total all funds	\$6,191,109
Less estimated income	<u>3,781,214</u>
Total general fund appropriation	\$2,409,895

Subdivision 2.

VETERANS' AFFAIRS

Salaries and wages	\$ 409,337
Information services	3,960
Operating expenses	152,381
Equipment	2,050
Grants	<u>100,000</u>
Total funds	\$ 667,728
Less estimated income	<u>267,928</u>
Total general fund appropriation	\$ 399,800
Grand total general fund appropriated S.B. 2009	\$2,809,695
Grand total special funds appropriated S.B. 2009	\$4,049,142
Grand total all funds appropriated S.B. 2009	\$6,858,837

SECTION 2. VETERANS' POSTWAR TRUST FUND EARNINGS. The estimated income line item in subdivision 1 of section 1 of this Act includes \$122,432, or so much of the sum as may be necessary, from the veterans' postwar trust fund for the purpose of defraying the expenses of the veterans' home for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 3. VETERANS' POSTWAR TRUST FUND EARNINGS. The estimated income line item in subdivision 2 of section 1 of this Act includes \$267,928 or so much of the sum as may be necessary, from the veterans' postwar trust fund for the purpose of defraying the expenses of the department of veterans' affairs for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 4. ADDITIONAL VETERANS' POSTWAR TRUST FUND EARNINGS - APPROPRIATION. Notwithstanding section 37-14-14, earnings of the veterans' postwar trust fund, in addition to the amounts appropriated in section 1 of this Act, are hereby appropriated to the administrative committee on veterans' affairs for veterans' programs administered by the veterans' home and department of veterans' affairs for the biennium beginning July 1, 1993, and ending June 30, 1995, and may be spent only upon authorization of the emergency commission.

SECTION 5. AMENDMENT. Section 37-18-04 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

37-18-04. Duties of commissioner. It is the duty of the commissioner to coordinate agencies or instrumentalities of the state set up to render service and benefits to returning veterans; to have charge of and implement programs and benefits authorized by statute; to assist or represent veterans or their widows, administrators, executors, guardians, or heirs, in processing claims; to advise and assist veterans in taking advantage of the provisions of the Servicemen's Readjustment Act of 1944 [Pub. L. 78-346; 58 Stat. 291], or any similar or related measures afforded by the federal government; to assist, supervise, advise, and direct the work of county service officers; to assist county service officers in the formation of county service to veterans' committees and to outline, assist, and direct the activities of such committees; to disseminate information and to do any and all things necessary and proper for the purpose of carrying out the intent and purposes of this chapter.

The department of veterans' affairs may accept and expend funds from any source, including federal or private sources and interest earnings from the veterans' postwar trust fund, to be used to assist veterans or qualified veterans' spouses in obtaining assistance and to pay other expenses authorized by law, incurred pursuant to hearings covered in section 37-19.1-04 or incurred in carrying out programs of benefit and service for resident North Dakota veterans as authorized by the administrative committee on veterans' affairs ~~or~~ with the approval of the emergency commission.

The department of veterans' affairs may receive from the United States government such records of veterans as the United States government may wish to turn over to the department of veterans' affairs and same shall keep and maintain such records as hereafter provided by this chapter.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 31

SENATE BILL NO. 2010
(Appropriations Committee)

DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the financial institutions regulatory fund in the state treasury, not otherwise appropriated, to the department of banking and financial institutions for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$2,035,585
Information services	19,847
Operating expenses	504,455
Equipment	24,900
Contingency - banking and financial institutions	<u>15,000</u>
Total appropriation from the financial institutions regulatory fund	<u>\$2,599,787</u>

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 32

SENATE BILL NO. 2011
(Appropriations Committee)

STATE FAIR ASSOCIATION

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the state fair association for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Premiums	<u>\$350,000</u>
Total all funds	\$350,000
Less estimated income	<u>56,000</u>
Total general fund appropriation	\$294,000

Approved April 29, 1993
Filed April 30, 1993

CHAPTER 33

SENATE BILL NO. 2012
(Appropriations Committee)

COUNCIL ON THE ARTS

AN ACT to provide 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 of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the council on the arts for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$ 354,775
Information services	9,128
Operating expenses	192,582
Equipment	1,360
Grants	<u>1,608,479</u>
Total all funds	\$2,166,324
Less estimated income	<u>1,571,107</u>
Total general fund appropriation	\$ 595,217

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, 1993, and ending June 30, 1995.

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, 1993, and ending June 30, 1995, and may be spent only upon authorization of the emergency commission.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 34

SENATE BILL NO. 2013
(Appropriations Committee)

HIGHWAY PATROL

AN ACT to provide 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 of the funds 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 its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$15,287,051
Information services	193,228
Operating expenses	3,430,474
Equipment	146,000
Capital improvements	32,000
Grants to state agencies	<u>100,000</u>
Total special funds appropriation	\$19,188,753

SECTION 2. SPECIAL FUNDS. The total special funds appropriation line item in section 1 of this Act includes \$18,046,139, or so much of the sum 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, 1993, and ending June 30, 1995.

SECTION 3. PAYMENTS TO HIGHWAY PATROL OFFICERS. Each patrol officer 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, 1993, and ending June 30, 1995. Such payments are in lieu of reimbursement for meals and other expenses, except lodging, while in travel status within the state of North Dakota or while at their respective home stations. Such amounts must be paid without the presentation of receipts or other memoranda at the time and in the same manner as salaries of members of the highway patrol are paid.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 35

SENATE BILL NO. 2014
(Appropriations Committee)

DEPARTMENT OF TRANSPORTATION

AN ACT making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; and to provide a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys from special funds derived from federal funds and other income, to the various divisions under the supervision of the director of the department of transportation for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.	TRANSPORTATION OPERATIONS	
Salaries and wages		\$ 72,420,188
Information services		3,197,140
Operating expenses		56,080,839
Equipment		6,494,408
Capital improvements		269,061,200
Grants		10,655,700
Grants to state agencies		1,966,000
Business assistance		<u>1,500,000</u>
Total special funds appropriation		\$421,375,475
Subdivision 2.	MOTOR VEHICLE	
Salaries and wages		\$ 2,389,372
Information services		728,944
Operating expenses		2,620,608
Equipment		<u>2,888</u>
Total special funds appropriation		\$ 5,741,812
Subdivision 3.	FLEET SERVICES	
Salaries and wages		\$ 1,509,780
Information services		202,650
Operating expenses		7,550,152
Equipment		<u>10,135,600</u>
Total special funds appropriation		\$ 19,398,182
Grand total special funds appropriation S.B. 2014		\$446,515,469

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. LEGISLATIVE INTENT - BUDGET SECTION REPORTING. It is the intent of the legislative assembly that the department of transportation report at each meeting of the budget section of the legislative council its progress in matching federal highway construction funds and on the status of its plan to complete a modern four-lane highway system throughout the state.

SECTION 4. INDIRECT COST ALLOCATION PAYMENTS - CONTINGENCY. The office of management and budget may charge the department of transportation for indirect costs for the biennium beginning July 1, 1993, and ending June 30, 1995, pursuant to section 54-44.1-15 only if the fifty-third legislative assembly approves a motor vehicle fuel tax increase or a contingent motor vehicle fuel tax increase.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 36

SENATE BILL NO. 2015
(Appropriations Committee)

COMMISSIONER OF UNIVERSITY AND SCHOOL LANDS

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from the state lands maintenance fund and the lands and minerals trust fund in the state treasury, not otherwise appropriated, and other income to the commissioner of university and school lands for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$1,478,451
Information services	52,657
Operating expenses	579,520
Equipment	59,750
Grants	5,165,454
Mineral leasing refunds	266,000
Contingency fund	<u>50,000</u>
Total special funds	\$7,651,832

SECTION 2. SPECIAL FUNDS. The amount of \$5,000,000, or so much of the amount as may be necessary, included in the salaries and wages, information services, operating expenses, equipment, and grants 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, 1993, and ending June 30, 1995.

SECTION 3. SPECIAL FUNDS. The amount of \$266,000, or so much of the amount as may be necessary, included in the mineral leasing refunds line item in section 1 of this Act may be spent from the lands and minerals trust fund by the commissioner of university and school lands for the purpose of refunding bonus and rental moneys received on oil and gas leases covering the Little Missouri riverbed for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 4. 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 28, 1993
Filed April 30, 1993

CHAPTER 37

SENATE BILL NO. 2016
(Appropriations Committee)

CHILDREN'S SERVICES COORDINATING COMMITTEE

AN ACT making an appropriation for defraying the expenses of the children's services coordinating committee; and to provide an appropriation to the legislative council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the children's services coordinating committee for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$ 124,027
Information services	2,970
Operating expenses	22,350
Grants	<u>987,000</u>
Total all funds	\$1,136,347
Less estimated income	<u>437,000</u>
Total general fund appropriation	\$ 699,347

SECTION 2. PLANNING BOARDS. The children's services coordinating committee shall assist each of the eight regions of the state to establish a local planning board to coordinate children's services in that region and monitor the coordination of the services being provided in each region for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 3. LEGISLATIVE INTENT - STATE CHILDREN'S SERVICES PLAN. It is the intent of the legislative assembly that during the biennium beginning July 1, 1993, and ending June 30, 1995, each of the eight regions of the state establish a local planning board consisting of representatives from local children's services agencies to coordinate children's services in that region. Each local planning board, based on the concept of the families first pilot projects in the Grand Forks and Devils Lake regions and in cooperation with the department of human services, should consider the following in developing comprehensive, coordinated children's services in that region:

1. Merging families first programs and other similar programs with family preservation services of other regional human service agencies.
2. Selecting and prioritizing available children's services that are most beneficial to that region. Services and programs to consider include family education, intensive in-home crisis intervention, respite care, parent aide, prime time day care, wraparound services, case management,

high risk youth/drug free school program, neighbor's program, family support, juvenile diversion, and others.

3. Raising sufficient local funds to match available grants for the purpose of providing the children's services identified by the local planning board.

SECTION 4. GRANTS. Of the \$987,000 appropriated in the grants line item in section 1 of this Act, the children's services coordinating committee shall provide no less than \$250,000 to regions 3 and 4 (Devils Lake and Grand Forks), and no less than \$75,000 to each of the other six regions.

SECTION 5. ADDITIONAL INCOME. All income of the children's services coordinating committee in excess of the estimated income line item appropriated in section 1 of this Act is hereby appropriated to the children's services coordinating committee for the biennium beginning July 1, 1993, and ending June 30, 1995, and may be spent only upon authorization of the emergency commission.

SECTION 6. APPROPRIATION - TRANSFER. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$80,000, or so much of the sum as may be necessary, and \$40,000 from special funds to the legislative council for the purpose of hiring a consultant to assist with a legislative council interim study of children and youth services in the state for the biennium beginning July 1, 1993, and ending June 30, 1995. Notwithstanding the provisions of chapter 54-16, subject to budget section approval, the legislative council chairman may request the director of the office of management and budget to transfer appropriation authority from the appropriation made pursuant to this section to the children's services coordinating committee.

SECTION 7. CHILDREN'S SERVICES COORDINATING COMMITTEE - STATUS REPORTS TO LEGISLATIVE COUNCIL. The children's services coordinating committee shall report to the legislative council or an interim committee designated by the legislative council on the status of the implementation of the state children's services plan included in section 3 of this Act.

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 38

SENATE BILL NO. 2017
(Appropriations Committee)

INDUSTRIAL COMMISSION

AN ACT to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to provide for a limit on state building authority lease payments; to repeal sections 54-17.2-21 and 54-17.2-22 of the North Dakota Century Code, relating to the capital construction fund; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state industrial commission and agencies under its control for the purpose of defraying the expenses of their various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

INDUSTRIAL COMMISSION

Salaries and wages	\$ 4,725,310
Information services	147,694
Operating expenses	1,409,149
Equipment	46,729
Administrative contingency	10,000
Lease payments	12,656,195
Lignite research grants	<u>10,163,800</u>
Total all funds	\$ 29,158,877
Less estimated income	<u>12,256,475</u>
Total general fund appropriation	\$ 16,902,402

Subdivision 2.

BANK OF NORTH DAKOTA

Salaries and wages	\$ 11,566,746
Information services	4,136,567
Operating expenses	4,733,730
Equipment	550,000
Capital improvements	455,000
Contingency	<u>800,000</u>
Total appropriation from Bank of North Dakota fund	\$ 22,242,043

Subdivision 3.

MILL AND ELEVATOR ASSOCIATION

Salaries and wages	\$ 11,264,588
Operating expenses	6,879,949
Contingency	250,000

Agriculture promotion	50,000
Total appropriation from mill and elevator fund	<u>\$ 18,444,537</u>

Subdivision 4.

HOUSING FINANCE AGENCY

Salaries and wages	\$ 2,713,113
Information services	88,715
Operating expenses	874,081
Equipment	100,000
Grants	33,166,360
Contingency	<u>100,000</u>
Total appropriation from housing finance agency fund	\$ 37,042,269
Grand total general fund appropriation S.B. 2017	\$ 16,902,402
Grand total special funds appropriation S.B. 2017	\$ 89,985,324
Grand total all funds appropriation S.B. 2017	<u>\$106,887,726</u>

SECTION 2. APPROPRIATION. 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, 1993, and ending June 30, 1995.

SECTION 3. APPROPRIATION. In addition to the amount appropriated to the industrial commission in subdivision 1 of section 1 of this Act, there is hereby appropriated, with the approval of the emergency commission, funds which may become available to the commission from bonds authorized by law to be issued by the industrial commission under chapters 4-36 and 54-17.2 and section 54-17-25, for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 4. TRANSFER. The sum of \$57,403, or so much of the sum as is necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, is from the accumulated and undivided profits of the North Dakota mill and elevator association. Such moneys shall be transferred during the the biennium beginning July 1, 1993, and ending June 30, 1995, upon order of the industrial commission.

SECTION 5. TRANSFER. The sum of \$73,360, or so much of the sum as is necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, is from the accumulated and undivided profits of the Bank of North Dakota. Such moneys shall be transferred during the biennium beginning July 1, 1993, and ending June 30, 1995, upon order of the industrial commission.

SECTION 6. TRANSFER. The sum of \$47,832, or so much of the sum as is necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, is from the housing finance agency fund. Such moneys shall be transferred during the biennium beginning July 1, 1993, and ending June 30, 1995, upon order of the industrial commission.

SECTION 7. TRANSFER. The sum of \$15,940, or so much of the sum as is necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, is from the revenues of the municipal bond bank. Such moneys shall be transferred during the biennium beginning July 1, 1993, and ending June 30, 1995, upon order of the industrial commission.

SECTION 8. INCOME AUTHORIZATION - STUDENT LOAN TRUST. There is hereby authorized the receipt of fees by the industrial commission in the sum of \$51,232, or so much of the sum as is owed, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, from the student loan trust for administrative services rendered by the industrial commission to the extent permitted by sections 54-17-24 and 54-17-25. Such fees shall be received during the biennium beginning July 1, 1993, and ending June 30, 1995, upon order of the industrial commission.

SECTION 9. TRANSFER. There is hereby authorized the transfer to the general fund in the state treasury, the sum of \$4,000,000 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, 1993, and ending June 30, 1995, upon order of the industrial commission, with one-half of the transfer to be made no later than June 30, 1994.

SECTION 10. LIGNITE RESEARCH, DEVELOPMENT AND MARKETING PROGRAM - APPROPRIATION - LIGNITE MARKETING FEASIBILITY STUDY. The amount of \$400,000, or so much of the amount as is necessary, included in the grants and special funds appropriation line items in subdivision 1 of section 1 of this Act, is from the lignite research fund for the purpose of contracting for an independent, nonmatching lignite marketing feasibility study or studies that determine those focused priority areas where near-term, market-driven projects, activities, or processes will generate matching private industry investment and have the most potential of preserving existing lignite production and jobs or that will lead to increased development of lignite and its products and create new jobs and economic growth for the general welfare of 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 11. LEGISLATIVE INTENT - LEASE PAYMENTS. The amount of \$12,656,195 included in subdivision 1 of section 1 of this Act in the lease payments line item shall be paid from the following funding sources during the biennium beginning July 1, 1993, and ending June 30, 1995:

Higher education institutions	\$ 294,118
State general fund	11,781,626
Federal portion for southeast human service center	316,290
Veterans' home improvement fund	<u>264,161</u>
Total	\$12,656,195

SECTION 12. CONTINGENCY APPROPRIATION. The \$800,000 contingency line, or so much of the sum as may be necessary, included in subdivision 2 of section 1 of this Act, is to be used for profit enhancement programs not anticipated during the fifty-third legislative assembly for the biennium beginning July 1, 1993, and ending June 30, 1995. The amounts can be made available to the Bank of North Dakota only after receiving emergency commission approval.

SECTION 13. SOLID WASTE MANAGEMENT FUND. The estimated income line item included in section 1 of this Act includes \$141,126 which the geological survey may spend from the solid waste management fund for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 14. BANK OF NORTH DAKOTA PROFITS - TRANSFERS. The industrial commission is authorized during the biennium ending June 30, 1995, to transfer to the state general fund \$20,000,000 of accumulated and undivided profits, plus all earnings occurring during the biennium not to exceed \$28,000,000. No transfers may be made which would reduce the Bank's capital structure below \$100,000,000.

SECTION 15. CLEAN COAL DEVELOPMENT PROJECTS. The lignite research grants line in subdivision 1 of section 1 of this Act, includes \$500,000 for the partial funding of the state's share of clean coal demonstration projects if approved by the industrial commission and the United States department of energy, for the biennium beginning July 1, 1993, and ending June 30, 1995. The \$500,000 is to be provided from the coal development trust fund if a constitutional amendment authorizing the use of the coal development trust fund moneys for this purpose is approved by the voters or from the lignite research fund if a constitutional amendment authorizing the use of the moneys for this purpose is not approved.

SECTION 16. COAL PROJECTS REVIEW. If clean coal demonstration projects are approved by the United States department of energy, potential impacts from construction shall be reviewed by the energy impact development officer and funding recommendations, if appropriate, be made to the fifty-fourth legislative assembly as a part of the state land department budget.

SECTION 17. TRANSFER. The state treasurer shall transfer the unobligated balance in the capital construction fund to the state general fund on July 1, 1993. Upon payment of all obligations, the state treasurer shall transfer any balance to the state general fund. After June 30, 1993, the state treasurer shall deposit in the state general fund any moneys that would otherwise be deposited in the capital construction fund.

SECTION 18. State building authority lease payments - Limitation. The amount of lease payments for a biennium associated with capital construction projects financed by the industrial commission acting as the state building authority may not exceed the amount equal to a portion of sales, use, and motor vehicle excise tax collections equal to twelve and one-half percent of an amount, determined by multiplying the quotient of one percent divided by the general sales tax rate that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3.

SECTION 19. REPEAL. Sections 54-17.2-21 and 54-17.2-22 of the North Dakota Century Code are repealed.

SECTION 20. EFFECTIVE DATE. Sections 17 and 19 of this Act are effective for all sales, use, and motor vehicle excise tax revenues received by the state treasurer for deposit after June 30, 1993.

SECTION 21. LEGISLATIVE INTENT. It is the intent of the fifty-third legislative assembly that if 1993 House Bill No. 1240 is passed by the legislative assembly, the industrial commission shall make appropriate staffing adjustments in the housing finance agency during the 1993-95 biennium based on workloads and consistent with personnel considerations and anticipated income. If 1993 House Bill No. 1240 passes, the industrial commission is to report to the first 1993-94 interim budget section meeting on the changes in the housing finance agency.

CHAPTER 39

SENATE BILL NO. 2018
(Appropriations Committee)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

AN ACT making an appropriation for defraying the expenses of the department of corrections and rehabilitation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the department of corrections and rehabilitation for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Subdivision 1.

CENTRAL OFFICE	
Salaries and wages	\$ 494,320
Information services	6,993
Operating expenses	453,100
Equipment	<u>7,100</u>
Total all funds	\$ 961,513
Less estimated income	<u>400,308</u>
Total general fund appropriation	\$ 561,205

Subdivision 2.

COMMUNITY SERVICES	
Salaries and wages	\$ 1,869,745
Information services	49,250
Operating expenses	1,511,884
Equipment	10,650
Grants	<u>600,000</u>
Total all funds	\$ 4,041,529
Less estimated income	<u>1,454,248</u>
Total general fund appropriation	\$ 2,587,281

Subdivision 3.

INDUSTRIAL SCHOOL	
Salaries and wages	\$ 5,655,829
Information services	68,025
Operating expenses	1,459,516
Equipment	110,785
Capital improvements	190,700
Institutional medical fees	<u>100,000</u>
Total all funds	\$ 7,584,855
Less estimated income	<u>2,040,748</u>

Total general fund appropriation		\$ 5,544,107
Subdivision 4.		
	STATE PENITENTIARY	
Salaries and wages		\$12,917,071
Information services		97,468
Operating expenses		5,791,553
Equipment		243,407
Capital improvements		669,121
Institutional medical fees		<u>350,000</u>
Total all funds		\$20,068,620
Less estimated income		<u>3,611,788</u>
Total general fund appropriation		\$16,456,832
Subdivision 5.		
	ROUGH RIDER INDUSTRIES	
Salaries and wages		\$ 1,916,235
Information services		29,301
Operating expenses		4,451,909
Equipment		<u>300,000</u>
Total special funds		\$ 6,697,445
Subdivision 6.		
	PAROLE AND PROBATION	
Salaries and wages		\$ 3,330,694
Information services		54,058
Operating expenses		561,890
Equipment		57,175
Grants		<u>1,444,703</u>
Total all funds		\$ 5,448,520
Less estimated income		<u>1,850,386</u>
Total general fund appropriation		\$ 3,598,134
Grand total general fund appropriation S.B. 2018		\$28,747,559
Grand total special funds appropriation S.B. 2018		\$16,054,923
Grand total all funds appropriation S.B. 2018		\$44,802,482

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

Approved April 28, 1993
 Filed April 30, 1993

CHAPTER 40

SENATE BILL NO. 2019
(Appropriations Committee)

JOB SERVICE NORTH DAKOTA

AN ACT to provide an appropriation for defraying the expenses of job service North Dakota; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in 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 its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$31,032,866
Operating expenses	8,078,952
Equipment	500,000
Capital improvements	606,601
Grants	<u>10,164,750</u>
Total special funds appropriation	\$50,383,169

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, 1993, and ending June 30, 1995.

SECTION 3. SPECIAL FUNDS. The sum of \$185,000 of the special funds appropriation provided in section 1 of this Act is to be spent from moneys from the future fund to job service North Dakota for the purpose of defraying expenses of the work force 2000 program for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 4. APPROPRIATION. In addition to the amount appropriated to job service North Dakota in section 1 of this Act, for the North Dakota work force 2000 program, there is hereby appropriated any additional income for the program from other funds which may become available to the agency for the biennium beginning July 1, 1993, and ending June 30, 1995.

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

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 41

SENATE BILL NO. 2020
(Appropriations Committee)

OFFICE OF ADMINISTRATIVE HEARINGS

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from billing agencies for services, to the office of administrative hearings for the purpose of defraying its expenses, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$508,840
Information services	18,580
Operating expenses	73,866
Equipment	9,495
Total all funds	<u>\$610,781</u>
Less estimated income	<u>380,699</u>
Total general fund appropriation	<u>\$230,082</u>

Approved April 28, 1993
Filed April 30, 1993

CHAPTER 42

SENATE BILL NO. 2021
(Appropriations Committee)

DEPARTMENT OF ECONOMIC DEVELOPMENT AND FINANCE

AN ACT making an appropriation for defraying the expenses of the various divisions of the department of economic development and finance; providing for transfers of funds; to create and enact a new section to chapter 6-09.10, a new subsection to section 11-11.1-03, and a new subsection to section 40-57.4-03 of the North Dakota Century Code, relating to the credit review board, county job development authorities, and city job development authorities; to amend and reenact section 4-14.1-03, 6-09.10-02, subsections 2, 3, and 6 of section 10-30.3-01, sections 10-30.3-03, 10-30.3-10, 10-30.3-11, subsection 2 of section 10-30.4-01, sections 10-30.4-02, 10-30.4-03, 15-12-25, 54-34.3-03, 54-34.3-05, 54-34.3-06, 54-34.3-07, and 54-34.3-08 of the North Dakota Century Code, relating to the agricultural products utilization commission, credit review board, North Dakota future fund, incorporated, technology transfer, incorporated, and the department of economic development and finance; to provide for a study of the income level requirements by the department of economic development and finance; to provide for a legislative council study; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from other income, to the various divisions of the department of economic development and finance for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$ 2,303,419
Information services	93,728
Operating expenses	1,447,932
Equipment	28,828
Grants	1,096,000
Grants to state agencies	396,723
Future fund	5,005,000
Technology transfer, incorporated	2,125,000
Partnership in assisting community expansion fund	2,700,000
Agriculture partnership in assisting community expansion fund	400,000
Agricultural products utilization commission grant	1,175,000
Beginning farmer revolving loan fund	<u>1,000,000</u>
Total all funds	\$17,771,630
Less estimated income	<u>18,000</u>
Total general fund appropriation	\$17,753,630

SECTION 2. TRANSFERS - ECONOMIC DEVELOPMENT FUNDS. The following amounts appropriated in section 1 of this Act must be transferred to the following funds or

programs for expenditure purposes for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Future fund	\$ 5,005,000
Technology transfer, incorporated	2,125,000
Partnership in assisting community expansion fund	2,700,000
Agriculture partnership in assisting community expansion fund	400,000
Agricultural products utilization commission	1,175,000
Beginning farmer revolving loan fund	<u>1,000,000</u>
Total	\$12,405,000

SECTION 3. AMENDMENT. Section 4-14.1-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-03. Agricultural products utilization commission - Composition - Appointment. The agricultural fuel tax fund must be administered by the agricultural products utilization commission ~~which is hereby established~~. The commission consists of nine members, ~~six~~ five of whom must be appointed by the governor for terms of two years each, arranged so that ~~at least three~~ two terms expire ~~every year~~ in odd-numbered years and ~~three terms~~ expire in even-numbered years. ~~Four~~ Three members appointed by the governor must be actively engaged in farming in this state and two members appointed by the governor must be actively engaged in business in this state. The commissioner of agriculture shall appoint one member for a term of two years which expires in odd-numbered years. The member appointed by the commissioner must be actively engaged in farming in this state. Commission members may be reappointed to the commission. Terms of commissioners shall run from the first day of July ~~of odd-numbered years~~. The director of the department of economic development and finance, the president of North Dakota state university, and the commissioner of agriculture, or their designees, are members of the commission. The commission shall elect one of its members as chairman.

SECTION 4. AMENDMENT. Section 6-09.10-02 of the North Dakota Century Code is amended and reenacted as follows:

6-09.10-02. Credit review board. The board consists of six members. The governor shall appoint one member of the credit review board, the commissioner of agriculture shall appoint one member of the credit review board, and the attorney general shall appoint one member of the credit review board. One member of the board must have experience serving as a director or officer of a financial institution. Two members of the board must have experience in the operation of a farm, the attorney general, and the commissioner of agriculture shall each appoint two members to the board. The governor and attorney general shall each appoint one member with experience as a director or officer of a financial institution and one member actively engaged in farming in the state. The commissioner of agriculture shall appoint two members who are actively engaged in farming in the state. No member of the board may hold state office or serve in state office or serve in state government in any capacity at any time of appointment or during service on the board. The credit review board members shall serve terms of two years.

SECTION 5. A new section to chapter 6-09.10 of the North Dakota Century Code is created and enacted as follows:

Additional duties of board. In addition to other powers and duties enumerated in this chapter, the board shall:

1. Establish policy for the North Dakota agricultural mediation service.
2. Recommend policies and procedures to the industrial commission regarding farm loan programs of the Bank of North Dakota.
3. Recommend policies and procedures regarding the adult farm management program to the state board of vocational education.
4. Develop and administer a grant program to provide farmers with access to the farm diversification analytic system. The program shall coordinate a farm management delivery system among the adult farm management program, agricultural mediation service, and the North Dakota state university extension service.

¹ SECTION 6. AMENDMENT. Subsections 2, 3, and 6 of section 10-30.3-01 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

2. "Corporation" means the North Dakota ~~economic development finance corporation~~ future fund, incorporated established under this chapter.
3. "North Dakota American Indian" means an enrolled member of a federally recognized North Dakota tribe ~~with at least one fourth degree blood quantum.~~
6. "Primary sector business" means an individual, corporation, partnership, or association which through the employment of knowledge or labor, adds value to a product, process, or service that results in the creation of new wealth. The term includes tourism, but does not include production agriculture.

SECTION 7. AMENDMENT. Section 10-30.3-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.3-03. Organization. The corporation must be managed by a board of directors. The board of directors shall adopt and amend articles of incorporation and bylaws consistent with the purposes detailed in section 10-30.3-02. The board of directors consists of ~~seven~~ eight members who shall serve three-year terms. The terms must be staggered so that no more than three positions require reappointment in any one year. ~~Members must be appointed by the~~ The governor who shall appoint the members and shall only consider representatives who serve in executive capacities from the following areas in making the selections: private sector manufacturing, finance, exported services, including tourism, and industrial technology and research. There must be at least one member who is enrolled in a federally recognized North Dakota tribe ~~with at least one fourth degree American Indian blood quantum~~ who need not serve in an executive capacity, the director of

¹ NOTE: Section 10-30.3-01 was also amended by section 106 of Senate Bill No. 2223, chapter 54.

economic development and finance, and one member from a rural area, on the board of directors. Members may be reappointed for additional terms.

SECTION 8. AMENDMENT. Section 10-30.3-10 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.3-10. ~~Primary sector development fund~~ North Dakota future fund - Continuing appropriation. ~~A primary sector development fund~~ The North Dakota future fund is established from moneys appropriated from the general fund. This is a revolving fund, and all moneys transferred into the fund, interest upon fund moneys, and payments to the fund are hereby appropriated for the purposes of this chapter. This fund is not subject to section 54-44.1-11.

SECTION 9. AMENDMENT. Section 10-30.3-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.3-11. ~~Primary sector development~~ North Dakota future fund uses - Distribution - Limitations.

1. The fund moneys may be used for the purposes of this chapter as provided in section 10-30.3-02. Moneys may be used to provide working capital or for financing the purchase of fixed assets, but not to refinance existing debt. Moneys may also be used to make matching grants to county-authorized or city-authorized development corporations for the acquisition, leasing, or remodeling of real estate facilities for locating a prospective new primary sector business. A grant must be made as part of a package of financing in which the state is a participant.
2. The director of the department of economic development and finance shall adopt rules, subject to the approval of the board of directors, necessary to implement the administration of the fund. The rules to implement the grant program must be developed to encourage local fundraising initiatives for developing locations for businesses financed by the corporation. The rules must include a requirement that every:
 - a. Eighty-five percent of the full-time employee employees of a rural North Dakota business or North Dakota American Indian business receiving moneys or other assistance from the primary sector development North Dakota future fund must be paid an income at least equal to one hundred percent of the federal poverty level for a family of four for the life of the loan, equity position, or other financial relationship and;
 - b. Every full-time employee of an urban North Dakota business receiving moneys or other assistance from the North Dakota future fund must be paid an income at least equal to one hundred percent of the federal poverty level for a family of four for the first year following the receipt of moneys from the fund; and
 - c. After the first year following the receipt of moneys from the fund, ninety percent of the full-time employees of an urban North Dakota business receiving moneys or other assistance from the North Dakota future fund must be paid an income at least equal to one hundred percent of the federal poverty level for a family of four for the

remaining period of the loan, equity position, or other financial relationship.

For purposes of this subsection, "full-time employee" means a person employed to work thirty-two hours or more per week. The rules must establish procedures for determining compliance with this requirement subdivisions a, b, and c and sanctions for failure to comply with it. The department may renegotiate, at any time, any contract entered into with a business under this section to reflect changes by the legislative assembly in the percentage of employees subject to the income requirement of this section. The rules must include requirements for and methods of distribution of the funds generally targeted for a distribution of forty percent businesses in rural areas, twenty percent businesses in urban areas, twenty percent North Dakota American Indian businesses, and twenty percent to be undesignated. Any unused funds in any category may be transferred to the undesignated portion during the second year of the biennium under rules adopted by the director of the department of economic development and finance. Moneys in the undesignated portion of the funds may be utilized in any of the three targeted areas.

² **SECTION 10. AMENDMENT.** Subsection 2 of section 10-30.4-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. "Corporation" means the science and technology corporation transfer, incorporated established under this chapter.

SECTION 11. AMENDMENT. Section 10-30.4-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.4-02. Purpose. It is the purpose of this chapter to create a ~~science and technology~~ corporation that will provide a program and budgetary interface between the department of economic development and finance and the North Dakota university system. The primary objective of the interface is to focus the intellectual and technical resources of the university system on the discovery, development, and application of scientific and technological principles and concepts on North Dakota's primary sector business.

SECTION 12. AMENDMENT. Section 10-30.4-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.4-03. Organization.

1. A board of directors shall manage the corporation. The board of directors shall adopt articles of incorporation and bylaws consistent with the requirements of section 10-30.4-02. The board of directors consists of:
 - a. The Until July 1, 1995, the president of the North Dakota state university of agriculture and applied science, or the president's designee and the president of the state university of North Dakota, or the president's designee.

² NOTE: Section 10-30.4-01 was also amended by section 106 of Senate Bill No. 2223, chapter 54.

- b. ~~The president of the state university of North Dakota, or the president's designee. After June 30, 1995, two members appointed by the commissioner of higher education, one of which may be the commissioner.~~
 - c. ~~A representative from the board of directors of the North Dakota economic development finance corporation appointed under section 10-30.3-03. The director of the department of economic development and finance.~~
 - d. A representative of the North Dakota industrial development association, as appointed by that association.
 - e. Three members appointed by the governor, representing the primary sector industries of agriculture, energy, manufacturing, and export services.
2. The members appointed under subdivisions ~~e through e~~ b, d, and e of subsection 1 must be appointed in a manner that results in subsequent terms of three years staggered so that the term of at least one member expires each year. Members may be reappointed for additional terms.

³ SECTION 13. A new subsection to section 11-11.1-03 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To use existing, uncommitted funds held by the authority to guarantee loans or make other financial commitments to enhance economic development.

SECTION 14. AMENDMENT. Section 15-12-25 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

⁴ 15-12-25. Grants and contributions - Continuing appropriation. The economic feasibility institute may contract for, accept, and receive grants, gifts, and contributions of money, property, services, or other things of value from individuals, the federal government, private and public corporations, political subdivisions of the state, and other sources. All revenue received from gifts, grants, and contributions is hereby appropriated for use by the economic feasibility institute in carrying out the provisions of sections 15-12-22 through 15-12-26. Any state funding for the institute may be provided through legislative appropriation to ~~the science and technology corporation transfer, incorporated~~ for that purpose.

SECTION 15. A new subsection to section 40-57.4-03 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To use existing, uncommitted funds held by the authority to guarantee loans or make other financial commitments to enhance economic development.

³ NOTE: Section 11-11.1-03 was also amended by section 3 of House Bill No. 1483, chapter 98 and by section 1 of Senate Bill No. 2537, chapter 99.

⁴ NOTE: Section 15-12-25 was also amended by section 106 of Senate Bill No. 2223, chapter 54.

SECTION 16. AMENDMENT. Section 54-34.3-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-03. Department structure. The department consists of:

1. A division of finance;
2. ~~A division of marketing and technical assistance;~~
- 3- A division of science and technology; and
- 4- 3. ~~Other divisions that the director upon the approval of the budget section of the legislative council determines~~ organizes and establishes as necessary to carry out most efficiently and effectively the mission and duties of the department.

SECTION 17. AMENDMENT. Section 54-34.3-05 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-05. Division of finance - Deputy director. The director shall appoint a deputy director who shall administer the division of finance. The deputy director shall serve at the will of the director and receive a salary set by the director within the limits of legislative appropriations. The purpose of the division of finance is to identify and coordinate sources of capital and financial assistance, including lending programs of the Bank of North Dakota, and administer programs of financial assistance placed under the administration of the division, to business and industry, local governments, and other entities and individuals in the state consistent with the mission of the department. The division of finance shall:

1. ~~Implement the review and decisionmaking functions of the economic development component of the state's community development block grant program established pursuant to the Housing and Community Development Act of 1974 [Pub. L. 93-383, 88 Stat. 633, 42 U.S.C. 5301 et seq.].~~
- 2- Administer other programs of financial assistance assigned to it by law or otherwise.
- 3- 2. Perform such other duties as assigned to it by the director.

SECTION 18. AMENDMENT. Section 54-34.3-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-06. ~~Division of marketing and technical assistance - Deputy director - Duties.~~ ~~The director shall appoint a deputy director who shall administer the division of marketing and technical assistance. The deputy director shall serve at the will of the director and receive a salary set by the director within the limits of legislative appropriations. The duties of the division of marketing and technical assistance are, as consistent with the mission of the department,~~ to Divisions. The director shall organize and establish other divisions as necessary to carry out most efficiently and effectively the mission and duties of the department, except that the department must contain:

1. ~~Coordinate, develop, and make available technical services on the state, regional, and local levels in order to aid business and industry in their startup or expansion in the state.~~

- ~~2. Foster and promote international trade.~~
- ~~3. Collaborate in partnership with local communities in the state to provide technical assistance and to coordinate state, regional, and local programs that stimulate and support economic development activity.~~
- ~~4. Promote and encourage the growth and diversification of the economy, innovation, and retention of business and industry in the state.~~
- ~~5. Attract new business and industry from outside the state, in a manner that creates quality jobs, attracts new capital investment, and expands and diversifies the state's economic tax base.~~
- ~~6. Maintain and keep current available information regarding the industrial opportunities and possibilities of the state, including raw materials and byproducts, power and water resources, transportation facilities, available markets and the marketing limitations of the state, labor supply, banking and financing facilities, available industrial sites, and the advantages the state and its particular regions have as industrial locations. This information must be used for the encouragement of new industries in the state and the expansion of existing industries within the state, as well as made available to local development corporations, cities, and the various political subdivisions of the state in their efforts to encourage the location of business and industry within the state.~~
- ~~7. Establish an An office of North Dakota American Indian business development to assist North Dakota tribal and individual economic development representatives and North Dakota American Indian entrepreneurs with access to state and federal programs designed to assist them.~~
- ~~8. Provide appropriate resources to ensure increased business opportunities for women.~~
- ~~9. Provide administrative services to the department.~~
- ~~10. Utilize existing marketing entities from private and other sources such as the microbusiness marketing alliance.~~
- ~~11. Perform such other duties as assigned to the division by the director.~~
2. An office of North Dakota women's business development to develop and administer the North Dakota women's business program, to establish and fund the women's business leadership council, certify women-owned businesses for federal or state contracting and to recruit, train, and assist women entrepreneurs to develop and diversify their businesses. The office must have an administrator and staff sufficient to implement its programs.

SECTION 19. AMENDMENT. Section 54-34.3-07 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-07. Division of science and technology - Deputy director - Duties. A deputy director, hired, or contracted for, by the board of directors of the science and technology corporation transfer, incorporated and reporting administratively to the director, shall administer the division of science and technology. The deputy

director shall serve at the will of the board of directors and receive a salary set by the board within the limits of legislative appropriations. The purpose of the division of science and technology is to support the development and implementation of policies and programs that respond to the scientific and technological needs and opportunities of business and industry in the state through basic and applied research and technology transfer, product commercialization, agricultural and industrial extension, and private sector research and development. The division shall perform such duties as assigned to it by the director.

SECTION 20. AMENDMENT. Section 54-34.3-08 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 21. INCOME LEVEL STUDY. The department of economic development and finance shall monitor the impact of the income level requirement in section 10-30.3-11 and benefit packages on businesses that receive funds from the primary sector development fund for the 1993-95 biennium. The department shall study those results and report any recommendations for change to the income level requirements considered necessary to the legislative council or an interim committee designated by the legislative council.

SECTION 22. LEGISLATIVE COUNCIL STUDY - ECONOMIC DEVELOPMENT. The legislative council shall consider forming a jobs development commission composed of legislators, officials from the executive branch of government, officials from higher education, and representatives of private industry to study methods and coordinate efforts to initiate and sustain new economic development in this state. The legislative council, if a study is conducted, shall report its findings and recommendations, together with any legislation requested to implement the recommendations, to the fifty-fourth legislative assembly.

SECTION 23. EMERGENCY. The future fund and technology transfer, incorporated line items in section 1 of this Act are declared to be an emergency measure.

Approved April 29, 1993
Filed April 30, 1993

CHAPTER 43

SENATE BILL NO. 2022
(Appropriations Committee)

BOARD OF VOCATIONAL EDUCATION

AN ACT making an appropriation for defraying the expenses of the state board of vocational education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state board of vocational education for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and wages	\$ 2,234,283
Information services	61,692
Operating expenses	400,123
Equipment	38,900
Grants	15,055,114
Grants to state agencies	3,315,002
COVE	322,875
BSC vocational grant	1,572,485
UND-LR vocational grant	705,643
UND-W vocational grant	708,301
Adult farm management	250,000
Postsecondary education vocational grants	400,000
College technical - administrative grant	<u>150,000</u>
Total all funds	\$25,214,418
Less estimated income	<u>11,003,952</u>
Total general fund appropriation	\$14,210,466

Approved April 29, 1993
Filed April 30, 1993

CHAPTER 44

SENATE BILL NO. 2053
(Appropriations Committee)
(At the request of the Office of Management and Budget)

FUTURE FUND AND TECHNOLOGY TRANSFER

AN ACT to provide an appropriation to the department of economic development and finance; to provide for a transfer of the earnings of the Bank of North Dakota; 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, to the department of economic development and finance for the purpose of defraying the expenses of the following programs, for the period beginning January 1, 1993, and ending June 30, 1993, as follows:

Future Fund	\$1,625,000
Technology Transfer, Incorporated	<u>375,000</u>
Total general fund appropriation	<u>\$2,000,000</u>

SECTION 2. TRANSFER. There is hereby authorized the transfer to the general fund in the state treasury, the sum of \$4,000,000 from the accumulated and undivided profits of the Bank of North Dakota. The moneys must be transferred as required to meet the programs' expenditures but prior to June 30, 1993.

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

Approved March 25, 1993
Filed March 26, 1993