

15.8148.07000

Sixty-fourth  
Legislative Assembly  
of North Dakota

**FIRST ENGROSSMENT  
with Conference Committee Amendments  
ENGROSSED SENATE BILL NO. 2015**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions  
2 under the supervision of the director of the office of management and budget; to provide an  
3 appropriation to the department of transportation; to provide an appropriation to the state  
4 auditor; to provide an appropriation to the legislative assembly; to provide an appropriation to  
5 the legislative council; to provide an appropriation to the judicial branch; to provide contingent  
6 appropriations to the state board of higher education, department of transportation, and  
7 superintendent of public instruction; to create and enact a new section to chapter 44-04 and a  
8 new section to chapter 54-52.6 of the North Dakota Century Code, relating to open records  
9 requests submitted by members of the legislative assembly and the legislative council and the  
10 defined benefit retirement plan; to amend and reenact subdivision c of subsection 1 of section  
11 15-10-17, section 48-08-04, subsections 3 and 4 of section 54-52-17, section 55-01-02.1,  
12 subsection 3 of section 57-38-01.7 as amended in section 1 of of House Bill No. 1462, as  
13 approved by the sixty-fourth legislative assembly, subdivision b of subsection 3 of section  
14 57-51.1-03 as amended in section 5 of House Bill No. 1476, as approved by the sixty-fourth  
15 legislative assembly, and subsection 2 of section 61-16.1-09, of the North Dakota Century  
16 Code, and sections 1 and 2 of Senate Bill No. 2019, as approved by the sixty-fourth legislative  
17 assembly, relating to North Dakota university system personnel, the use of legislative meeting  
18 rooms, the defined benefit retirement plan, operation of the heritage center building, income tax  
19 credits for charitable contributions to private education institutions, eminent domain and water  
20 resource boards, and an appropriation to the parks and recreation department; to repeal section  
21 54-44-06 of the North Dakota Century Code and section 5 of House Bill No. 1003, as approved  
22 by the sixty-fourth legislative assembly, relating to duties of the office of management and  
23 budget as to the school fund and contingent appropriations for higher education capital projects;  
24 to provide an exemption; to provide for various transfers and contingent transfers; to provide

1 statements of legislative intent; to provide for legislative management studies and reports; to  
2 provide for budget section reports; to provide an effective date; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
5 as may be necessary, are appropriated out of any moneys in the general fund in the state  
6 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
7 other income, to the office of management and budget for the purpose of defraying the  
8 expenses of that agency, for the biennium beginning July 1, 2015, and ending June 30, 2017,  
9 as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
12 Salaries and wages	\$19,803,315	\$224,939	\$20,028,254
13 Accrued leave payments	570,412	(570,412)	0
14 Operating expenses	14,356,788	(150,003)	14,206,785
15 Emergency commission contingency fund	700,000	0	700,000
16 Capital assets	2,251,065	1,738,944	3,990,009
17 Grants	430,000	125,000	555,000
18 Guardianship grants	828,600	500,000	1,328,600
19 Prairie public broadcasting	1,337,138	362,862	1,700,000
20 State student internship program	200,000	50,000	250,000
21 Health insurance pool - temporary 22 employees	<u>0</u>	<u>5,000,000</u>	<u>5,000,000</u>
23 Total all funds	\$40,477,318	\$7,281,330	\$47,758,648
24 Less estimated income	<u>8,730,630</u>	<u>2,689,760</u>	<u>11,420,390</u>
25 Total general fund	\$31,746,688	\$4,591,570	\$36,338,258
26 Full-time equivalent positions	130.50	(8.00)	122.50

27 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

28 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding  
29 items approved by the sixty-third legislative assembly for the 2013-15 biennium and the  
30 2015-17 one-time funding items included in the appropriation in section 1 of this Act:

Sixty-fourth  
Legislative Assembly

	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
1			
2	Capitol complex parking lot repairs	\$4,000,000	\$0
3	Health insurance pool	2,000,000	0
4	Exterior restoration of legislative and j-wing	1,500,000	0
5	Repair and cleaning capitol and j-wing	1,200,000	0
6	Capitol south entrance	1,000,000	0
7	Prairie public broadcasting	600,000	0
8	North Dakota 125th anniversary coordinator	190,000	0
9	Energy impact funding	8,500,000	0
10	Transfer to property tax relief	315,210,000	0
11	Information technology hardware relocation study	200,000	0
12	Student internship	0	50,000
13	Facility projects	0	205,000
14	Signage on the capitol grounds	0	1,400,000
15	West parking lot repair	0	50,000
16	ACA health insurance	0	5,000,000
17	Facility management projects	0	1,825,009
18	Legislative wing electrical-related repairs	<u>0</u>	<u>310,000</u>
19	Total all funds	\$334,400,000	\$8,840,009
20	Less estimated income	<u>5,500,000</u>	<u>4,210,000</u>
21	Total general fund	\$328,900,000	\$4,630,009

22 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the  
 23 2017-19 biennium. The office of management and budget shall report to the appropriations  
 24 committees of the sixty-fifth legislative assembly on the use of this one-time funding for the  
 25 biennium beginning July 1, 2015, and ending June 30, 2017.

26 **SECTION 3. APPROPRIATION - TRANSFER - TAX RELIEF FUND TO GENERAL FUND.**

27 There is appropriated out of any moneys in the tax relief fund in the state treasury, not otherwise  
 28 appropriated, the sum of \$657,000,000, or so much of the sum as may be necessary, which the  
 29 director of the office of management and budget shall transfer to the general fund during the  
 30 biennium beginning July 1, 2015, and ending June 30, 2017.

1       **SECTION 4. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET -**

2       **TARGETED MARKET EQUITY POOL - LEGISLATIVE MANAGEMENT REPORT.** There is  
3       appropriated out of any moneys in the general fund in the state treasury, not otherwise  
4       appropriated, the sum of \$3,750,000, or so much of the sum as may be necessary, and from  
5       special funds derived from federal funds and other income, the sum of \$740,000, or so much of  
6       the sum as may be necessary, to the office of management and budget for a state agency  
7       targeted market equity salary funding pool to provide compensation adjustments for state  
8       employees in accordance with the provisions of this section. The market equity increases must  
9       be prioritized based on a statewide plan prepared by the office of management and budget  
10      within the funding available in the pool. The plan must address occupational market disparities,  
11      economic growth areas, recruitment and retention challenges, and external pay inequities for  
12      employees who are critical to the mission of the agency. The plan must give priority to  
13      employees whose salary is in the first or second quartile of their assigned salary range and  
14      employees whose salary is below the average classified state employee salary level.

15      One-half of the market equity pool funding is available for market equity adjustments in  
16      July 2015, to be paid in August 2015, and any remaining funding in the pool is available for  
17      market equity adjustments in July 2016, to be paid in August 2016. The market equity  
18      adjustments must be provided after any general compensation increase authorized by the  
19      sixty-fourth legislative assembly for these respective months and are independent of the  
20      general compensation increases. Employees whose documented performance levels do not  
21      meet standards are not eligible for the market equity increases. Notwithstanding any other  
22      provision of law, the office of management and budget shall transfer appropriation authority from  
23      the targeted market equity salary pool line item included in section 1 of this Act to eligible  
24      agencies for approved market equity salary adjustments. The office of management and budget  
25      shall provide a report to the legislative management regarding its statewide plan and any  
26      appropriation authority transferred from the pool.

27      Employees in the following agencies are eligible to receive a targeted market equity salary  
28      adjustment under this section:

- 29      1.    Adjutant general;
- 30      2.    Veterans' home;
- 31      3.    State department of health;

1 4. Department of human services; and

2 5. Protection and advocacy project.

3 **SECTION 5. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - STATE**

4 **AGENCY ENERGY DEVELOPMENT IMPACT FUNDING POOL - TRANSFER AUTHORITY -**

5 **EMERGENCY COMMISSION APPROVAL - LEGISLATIVE MANAGEMENT REPORT.** There is

6 appropriated out of any moneys in the general fund in the state treasury, not otherwise

7 appropriated, the sum of \$2,400,000, or so much of the sum as may be necessary, and from

8 special funds derived from federal funds and other income, the sum of \$5,565,000, or so much

9 of the sum as may be necessary, to the office of management and budget for a state agency

10 energy development impact funding pool, for the biennium beginning July 1, 2015, and ending

11 June 30, 2017. The funds provided under this section are considered a one-time funding item

12 and may not be continued into the biennium beginning July 1, 2017, and ending June 30, 2019.

13 A state agency may submit an application to the office of management and budget for a

14 transfer of appropriation authority from the state agency energy development impact funding

15 pool for employee housing rental assistance and temporary salary increases for employees

16 affected by energy development. As part of the application, an agency must document how the

17 agency will discontinue energy impact adjustments for employees at the end of the biennium.

18 The office of management and budget, subject to emergency commission approval, shall

19 transfer appropriation authority from the state agency energy development impact funding pool

20 to eligible agencies for approved applications.

21 The office of management and budget shall provide a report to the legislative management

22 regarding distributions from the energy development impact funding pool. Each agency

23 receiving a distribution from the energy impact funding pool must provide a report to the

24 legislative management regarding its plan to discontinue energy impact adjustments for

25 employees at the end of the biennium beginning July 1, 2015, and ending June 30, 2017.

26 **SECTION 6. GENERAL FUND APPROPRIATION AND TRANSFER - HIGHWAY FUND**

27 **APPROPRIATION - DEPARTMENT OF TRANSPORTATION.**

28 1. There is appropriated out of any moneys in the general fund in the state treasury, not

29 otherwise appropriated, the sum of \$18,000,000, which the director of the office of

30 management and budget shall transfer to the highway fund during the biennium

31 beginning July 1, 2015, and ending June 30, 2017.

- 1           2.    There is appropriated out of any moneys in the highway fund in the state treasury, not  
2                    otherwise appropriated, the sum of \$18,000,000, or so much of the sum as may be  
3                    necessary, to the department of transportation for the purpose of state highway  
4                    investments, for the biennium beginning July 1, 2015, and ending June 30, 2017.

5           **SECTION 7. CONTINGENT GENERAL FUND TRANSFER AND HIGHWAY FUND**

6           **APPROPRIATION - DEPARTMENT OF TRANSPORTATION.**

- 7           1.    Subject to the provisions of this section, there is appropriated out of any moneys in the  
8                    general fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000,  
9                    which the director of the office of management and budget shall transfer to the  
10                  highway fund, during the biennium beginning July 1, 2015, and ending June 30, 2017.  
11                  If a transfer of funds occurs under this subsection, there is appropriated out of any  
12                  moneys in the highway fund in the state treasury, not otherwise appropriated, the sum  
13                  of \$20,000,000, or so much of the sum as may be necessary, to the department of  
14                  transportation for the purpose of enhanced state highway investments, for the  
15                  biennium beginning July 1, 2015, and ending June 30, 2017.
- 16          2.    a.    The transfer and appropriation in subsection 1 of this section is available only if  
17                    the director of the office of management and budget determines actual general  
18                    fund revenues for the period beginning February 1, 2015, and ending June 30,  
19                    2015, exceed the legislative estimates made at the close of the 2015 legislative  
20                    session for general fund revenues during the same period by at least  
21                    \$20,000,000.
- 22          b.    For purposes of this subsection, "estimated general fund revenues" excludes  
23                    transfers to the general fund from the strategic investment and improvements  
24                    fund, property tax relief fund, the lottery, the mill and elevator, and gas tax  
25                    administration.

26           **SECTION 8. CONTINGENT GENERAL FUND AND STRATEGIC INVESTMENT AND**  
27           **IMPROVEMENTS FUND APPROPRIATIONS AND TRANSFERS - STATE BOARD OF**  
28           **HIGHER EDUCATION - DEPARTMENT OF TRANSPORTATION - BUDGET SECTION**  
29           **APPROVAL - BUDGET SECTION REPORT.**

- 30          1.    Subject to the provisions of this section, there is appropriated out of any moneys in the  
31                    general fund in the state treasury, not otherwise appropriated, the sum of \$25,850,000,

1 or so much of the sum as may be necessary, to the state board of higher education for  
2 the Valley City state university fine arts building project, including the demolition of two  
3 existing buildings, for the biennium beginning July 1, 2015, and ending June 30, 2017.

4 2. Subject to the provisions of this section, the director of the office of management and  
5 budget shall transfer the sum of \$25,850,000 from the strategic investment and  
6 improvements fund to the highway fund during the biennium beginning July 1, 2015,  
7 and ending June 30, 2017. If a transfer of funds occurs under this subsection, there is  
8 appropriated out of any moneys in the highway fund in the state treasury, not  
9 otherwise appropriated, the sum of \$25,850,000, or so much of the sum as may be  
10 necessary, to the department of transportation for the purpose of enhanced state  
11 highway investments, for the biennium beginning July 1, 2015, and ending June 30,  
12 2017.

13 3. Subject to the provisions of this section, there is appropriated out of any moneys in the  
14 general fund in the state treasury, not otherwise appropriated, the sum of \$46,000,000,  
15 or so much of the sum as may be necessary, to the state board of higher education for  
16 the North Dakota state university Dunbar Hall project, for the biennium beginning  
17 July 1, 2015, and ending June 30, 2017.

18 4. Subject to the provisions of this section, the director of the office of management and  
19 budget shall transfer the sum of \$46,000,000 from the general fund to the highway  
20 fund during the biennium beginning July 1, 2015, and ending June 30, 2017. If a  
21 transfer of funds occurs under this subsection, there is appropriated out of any  
22 moneys in the highway fund in the state treasury, not otherwise appropriated, the sum  
23 of \$46,000,000, or so much of the sum as may be necessary, to the department of  
24 transportation for the purpose of enhanced state highway investments, for the  
25 biennium beginning July 1, 2015, and ending June 30, 2017.

26 5. a. The appropriations and transfers in subsections 1 and 2 of this section are  
27 available only if the director of the office of management and budget determines  
28 actual general fund revenues for the period beginning July 1, 2015, and ending  
29 December 31, 2015, exceed the legislative estimates made at the close of the  
30 2015 legislative session for general fund revenues during the same period by at  
31 least \$126,000,000, or if the director of the office of management and budget

1 determines actual general fund revenues for the period beginning July 1, 2015,  
2 and ending June 30, 2016, exceed the legislative estimates made at the close of  
3 the 2015 legislative session for general fund revenues during the same period by  
4 at least \$126,000,000. If the appropriations and transfers under this subdivision  
5 become available, the state board of higher education shall provide a report to  
6 the budget section regarding the status of the Valley City state university fine arts  
7 building project.

8 b. The appropriations and transfers in subsections 3 and 4 of this section are  
9 available, subject to budget section approval, only if the director of the office of  
10 management and budget determines actual general fund revenues for the period  
11 beginning July 1, 2015, and ending December 31, 2016, exceed the legislative  
12 estimates made at the close of the 2015 legislative session for general fund  
13 revenues during the same period by at least \$250,000,000. Additionally, the  
14 appropriation in subsection 3 is available only if the state board of higher  
15 education certifies to the budget section that the Dunbar Hall project conforms to  
16 the university system master plan and space utilization study and the board  
17 receives budget section approval to proceed with the project. The board may not  
18 seek approval from the budget section to proceed with the project until the state  
19 auditor's office performance audit of the university system space utilization study  
20 is completed.

21 c. For purposes of this subsection, "estimated general fund revenues" excludes the  
22 unobligated general fund balance on July 1, 2015, and transfers to the general  
23 fund from the strategic investment and improvements fund, tax relief fund, the  
24 lottery, the mill and elevator, and gas tax administration.

25 **SECTION 9. APPROPRIATION - STATE AUDITOR.** There is appropriated out of special  
26 funds derived from other income from fees charged to the North Dakota university system, not  
27 otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to  
28 the state auditor for the purpose of conducting information technology security audits of the  
29 eleven institutions in the North Dakota university system, for the biennium beginning July 1,  
30 2015, and ending June 30, 2017.



1       **SECTION 10. APPROPRIATION - LEGISLATIVE ASSEMBLY - MEETING ROOMS -**  
2 **REPORTS TO LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE.** There is  
3 appropriated out of any moneys in the general fund in the state treasury, not otherwise  
4 appropriated, the sum of \$160,000 or so much of the sum as may be necessary, to the  
5 legislative assembly for the purpose of purchasing and installing audio and visual equipment,  
6 tables, chairs, and other furnishings in legislative meeting rooms within the facility space  
7 expansion authorized under House Bill No. 1002, as approved by the sixty-fourth legislative  
8 assembly, for the biennium beginning July 1, 2015, and ending June 30, 2017. The funding  
9 appropriated in this section is considered a one-time funding item.

10       The state court administrator shall provide periodic reports to the legislative procedure and  
11 arrangements committee during the 2015-16 interim regarding the status of the facility space  
12 expansion authorized under House Bill No. 1002, as approved by the sixty-fourth legislative  
13 assembly.

14       **SECTION 11. APPROPRIATION - LEGISLATIVE COUNCIL - CONSULTANTS FOR**  
15 **INTERIM STUDY.** There is appropriated out of any moneys in the general fund in the state  
16 treasury, not otherwise appropriated, the sum of \$400,000, or so much of the sum as may be  
17 necessary, to the legislative council for the purpose of contracting with consultants to study oil  
18 and gas tax incentives and oil and gas recovery techniques, for the biennium beginning July 1,  
19 2015, and ending June 30, 2017. The funding provided in this section is considered a one-time  
20 funding item.

21       **SECTION 12. APPROPRIATION - JUDICIAL WING REMODELING PROJECT.** There is  
22 appropriated out of any moneys in the general fund in the state treasury, not otherwise  
23 appropriated, the sum of \$65,693, or so much of the sum as may be necessary, to the judicial  
24 branch for the purpose of defraying the additional costs of the remodeling project in the judicial  
25 wing, for the biennium beginning July 1, 2015, and ending June 30, 2017. The funding provided  
26 in this section is considered a one-time funding item.

27       **SECTION 13. CONTINGENT APPROPRIATION - DEPARTMENT OF PUBLIC**  
28 **INSTRUCTION - TRANSPORTATION GRANTS.** If any funding appropriated to the  
29 superintendent of public instruction for integrated formula payments to school districts remains  
30 after the superintendent complies with all statutory payment obligations imposed for the  
31 biennium beginning July 1, 2015, and ending June 30, 2017, the superintendent shall provide

1 up to \$3,000,000 of the funds remaining for additional transportation grants. The superintendent  
2 shall prorate the available funding according to the percentage of the total transportation  
3 formula amount to which each school district is entitled.

4 **SECTION 14. ESTIMATED INCOME - CAPITOL BUILDING FUND.** The estimated income  
5 line item in section 1 of this Act includes \$1,710,000 from the capitol building fund, of which  
6 \$1,400,000 is for capitol building entrance and signage projects and \$310,000 is for legislative  
7 wing electrical and ceiling repairs.

8 **SECTION 15. COMMUNITY SERVICE SUPERVISION GRANTS - FUNDING**

9 **ALLOCATIONS - ADDITIONAL INCOME APPROPRIATION.** The grants line item in section 1  
10 of this Act includes the sum of \$500,000 from the general fund for the purpose of providing  
11 community service supervision grants. The director of the office of management and budget  
12 shall distribute the grant funds on or before August first during each year of the biennium  
13 beginning July 1, 2015, and ending June 30, 2017, to North Dakota community corrections  
14 association regions as follows:

15 Barnes County	\$12,121
16 Bismarck (urban)	27,057
17 Bismarck (rural)	14,223
18 Devils Lake	14,329
19 Dickinson	16,911
20 Fargo	32,169
21 Grand Forks	26,404
22 Jamestown	18,511
23 Minot	21,592
24 Richland County	13,241
25 Rugby	15,543
26 Sargent County	10,781
27 Wells County	10,919
28 Williston	<u>16,199</u>
29 Total	\$250,000

30 Any moneys in the community service supervision fund are appropriated to the office of  
31 management and budget for distribution to community corrections association regions on or

1 before August first of each year during the biennium beginning July 1, 2015, and ending  
2 June 30, 2017.

3 **SECTION 16. EXEMPTION.** The amount appropriated for the fiscal management division,  
4 as contained in section 1 of chapter 15 of the 2013 Session Laws is not subject to the  
5 provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for  
6 continued development and operating costs of the accounting, management, and payroll  
7 systems, during the biennium beginning July 1, 2015, and ending June 30, 2017.

8 **SECTION 17. INTENT.** Within the authority included in section 1 of this Act are the following  
9 grants and special items:

10 Boys and girls clubwork	\$53,000
11 State memberships and related expenses	\$611,000
12 Unemployment insurance	\$1,500,000
13 Capitol grounds planning commission	\$25,000

14 **SECTION 18. STATE STUDENT INTERNSHIP PROGRAM.** The human resources division  
15 of the office of management and budget may transfer to each eligible agency appropriated  
16 general fund spending authority from the state student internship program line item contained in  
17 section 1 of this Act.

18 **SECTION 19. OFFICE OF MANAGEMENT AND BUDGET - TEMPORARY EMPLOYEE**  
19 **HEALTH INSURANCE POOL.** The office of management and budget may transfer to each  
20 eligible agency appropriation authority from the health insurance pool - temporary employees  
21 line item contained in section 1 of this Act. Transfers may be made for the purpose of providing  
22 temporary employee health insurance adjustments for state employees, including institutions of  
23 higher education, determined to be full time based on guidelines developed by the office of  
24 management and budget in accordance with the shared responsibility provisions of the  
25 Affordable Care Act for the biennium beginning July 1, 2015, and ending June 30, 2017.

26 **SECTION 20. FUNDING TRANSFERS - EXCEPTION - AUTHORIZATION.**  
27 Notwithstanding section 54-16-04, agencies may transfer appropriation authority between line  
28 items, as it relates to compensation increases authorized in section 21 of this Act, for the  
29 biennium beginning July 1, 2015, and ending June 30, 2017. The agencies shall notify the office  
30 of management and budget of any transfer made pursuant to this section.

1       **SECTION 21. STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES.** It is  
2 the intent of the sixty-fourth legislative assembly that 2015-17 biennium compensation  
3 adjustments for classified state employees for each year of the biennium are to be a  
4 performance component in a range of two to four percent based on documented performance.  
5 Increases for classified state employees are not to be the same percentage increase for each  
6 employee. The increases for the first year of the biennium are to be given beginning with the  
7 month of July 2015, to be paid in August 2015, and for the second year of the biennium are to  
8 be given beginning with the month of July 2016, to be paid in August 2016.

9       Probationary employees are not entitled to the performance increases. However,  
10 probationary employees may be given all or a portion of the increases effective in July, paid in  
11 August, or upon completion of probation, at the discretion of the appointing authority.

12       The office of management and budget shall develop guidelines for use by state agencies for  
13 providing compensation adjustments for regular classified employees. The guidelines must  
14 follow section 54-44.3-01.2, compensation philosophy statement.

15       Compensation adjustments for regular nonclassified state employees, excluding employees  
16 under the control of the state board of higher education, are to be in a range of two to four  
17 percent based on market and documented performance and are not to be the same percentage  
18 increase for each employee.

19       Employees whose overall documented performance level does not meet standards are not  
20 eligible for any salary increase.

21       **SECTION 22. ONE-TIME FUNDING - ASSISTIVE TECHNOLOGY SERVICES.** The funding  
22 appropriated to the department of human services in Senate Bill No. 2289 as approved by the  
23 sixty-fourth legislative assembly, relating to assistive technology services is considered one-time  
24 funding for the biennium beginning July 1, 2015, and ending June 30, 2017.

25       **SECTION 23. STUDENT LOAN TRUST FUND - STATE DEPARTMENT OF HEALTH -**  
26 **DENTAL LOAN REPAYMENT PROGRAM.** The estimated income line item of section 1 of  
27 House Bill No. 1004, as approved by the sixty-fourth legislative assembly, includes the sum of  
28 \$360,000, or so much of the sum as may be necessary, from the student loan trust fund for the  
29 dental loan repayment program administered by the state department of health for the biennium  
30 beginning July 1, 2015, and ending June 30, 2017.

1       **SECTION 24. AMENDMENT.** Subdivision c of subsection 1 of section 15-10-17 of the North  
2 Dakota Century Code is amended and reenacted as follows:

3           c.    Appoint and remove all university system office personnel, fix their salaries within  
4                the limits of legislative appropriations, fix their terms of office, and prescribe their  
5                duties. The board shall adopt a policy that provides that each vice chancellor in  
6                the university system office is considered to have resigned the individual's  
7                position as a vice chancellor upon the appointment of a commissioner of higher  
8                education.

9       **SECTION 25.** A new section to chapter 44-04 of the North Dakota Century Code is created  
10 and enacted as follows:

11       **Requests for records by members of the legislative assembly and the legislative**  
12 **council.**

13       Notwithstanding section 44-04-18.6, any record of the legislative council relating to a  
14 request for public records made by the legislative council on behalf of a member of the  
15 legislative assembly is a public record. The legislative council shall maintain a written or digital  
16 record of any request for public records made on behalf of a member of the legislative assembly  
17 which identifies the member of the legislative assembly who made the request.

18       **SECTION 26. AMENDMENT.** Section 48-08-04 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20       **48-08-04. Use of legislative assembly rooms and halls.**

21       During the interim between legislative sessions, the committee rooms, halls, passageways,  
22 and other space in the capitol used by the legislative assembly, including the pioneer room and  
23 three additional meeting rooms comprising approximately four thousand square feet in the  
24 judicial wing of the capitol, may not be used without authorization of the legislative council.

25       **SECTION 27. AMENDMENT.** Subsection 3 of section 54-52-17 of the North Dakota  
26 Century Code is amended and reenacted as follows:

27       3.    Retirement dates are defined as follows:

28           a.   Normal retirement date, except for a national guard security officer or firefighter  
29                or a peace officer or correctional officer employed by the bureau of criminal  
30                investigation or by a political subdivision, is:

- 1 (1) The first day of the month next following the month in which the member  
2 attains the age of sixty-five years; or  
3 (2) When the member has a combined total of years of service credit and years  
4 of age equal to eighty-five and has not received a retirement benefit under  
5 this chapter.

6 b. Normal retirement date for members first enrolled after December 31, 2015,  
7 except for a national guard security officer or firefighter, a peace officer or  
8 correctional officer employed by the bureau of criminal investigation or by a  
9 political subdivision, or a supreme court or district court judge, is:

- 10 (1) The first day of the month next following the month in which the member  
11 attains the age of sixty-five years; or  
12 (2) When the member has a combined total of years of service credit and years  
13 of age equal to ninety and the member attains a minimum age of sixty and  
14 has not received a retirement benefit under this chapter.

15 b.c. Normal retirement date for a national guard security officer or firefighter is the first  
16 day of the month next following the month in which the national guard security  
17 officer or firefighter attains the age of fifty-five years and has completed at least  
18 three eligible years of employment as a national guard security officer or  
19 firefighter.

20 e.d. Normal retirement date for a peace officer or correctional officer employed by a  
21 political subdivision is:

- 22 (1) The first day of the month next following the month in which the peace  
23 officer or correctional officer attains the age of fifty-five years and has  
24 completed at least three eligible years of employment as a peace officer or  
25 correctional officer; or  
26 (2) When the peace officer or correctional officer has a combined total of years  
27 of service credit and years of age equal to eighty-five and has not received  
28 a retirement benefit under this chapter.

29 d.e. Normal retirement date for a peace officer employed by the bureau of criminal  
30 investigation is:

1           (1) The first day of the month next following the month in which the peace  
2           officer attains the age of fifty-five years and has completed at least three  
3           eligible years of employment as a peace officer; or

4           (2) When the peace officer has a combined total of years of service credit and  
5           years of age equal to eighty-five and has not received a retirement benefit  
6           under this chapter.

7           e-f. Postponed retirement date is the first day of the month next following the month  
8           in which the member, on or after July 1, 1977, actually severs or has severed the  
9           member's employment after reaching the normal retirement date.

10          f-g. Early retirement date, except for a national guard security officer or firefighter or a  
11          peace officer or correctional officer employed by the bureau of criminal  
12          investigation or by a political subdivision, is the first day of the month next  
13          following the month in which the member attains the age of fifty-five years and  
14          has completed three years of eligible employment. For a national guard security  
15          officer or firefighter, early retirement date is the first day of the month next  
16          following the month in which the national guard security officer or firefighter  
17          attains the age of fifty years and has completed at least three years of eligible  
18          employment. For a peace officer or correctional officer employed by the bureau of  
19          criminal investigation or by a political subdivision, early retirement date is the first  
20          day of the month next following the month in which the peace officer or  
21          correctional officer attains the age of fifty years and has completed at least three  
22          years of eligible employment.

23          g-h. Disability retirement date is the first day of the month after a member becomes  
24          permanently and totally disabled, according to medical evidence called for under  
25          the rules of the board, and has completed at least one hundred eighty days of  
26          eligible employment. For supreme and district court judges, permanent and total  
27          disability is based solely on a judge's inability to perform judicial duties arising out  
28          of physical or mental impairment, as determined pursuant to rules adopted by the  
29          board or as provided by subdivision a of subsection 3 of section 27-23-03. A  
30          member is eligible to receive disability retirement benefits only if the member:

31          (1) Became disabled during the period of eligible employment; and

1 (2) Applies for disability retirement benefits within twelve months of the date the  
2 member terminates employment.

3 A member is eligible to continue to receive disability benefits as long as the  
4 permanent and total disability continues and the member submits the necessary  
5 documentation and undergoes medical testing required by the board, or for as  
6 long as the member participates in a rehabilitation program required by the  
7 board, or both. If the board determines that a member no longer meets the  
8 eligibility definition, the board may discontinue the disability retirement benefit.  
9 The board may pay the cost of any medical testing or rehabilitation services it  
10 deems necessary and these payments are appropriated from the retirement fund  
11 for those purposes.

12 **SECTION 28. AMENDMENT.** Subsection 4 of section 54-52-17 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14 4. The board shall calculate retirement benefits as follows:

15 a. Normal retirement benefits for all retirees, except supreme and district court  
16 judges, reaching normal retirement date equal an annual amount, payable  
17 monthly, comprised of a service benefit and a prior service benefit, as defined in  
18 this chapter, which is determined as follows:

19 (1) Service benefit equals two percent of final average salary multiplied by the  
20 number of years of service employment.

21 (2) Prior service benefit equals two percent of final average salary multiplied by  
22 the number of years of prior service employment.

23 b. Normal retirement benefits for all supreme and district court judges under the  
24 public employees retirement system reaching normal retirement date equal an  
25 annual amount, payable monthly, comprised of a benefit as defined in this  
26 chapter, determined as follows:

27 (1) Benefits must be calculated from the time of appointment or election to the  
28 bench and must equal three and one-half percent of final average salary  
29 multiplied by the first ten years of judicial service, two and eighty hundredths  
30 percent of final average salary multiplied by the second ten years of judicial



1 service, and one and one-fourth percent of final average salary multiplied by  
2 the number of years of judicial service exceeding twenty years.

3 (2) Service benefits must include, in addition, an amount equal to the percent  
4 specified in subdivision a of final average salary multiplied by the number of  
5 years of nonjudicial employee service and employment.

6 c. Postponed retirement benefits are calculated as for single life benefits for those  
7 members who retired on or after July 1, 1977.

8 d. Early retirement benefits are calculated as for single life benefits accrued to the  
9 date of termination of employment, but must be actuarially reduced to account for  
10 benefit payments beginning prior to the normal retirement date, which is the  
11 earlier of age sixty-five or the age at which current service plus age equals  
12 eighty-five. Except for a national guard security officer or firefighter, a peace  
13 officer or correctional officer employed by the bureau of criminal investigation or  
14 by a political subdivision, or a supreme court or district court judge, early  
15 retirement benefits for members first enrolled after December 31, 2015, are  
16 calculated for single life benefits accrued to the date of termination of  
17 employment, but must be reduced by fixed rate of eight percent per year to  
18 account for benefit payments beginning before the normal retirement date. A  
19 retiree, other than a supreme or district court judge, is eligible for early retirement  
20 benefits only after having completed three years of eligible employment. A  
21 supreme or district court judge retiree is eligible for early retirement benefits only  
22 after having completed five years of eligible employment.

23 e. Except for supreme and district court judges, disability retirement benefits are  
24 twenty-five percent of the member's final average salary. Disability retirement  
25 benefits for supreme and district court judges are seventy percent of final  
26 average salary reduced by the member's primary social security benefits and by  
27 any workforce safety and insurance benefits paid. The minimum monthly  
28 disability retirement benefit under this section is one hundred dollars.

29 **SECTION 29.** A new section to chapter 54-52.6 of the North Dakota Century Code is  
30 created and enacted as follows:

1       **Changes to election.**

- 2       1. In this section the term "participating member" is limited in application to a participating  
3       member who elected to participate in the defined contribution retirement plan  
4       established under this chapter as an active employee of a participating employer, is an  
5       actively participating member of the defined contribution plan as of the effective date  
6       of this Act, and is an active employee with a participating employer on the date an  
7       election is made under this section. The term does not include a participant who is not  
8       actively employed with a participating employer on the date of transfer of the funds  
9       under this section, has taken a distribution from the defined contribution plan, is  
10       retired, is no longer actively employed with a participating employer, or who is a  
11       member who has a qualified domestic relations order or other court order on the  
12       member's account.
- 13       2. Notwithstanding any other provision of law, the board shall provide an opportunity for  
14       each participating member to elect in writing to terminate membership in the defined  
15       contribution retirement plan under this chapter and to elect to become a participating  
16       member in the public employees retirement system under chapter 54-52.
- 17       3. The board shall establish a three-calendar-month election period beginning not later  
18       than February 1, 2016. A participating member who does not make a written election  
19       or who does not file the election with the North Dakota public employees retirement  
20       system office during the period specified in this section continues to be a member of  
21       the defined contribution plan. A participating member who makes and files a written  
22       election with the North Dakota public employees retirement system office under this  
23       section ceases to be a member of the defined contribution plan upon receipt by the  
24       public employees retirement system of the accumulated fund balance of the member's  
25       defined contribution plan under this chapter and waives all rights to that employee's  
26       accumulated fund balance under the defined contribution plan. If the executive director  
27       of the North Dakota public employees retirement system determines a participating  
28       member was not adequately notified of the option to make an election under this  
29       section, the executive director may provide that participating member a reasonable  
30       time, not to exceed three months, within which to make that election.

- 1       4. The public employees retirement system shall credit the transferring employee with  
2       the service credit and salary history reflected on the public employees retirement  
3       system's electronic database.
- 4       5. The board shall determine the method by which a participating member may make a  
5       written election under this section. If the participating member is married at the time of  
6       the election, the election is not effective unless the election is signed by the  
7       individual's spouse. However, the executive director of the North Dakota public  
8       employees retirement system may waive this spousal signature requirement if the  
9       spouse's signature cannot be obtained because of extenuating circumstances.
- 10      6. For a participating member who elects to terminate membership in the defined  
11      contribution plan under this section, the board shall transfer that member's  
12      accumulated fund balance, less any rollovers from other plans made into the defined  
13      contribution plan, to the public employees retirement system under chapter 54-52. If  
14      funds are transferred from the defined contribution plan to the defined benefit plan  
15      under an election made under this section, the board shall record this transfer to the  
16      defined benefit plan as employee and employer contributions in the same manner as  
17      transferred by the defined contribution provider. If a participating member has a  
18      separate account attributable to rollover contributions to the defined contribution plan  
19      pursuant to section 54-52.6-09.1, the participating member shall make an election to  
20      receive a distribution of the entire amount held in the rollover account at the time of  
21      transfer.
- 22      7. A participating member who elects a transfer under this section is entitled to vested  
23      employer contribution amounts under section 54-52-11.1 prospectively from the date  
24      of transfer. A participating member who elects a transfer under this section must be  
25      assessed and required to pay monthly to the defined benefit plan an additional  
26      employee contribution of an additional two percent of the monthly salary or wages paid  
27      to the member.

28       **SECTION 30. AMENDMENT.** Section 55-01-02.1 of the North Dakota Century Code is  
29       amended and reenacted as follows:

1           **55-01-02.1. Society to have jurisdiction over heritage center.**

2           The society has jurisdiction over the administration and operations of the North Dakota  
3 heritage center building. The director of the office of management and budget is responsible for  
4 maintenance of the heritage center building. The society shall maintain the collections displayed  
5 and stored at the heritage center and shall provide, or arrange, for the security of those  
6 collections. The society shall establish a policy that authorizes the consumption of alcoholic  
7 beverages, including distilled spirits as defined in section 5-01-01, at the heritage center during  
8 an event that is open only to invited guests and if the alcoholic beverages are dispensed by a  
9 qualified alcoholic beverage licensee.

10           **SECTION 31. AMENDMENT.** Subsection 3 of section 57-38-01.7 of the North Dakota  
11 Century Code as amended by section 1 of House Bill No. 1462, as approved by the sixty-fourth  
12 legislative assembly, is amended and reenacted as follows:

13           3. At the election of the taxpayer, there must be allowed, subject to the applicable  
14 limitations provided in this subsection, as a nonrefundable credit against the  
15 income tax liability under section 57-38-30 or, in the case of contributions by a  
16 passthrough entity, under section 57-38-30.3 for the taxable year, an amount  
17 equal to fifty percent of the aggregate amount of charitable contributions made by  
18 the taxpayer during the year directly to nonprofit private institutions of primary  
19 education, located within the state. The amount allowable as a credit under this  
20 subsection for any taxable year may not exceed twenty percent of the taxpayer's  
21 total income tax under this chapter for the year, or two thousand five hundred  
22 dollars, whichever is less.

23           **SECTION 32.** Subdivision b of subsection 3 of section 57-51.1-03 of the North Dakota  
24 Century Code as amended in section 5 of House Bill No. 1476, as approved by the sixty-fourth  
25 legislative assembly, is amended and reenacted as follows:

26           b. The incremental production from a tertiary recovery project ~~that does not use~~  
27 ~~carbon dioxide and~~ which has been certified as a qualified project by the  
28 industrial commission is exempt from any taxes imposed under this chapter for a  
29 period of ten years from the date the incremental production begins. Incremental  
30 production from a tertiary recovery project ~~that uses carbon dioxide in a~~ from a  
31 horizontal well drilled and completed ~~outside~~ within the Bakken and Three Forks

1                    formations, ~~and ten miles [16.10 kilometers] or more outside an established field~~  
2                    ~~in which the industrial commission has defined the pool to include the Bakken or~~  
3                    ~~Three Forks formation and which has been certified as a qualified project by the~~  
4                    industrial commission is not exempt from July 1, 2015, through June 30, 2017,  
5                    and is thereafter exempt from any taxes imposed under this chapter for a period  
6                    of five years from July 1, 2017, or the date the incremental production begins,  
7                    whichever is later.

8                    **SECTION 33. AMENDMENT.** Subsection 2 of section 61-16.1-09 of the North Dakota  
9 Century Code is amended and reenacted as follows:

10                    2. Exercise the power of eminent domain in the manner provided by title 32 for the  
11                    purpose of acquiring and securing any rights, titles, interests, estates, or easements  
12                    necessary or proper to carry out the duties imposed by this chapter, ~~and particularly to,~~  
13                    A water resource board may acquire the necessary rights in land for the construction  
14                    of dams, flood control projects, and other water conservation, distribution, and supply  
15                    works of any nature and to permit the flooding of lands, ~~and to.~~ In addition, a water  
16                    resource board may secure the right of access to such ~~these~~ dams and other devices  
17                    and the right of public access to any impounded waters ~~impounded thereby. Provided,~~  
18                    ~~however, that when~~ If the interest sought to be acquired is a right of way for any a  
19                    project authorized in this chapter for which federal ~~or state~~ funds have been  
20                    appropriated or state funds have been appropriated by the legislative assembly for a  
21                    specific project, the district board, after making a written offer to purchase the right of  
22                    way and depositing the amount of the offer with the clerk of the district court of the  
23                    county wherein the right of way is located, may ~~thereupon~~ take immediate possession  
24                    of the right of way, as authorized by section 16 of article I of the Constitution of North  
25                    Dakota. Within thirty days after notice has been given in writing to the landowner by  
26                    the clerk of the district court that a deposit has been made for the taking of a right of  
27                    way as authorized in this subsection, the owner of the property taken may appeal to  
28                    the district court by serving a notice of appeal upon the acquiring agency, and the  
29                    matter must be tried at the next regular or special term of court with a jury unless a  
30                    jury be waived, in the manner prescribed for trials under chapter 32-15.



Sixty-fourth  
Legislative Assembly

1	International Peace Garden	<u>\$973,699</u>	<u>\$535,297</u>	<u>\$1,508,996</u>
2	Total general fund	\$973,699	\$535,297	\$1,508,996

3 Subdivision 3.

4 LEWIS AND CLARK INTERPRETIVE CENTER

5			Adjustments or	
6		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
7	Lewis and Clark interpretive center	<u>\$0</u>	<u>\$1,005,279</u>	<u>\$1,005,279</u>
8	Total general fund	\$0	\$1,005,279	\$1,005,279

9 Subdivision 4.

10 BILL TOTAL

11			Adjustments or	
12		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13	Grand total general fund	<u>\$13,854,838</u>	<u>\$19,749,674</u>	<u>\$33,604,512</u>
14	Grand total special funds	<u>10,505,431</u>	<u>4,357,404</u>	<u>14,862,835</u>
15	Grand total all funds	<u>\$24,360,269</u>	<u>\$24,107,078</u>	<u>\$48,467,347</u>
16	Grand total general fund	\$13,854,838	\$19,439,375	\$33,294,213
17	Grand total special funds	<u>10,505,431</u>	<u>4,357,404</u>	<u>14,862,835</u>
18	Grand total all funds	\$24,360,269	\$23,796,779	\$48,157,048

19 **SECTION 35.** Section 2 of Senate Bill No. 2019, as approved by the sixty-fifth legislative  
20 assembly, is amended and reenacted as follows:

21 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT**

22 **TO SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the  
23 one-time funding items approved by the sixty-third legislative assembly for the  
24 2013-15 biennium and the 2015-17 one-time funding items included in the  
25 appropriation in section 1 of this Act:

26		<u>One-Time Funding Description</u>	<u>2013-15</u>
27		<u>2015-17</u>	
28	Parks enhancements	\$3,897,800	\$14,750,000
29	Parks equipment	350,000	600,000
30	Lewis and Clark interpretive center grant	1,350,000	0
31	Parks strategic plans	100,000	0

Sixty-fourth  
Legislative Assembly

1	Community grant program	500,000	500,000
2	International Peace Garden capital projects	1,250,000	335,297
3	Trail lease renewals	0	200,000
4	<del>Web application for snowmobile registration</del>	0	310,299
5	Statewide comprehensive outdoor recreation plan	0	90,000
6	Repairs at Lewis and Clark interpretive center	0	75,000
7	50th anniversary	0	25,000
8	Retirement leave payouts	0	100,000
9	International Peace Garden demolition project	0	<u>200,000</u>
10	Total all funds	\$7,447,800	\$17,185,596
11	Less estimated income	<u>1,270,300</u>	<u>345,000</u>
12	Total general fund	\$6,177,500	\$16,840,596
13	<u>Total all funds</u>	<u>\$7,447,800</u>	<u>\$16,875,297</u>
14	<u>Less estimated income</u>	<u>1,270,300</u>	<u>345,000</u>
15	<u>Total general fund</u>	<u>\$6,177,500</u>	<u>\$16,530,297</u>

16 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the  
 17 2017-19 biennium. The parks and recreation department shall report to the appropriations  
 18 committees of the sixty-fifth legislative assembly on the use of this one-time funding for the  
 19 biennium beginning July 1, 2015, and ending June 30, 2017.

20 **SECTION 36. REPEAL.** Section 54-44-06 of the North Dakota Century Code is repealed.

21 **SECTION 37. REPEAL.** Section 5 of House Bill No. 1003, as approved by the sixty-fourth  
 22 legislative assembly, is repealed.

23 **SECTION 38. LEGISLATIVE INTENT - STATE BOARD OF HIGHER EDUCATION -**

24 **SEVERANCE PAY.** Notwithstanding any policy adopted by the board, the state board of higher  
 25 education or an institution under its control may not approve or provide severance pay to any  
 26 employee whose employment is terminated as a result of the transfer of positions from the state  
 27 board of higher education to the attorney general as provided in House Bill No. 1003 as  
 28 approved by the sixty-fourth legislative assembly.

29 **SECTION 39. LEGISLATIVE INTENT - OIL AND GAS IMPACT GRANTS TO AIRPORTS.**

30 It is the intent of the sixty-fourth legislative assembly that of the funding designated for grants to  
 31 airports impacted by oil and gas development included in subsection 1 of section 5 of House Bill



1 No. 1176, as approved by the sixty-fourth legislative assembly, a grant award of at least  
2 \$39,000,000 be awarded to the airport in the hub city as defined under section 57-51-01 that  
3 received the highest total allocation under subsection 1 of section 57-51-15 for the period  
4 beginning September 1, 2013, and ending August 31, 2014, and a grant award of at least  
5 \$5,800,000 be awarded to the airport in the hub city as defined under section 57-51-01 that  
6 received the second highest total allocation under subsection 1 of section 57-51-15 for the  
7 period beginning September 1, 2013, and ending August 31, 2014. It is also the intent of the  
8 sixty-fourth legislative assembly that the grant awards designated under this section must be  
9 awarded without a local matching requirement.

10 **SECTION 40. LEGISLATIVE MANAGEMENT STUDY - BUDGET SECTION FUNCTIONS.**

11 During the 2015-16 interim, the legislative management shall study the functions of the budget  
12 section. The study must review the duties and studies assigned to the budget section and the  
13 ability of the budget section to authorize financial decisions, including full-time equivalent  
14 positions, university system building projects, and project scope changes. The legislative  
15 management shall report its findings and recommendations, together with any legislation  
16 necessary to implement the recommendations, to the sixty-fifth legislative assembly.

17 **SECTION 41. LEGISLATIVE MANAGEMENT STUDY - TRANSPORTATION FUNDING**  
18 **DISTRIBUTIONS TO POLITICAL SUBDIVISIONS.** During the 2015-16 interim, the legislative  
19 management shall consider studying special transportation funding distributions to political  
20 subdivisions. The study must review distribution methods including the feasibility and desirability  
21 of using upper great plains transportation institute needs studies, county major collector miles,  
22 or a combination of both, if there are future special transportation funding distributions to  
23 political subdivision, and must review options to ensure counties are reporting information  
24 consistently. The legislative management shall consider methods to ensure that road projects in  
25 each county are properly coordinated with state road projects and projects in adjacent counties.  
26 The study must also review the use of special transportation funding in comparison to the  
27 legislative assembly's intent. The legislative management shall report its findings and  
28 recommendations, together with any legislation required to implement the recommendations, to  
29 the sixty-fifth legislative assembly.

30 **SECTION 42. LEGISLATIVE MANAGEMENT STUDY - ENHANCED OIL AND GAS**  
31 **RECOVERY.** During the 2015-16 interim, the legislative management shall study the current

1 scientific and economic information regarding oil and gas recovery and enhanced recovery  
2 techniques, including the use of carbon dioxide, the timeline for implementing the techniques,  
3 and the estimated future annual economic impact, to evaluate existing and alternative tax  
4 incentives and recommend tax incentives that under current and foreseeable conditions, and  
5 within different oil formations, would best serve the interests of the state, political subdivisions,  
6 and fossil fuel energy production industries. The legislative management shall report its  
7 recommendations, together with any legislation necessary to implement the recommendations,  
8 to the sixty-fifty legislative assembly.

9       **SECTION 43. EFFECTIVE DATE.** Section 31 of this Act is effective for taxable years  
10 beginning after December 31, 2014, and section 32 of this Act is effective for taxable events  
11 occurring after December 31, 2015, and for a tertiary recovery project the exemption of five  
12 years applies only for a project from which incremental production begins after December 31,  
13 2015.

14       **SECTION 44. EMERGENCY.** Funding of \$1,550,000 in the operating expenses line item in  
15 section 1 and section 15 of House Bill No. 1018, as approved by the sixty-fourth legislative  
16 assembly; section 1 of House Bill No. 1255, as approved by the sixty-fourth legislative  
17 assembly; and section 30 of this Act are declared to be an emergency measure.