

May 2011

2011 LEGISLATION DIRECTLY AFFECTING THE LEGISLATIVE MANAGEMENT AND THE LEGISLATIVE ASSEMBLY

This memorandum identifies 2011 legislation that directly affects the responsibilities of the Legislative Management, Legislative Council, or the Legislative Assembly. Some provisions are listed under more than one heading to ensure that each heading contains a comprehensive list of applicable provisions. This memorandum:

- Does not describe discretionary Legislative Management study directives that are contained in concurrent resolutions.
- Does not describe those provisions in bills which require agencies to report to the Appropriations Committees of the 63rd Legislative Assembly regarding one-time funding items, extraordinary repairs funded in bills, or use of funds for certain purposes, e.g., Section 2 of Senate Bill No. 2015.
- Does not describe those provisions in bills which require the Governor to submit to the 63rd Legislative Assembly proposed appropriations acts at certain levels of funding, e.g., Section 12 of Senate Bill No. 2015.

In summary, 2011 legislation:

- Establishes three new statutory Legislative Management interim committees--Education Funding and Taxation, Health Care Reform Review, and Redistricting;
- Establishes one new "interim" board composed of legislators and staffed by the Legislative Council--Legacy and Budget Stabilization Fund Advisory Board;
- Makes permanent the Energy Development and Transmission Committee (by repealing its expiration date);
- Extends the expiration date of the Tribal and State Relations Committee to July 31, 2013;
- Repeals the Legislative Compensation Commission;
- Requires 10 interim studies to be conducted;
- Establishes 22 new reporting requirements to the Legislative Management, specific committees of the Legislative Management, or to the Legislative Council;
- Eliminates 2 reporting requirements to the Legislative Management or the Legislative Council;
- Establishes 18 new reporting requirements to the Budget Section;
- Establishes 5 new approval authorities by the Budget Section; and
- Establishes 6 new reporting requirements to the Legislative Assembly.

LEGISLATIVE MANAGEMENT

Composition

House Bill No. 1397, Section 1, amends North Dakota Century Code Section 54-35-01 to provide that the Legislative Management consists of the majority and minority leaders; the Speaker of the House; and four members appointed by the Senate majority leader, two members appointed by the Senate minority leader, four members appointed by the House majority leader, and two members appointed by the House minority leader, all of the appointees being elected by their respective parties. The bill is declared an emergency and takes effect upon its filing with the Secretary of State.

Appointments

House Bill No. 1248, Section 1, enacts Chapter 15.1-04.1, effective through July 31, 2013. Section 15.1-04.1-01 adopts the Compact on Educational Opportunity for Military Children, Article VIII of which requires each state's council to include at least one member of the Legislative Assembly appointed by the chairman of the Legislative Management. Section 15.1-04.1-02 establishes the State Council on Educational Opportunity for Military Children--the members of which include one legislator appointed by the chairman of the Legislative Management.

House Bill No. 1267, Section 1, requires the chairman of the Legislative Management to appoint a Legislative Management Redistricting Committee to consist of an equal number of members from the Senate and the House.

Senate Bill No. 2037, Section 2, amends Section 54-59-25 to add the chairmen of the House and Senate Human Services Committees to the Health Information Technology Advisory Committee, and if either cannot serve, the chairman of the Legislative Management is to appoint a replacement who is a member of the same house as the individual being replaced.

Senate Bill No. 2057, Section 29, provides for the North Dakota Economic Development Foundation to contract with an organization to conduct a 2020 and Beyond initiative. The initiative must include periodic meetings of six legislators appointed by the chairman of the Legislative Management, with two members of the Senate--one from the majority party and one from the minority party--and two members of the House--one from the majority party and one from the minority party.

Senate Bill No. 2150, Section 40, establishes the Education Funding and Taxation Committee, consisting of eight designated members. The chairman of the Legislative Management is to select

the chairman of the committee from among the designated members.

Responsibilities

House Bill No. 1001, Section 4, authorizes the chairman of the Legislative Management or the chairman's designee to request transfers of funds between line items of appropriations for the Legislative Management or the Legislative Council and between the line items for the 62nd and 63rd Legislative Assemblies.

House Bill No. 1001, Section 5, provides Sections 54-16-04 and 54-44.1-11 do not apply to Chapter 29 of the 2009 Session Laws, and the chairman of the Legislative Management or the chairman's designee may request transfers of funds between the line items and agencies of the legislative branch within that chapter.

House Bill No. 1001, Section 8, amends Section 54-03-20 to require the Legislative Management to make recommendations and submit any necessary legislation before each regular legislative session to adjust legislative compensation amounts.

House Bill No. 1162, Section 1, amends Section 28-32-03 to require the Legislative Council to publish the notice of emergency administrative rule adoption and the emergency rules on the Council's website.

Senate Bill No. 2004, Section 3, appropriates \$100,000 to the Legislative Council to contract for a performance review of the State Auditor's office. The Legislative Management may solicit bids from national private accounting firms and contract by October 1, 2011, for the performance review, which must be completed by July 1, 2012.

Senate Bill No. 2169, Section 1, creates Section 54-03-30 to require the Senate and the House each to adopt rules regarding the recording of Senate and House floor sessions, respectively. The Legislative Council is to archive the audio recordings of floor sessions.

Senate Bill No. 2302, Section 3, creates Section 21-10-11, to establish the Legacy and Budget Stabilization Fund Advisory Board, which includes two members of the Senate appointed by the Senate majority leader and two members of the House appointed by the House majority leader. The Legislative Council is to pay the compensation and expense reimbursement for the legislative members and is to provide staff services to the advisory board. The staff and consultants of the state Retirement and Investment Office are to advise the advisory board in developing asset allocation and investment policies.

Laws Publication Responsibilities

House Bill No. 1269, Section 6, provides certain provisions of the bill become effective when the Attorney General certifies to the Legislative Council that the state has received the grant provided for under the bill and has implemented the software and system to carry out the provisions of certain portions of the bill.

House Bill No. 1321, Section 10, provides Section 8 of the bill, creating an anhydrous ammonia risk management program, becomes effective on the date that the Governor certifies to the Legislative Council that the Agriculture Commissioner has been delegated by the administrator of the Environmental Protection Agency to implement and enforce the risk management program pertaining to the sale of anhydrous ammonia for agricultural purposes.

Senate Bill No. 2142, Section 29, provides for the Legislative Council to replace "mentally retarded" or "mental retardation" with "intellectually disabled," "intellectual disability," or "individual with intellectual disabilities" in legislation enacted by the 62nd Legislative Assembly.

Statutory Legislative Committees

Administrative Rules Committee

House Bill No. 1026, Section 1, amends Section 28-32-02 to provide that an agency may include, rather than shall include, in its rules a description of its organization and functions and a statement of the general course and method of its operations.

House Bill No. 1162, Section 1, amends Section 28-32-03 to require an agency making interim rules to notify the chairman of the Administrative Rules Committee of the emergency status, declared effective date, and grounds for the emergency status of the rules. The Legislative Council is to publish the notice of emergency rule adoption and the emergency rules on the Council's website.

Section 2 creates Section 28-32-08.2 to require an agency to provide a fiscal note reflecting rules changes on state revenues and expenditures when presenting rules to the committee.

Section 3 amends Section 28-32-10 to require an agency to include in its notice of proposed rulemaking the emergency status and declared effective date of any emergency rules and a post-office or electronic mail address at which a copy of the rules may be requested.

Section 4 amends Section 28-32-18 to provide that rules are held over for consideration if no representative of the agency appears before the committee when the rules are scheduled for committee consideration.

Education Funding and Taxation Committee (New)

Senate Bill No. 2150, Section 40, establishes the Education Funding and Taxation Committee of eight members--the House majority leader or the leader's designee selected from the House Education or Finance and Taxation Committee; the House minority leader or the leader's designee selected from the House Education or Finance and Taxation Committee; the Senate majority leader or the leader's designee selected from the Senate Education or Finance and Taxation Committee; the Senate minority leader or the leader's designee selected from the Senate Education or Finance and Taxation Committee; and the chairmen of the Senate and House Education and

Finance and Taxation Committees, or each chairman's designee. The committee is to examine short-term and longer-term state and local involvement in funding elementary and secondary education.

Employee Benefits Programs Committee

Senate Bill No. 2015, Section 30, amends Section 54-35-02.3 to increase the membership of the Employee Benefits Programs Committee to seven members of the House and six members of the Senate.

Energy Development and Transmission Committee

Senate Bill No. 2186, Section 1, amends Section 54-35-18 to remove the expiration date of August 1, 2011, with respect to appointment of the Energy Development and Transmission Committee.

Health Care Reform Review Committee (New)

House Bill No. 1252, Section 1, requires the chairman of the Legislative Management to appoint a committee during the 2011-12 interim to monitor the impact of the federal Patient Protection and Affordable Care Act, to report to the Legislative Management before any special session necessary to adopt legislation in response to the federal legislation, and to report its findings to the Legislative Management for a report to the 63rd Legislative Assembly. The membership must include the chairmen of the House and Senate Human Services and Industry, Business and Labor Committees.

Higher Education Committee (New)

House Bill No. 1033, Section 3, authorizes the Legislative Management chairman to appoint an interim Higher Education Committee to study issues affecting higher education.

Information Technology Committee

Senate Concurrent Resolution No. 4003, expresses support of the 62nd Legislative Assembly of the Northern Tier Network Technology Initiative and the related activities of the Information Technology Committee.

Legislative Compensation Commission (Repealed)

House Bill No. 1261, Section 1, repeals Sections 54-03-19.1 and 54-03-19.2, which establish the Legislative Compensation Commission.

Legislative Audit and Fiscal Review Committee

House Bill No. 1004, Section 9, requires the results of the performance audit of the Family Health Division of the State Department of Health during the 2011-13 biennium to be presented to the Legislative Audit and Fiscal Review Committee.

Legislative Procedure and Arrangements Committee (Reference to)

House Bill No. 1001, Section 6, provides of the \$500,000 provided for committee room renovations and improvements, \$200,000 is subject to approval by a majority of the Senate members of the committee and \$200,000 is subject to approval by a majority of the House members of the committee, and \$100,000 is subject to approval by a majority of all members of the committee.

Redistricting Committee (New)

House Bill No. 1267, Section 1, requires the chairman of the Legislative Management to appoint a committee to develop a legislative redistricting plan and submit the plan and legislation to implement the plan to the Legislative Management by October 31, 2011. The chairman is to request the Governor to call a special session to allow the Legislative Assembly to adopt a redistricting plan in time for the 2012 primary election and to address any other issue necessary, including legislation in response to federal health care reform legislation.

University of North Dakota School of Medicine and Health Sciences and Health Care Needs (Reference to)

House Bill No. 1003, Section 23, requests the Legislative Management to consider appointing a separate committee to study the ability of the School of Medicine and Health Sciences to meet the health care needs of the state.

Taxation Issues Committee (Reference to)

Senate Bill No. 2048, Section 1, requires the Department of Commerce to deliver an annual report compiling reports from cities that have a renaissance zone included in a tax increment financing district to the Legislative Management interim committee on taxation issues or upon request of any other interim committee of the Legislative Management.

Tribal and State Relations Committee

Senate Bill No. 2053, Section 1, amends Section 54-35-23 to extend the expiration date of the Tribal and State Relations Committee from July 31, 2011, to July 31, 2013. The bill also provides the chairman of the Legislative Management is to designate the chairman of the committee, rather than be chairman of the committee.

Senate Bill No. 2053, Section 1, amends Section 54-35-23, to require the Tribal and State Relations Committee to study during the 2011-12 interim whether the members of the North Dakota Tribal Governments Task Force should be voting members of the committee. The bill also revises the study responsibilities to include human services, education, and corrections.

Water-Related Topics Overview Committee

House Bill No. 1206, Section 6, provides for the State Water Commission to consider a loan of \$40 million from the resources trust fund at the request of the Western Area Water Supply Authority for inclusion with the commission's budget and in consultation and cooperation with the Water-Related Topics Overview Committee in setting the priority of the loan within the budget.

House Bill No. 1318, Section 1, amends Section 54-35-02.7 to expand the membership of the Water-Related Topics Overview Committee from 9 to 13 members and to require the committee to review during the 2011-12 interim the state's irrigation laws and rules and evaluate the process of the prioritization of water projects.

Workers' Compensation Review Committee

House Bill No. 1056, Section 1, amends Section 65-02-30 to provide for a performance evaluation of Workforce Safety and Insurance (WSI) once every four years rather than each biennium. The firm selected to complete the performance evaluation is to present the evaluation report to the Workers' Compensation Review Committee. (The committee may select no more than four elements to be evaluated in the performance evaluation.)

Mandatory Studies

House Bill No. 1036, Section 1, requires the Legislative Management to study developmental education issues.

House Bill No. 1046, Section 5, requires the Legislative Management to study potash mining and taxation issues.

House Bill No. 1047, Section 15, amends Section 13 of 2007 Session Laws Chapter 520, to add to the mandatory study of property tax reform, consideration of the sustainability of state-funded property tax relief in view of the compounding effect of ongoing property taxable valuation increases.

House Bill No. 1199, Section 1, requires the Legislative Management to contract with a consultant to study guardianship services for vulnerable adults in the state. The consultant is to provide periodic reports to the Legislative Management and to provide a final report and recommendations to the Legislative Management before June 1, 2012.

House Bill No. 1252, Section 1, requires the Legislative Management to monitor the impact of the Patient Protection and Affordable Care Act.

House Bill No. 1267, Section 1, requires the Legislative Management to develop a legislative redistricting plan to be implemented in time for use in the 2012 primary election.

House Bill No. 1318, Section 1, amends Section 54-35-02.7 to require the Legislative Management's Water-Related Topics Overview Committee to review the state's irrigation laws and rules and evaluate the process of the prioritization of water projects during the 2011-12 interim.

Senate Bill No. 2150, Section 40, establishes the Education Funding and Taxation Committee to examine short-term and longer-term state and local involvement in funding elementary and secondary education.

Senate Bill No. 2281, Section 2, requires the Legislative Management to study concussion management with respect to youth athletics, including the nature, scope, and applicability of programs designed to prevent or eliminate concussions.

Senate Bill No. 2302, Section 3, requires the Legacy and Budget Stabilization Fund Advisory Board to develop recommendations for the investment of funds in the legacy fund and the budget stabilization fund to present to the State Investment Board.

Senate Bill No. 2356, Section 2, requires the Legislative Management to study use of special assessments for public improvements, use and administration of special assessments across the state, and alternative funding mechanisms available and possible processes and procedures that would facilitate a transition to any recommended alternative funding mechanisms.

Reports to the Legislative Management

House Bill No. 1040, Section 3, requires the Health Council to review current health care bed recommendations and determine if changes should be made to better serve the population of North Dakota and to report its findings to the Legislative Management by July 1, 2012.

House Bill No. 1049, Section 1, requires the Superintendent of Public Instruction to study Indian education issues to develop criteria for grants to low-performing schools during the 2011-13 biennium and report periodically to a Legislative Management interim committee on this study.

House Bill No. 1057, Section 1, amends Section 57-38-01.26 to authorize the Tax Commissioner to disclose to the Legislative Management certain information regarding investments in an angel fund.

House Bill No. 1057, Section 2, requires the Tax Commissioner to report to the Legislative Management during the 2011-12 and 2013-14 interims on the number of in-state and out-of-state investors, amount of investment, and amount of tax credits accrued, claimed, and transferred by each individual angel fund.

House Bill No. 1125, Section 2, requires the Insurance Commissioner to provide regular updates to the Legislative Management during the 2011-12 interim regarding administration and enforcement of the Patient Protection and Affordable Care Act and to submit proposed legislation to the Legislative Management for consideration at a special legislative session or by October 15, 2012, if the commissioner is required to implement any program before January 1, 2013.

House Bill No. 1126, Section 3, requires the Insurance Commissioner and Department of Human Services to provide regular updates to the Legislative

Management during the 2011-12 interim on planning and implementing an American health benefit exchange for the state and to submit proposed legislation to the Legislative Management for consideration at a special legislative session or before October 15, 2012.

House Bill No. 1127, Section 6, requires the Insurance Commissioner to provide regular updates to the Legislative Management during the 2011-12 interim with respect to steps taken to ensure health insurer procedures are in compliance with the Patient Protection and Affordable Care Act. The Insurance Commissioner is to submit proposed legislation for consideration at a special legislative session if the commissioner is required by federal law to implement any requirement before January 1, 2013, and to submit proposed legislation to the Legislative Management before October 15, 2012, for any requirement that must be implemented between January 1, 2013, and January 1, 2014.

House Bill No. 1218, Section 1, amends Section 17-07-01 to require the Legislative Assembly rather than the Energy Policy Commission to develop a comprehensive energy policy for the state. The commission is required to make recommendations and report biennially to the Legislative Management rather than to the Legislative Council.

House Bill No. 1248, Section 6, requires representatives of Grand Forks, Minot, Grand Forks Air Force Base, and Minot Air Force Base school districts to provide a report before July 1, 2012, to the Legislative Management regarding the state's participation in the Compact on Educational Opportunity for Military Children.

House Bill No. 1297, Section 15, requires the State Department of Health to create an inventory of material gathered relating to abortions, create a report that outlines the department's practices in gathering the items in the inventory, and report to the Legislative Management before January 1, 2012, April 1, 2012, and July 1, 2012, on the status and outcome of the creation of the inventory and the practices report.

House Bill No. 1407, Section 2, requires the Game and Fish Department to conduct a study of goose hunting in this state, tracking the number of resident and nonresident goose hunters and the number of geese taken by county. The department is required to report its findings to the Legislative Management by September 1, 2012.

House Bill No. 1422, Section 2, requires the Health Information Technology Advisory Committee to report to the Legislative Management by June 30, 2012, regarding the outline on how best to standardize drug prior authorization request transactions between providers and the payers, insurance companies, and pharmacy benefit managers.

Senate Bill No. 2012, Section 6, requires the Department of Human Services to periodically report to the Legislative Management during the 2011-12

interim regarding the status of the dementia care services program.

Senate Bill No. 2015, Section 10, requires the Office of Management and Budget (OMB) to provide periodic reports to the Legislative Management during the 2011-12 interim on the status of implementation and administration of the compensation philosophy statement and compensation system initiatives included in 2011 House Bill No. 1031.

Senate Bill No. 2043, Section 1, requires the Department of Human Services and its steering committee to report to a Legislative Management interim committee beginning in June 2012 regarding the development of a new developmental disabilities reimbursement system.

Senate Bill No. 2150, Section 39, requires each school district to use at least 70 percent of all new money received for per student payments to increase compensation paid to teachers, but by a two-thirds vote a school board can exclude its district from the 70 percent requirement and notify the Superintendent of Public Instruction. The Superintendent of Public Instruction is to report all notices received to the Legislative Management.

Senate Bill No. 2150, Section 42, requires the Superintendent of Public Instruction to collect data regarding the provision of services to students in grades 6 through 8 who are enrolled in an alternative education program and to report the data to the Legislative Management before October 1, 2012.

Senate Bill No. 2268, Section 1, requires the Department of Human Services to report to the Legislative Management before September 30, 2012, regarding the department's preliminary findings and recommendations concerning its regional autism spectrum disorder centers of early intervention and achievement pilot program. The section also requires the department provide a written report summarizing the status of the pilot program and any findings and recommendations to the Legislative Management before December 31, 2012.

Senate Bill No. 2326, Section 2, requires the Department of Human Services to perform a comprehensive review of the substance abuse services pilot voucher payment program and report the preliminary findings of the review and any recommendation to the Legislative Management before September 30, 2012.

Reports to the Legislative Council

House Bill No. 1037, Section 1, amends Section 65-06.2-09 to provide for a biennial safety review, rather than a safety audit, of Roughrider Industries work programs and a biennial performance review, rather than a performance audit, of the program of modified workers' compensation coverage by WSI, and for submission of a report with any recommendation to the Legislative Council.

House Bill No. 1218, Section 1, amends Section 17-07-01 to require the Legislative Assembly rather than the Energy Policy Commission to develop a

comprehensive energy policy for the state. The commission is required to report biennially to the Legislative Management rather than to the Legislative Council.

Senate Bill No. 2150, Section 28, amends Section 15.1-27-35.3 to delete the requirement that any school district having more than \$50,000 excluded in the determination of its ending fund balance provide a report to the Legislative Council.

Senate Bill No. 2150, Section 33, amends Section 15.1-37-03 to provide that the biennial report from the North Dakota Early Childhood Education Council be provided to the Legislative Assembly rather than the Legislative Council.

Budget Section

Reports to the Budget Section

House Bill No. 1003, Section 7, requires the North Dakota University System to provide a report to the Budget Section regarding any funds expended for the University System and University of North Dakota joint information technology building project.

House Bill No. 1003, Section 8, requires North Dakota State University to report to the Budget Section regarding the status of the Minard Hall project and authorizes North Dakota State University to request increased spending authorization from the Budget Section for the project.

House Bill No. 1004, Section 5, requires the State Department of Health to report quarterly to the Budget Section during the 2011-12 interim regarding the status of any litigation and other administrative proceedings involving the Environmental Protection Agency.

House Bill No. 1015, Section 5, requires the Department of Corrections and Rehabilitation to report quarterly during the 2011-12 interim to the Budget Section regarding the progress of the prison expansion project and any amounts and purposes of loans from the Bank of North Dakota to defray expenses of the project.

House Bill No. 1025, Section 2, requires the Tobacco Prevention and Control Executive Committee to provide written reports to the Budget Section quarterly during the 2011-12 interim, including detailed information on expenditures for contract services, professional fees and services, and grants.

House Bill No. 1031, Section 4, requires OMB to provide periodic reports to the Budget Section during the 2011-12 interim on the status of implementation of the compensation system changes in accordance with identified compensation system initiatives.

House Bill No. 1088, Section 1, amends Section 54-11-01 to require the State Treasurer, within 90 days of the beginning of each fiscal year, to provide a report to the Budget Section of all warrants and checks outstanding for more than 90 days and less than three years.

Senate Bill No. 2010, Section 9, requires the Insurance Commissioner to report at each meeting of the Budget Section during the 2011-12 interim on the

status of provisions of the Patient Protection and Affordable Care Act.

Senate Bill No. 2012, Section 3, requires the Department of Human Services to report to the Budget Section after June 30, 2012, any transfers of appropriation authority in excess of \$50,000 between line items within subdivisions and between subdivisions for the 2011-13 biennium.

Senate Bill No. 2015, Section 25, creates Section 48-01.2-26, which requires OMB to report to the Budget Section change orders or additional expenses approved by OMB for a public improvement project exceeding the bid amount that was less than the appropriation from the state general fund for the project.

Senate Bill No. 2015, Section 29, creates Section 54-27-27, which requires OMB to report to the Budget Section at each meeting of the Budget Section on the reports received from state agencies, other than entities under the control of the State Board of Higher Education, that have applied for federal grants estimated to be \$25,000 or more.

Senate Bill No. 2057, Section 8, amends Section 15-69-05 to remove the July 31, 2011, expiration date. The section requires a center of excellence awarded funds under Chapter 15-69 to provide the Budget Section with annual audits on all funds distributed to the center.

Senate Bill No. 2057, Section 11, creates Section 54-60-27, which expires as of July 1, 2013, which requires the Division of Workforce Development to report to the Budget Section on the use of funding provided for the higher education electronic portfolio system pilot program.

Senate Bill No. 2057, Section 12, creates Chapter 54-65, establishing a centers of research excellence program. Section 54-65-03 provides for a center receiving funds under the chapter to provide the Budget Section with annual audits on funds distributed to the center under the chapter.

Senate Bill No. 2302, Section 3, creates Section 21-10-11 to establish the Legacy and Budget Stabilization Fund Advisory Board, which is to report at least semiannually to the Budget Section.

Senate Bill No. 2323, Section 1, creates Section 15-10-47 to require the State Board of Higher Education to provide monthly project variance reports regarding construction projects valued at more than \$250,000 to the director of OMB, who is to review the information and provide reports to the Budget Section upon request.

Senate Bill No. 2325, Section 1, requires the Upper Great Plains Transportation Institute to report at least annually during the 2011-12 interim to the Budget Section regarding the status of reports for transportation infrastructure needs for all county and township roads in the state and to present updated reports to the 63rd Legislative Assembly.

Senate Bill No. 2369, Section 2, requires the Department of Emergency Services to distribute emergency snow removal grants before

June 30, 2011, and report to the Budget Section regarding the grants.

Budget Section Approval Requirements

House Bill No. 1206, Section 1, creates Chapter 61-40, relating to a Western Area Water Supply Authority, which is authorized to issue bonds. Section 61-40-09 provides that if the authority is in default and if the Budget Section determines that the authority is unable to reimburse the state in the time period required by the Budget Section, the Budget Section may give written notice to the authority that the state has taken possession and ownership of the water system and the liabilities of the authority. The State Water Commission is to take control of the authority and, if it determines it feasible for the state to be reimbursed, may develop a plan to return governance to the authority subject to approval of the plan by the Budget Section.

Senate Bill No. 2015, Section 28, amends Section 54-16-03.1 to provide that a petition to the Emergency Commission by a state officer must be approved or recommended by the commission before submission for consideration by the Budget Section.

Senate Bill No. 2015, Section 31, provides that Department of Commerce funding in 2011 Senate Bill No. 2057 for tourism infrastructure grants may be awarded and spent only upon Emergency Commission and Budget Section approval for the 2011-13 biennium.

Senate Bill No. 2020, Section 4, requires the State Water Commission to obtain Budget Section approval before expenditure of funds in excess of \$447,913,774 in the water and atmospheric resources line item of the commission's 2011-13 appropriation.

Senate Bill No. 2369, Section 1, amends Section 37-17.1-27 to provide that the state disaster relief fund may be used, subject to legislative appropriations and Emergency Commission and Budget Section approval, to provide the required state share of funding for expenses associated with presidential-declared disasters in the state.

Senate Bill No. 2369, Section 4, appropriates money to the Adjutant General for defraying expenses associated with presidential-declared state disasters and certain flood mitigation efforts, subject to Emergency Commission and Budget Section approval.

Budget Section Block Grant Hearings

House Concurrent Resolution No. 3002 authorizes the Budget Section to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

LEGISLATIVE ASSEMBLY

Appointments

Senate Bill No. 2302, Section 3, creates Section 21-10-11 to establish the Legacy and Budget Stabilization Fund Advisory Board, the membership of

which includes two members of the Senate appointed by the Senate majority leader and two members of the House appointed by the House majority leader.

Members

Senate Bill No. 2015, Section 26, amends Section 54-03-20 to increase legislative session monthly lodging maximum reimbursement from 30 times 55 percent of the daily lodging reimbursement under Section 44-08-04 to 30 times 65 percent.

House Bill No. 1261, Section 1, repeals Sections 54-03-19.1 and 54-03-19.2, which establish the Legislative Compensation Commission.

House Bill No. 1001, Sections 7 through 11, amends Sections 54-03-20 and 54-35-10 to increase the per diem during legislative sessions and for interim meetings to \$152 effective July 1, 2011, and \$157 effective July 1, 2012; amends Section 54-03-10 to increase the additional compensation received by the legislative leaders to \$15 per day and the standing committee chairmen and assistant legislative leaders to \$10 per day; and amends Section 54-03-20 to require the Legislative Management to make recommendations and submit any necessary legislation before each regular legislative session to adjust legislative compensation amounts.

House Concurrent Resolution No. 3047, Section 1, proposes amendment of Article IV, Section 6, of the Constitution of North Dakota to allow a member of the Legislative Assembly to be appointed to any full-time office for which the compensation has been increased by the Legislative Assembly during that member's term if the rate of that increase is not greater than the general rate of increase provided to full-time state employees.

Powers or Duties

House Bill No. 1034, Section 1, amends Section 54-44.1-11 to extend the expiration date to July 31, 2013, with respect to the exception to the cancellation of unexpended appropriations for the University System upon obtaining approval of the Appropriations Committees chairmen and the Office of the Budget.

House Bill No. 1218, Section 1, amends Section 17-07-01 to require the Legislative Assembly rather than the Energy Policy Commission to develop a comprehensive energy policy for the state. The commission is required to report biennially to the Legislative Management rather than to the Legislative Council.

House Concurrent Resolution No. 3006 designates Senate and House employment positions and fixes compensation of session employees.

Senate Bill No. 2169, Section 1, creates Section 54-03-30 to require the Senate and the House each to adopt rules regarding the recording of Senate and House floor sessions, respectively. The Legislative Council is to archive the audio recordings of floor sessions.

Senate Bill No. 2204, Section 1, prohibits expenditure of state funds for, inclusion of state

property in, or designation of property in the Northern Plains National Heritage Area without Legislative Assembly approval.

Senate Bill No. 2309, Section 1, creates Section 54-03-31 by which the Legislative Assembly declares that it shall consider enacting any measure necessary to prevent enforcement of the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 within this state.

Senate Concurrent Resolution No. 4006 proposes repeal of Article X, Section 6, of the Constitution of North Dakota relating to the authority of the Legislative Assembly to levy an annual poll tax.

Reports

House Bill No. 1004, Section 9, requires the results of the performance audit of the Family Health Division of the State Department of Health during the 2011-13 biennium to be filed with the Appropriations Committees of the 63rd Legislative Assembly.

House Bill No. 1027, Section 3, creates Section 4.1-53-62, which requires the Seed Commissioner to provide a report to the House and Senate Appropriations Committees containing a summary of the State Seed Department's activities during the current biennium and a statement of revenues and expenditures for the ensuing biennium.

House Bill No. 1031, Section 3, requires OMB to provide periodic reports to a joint committee appointed by the 62nd Legislative Assembly on the status of implementation of the compensation system changes

in accordance with Section 2 of the bill for the period ending with the adjournment of the regular session.

House Bill No. 1248, Section 1, creates Section 15.1-04.1-01, which adopts the Compact on Educational Opportunity for Military Children. Article X of the compact authorizes the Interstate Commission on Educational Opportunity for Military Children to report annually to the Legislative Assembly concerning the activities of the commission during the preceding year. Chapter 15.1-04 expires as of August 1, 2013.

Senate Bill No. 2150, Section 33, amends Section 15.1-37-03 to provide that the biennial report from the North Dakota Early Childhood Education Council be provided to the Legislative Assembly rather than the Legislative Council.

Senate Bill No. 2284, Section 1, creates the Interstate Compact on Industrialized or Modular Buildings. Article 6 of the compact requires the Interstate Industrialized or Modular Buildings Commission to report annually to the Governor and legislature of each compact state regarding the activities of the commission for the preceding year.

Senate Bill No. 2325, Section 1, requires the Upper Great Plains Transportation Institute to report at least annually during the 2011-12 interim to the Budget Section regarding the status of reports for transportation infrastructure needs for all county and township roads in the state and to present updated reports to the 63rd Legislative Assembly.