

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1015

Page 1, line 3, replace "54-27.2-03 and" with "54-21-24 and 54-21-24.1 of the North Dakota Century Code, relating to leasing of office space by state agencies; to provide an appropriation for a statewide critical salary funding pool and a statewide salary equity pool; to establish a statewide critical salary funding pool and a statewide salary equity pool; to provide for transfer of appropriation authority, subject to budget section approval; to provide legislative intent; and to provide for a legislative council study."

Page 1, remove lines 4 and 5

Page 1, line 15, replace "2,303,519" with "1,433,263" and replace "17,517,285" with "16,647,029"

Page 1, line 16, replace "2,796,958" with "2,296,958" and replace "14,489,094" with "13,989,094"

Page 1, line 17, replace "3,225,279" with "775,279" and replace "4,870,298" with "2,420,298"

Page 1, line 19, replace "2,016,200" with "0" and replace "3,353,338" with "1,337,138"

Page 1, line 21, replace "9,700,000" with "(10,300,000)" and replace "20,000,000" with "0"

Page 1, after line 21, insert:

"Centers of excellence - 2007-09 awarded projects"	0	8,741,543	8,741,543
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Page 2, line 1, replace "(\$34,407,044)" with "(\$51,501,957)" and replace "60,485,015" with "43,390,102"

Page 2, line 2, replace "(11,453,282)" with "(12,053,004)" and replace "13,775,833" with "13,176,111"

Page 2, line 3, replace "(\$22,953,762)" with "(\$39,448,953)" and replace "46,709,182" with "30,213,991"

Page 2, line 4, replace "1.00" with "(1.00)" and replace "133.50" with "131.50"

Page 2, remove lines 13 and 14

Page 2, line 16, replace "3,670,000" with "1,220,000"

Page 2, line 17, replace "156,041" with "126,041"

Page 2, line 18, replace "21,842,241" with "2,346,041"

Page 2, line 20, replace "21,842,241" with "2,346,041"

Page 2, after line 24, insert:

**"SECTION 3. PERMANENT OIL TAX TRUST FUND.** The estimated income line item in section 1 of this Act includes \$4,745,432 from the permanent oil tax trust fund for 2007-09 centers of excellence projects that have been awarded but have not yet received funding, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 3, remove lines 19 through 30

Page 4, remove lines 1 through 9

Page 4, line 12, replace "be" with "vary"

Page 4, line 13, after "equity" insert "and are not necessarily to be five percent annual increases for each employee"

Page 4, replace lines 26 through 31 with:

**"SECTION 10. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - STATEWIDE CRITICAL SALARY FUNDING POOL.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,950,000, or so much of the sum as may be necessary, and from special funds, derived from federal funds or other income, the sum of \$4,500,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing funding for classified state employees in accordance with provisions of sections 11 and 12 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 11. STATEWIDE CRITICAL SALARY FUNDING POOL.** The statewide critical salary funding pool appropriation included in section 10 of this Act may be used only for critical state employee position authorization and funding and the funding related to the filling of vacant employee positions.

**SECTION 12. TRANSFERS OF STATEWIDE CRITICAL SALARY FUNDING POOL APPROPRIATION AUTHORITY - BUDGET SECTION APPROVAL.** An executive branch agency or institution may submit a request to the office of management and budget for a transfer of spending authority and full-time equivalent authorization from the statewide critical salary funding pool appropriation in section 10 of this Act to the agency or institution for:

1. Restoration of a critical state employee full-time equivalent position.
2. Restoration of funding for a critical vacant full-time equivalent employee position.

The office of management and budget shall review any request and, if approved, transfer, subject to budget section approval, the amount of appropriation authority and related full-time equivalent position authorization from the statewide critical salary funding pool to the state agency or institution making the request.

**SECTION 13. AGENCY LINE ITEM TRANSFERS.** An executive branch agency or institution may, pursuant to section 54-16-04, request a line item transfer from another line item of the agency's or institution's budget to the salaries and wages line item to provide, if necessary, additional salaries and wages funding to restore funding for a critical full-time equivalent position, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 14. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - STATEWIDE SALARY EQUITY POOL.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,000,000, or so much of the sum as may be necessary, and from special funds, derived from federal funds or other income, the sum of \$4,000,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing statewide salary equity adjustments for classified state employees in accordance with provisions of section 15 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 15. STATEWIDE SALARY EQUITY POOL FOR CLASSIFIED STATE EMPLOYEES.** The statewide salary equity pool appropriation included in section 14 of this Act must be used for market equity compensation adjustments for classified state employees. The market equity adjustments are to begin with the month of July 2009, to be paid in August 2009. The market equity adjustments are independent of any general salary increase provided by the legislative assembly.

The market equity increases are to be prioritized based on equity for employees whose salaries are furthest from their respective salary range midpoints effective July 1, 2009.

Probationary employees are eligible for the market equity increases. Employees whose documented performance levels do not meet standards are not eligible for the market equity increases.

Human resource management services shall provide a model base plan to each agency. Agencies may adopt the model plan, adopt the model plan with exceptions, or offer an alternative plan that meets the intent outlined in this section.

Upon adoption of an appropriate plan and application to human resource management services, the fiscal management division shall transfer to each eligible agency appropriated general fund or special fund spending authority from the statewide salary equity pool appropriation contained in section 14 of this Act.

**SECTION 16. AMENDMENT.** Section 54-21-24 of the North Dakota Century Code is amended and reenacted as follows:

**54-21-24. Additional office space may be obtained outside state capitol.** ~~In the event that~~ If office space in the state capitol building becomes insufficient to accommodate the various state departments, agencies, and boards, the director of the office of management and budget may upon request of the department, agency, or board shall negotiate for, contract for, and obtain such additional office space outside the state capitol in the city of Bismarck or in the Bismarck area as is necessary in order to provide accommodations for all state departments, agencies, and boards. When office space is obtained in this manner, any the department, agency, or board which that occupies such the office space must be is deemed to be located at the state capitol for purposes of statutes which that require that a department, agency, or board must be maintained at the state capitol, and the director shall charge an amount equal to the fair value of the office space and other services rendered to all departments which that receive and expend moneys from other than the general fund, except that for good cause the amounts charged may be waived by the director for a one-year period of time with such the waiver being subject to further annual renewals after proper application has been filed with the director. The department, agency, or board for which the office space is sought must approve the office space before the director may finalize a contract or lease for the office space.

**SECTION 17. AMENDMENT.** Section 54-21-24.1 of the North Dakota Century Code is amended and reenacted as follows:

**54-21-24.1. Lease of additional space by state agencies, departments, offices, officers, boards, and institutions.** ~~No~~ A lease or rental agreement or renewal of ~~such~~ the lease or rental agreement for the lease or rental of buildings or portions of buildings for use by ~~the state may be entered into by~~ state agencies, departments, offices, officers, boards, and institutions, other than institutions under the board of higher education, the adjutant general and department of transportation office and storage space for field engineering and maintenance crews, unless approved may be entered by the director of the office of management and budget and unless the attorney general has determined subject to a determination of the legal sufficiency of ~~such~~ the lease or rental agreement. To ~~assure~~ ensure economy, efficiency, and cooperation between the state and its political subdivisions, and to limit the number of locations of state offices for the convenience of ~~persons~~ individuals traveling to ~~such~~ the offices, the director shall promulgate rules ~~and regulations~~ governing the lease or rental of additional buildings or portions ~~thereof~~ of the buildings by ~~such~~ state agencies, departments, offices, officers, boards, and institutions other than those under the board of higher education, the adjutant general, and department of transportation office and storage space for field engineering and maintenance crews. The department, agency, or board for which the office space is sought must approve the office space before the director may finalize a contract or lease for the office space.

Page 5, replace lines 1 through 31 with:

**"SECTION 18. LEGISLATIVE COUNCIL STUDY - CAPITOL GROUNDS.**

During the 2009-10 interim, the legislative council shall consider studying the capitol complex master plan, including a review of parking needs on the capitol grounds. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98048.0117 FN 2**

**A copy of the statement of purpose of amendment is attached.**