

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1015

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state department of health for defraying the costs of tobacco control programs;"

Page 1, replace lines 3 through 8 with "exemption; to provide for various transfers; to create and enact section 8 to chapter 160 of the 2007 Session Laws, a new section to chapter 54-27, and paragraph 5 to subdivision b of subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to contingent distributions of grant assistance money, the allocation of funds to certain coal-producing counties, and vacant state employee positions; to amend and reenact sections 18-05.1-01, 18-05.1-02, and 18-05.1-03, subdivision s of subsection 3 of section 32-12.2-02, and section 54-06-08.2 of the North Dakota Century Code, relating to payment from the firefighters death benefit fund, liability of the state, and credit card fees charged by state agencies; to amend and reenact sections 1 and 2 of House Bill No. 1350 and subsection 1 of section 3 of Senate Bill No. 2012, as approved by the sixty-first legislative assembly, relating to the Great Plains applied energy technology center and weather-related transportation funding; to repeal section 17 of Senate Bill No. 2004, as approved by the sixty-first legislative assembly; to provide an appropriation for a statewide salary equity pool; to establish a statewide salary equity pool; to provide for budget section reports; to provide for a transfer of appropriation authority; to limit the number of full-time equivalent positions; to provide legislative intent; to provide for a legislative council study; to provide an effective date; and to declare an emergency."

Page 1, line 18, replace "1,433,263" with "1,989,620" and replace "16,647,029" with "17,203,386"

Page 1, line 19, replace "2,296,958" with "2,796,958" and replace "13,989,094" with "14,489,094"

Page 1, line 20, replace "775,279" with "3,625,279" and replace "2,420,298" with "5,270,298"

Page 1, line 22, replace "0" with "2,016,200" and replace "1,337,138" with "3,353,338"

Page 2, remove lines 2 and 3

Page 2, line 7, replace "(\$51,501,957)" with "(\$54,320,943)" and replace "43,390,102" with "40,571,116"

Page 2, line 8, replace "(12,053,004)" with "(16,390,195)" and replace "13,176,111" with "8,838,920"

Page 2, line 9, replace "(\$39,448,953)" with "(\$37,930,748)" and replace "30,213,991" with "31,732,196"

Page 2, line 10, replace "(1.00)" with "0.00" and replace "131.50" with "132.50"

Page 2, after line 10, insert:

**"SECTION 2. APPROPRIATION - FEDERAL FISCAL STABILIZATION -  
OTHER GOVERNMENT SERVICES FUNDS - ADDITIONAL FUNDING APPROVAL.**  
The funds provided in this section, or so much of the funds as may be necessary, are

appropriated from federal fiscal stabilization - other government services funds made available to the governor under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the office of management and budget, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Information technology, accounting, and verification	\$289,494
Total federal funds	\$289,494

The office of management and budget may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

**SECTION 3. APPROPRIATION - PERMANENT OIL TAX TRUST FUND - WEATHER-RELATED ASSISTANCE.** There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of matching federal United States department of agriculture funds to assist North Dakota ranchers affected by severe winter weather and flooding, for the period beginning with the effective date of this Act and ending June 30, 2009.

**SECTION 4. APPROPRIATION - TRANSFER - CENTERS OF EXCELLENCE FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,450,000, which the office of management and budget shall transfer to the centers of excellence fund for the purpose of providing funding for 2007-09 centers of excellence awarded projects, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 5. TRANSFER - PERMANENT OIL TAX TRUST FUND.** During the biennium beginning July 1, 2009, and ending June 30, 2011, the office of management and budget shall transfer \$140,000,000 from the permanent oil tax trust fund to the general fund."

Page 2, line 17, replace "0" with "2,016,200"

Page 2, line 20, replace "1,220,000" with "2,850,000"

Page 2, line 22, replace "2,346,041" with "5,992,241"

Page 2, line 23, replace "0" with "1,008,100"

Page 2, line 24, replace "2,346,041" with "4,984,141"

Page 2, remove lines 29 and 30

Page 3, replace lines 1 and 2 with:

**"SECTION 7. PERMANENT OIL TAX TRUST FUND.** The estimated income line item in section 1 of this Act includes \$1,008,100 from the permanent oil tax trust fund for the prairie public broadcasting digital conversion, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 4, replace lines 14 through 31 with:

**"SECTION 12. AMENDMENT.** Section 18-05.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**18-05.1-01. ~~Firefighters death benefit fund~~ Payments to deceased firefighter's survivor.** The firefighters death benefit fund is a special fund in the state treasury. The revenue provided in section 26.1-03-17 must be deposited in the fund and is appropriated on a continuing basis to the insurance commissioner for disbursement as provided in this chapter. The insurance commissioner shall administer the fund.

**SECTION 13. AMENDMENT.** Section 18-05.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**18-05.1-02. Payments from firefighters death benefit fund.** ~~The governing body of a municipality having a paid fire department or the governing body of a city or rural fire protection district having no paid fire department may request that the insurance commissioner pay ten thousand dollars from the firefighters death benefit fund to the estate of a firefighter who dies from an injury sustained while responding to, during, or within forty-eight hours after a fire emergency or training activity. The insurance commissioner shall pay ten thousand dollars to the a deceased firefighter's estate survivor upon receipt of the a request for payment and upon receipt of evidence that the of a line of duty death occurred from an injury sustained while responding to, during, or within forty-eight hours after a fire emergency from the fire chief or the fire chief's designee of a city fire department, rural fire department, or rural fire protection district.~~

**SECTION 14. AMENDMENT.** Section 18-05.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**18-05.1-03. ~~Definition~~ Definitions.** For purposes of this chapter, ~~firefighter~~:

1. "Firefighter" means an individual who is a member of a paid or volunteer fire department that is a part of or is administered by this state, any political subdivision of this state, or a rural fire protection district.
2. "Line of duty death" means a death that was due to an injury sustained while performing firefighter duties if the death occurred within forty-eight hours of participating in an emergency response or training event. Death from a heart attack or stroke is deemed to be a line of duty death if it occurs within forty-eight hours of an emergency response or training event.
3. "Survivor" means the spouse of a deceased firefighter who died in the line of duty. If there is no spouse, the term means the individual designated in writing by the deceased firefighter as beneficiary of the Public Safety Officers' Benefit Act [42 U.S.C. 3796 et seq.] death benefit, or if no beneficiary is designated, the deceased firefighter's estate.

**SECTION 15. AMENDMENT.** Subdivision s of subsection 3 of section 32-12.2-02 of the North Dakota Century Code is amended and reenacted as follows:

- s. A claim for liability assumed under contract, except this exclusion does not apply to liability arising from a state employee's operation of a rental vehicle if the ~~vehicle is rented for a period of thirty days or~~

~~less and the~~ loss is not covered by the state employee's personal insurance or by the vehicle rental company.

**SECTION 16. AMENDMENT.** Section 54-06-08.2 of the North Dakota Century Code is amended and reenacted as follows:

**54-06-08.2. Payment by credit or debit card or by electronic fund transfer - State credit card processor - Fees.**

1. A state agency, board, or commission, the judicial branch, or any political subdivision may accept payment by credit or debit card or by electronic fund transfer of any fee, interest, penalty, tax, or other payment that is due or collectible by the agency, board, or commission. The judicial branch may accept payment by credit or debit card or by electronic fund transfer for any fees, costs, or other assessments required or imposed under state law or court rule.
2. The Bank of North Dakota is the state credit card administrator for credit card transactions of state agencies, boards, or commissions. The Bank of North Dakota shall select a credit card processor or processors to provide credit card services to state agencies, boards, and commissions. All funds from credit card transactions must be deposited in the respective entity's account in the Bank of North Dakota. ~~If on January 1, 1997, any state agency, board, or commission uses a credit card processor other than a credit card processor selected by the Bank of North Dakota, it may continue using that processor until June 30, 1999, or until transition to the state processor is available with minimal fee or penalty, whichever is earlier. The judicial branch may accept payment by credit card for any fees, costs, or other assessments required or imposed under state law or court rule.~~
3. Except as otherwise provided under section 20.1-03-32, in accordance with rules adopted by the office of management and budget, an executive branch agency may charge a fee to be added to a payment as a service charge for the acceptance of a payment made by a credit or debit card or an electronic fund transfer. The office of management and budget shall adopt rules establishing the terms under which executive agencies may charge a service fee under this subsection."

Page 5, remove lines 1 through 10

Page 5, line 13, replace "\$4,000,000" with "\$9,000,000"

Page 5, line 15, replace "\$4,000,000" with "\$6,984,000"

Page 5, line 17, remove "classified", after "employees" insert "of the executive branch", and replace "15" with "18"

Page 5, line 19, replace "**CLASSIFIED**" with "**EXECUTIVE BRANCH**"

Page 5, line 20, replace "14" with "17"

Page 5, line 21, remove "classified" and after "employees" insert "of executive branch agencies, institutions, and departments, excluding entities under the control of the state board of higher education"

Page 5, line 22, after the period insert "The market equity adjustments must be given after any July 2009 general compensation increases authorized by the sixty-first legislative assembly."

Page 5, replace lines 25 and 26 with:

"The market equity increases are to be prioritized based on a statewide plan to address occupational market disparities, economic growth areas, recruitment and retention challenges, and internal and external pay inequities for employees who are critical to the mission of the agency. The plan must give priority to employees who have been employed by the state for the greatest length of time and are furthest below their salary range midpoint. The office of management and budget, in developing the plan, shall consider employee pay comparisons to similar occupational classifications of other North Dakota employers and employers in Montana, South Dakota, and Wyoming."

Page 6, replace lines 4 through 7 with:

"Notwithstanding any other provisions of law relating to the allocation of funds from this statewide salary equity pool, the office of management and budget shall transfer appropriation authority from the statewide salary equity pool appropriation included in section 17 of this Act to eligible agencies as determined by the office of management and budget based on each agency's submission and approval by the office of management and budget of a salary equity plan for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 7, after line 19, insert:

"**SECTION 22.** A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

**Vacant state employee positions salary savings - Budget section reports - Budget section review and approval.** The head of each executive branch agency, department, and institution shall report each month to the office of management and budget the number of vacant full-time equivalent employee positions and related salary and fringe benefit savings. The office of management and budget shall report at each budget section meeting on the cumulative savings resulting from the vacant positions. Agencies, departments, and institutions reporting vacant positions under this section may spend funds available as a result of these vacant positions, subject to approval by the office of management and budget in an amount that does not exceed a cumulative amount of two million dollars for a biennium for payment of accrued annual leave and sick leave balances for eligible employees upon retirement or resignation, employee workload increases, employee reclassifications, and unanticipated overtime. The office of management and budget shall report periodically to the budget section on the amounts spent for each of these purposes by agency. Agencies, departments, and institutions may not spend any remaining savings from these vacant positions without prior approval of the office of management and budget and the budget section.

**SECTION 23.** Paragraph 5 to subdivision b of subsection 2 of section 57-62-02 of the North Dakota Century Code is created and enacted as follows:

- (5) The state treasurer shall allocate funds provided by legislative appropriation to cities, the county general fund, and school districts within a coal-producing county according to the allocation method provided in subdivision a in an amount to offset fifty percent of the loss of that county's share of coal severance tax revenue allocated to a non-coal-producing

county under this subdivision in the previous calendar year. The state treasurer shall make the allocation, within the limits of legislative appropriations, under this paragraph at the time and in the manner funds are distributed under this section. The state treasurer shall include in each biennial budget request the amounts estimated to be necessary for the biennium for purposes of this paragraph, based on the allocations under this subdivision in the most recent calendar years.

**SECTION 24. AMENDMENT.** Subsection 1 of section 3 of Senate Bill No. 2012, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

1. Ten million dollars to townships in accordance with the formula provisions used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.

**SECTION 25. ELECTRONIC BUDGET PRESENTATION - PILOT PROJECT.** The office of management and budget shall select two agencies to present their proposed 2011-13 budgets and related information electronically to the appropriations committees of the sixty-second legislative assembly. Each state agency selected shall use an electronic format to present and distribute any information regarding its budget, including testimony, supporting documentation, and related materials.

**SECTION 26. AMENDMENT.** Section 1 of House Bill No. 1350, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 1. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing a grant for construction of a great plains applied energy ~~research~~ technology center on the Bismarck state college campus, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of commerce may spend the general fund appropriation only when the department certifies to the office of management and budget that:

1. The center has completed a detailed business plan demonstrating positive outcomes relating to the development of end-use products and the public policy required to support the products; the use of technology developed at regional research universities; and the testing, development, and application of products and technology to address problems relating to the transmission and storage of electricity;
2. Other nonstate matching funds of three dollars for each one dollar of grant funds are available for all costs of the center, a portion of which must be from the private sector;
- ~~2-~~ 3. The state will be a proportionate owner in the center based on the state's contribution percentage of all costs of the center;
- ~~3-~~ 4. The state will not be responsible for any future operational costs, including property tax, of the center; and
- ~~4-~~ 5. The center will be subject to local property tax assessments at the discretion of the local taxing authority;
6. The grant recipient is a state entity or private nonprofit entity; and

7. The department has completed an independent comprehensive commercialization study, developed a business and operational plan for the center with a clearly defined mission and objectives, and received budget section approval.

**SECTION 27. AMENDMENT.** Section 2 of House Bill No. 1350, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 2. REPORT REPORTS TO THE BUDGET SECTION.** The department of commerce shall present the independent comprehensive commercialization study and related business and operational plan for the center to the budget section for approval. The department shall also provide a report to the budget section at its first meeting after September 1, 2009, and at its first meeting after March 1, 2010, regarding the status of the construction of a great ~~plans~~ plains applied energy ~~research~~ technology center, including the extent to which nonstate matching funds have been made available for the project.

**SECTION 28.** Section 8 to chapter 160 of the 2007 Session Laws is created and enacted as follows:

**SECTION 8. CONTINGENT MONEY.** If any money appropriated to the state board of higher education for grant assistance to tribally controlled community colleges remains after the board complies with all statutory payment obligations imposed under this Act, the state board shall distribute a prorated amount per full-time equivalent nonbeneficiary student.

**SECTION 29. STATE EMPLOYEE ACCRUED LEAVE PAYMENTS - BUDGET SECTION REPORT.** The office of management and budget shall prepare and report to the budget section alternative methods of budgeting for the compensation of state employee accrued annual leave and sick leave. The information presented must include the number of employees compensated and the total amount paid by agency for the 2007-09 and 2005-07 bienniums. The office of management and budget shall present this report to the budget section at its first meeting after December 1, 2009. The budget section shall determine the method to be used for providing funding for these items in the preparation of the 2011-13 executive budget.

**SECTION 30. 2011-13 BIENNIUM BUDGET REQUESTS - RECOMMENDATION - FULL-TIME EQUIVALENT POSITIONS.** Notwithstanding any other provision of law, the office of management and budget, in preparation of the 2011-13 executive budget, shall limit the total number of full-time equivalent positions for executive branch agencies, departments, and institutions included in agency budget requests and the executive budget recommendation to the same level approved by the sixty-first legislative assembly in total for these entities, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 31. APPROPRIATION.** There is appropriated out of any moneys in the community health trust fund in the state treasury, not otherwise appropriated, the sum of \$3,510,495 to the state department of health for community health tobacco programs, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 32. APPROPRIATION - TRANSFER - COMMUNITY HEALTH TRUST FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,700,000, which the office of management and budget shall transfer to the community health trust fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 33. REPEAL.** Section 17 of Senate Bill No. 2004, as approved by the sixty-first legislative assembly, is repealed.

**SECTION 34. EFFECTIVE DATE.** Section 23 of this Act is effective for taxable events occurring after June 30, 2011.

**SECTION 35. EMERGENCY.** Sections 2, 3, and 28 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98048.0234 FN 6**

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