

Sixty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2015

Introduced by

Appropriations Committee

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 create and  
3 enact a new section to chapter 54-27 of the North Dakota Century Code, relating to a shared  
4 services fund; to amend and reenact section 54-06-30 of the North Dakota Century Code,  
5 relating to the state employee performance bonuses; to repeal section 54-06-24 of the North  
6 Dakota Century Code, relating to the state employee suggestion incentive program; to provide  
7 compensation guidelines; to provide for a report to the legislative assembly; to provide for a  
8 transfer; to provide an exemption; and to provide an effective date.

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

10 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
11 as may be necessary, are appropriated out of any moneys in the general fund in the state  
12 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
13 other income, to the office of management and budget, for the biennium beginning July 1, 2019,  
14 and ending June 30, 2021, as follows:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$21,596,832	(\$588,055)	\$21,008,777
18 Operating expenses	14,051,438	4,076,010	18,127,448
19 Emergency commission contingency fund	600,000	(100,000)	500,000
20 Capital assets	973,477	1,863,648	2,837,125
21 Grants	54,000	0	54,000
22 Guardianship grants	1,328,600	1,001,400	2,330,000
23 Prairie public broadcasting	1,200,000	200,000	1,400,000
24 Community service supervision grants	350,000	50,000	400,000

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1	Litigation funding pool	0	2,500,000	2,500,000
2	State student internship program	<u>0</u>	<u>250,000</u>	<u>250,000</u>
3	Total all funds	\$40,154,347	\$9,253,003	\$49,407,350
4	Less estimated income	<u>9,434,087</u>	<u>6,188,799</u>	<u>15,622,886</u>
5	Total general fund	\$30,720,260	\$3,064,204	\$33,784,464
6	Full-time equivalent positions	117.00	(9.00)	108.00

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

**SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the 2019-21 biennium one-time funding items included in the appropriation in section 1 of this Act:

11	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
12	Surplus property building	\$800,000	\$0
13	Theodore Roosevelt center grant	500,000	0
14	Cybersecurity remediation pool	1,000,000	0
15	Extraordinary repairs	0	1,900,000
16	Risk management technology project	0	170,000
17	State student internship program	0	250,000
18	Electronic procurement study	0	50,000
19	Special assessments on capitol grounds	0	320,000
20	Litigation funding pool	0	2,500,000
21	Assessments of state lands and facilities	<u>0</u>	<u>2,000,000</u>
22	Total all funds	\$2,300,000	\$7,190,000
23	Total special funds	<u>1,800,000</u>	<u>6,890,000</u>
24	Total general fund	\$500,000	\$300,000

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The office of management and budget shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 3. TRANSFER - TAX RELIEF FUND TO HUMAN SERVICE FINANCE FUND.**

The office of management and budget shall transfer the sum of \$182,300,000 from the tax relief

fund to the human service finance fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 4. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO PRELIMINARY PLANNING REVOLVING FUND.** The office of management and budget shall transfer the sum of \$500,000 from the strategic investment and improvements fund to the preliminary planning revolving fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 5. TRANSFER - STATE STUDENT INTERNSHIP PROGRAM TO STATE AGENCIES.** The office of management and budget shall transfer funds from the state student internship program line item appropriated in section 1 of this Act to eligible state agencies for student internships during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 6. TRANSFER - LITIGATION POOL TO STATE AGENCIES.** The office of management and budget shall transfer funds from the litigation funding pool line item appropriated in section 1 of this Act to eligible state agencies for litigation expenses during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 7. GRANTS AND SPECIAL ITEMS.** Section 1 of this Act includes appropriation authority which may only be used for the following grants and special items:

Boys and girls club work	\$53,000
Unemployment insurance	\$2,000,000
Capitol grounds planning commission	\$25,000
Statewide memberships and related expenses	\$625,064

**SECTION 8. ESTIMATED INCOME - ONE-TIME FUNDING - CAPITOL BUILDING FUND.** The estimated income line item in section 1 of this Act includes \$2,220,000 of one-time funding from the capitol building fund. Of the \$2,220,000, \$1,900,000 in the capital assets line item is for extraordinary repairs, and \$320,000 in the operating expenses line item is for special assessments associated with the capitol grounds.

**SECTION 9. ESTIMATED INCOME - ONE-TIME FUNDING - RISK MANAGEMENT FUND.** The capital assets line item and the estimated income line item in section 1 of this Act includes \$170,000 of one-time funding from the risk management fund for an information technology project.

1       **SECTION 10. ESTIMATED INCOME - ONE-TIME FUNDING - STRATEGIC INVESTMENT**

2       **AND IMPROVEMENTS FUND.** The estimated income line item in section 1 of this Act includes  
3       \$4,500,000 of one-time funding from the strategic investment and improvements fund. Of the  
4       \$4,500,000, \$2,000,000 in the operating expenses line item is for an assessment of state lands  
5       and facilities, and \$2,500,000 in the litigation funding pool line item is for a litigation funding  
6       pool.

7       **SECTION 11. PRAIRIE PUBLIC BROADCASTING GRANT - MATCHING FUNDS.** The  
8       prairie public broadcasting line item and the general fund appropriation in section 1 of this Act  
9       includes \$200,000 for a grant of up to \$200,000 to prairie public broadcasting for essential  
10      equipment needs. The \$200,000 may be awarded only to the extent prairie public broadcasting  
11      provides one dollar of matching funds from nonstate sources for each dollar provided by the  
12      office of management and budget.

13      **SECTION 12. EXEMPTION - FISCAL MANAGEMENT.** The amount appropriated for the  
14      fiscal management division, as contained in section 1 of chapter 14 of the 2017 Session Laws is  
15      not subject to the provisions of section 54-44.1-11. Any unexpended funds from this  
16      appropriation are available for continued development and operating costs of the statewide  
17      systems, including accounting, management, and payroll, during the biennium beginning July 1,  
18      2019, and ending June 30, 2021.

19      **SECTION 13. STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES.**

- 20      1.   The 2019-21 biennium compensation adjustments for permanent state employees are  
21          to average 2 percent with a minimum of \$80 per month per eligible employee for the  
22          first year of the biennium and are to average 3 percent for the second year. The  
23          increases for the first year of the biennium are to be given beginning with the month of  
24          July 2019, to be paid in August 2019, and for the second year of the biennium are to  
25          be given beginning with the month of July 2020, to be paid in August 2020. Increases  
26          for eligible state employees are to be based on documented performance and are not  
27          to be the same percentage increase for each employee.
- 28      2.   The office of management and budget shall develop guidelines for use by state  
29          agencies for providing compensation adjustments for classified state employees. The  
30          guidelines must follow the compensation philosophy statement under section  
31          54-44.3-01.2.

3. Probationary employees are not entitled to the increases. However, at the discretion of the appointing authority, probationary employees may be given all or a portion of the increases effective in July, paid in August, or upon completion of probation. Employees whose overall documented performance level does not meet standards are not eligible for any salary increase.

**SECTION 14. AMENDMENT.** Section 54-06-30 of the North Dakota Century Code is amended and reenacted as follows:

**54-06-30. State employee performance bonus program - Criteria - Limitations.**

State agencies may provide monetary performance bonuses to their employees under this section.

1. State agencies may pay bonuses under this section if:
  - a. The agency has had a written employee performance evaluation policy in place for more than one year before paying the bonus;
  - b. The written employee performance evaluation policy required in subdivision a must have at least three levels of performance criteria; and
  - c. The agency performance bonus program adopted under this section must be a written policy and must be communicated to each employee in the agency. Development of the written policy must include input from employees.
2. State employees are eligible to receive a bonus under this section only if:
  - a. The employee has held a position in state government for at least one year before a bonus is paid;
  - b. The employee's overall annual performance evaluation satisfies the agency's performance bonus program criteria for receiving a bonus; and
  - c. The employee is a full-time or part-time regular nonprobationary employee holding a regularly funded nontemporary position.
3. An employee may not receive more than one performance bonus per fiscal year and may not receive more than ~~one thousand~~ two thousand five hundred dollars in bonuses per fiscal year.
4. ~~Except as provided in this subsection, agencies may pay bonuses under this section during a fiscal year to not more than the number of employees equal to twenty-five percent of the employees employed by the agency on July first at the beginning of~~

1           each state fiscal year. Upon a showing of special circumstances, North Dakota human-  
2           resource management services may approve pay bonuses above the twenty-five-  
3           percent limitation in this subsection. North Dakota human resource management  
4           services shall report any exceptions granted under this subsection to the budget  
5           section of the legislative management. Each agency must fund the performance bonus  
6           program from within its agency budget for salaries and wages.

7           5. Bonuses paid under this section may not be included in an employee's base salary for  
8           purposes of calculating any wage or salary increase.

9           6. Bonuses paid under this section are not fiscal irregularities under section 54-14-03.1.

10          **SECTION 15.** A new section to chapter 54-27 of the North Dakota Century Code is created  
11          and enacted as follows:

12          **Shared services fund - Continuing appropriation.**

13          There is created in the state treasury the shared services fund. The fund consists of all  
14          payments made from one state agency or institution to another state agency or institution  
15          related to a shared services agreement. State agencies and institutions must deposit any  
16          payments resulting from the shared services agreement into the fund. All moneys in the fund  
17          are appropriated on a continuing basis to the state agencies receiving a payment resulting from  
18          the shared services agreement. The state agency receiving the payment shall use the money to  
19          defray the costs related to the shared services. Shared services include the equipment costs,  
20          operating expenses, and salaries and wages.

21          **SECTION 16. REPEAL.** Section 54-06-24 of the North Dakota Century Code is repealed.

22          **SECTION 17. EFFECTIVE DATE.** Section 16 of this Act becomes effective July 1, 2021.