### PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1015

That the Senate recede from its amendments as printed on pages 1409-1417 of the House Journal and pages 1229-1237 of the Senate Journal and that Engrossed House Bill No. 1015 be amended as follows:

- Page 1, line 2, after the semicolon insert "to provide an appropriation for defraying the expenses of the department of human services and the state auditor; to provide for various transfers and financial transactions;"
- Page 1, line 9, after the semicolon insert "to provide for legislative council studies of public employee health insurance benefits and telemedicine; to provide for a transfer from the budget stabilization fund to the Bank of North Dakota; to provide for transfers from the Bank of North Dakota to the state general fund; to provide for a transfer from the North Dakota mill and elevator association to the state general fund;"
- Page 1, line 10, after "sections" insert "26.1-23.1-05,", replace the second "and" with a comma, and after "54-27.2-02" insert ", and 54-40-01"
- Page 1, line 11, after the first "to" insert "government self-insurance pool investments,", replace "and to" with a comma, after the second "fund" insert "and the exercise of joint authority by North Dakota and South Dakota", and after the semicolon insert "to repeal section 5 of Senate Bill No. 2012 as approved by the 1997 legislative assembly, relating to street expenditures; to provide for application;"
- Page 1, line 22, replace "3,405,558" with "3,366,327"
- Page 1, line 24, replace "8,260,692" with "8,340,852"
- Page 2, line 3, replace "843,818" with "1,094,360"
- Page 2, line 4, replace "57,206,288" with "57,497,759"
- Page 2, line 5, replace "41,996,220" with "42,246,762"
- Page 2, line 6, replace "15,210,068" with "15,250,997"
- Page 2, line 9, replace "44,897,969" with "45,326,741"
- Page 2, line 10, replace "44,897,969" with "45,326,741"
- Page 2, line 13, replace "4,601,858" with "4,638,793"
- Page 2, line 14, replace "4,601,858" with "4,638,793"
- Page 2, line 15, replace "4,247,641" with "4,240,786"
- Page 2, line 16, replace "354,217" with "398,007"
- Page 2, line 20, replace "1,750,927" with "1,741,249"
- Page 2, line 22, replace "4,711,554" with "4,701,876"

- Page 2, line 24, replace "4,124,944" with "4,115,266"
- Page 2, line 25, remove "H.B. 1015" and replace "19,689,229" with "19,764,270"
- Page 2, line 26, remove "H.B. 1015" and replace "91,728,440" with "92,900,899"
- Page 2, line 27, remove "H.B.1015" and replace "111,417,669" with "112,665,169"
- Page 2, after line 27, insert:

"SECTION 2. DEPARTMENT OF HUMAN SERVICES PERFORMANCE **AUDIT - APPROPRIATION.** The department of human services shall include, in any plans submitted to implement the federal temporary assistance for needy families (TANF) program, a request for or for the use of federal funds to be used for a performance audit of the state's implementation of welfare reform. If the additional federal funds become available for this purpose, the department of human services shall contract with the state auditor for the completion of the performance audit. The state auditor may employ up to three additional auditors for this purpose or may contract with an independent audit firm for the completion of the performance audit. There is hereby appropriated to the department of human services up to \$250,000 of federal funds for the biennium beginning July 1, 1997, and ending June 30, 1999, to be used to contract with the state auditor for the completion of a performance audit. There is hereby appropriated to the state auditor's office up to \$250,000 of federal funds for the biennium beginning July 1, 1997, and ending June 30, 1999, to be received from the department of human services for the completion of a performance audit of the department."

- Page 3, line 20, replace "of 1.5 percent" with "providing an average of three percent with a minimum of \$30 per month,"
- Page 3, line 21, replace "another 1.5 percent" with "providing an average of three percent with a minimum of \$30 per month,"
- Page 3, line 22, after the period insert "Any increases greater than \$30 per month must be based on merit and equity."
- Page 3, remove lines 23 through 27
- Page 4, line 1, remove "general" and replace "1.5 percent" with "\$30 per month"
- Page 4, line 2, replace "1.5 percent" with "\$30 per month"
- Page 4, line 20, replace "39,372,706" with "29,594,725"
- Page 5, line 1, replace "county" with "and Divide counties"
- Page 5, line 21, replace "\$5,000,000" with "\$2,100,000" and replace "excess equity investment in the North Dakota insurance reserve fund to" with "surplus"
- Page 5, line 22, remove "the office of management and budget" and after "1997" insert ", and \$2,100,000 on July 1, 1998, to the office of management and budget."
- Page 5, line 23, remove "in"

Page 5, line 24, remove the first "reserve" and replace "for claims pending before July 1, 1997" with ", except for contractual obligations pursuant to the terms of any memorandum of coverage issued by the North Dakota insurance reserve fund to a state agency"

Page 5, line 25, replace "\$5,000,000" with "\$4,200,000"

Page 5, line 26, after "fund" insert "and the contributions required from agencies or other governmental units not receiving a specific appropriation and boards and commissions"

Page 5, remove lines 27 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 27

Page 8, line 29, replace "\$550,000" with "\$150,000"

Page 9, after line 4, insert:

"SECTION 16. SALE OF HIGHWAY PATROL AIRPLANE. Notwithstanding any other provision of law, the North Dakota highway patrol may use within the limits of legislative appropriation the proceeds from the sale of one of its airplanes for the comprehensive public communications plan.

**SECTION 17. LEGISLATIVE INTENT - STATE EMPLOYEE SALARY REPORT.** It is the intent of the fifty-fifth legislative assembly that during the 1997-98 interim the office of management and budget report to an interim legislative council committee on state employee compensation issues. The report should focus on compression problems, market comparisons, and other compensation issues to include the effects of all benefits, including health insurance, on the employment relationship. The report is to include detailed information on the impact of salary compression and estimates of the dollar amount to correct salary compression problems. In addition, the office of management and budget is also to develop and present a plan to compensate state employees in a fair and adequate manner.

SECTION 18. LEGISLATIVE INTENT - STATE EMPLOYEE BENEFIT SALARY REPORT. It is the intent of the fifty-fifth legislative assembly that during the 1997-98 interim the office of management and budget and the public employees retirement system report to the legislative interim employee benefits programs committee on pension portability. The report should focus on issues of pension portability and how to balance the needs of long- and short-term employees within defined benefit or defined contribution plan concepts.

SECTION 19. LEGISLATIVE COUNCIL INTERIM STUDY OF PUBLIC EMPLOYEE HEALTH INSURANCE BENEFITS. The legislative council shall consider studying public employee health insurance benefits during the 1997-98 interim. If conducted, the study must include a comparison of the cost of participating in exclusive provider organizations and preferred provider organizations as compared to participating in the standard indemnity plan; the extent to which members of the uniform group insurance program are now participating in exclusive provider organizations and

preferred provider organizations; the number of public employees who are unable to participate in a preferred provider organization or exclusive provider organization because of geographical considerations; an analysis of any cost savings if up to all participants exercise the exclusive provider organization or preferred provider organization option; and methods by which the public employees retirement system board could encourage members of the public employees retirement system uniform group insurance program to participate in exclusive provider organizations and preferred provider organizations. The study must include an analysis of general fund savings that may be realized if an additional copayment is required of all members not participating in an exclusive provider organization or preferred provider organization and an analysis of general fund savings that may be realized if members of the uniform group insurance program were permitted to participate in health maintenance organizations where such organizations are available. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-sixth legislative assembly.

**SECTION 20. LEGISLATIVE COUNCIL STUDY OF TELEMEDICINE.** The legislative council shall consider studying, during the 1997-98 interim, the utilization of telemedicine in this and other states, and the desirability of adopting any amendments to the professional licensing laws and other laws that will facilitate the development of telemedicine while preserving the quality of health care. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-sixth legislative assembly.

SECTION 21. BUDGET STABILIZATION FUND TRANSFER TO BANK OF NORTH DAKOTA. The director of the office of management and budget shall transfer any amounts in or to be transferred as of July 1, 1997, to the budget stabilization fund, to the Bank of North Dakota. Any amount transferred to the Bank shall become a part of the Bank's undivided profits.

SECTION 22. BANK OF NORTH DAKOTA TRANSFERS TO STATE GENERAL FUND. During the biennium ending June 30, 1999, the industrial commission shall transfer to the state general fund up to \$29,600,000 from the current earnings of the Bank of North Dakota. The moneys shall be transferred in amounts and at such times as requested by the director of the office of management and budget.

No transfers may be made which would reduce the Bank's capital structure below \$100,000,000.

SECTION 23. CONTINGENT BANK OF NORTH DAKOTA TRANSFERS TO STATE GENERAL FUND. If, during the biennium ending June 30, 1999, the director of the office of management and budget determines via revised projections that general fund revenue collections will not meet the revenues as forecast in the March 1997 legislative forecast, then the industrial commission shall transfer to the state general fund an additional amount, as determined by the director of the office of management and budget and as approved by the budget section, from the earnings and accumulated and undivided profits of the Bank of North Dakota. The moneys must be transferred in amounts and at such times as requested by the director of the office of management and budget. The additional amount transferred may not exceed the lesser of \$23,000,000 or the revenue shortfall of actual collections compared to the March 1997 legislative forecast.

No transfers may be made which would reduce the Bank's capital structure below \$100,000,000.

**SECTION 24. LEGISLATIVE INTENT - ADDITIONAL STATE AGENCY TURNBACK.** It is the intent of the fifty-fifth legislative assembly that the 1995-97 and 1997-99 biennium revenue forecasts as adopted by the budget section on March 12, 1997, be adjusted to include additional funds resulting from unspent 1995-97 appropriation authority of \$1,700,000 as follows: department of human services

\$1,500,000; health department \$100,000; and department of economic development and finance \$100,000.

**SECTION 25. UNIVERSITY SYSTEM SALARY INITIATIVE.** Funding of \$3,200,000 appropriated for the university system salary initiative in the salaries and wages line item in subdivision 1 of section 1 of Senate Bill No. 2003, as approved by the fifty-fifth legislative assembly, must be used by the North Dakota university system for the benefit of the institutions and entities under the jurisdiction of the North Dakota university system, including its institutions of higher learning, the North Dakota state university extension service, the northern crops institute, the upper great plains transportation institute, and the entities of the North Dakota agricultural experiment station.

SECTION 26. HIGHER EDUCATION INTERNAL SERVICE FUND TRANSFERS - BUDGET SECTION APPROVAL. All institutions under the authority of the board of higher education must receive approval from the budget section to expend or transfer amounts greater than \$50,000 from the accumulated moneys in internal service funds except for (1) mandatory transfers for servicing related debt; and (2) routine operating expenditures associated with the funds.

**SECTION 27. TRANSFER.** In addition to the \$2,000,000 transfer provided for in section 9 of Senate Bill No. 2015, as passed by the fifty-fifth legislative assembly, the industrial commission shall transfer to the general fund in the state treasury the sum of \$1,000,000 from the North Dakota mill and elevator association. The moneys must be transferred in amounts and at such times as requested by the director of the office of management and budget during the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 28. TRIBAL COMMUNITY COLLEGE IVN GRANTS - VIRTUAL UNIVERSITY.** The state board of higher education shall use the moneys appropriated in the tribal community college IVN grants line item in subdivision 2 of section 1 of Senate Bill No. 2003, as passed by the fifty-fifth legislative assembly, for a grant for the western governors' association virtual university project.

SECTION 29. LEGISLATIVE INTENT - ADDITIONAL OIL AND GAS PRODUCTION TAX REVENUE. It is the intent of the fifty-fifth legislative assembly that the 1997-99 biennium revenue forecast as adopted by the budget section on March 12, 1997, be adjusted to include additional oil and gas production tax revenues of \$1,416,730.

**SECTION 30. AMENDMENT.** Section 26.1-23.1-05 of the North Dakota Century Code is amended and reenacted as follows:

- 26.1-23.1-05. Investment of assets Subsidiary insurance company coverage. A government self-insurance pool may only invest its funds and accumulations in those investments described in section sections 26.1-05-19 and 26.1-10-02. If a government self-insurance pool investment is made under section 26.1-10-02, a resulting subsidiary insurance company may not write insurance coverage for:
  - 1. North Dakota governmental entities which competes with coverage offered by the fire and tornado fund under chapter 26.1-22 as that chapter existed on December 31, 1988;
  - 2. Individuals;
  - For-profit organizations;

- 4. Nonprofit hospitals, clinics, nursing homes, churches, fraternal organizations, or organizations not performing quasi-governmental functions; or
- 5. Agricultural business cooperatives."

Page 9, line 15, replace "self-insurance" with "self-retention"

Page 9, line 16, remove "supplemental"

Page 10, after line 8, insert:

"**SECTION 33. AMENDMENT.** Section 54-40-01 of the North Dakota Century Code is amended and reenacted as follows:

### 54-40-01. Agreement - Exercise of joint powers - Bonds.

- 1. Two or more governmental units or municipal corporations having in common any portion of their territory or boundary, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise their respective separate powers, or any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised for the purpose of acquiring, constructing, and maintaining any building for their joint use. The term "governmental unit" as used in this section includes and means every city, county, town, park district, school district, states and United States governments and departments of each thereof, and all other political subdivisions even though not specifically named or referred to herein.
- 2. Two or more counties or cities, or any combination of counties or cities, whether or not they have in common any portion of their territory or boundary, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise their respective separate powers, or any power common to the contracting parties or any similar powers, for the purpose of acquiring equipment or constructing roads, bridges, and road and bridge improvements.
- 3. An agency, department, or institution of this state may enter an agreement with the state of South Dakota to form a bistate authority to jointly exercise any function that the entity is authorized by law to perform. Any agreement entered under this subsection must be submitted to the legislative assembly or, if the legislative assembly is not in session, to the legislative council or a committee designated by the legislative council for approval or rejection and may not become effective until approved by the legislative assembly or the legislative council.
- 4. Counties or cities, or any combination of counties or cities, may jointly issue bonds in the same manner and for the purposes provided for in chapter 21-03.

**SECTION 34. REPEAL.** Section 5 of Senate Bill No. 2012 as approved by the 1997 Legislative Assembly is repealed.

**SECTION 35. APPLICATION.** North Dakota Century Code sections 54-16-04 and 54-44.1-11 do not apply to chapter 1 of the 1995 Session Laws."

Page 10, line 9, replace "16" with "32"

Page 10, line 11, replace "16" with "32"

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

CONFERENCE COMMITTEE - This amendment makes the following changes:

CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION	\$(80,160)		\$(80,160)	\$(80,160)	(1.00)	\$(80,160)	\$(80,160)	\$(80,160)
C (D) SENATE VERSION SEN	\$ 3,366,327 4,066,236 8,421,012 1,126,728 39,503,256	1,094,360	\$57,577,919 42,246,762	\$15,331,157	121.60	\$ 9,312,897 8,388,957 506,215 37,934,000 1,435,850	\$57,577,919 42,246,762	\$15,331,157
CONFERENCE COMMITTEE VERSION	\$ 3,366,327 4,066,236 8,340,852 1,126,728 39,503,256	1,094,360	\$57,497,759 42,246,762	\$15,250,997	120.60	\$ 9,232,737 8,388,957 506,215 37,934,000 1,435,850	\$57,497,759 42,246,762	\$15,250,997
TOTAL CHANGES	\$(39,231) 80,160	250,542	\$291,471 250,542 	\$ 40,929	3.00	\$270,702 20,769	\$291,471 250,542	\$ 40,929
ADD LOSS CONTROL ANALYSTS		\$250,542	\$250,542 250,542	0 \$	2.00	\$190,542 60,000	\$250,542 250,542	0 \$
RESTORE EVENTS COORDINATOR	\$80,160		\$80,160	\$80,160	1.00	\$80,160	\$80,160	\$80,160
REMOVE RISK MANAGEMENT PREMIUMS	\$(39,231)		\$(39,231)	\$(39,231)		\$(39,231)	\$(39,231)	\$(39,231)
ENGROSSED BILL	\$ 3,405,558 4,066,236 8,260,692 1,126,728 39,503,256	843,818	\$57,206,288 41,996,220	\$15,210,068	117.60	\$ 8,962,035 8,368,188 506,215 37,934,000 1,435,850	\$57,206,288 41,996,220	\$15,210,068
	Administration Fiscal management Facility Management Central Personnel Integoyernmental	Risk management	Total all funds Less estimated income	General fund	FTE	Salaries and wages Operating expenses Equipment Grants Capital improvements	Total all funds Less estimated income	General fund

#### This amendment also:

Appropriates up to \$250,000 to the Department of Human Services and the State Auditor's office for federal funds to be received by the Department of Human Services and paid to the State Auditor's office for the completion of a performance audit of the state's implementation of welfare reform.

Changes the section relating to state employee salary increases to provide average increases of three percent, with a minimum of \$30 per month, with any increases greater than \$30 per month based on merit and equity.

Reduces the transfer from the state aid distribution fund to the general fund by \$9,777,981, from \$39,372,706 to \$29,594,725 to reflect the changes made in House Bill No. 1019.

Reduces the transfer from the North Dakota insurance reserve fund from \$5,000,000 to \$4,200,000.

Adds a section allowing the Highway Patrol to sell an airplane and use the proceeds for the comprehensive public communications plan study.

Adds legislative intent that during the 1997-98 interim, the Office of Management and Budget provide periodic reports on state employee compensation issues to an interim committee of the Legislative Council.

Adds a section of intent relating to reports by the Office of Management and Budget and Public Employees Retirement System to the Employee Benefits Programs Committee on pension portability.

Adds a section providing for a Legislative Council study of public employee health insurance benefits.

Adds a section providing for a Legislative Council study of telemedicine.

Reduces the transfer from the Information Services Division operating fund to the general fund by \$400,000, from \$550,000 to \$150,000.

Adds a section providing that any balance in or amounts to be transferred to the budget stabilization fund on July 1, 1997, be transferred to the Bank of North Dakota and added to the Bank's undivided profits. Based on the April 10, 1997, legislative budget status report, it is anticipated that the balance to be transferred from the budget stabilization fund to the Bank will be approximately \$7,535,709.

Adds a section authorizing the director of the Office of Management and Budget to direct the Industrial Commission to transfer up to \$29,600,000 from the Bank of North Dakota to the general fund. The section provides that no transfers may be made which would reduce the Bank's capital below \$100,000,000.

Adds a section authorizing the director of the Office of Management and Budget to direct the Industrial Commission to transfer additional funds from the Bank of North Dakota to the general fund if actual 1997-99 revenues are less than projected. The additional transfers may be made up to the lesser of \$23,000,000 or the amount of the revenue shortfall.

Adds a section of legislative intent relating to state agency unspent 1995-97 appropriation authority. The section recognizes an additional \$1,700,000 of unspent appropriation authority, bringing the total to \$14,537,032.

Adds a section providing that the \$3,200,000 higher education salary initiative be used for all entities under the control of the Board of Higher Education, including the higher

education institutions, NDSU Extension Service, Transportation Institute, Northern Crops Institute, and the Agricultural Experiment Station.

Adds a section requiring higher education institutions report to the Budget Section on expenditures or transfers greater than \$50,000 from funds in internal service funds unless the transfer or expenditure was a routine use of the fund.

Adds a section to provide an additional \$1 million transfer from the North Dakota Mill and Elevator Association, for a total transfer, including the transfer provided in Senate Bill No. 2015, of \$3 million.

Adds a section to provide that the appropriation for tribal community college IVN grants in Senate Bill No. 2003 be used for a grant for the Western Governors' Association's Virtual University project.

Adds a section of legislative intent relating to additional oil and gas production tax revenues. The section recognizes additional revenues of \$1,416,730, bringing the total oil and gas production tax revenues to \$35,313,730.

Amends North Dakota Century Code Section 26.1-23.1-05 relating to government self-insurance pool investments.

Amends North Dakota Century Code Section 54-40-01 relating to the exercise of joint powers by North Dakota and South Dakota.

Repeals Section 5 of Senate Bill No. 2012 as approved by the 1997 Legislative Assembly relating to the widening of Schafer Street.

**DEPARTMENT 112 - INFORMATION SERVICES DIVISION** 

CONFERENCE COMMITTEE - This amendment makes the following changes:

	ENGROSSED	REMOVE RISK MANAGEMENT PREMIUMS	RESTORE PLANNING FUNCTIONS	TOTAL	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION	
Information resource management	\$44,897,969	\$ (44,199)	\$472,971	\$428,772	\$45,326,741	\$45,326,741		
Total all funds Less estimated income	\$44,897,969 44,897,969	\$(44,199)	\$472,971 472,971	\$428,772 428,772	\$45,326,741 45,326,741	\$45,326,741 45,326,741	₹0-	0
General fund	O	0	0	0	0	0	₹∕Σ÷	0
FTE	155.00		4.00	4.00	159.00	159.00		0.0
Salaries and wages Operating expenses Equipment	\$13,520,881 27,502,088 3,875,000	\$(44,199)	\$442,611 20,360 10,000	\$442,611 (23,839) 10,000	\$13,963,492 27,478,249 3,885,000	\$13,963,492 27,478,249 3,885,000		
Total all funds Less estimated income	\$44,897,969 44,897,969	\$(44,199)	\$472,971 472,971	\$428,772 428,772	\$45,326,741 45,326,741	\$45,326,741 45,326,741	₩.	0
General fund	0	O &	0	0	0	0	₩	0

# DEPARTMENT 118 - CENTRAL SERVICES

CONFERENCE COMMITTEE - This amendment makes the following changes:

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	RESTORE FUNDING FOR INFORMATION TECHNOLOGY SYSTEM	TOTAL	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION	70CE EE SE SE ) TE N
	\$4,646,858	\$(8,065)	\$45,000	\$36,935	\$4,638,793	\$4,638,793		
Total all funds Less estimated income	\$4,646,858 4,247,64 <u>1</u>	\$(8,065)	\$45,000	\$36,935 (6,85 <u>5</u> )	\$4,638,793 4,240,786	\$4,638,793 4,240,786	₩	0
	\$ 354,217	\$(1,210)	\$45,000	\$43,790	\$ 398,007	\$ 398,007	₩	0
	27.00			00.00	27.00	27.00		00.00
Salaries and wages Operating expenses Equipment	\$1,790,989 2,758,369 52,500	\$(8,065)	\$22,500 22,50 <u>0</u>	\$14,435 22,500	\$1,790,989 2,772,804 75,000	\$1,790,989 2,772,804 75,000		
Total all funds Less estimated income	\$4,601,858 4,247,64 <u>1</u>	\$(8,065)	\$45,000	\$36,935 (6,85 <u>5</u> )	\$4,638,793 4,240,786	\$4,638,793 4,240,786	₩	0
	\$ 354,217	\$(1,210)	\$45,000	\$43,790	\$ 398,007	\$ 398,007	₩	0

## **DEPARTMENT 506 - STATE RADIO COMMUNICATIONS**

CONFERENCE COMMITTEE - This amendment reduces the operating expenses line item by \$9,678 from the general fund for risk management premiums. The amendment also adds Divide County to the counties authorized to join State Radio 911 services.