

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1015

Page 1, line 2, replace the second "and" with "to provide an appropriation to the state treasurer; to amend and reenact sections 54-44.1-18, 54-44.4-07, 54-44.4-08, 57-51.1-07.5, subsections 2 and 3 of section 57-51.1-07.7, and subsection 2 of section 57-51.1-07.8 of the North Dakota Century Code, relating to publishing political subdivision budgets, environmentally preferable products, the state share of oil and gas tax revenue allocations, the municipal infrastructure fund, and the county and township infrastructure fund; to repeal section 54-06-25 of the North Dakota Century Code, relating to the state employee compensation commission; to provide for a transfer; to provide for a claims payment; to provide compensation guidelines;"

Page 1, line 3, after "exemption" insert "; to provide for a legislative management study; and to provide a report"

Page 1, remove lines 11 through 23

Page 2, replace lines 1 and 2 with:

	Adjustments or	Base Level	
Salaries and wages	\$893,187	\$2,903,816	
Operating expenses	492,702	14,937,426	
Emergency commission contingency fund	(100,000)	500,000	
Capital assets	4,767,494	767,125	
Grants	(54,000)	54,000	
Guardianship grants	0	1,950,000	
Prairie public broadcasting	(400,000)	1,200,000	
Community service supervision grants	(100,000)	350,000	
State student internship program	100,000	0	
Total all funds	\$5,599,383	\$41,662,367	
Less estimated income	5,506,391	8,746,515	
Total general fund	\$92,992	\$32,915,852	
Full-time equivalent positions	0.00	112.00	

Page 2, line 3, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-EIGHTH LEGISLATIVE ASSEMBLY"

Page 2, line 4, after "biennium" insert "and the 2021-23 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 6 through 16 with:

"Extraordinary repairs	\$1,900,000	\$1,900,000	
Capitol south entrance project	2,000,000	2,000,000	
Special assessments on capitol grounds	320,000	320,000	
Litigation funding pool	3,500,000	3,500,000	
Assessment of state lands and facilities	500,000	500,000	
Risk management technology project	170,000	170,000	
State student internship program	250,000	250,000	
Electronic procurement study	50,000	50,000	

350,000	0	Facility consolidation study
518,800	0	Building automation project
500,000	0	Interior and exterior signage projects
2,021,204	0	Procurement software
1,230,100	0	Statewide budget software
55,520,104	\$8,690,000	Total all funds
5,420,104	8,390,000	Less estimated income
\$100,000	\$300,000	Total general fund

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The office of management and budget shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

Page 2, after line 16, insert:

**"SECTION 3. APPROPRIATION - COMMUNITY SERVICES SUPERVISION FUND.** Any moneys in the community service supervision fund under section 29-26-22 are appropriated to the office of management and budget for distribution to community corrections association regions on or before August first of each year during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 4. APPROPRIATION - STATE DISASTER RELIEF FUND - STATE TREASURER - DISTRIBUTIONS TO NON-OIL-PRODUCING COUNTIES.** Due to

extraordinary flooding in 2020 in parts of the state and due to the excessive cost of road maintenance, there is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$8,100,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing distributions to non-oil-producing counties for the benefit of the organized and unorganized townships within each non-oil-producing county. The distribution to each non-oil-producing county must provide for an allocation of \$5,000 to each organized and unorganized township within the county. The amount allocated to organized townships under this section must be paid by the county treasurer to each organized township. The amount allocated to unorganized townships under this section must be credited by the county treasurer to a special fund for unorganized townships under this section must be used for the maintenance and improvement of township paved and unpaved roads and bridges. A township is not eligible for an allocation of funds under this section if the township does not maintain any township roads. For the purposes of this section, a "non-oil-producing county" means a county that has received no allocation of funding or a total allocation of funding under subsection 2 of section 57-51-15 of less than \$5,000,000 for the period beginning September 1, 2019, and ending August 31, 2020.

**SECTION 5. TRANSFER - TAX RELIEF FUND TO HUMAN SERVICE FINANCE FUND.** The office of management and budget shall transfer the sum of \$190,224,059 from the tax relief fund to the human service fund during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 6. TRANSFER - STATE STUDENT INTERNSHIP PROGRAM FUNDS 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 state student internships during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 7. ESTIMATED INCOME - ONE-TIME FUNDING - CAPITOL**

**BUILDING FUND.** The estimated income line item in section 1 of this Act includes \$2,268,800 of one-time funding from the capitol building fund. Of the \$2,268,800, \$350,000 in the operating expenses line item is for a facility consolidation study, \$300,000 in the operating expenses line item is for special assessments associated with the capitol grounds, \$600,000 is in the capital assets line item is for extraordinary repairs, \$518,800 in the capital assets line item is for a building automation project, and \$500,000 in the capital assets line item is for interior and exterior signage.

**SECTION 8. ESTIMATED INCOME - ONE-TIME FUNDING - STRATEGIC**

**INVESTMENT AND IMPROVEMENTS FUND.** The estimated income line item in section 1 of this Act includes \$3,251,304 from the strategic investment and improvements fund. Of the \$3,251,304, \$2,021,204 in the capital assets line item is for procurement software, and \$1,230,100 in the capital assets line item is for budget software."

Page 2, remove line 19

Page 2, replace lines 23 through 28 with:

**"SECTION 10. RISK MANAGEMENT FUND - CLAIMS PAYMENT.** Pursuant to the continuing appropriation authority under section 32-12.2-07, the director of the office of management and budget may make payments from the risk management fund during the biennium beginning July 1, 2021, and ending June 30, 2023, for reasonable and necessary costs and attorney's fees incurred by a state employee as a result of a criminal investigation or prosecution occurring after December 21, 2018, under circumstances in which there was an absence of probable cause, as identified in a prosecutorial or judicial determination or as determined by the director of the office of management and budget in the absence of a prosecutorial or judicial determination, and in which the offense involves the discharge of a public duty. The director of the office of management and budget shall consult with the attorney general when reviewing claims under this section and shall obtain written approval from the attorney general for any claim exceeding ten thousand dollars.

**SECTION 11. STATE EMPLOYEE COMPENSATION ADJUSTMENTS -**

**GUIDELINES.**

1. The 2021-23 biennium compensation adjustments for permanent state employees are to average 1.5 percent with a minimum of \$100 per month and a maximum of \$250 per month per eligible employee for each fiscal year of the biennium. The increases for the first year of the biennium are to be given beginning with the month of July 2021, to be paid in August 2021, and for the second year of the biennium are to be given beginning with the month of July 2022, to be paid in August 2022. Except for minimum and maximum amounts, increases for eligible state employees are to be based on documented performance and are not to be the same percentage increase for each employee.
2. The office of management and budget shall develop guidelines for use by state agencies for providing compensation adjustments for classified state employees. The guidelines must follow the compensation philosophy statement under section 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 12. AMENDMENT.** Section 54-44.1-18 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.1-18. Searchable database of expenditures.**

1. The director of the budget shall develop and make publicly available an aggregate and searchable budget database website that includes the following information for the biennium:

- a. Each budget unit making expenditures.
- b. The amount of funds expended.
- c. The source of the funds expended.
- d. The budget program of the expenditure.
- e. Any other information determined relevant by the director of the budget.

2. The director of the budget shall include the name and city of the recipient of each expenditure in the budget database website after the director has completed implementation of a business intelligence component to the state's financial reporting system.

3. The director of the budget may not include in the database any information that is confidential or exempt under state or federal law.

4. The director of the budget may update the budget database website as new data becomes available. Each state agency shall provide to the director of the budget any data required to be included in the budget database website no later than thirty days after the data becomes available to the agency.

5. By January first of each even-numbered year, the director of the budget shall add data for the previous biennium to the budget database website. The director of the budget shall ensure that all data added to the budget database website remains accessible to the public for a minimum of ten years.

6. The budget database website may not redirect users to any other government website, unless the website has information from all budget units and each category of information required can be searched electronically by field in a single search.

7. The governing body of each political subdivision may submit the annual budget adopted by the governing body to the director of the budget. The director of the budget shall include on the office of management and budget website any information submitted by a participating governing

1. The first two hundred million dollars into the state general fund;

From the revenues designated for deposit in the state general fund under chapters 57-51 and 57-51.1, the state treasurer shall deposit the revenues received each biennium in the following order:

**57-51.1-07.5. State share of oil and gas taxes - Deposits.**

Code is amended and reenacted as follows:

**SECTION 15. AMENDMENT.** Section 57-51.1-07.5 of the North Dakota Century

~~When practicable, the office of management and budget, and any state agency or institution that has authority to purchase products, shall ensure that at least twenty percent of the total volume of paper and paper products being purchased for state agencies and institutions contain, should specify at least twenty-five percent recycled material. The office of management and budget shall implement a methodology to track compliance with this section.~~

**54-44.4-08. Purchase of recycled paper products.**

Code is amended and reenacted as follows:

**SECTION 14. AMENDMENT.** Section 54-44.4-08 of the North Dakota Century

2. The office of management and budget, in coordination with the state board of higher education, shall develop guidelines for a biobased procurement program.  
e. ~~When practicable, biobased products should be specified.~~

b. ~~In requesting bids for paper products, the office of management and budget must request information on the recycled content of such products.~~

a. ~~When practicable, specifications for purchasing newsprint printing services should specify the use of soybean-based ink. The North Dakota soybean council and the agriculture commissioner shall assist the office of management and budget in locating suppliers of soybean-based inks and in collecting data on the purchase of soybean-based inks.~~

1. The office of management and budget, the institutions of higher education, and any other state agency or institution that has authority to purchase products are encouraged to purchase environmentally preferable products.

**54-44.4-07. Procurement of environmentally preferable products.**

Code is amended and reenacted as follows:

**SECTION 13. AMENDMENT.** Section 54-44.4-07 of the North Dakota Century

body of a political subdivision. The official who submits the annual budget to the director of the budget may not submit any information that is confidential under state or federal law. In lieu of submitting the annual budget adopted by the governing body to the director, any participating governing body may provide to the director a publicly accessible internet link on which the annual budget adopted by the participating governing body is available.

2. The next two hundred million dollars into the tax relief fund;
3. The next seventy-five million dollars into the budget stabilization fund, but not in an amount that would bring the balance in the fund to more than the limit in section 54-27.2-01;
4. The next two hundred million dollars into the state general fund;
5. The next ten million dollars into the lignite research fund;
6. The next ~~fifty~~ million dollars into the state disaster relief fund, but not in an amount that would bring the unobligated balance in the fund to more than ~~fifty~~ million dollars;
7. The next ~~thirty~~ million three hundred ~~seventy~~ five thousand dollars, or the amount necessary to provide for the distributions under subsection 2 of section 57-51.1-07.7, into the municipal infrastructure fund;
8. The next four hundred million dollars into the strategic investment and improvements fund;
9. An amount equal to the deposit under subsection 7 into the county and township infrastructure fund;
8. The next ~~fifty-nine~~ million seven hundred ~~fifty~~ thousand dollars, or the amount necessary to provide for twice the amount of the distributions under subsection 2 of section 57-51.1-07.7, into the funds designated for infrastructure development in non-oil-producing counties under sections 57-51.1-07.7 and 57-51.1-07.8 with fifty percent deposited into the municipal infrastructure fund and fifty percent deposited into the county and township infrastructure fund;
10. The next twenty million dollars into the airport infrastructure fund; and
11. Any additional revenues into the strategic investment and improvements fund.

**SECTION 16. AMENDMENT.** Subsection 2 of section 57-51.1-07.7 of the North Dakota Century Code is amended and reenacted as follows:

2. Within forty days after the fund balance is greater than or equal to the amount needed for the grants under this subsection or by September thirtieth of each odd-numbered year, whichever is earlier, the state treasurer shall distribute moneys in the fund as grants to cities for essential infrastructure projects. The state treasurer shall distribute the grants only if the fund balance is at least ten percent of the amount needed for distributions under this subsection based on the following:

- a. Two million five hundred thousand dollars to each city with a population of at least five thousand;
  - b. Five hundred thousand dollars to each city with a population of at least two thousand but less than five thousand; and
  - c. One hundred twenty-five thousand dollars to each city with a population of at least one thousand but less than two thousand.
  - d. If, at the time of the distributions, the moneys in the fund are less than the amount needed for the grants under this subsection, the state treasurer shall distribute the grants under this subsection on a pro rata basis.
  - e. For the purposes of determining the city's population under this subsection, the state treasurer shall use the most recent actual or estimated census data published by the United States census bureau.
- SECTION 17. AMENDMENT.** Subsection 3 of section 57-51.1-07.7 of the North Dakota Century Code is amended and reenacted as follows:
3. Within sixty days after the fund receives its statutory limit of oil and gas tax allocations under section 57-51.1-07.5 or by September thirtieth of each odd-numbered year, whichever is earlier, the state treasurer shall distribute the moneys in the fund as grants to cities for essential infrastructure projects. The state treasurer shall distribute the grants only if the fund balance is at least ten percent of the amount needed for distributions under this subsection based on the following:
- a. One hundred fifty dollars per person of the city's population.
  - b. In addition to the amounts in subdivision a, for a city with a positive average of the annual percentage increase in population from three years prior, a dollar amount equal to the product of the following:
    - (1) The amount calculated in subdivision a; and
    - (2) The average of the annual percentage increase in population from three years prior, multiplied by ten.
  - c. In addition to the amounts in subdivisions a and b, for a city with a positive average of the annual percentage increase in taxable property values from three years prior, a dollar amount equal to the average of the annual property valuation percentage increase for the three most recent years, multiplied by twenty-five thousandths.
  - d. Grants may be distributed under this subdivision only if the grant distributions under subsection 2 are completed. If the moneys in the fund are insufficient to provide for the grants, the state treasurer shall distribute the grants under this subsection on a pro rata basis. If any moneys remain in the fund after the distribution of grants under this subsection, the state treasurer shall distribute any remaining moneys in the fund in proportion to the combined total distributed to each city under this section relative to the combined total distributed to all the cities under this section.

1. A review of each branch's employee work location policies;
2. An assessment of the space needs of each branch to fulfill their constitutional and statutory responsibilities;
3. An evaluation of state agency leases of space from private and other governmental entities in Bismarck, amounts being paid for these leases, and state agency rental payments being made to the office of management and budget from special and federal funds;

**SECTION 23. LEGISLATIVE MANAGEMENT STUDY - SPACE NEEDS AT STATE CAPITOL.** During the 2021-22 interim, the legislative management shall consider studying space needs of the executive, judicial, and legislative branches at the state capitol. The study must include:

**SECTION 22. EXEMPTION - ASSESSMENT OF STATE LANDS AND FACILITIES.** The amount of \$500,000 appropriated from the strategic investment and improvements fund in section 1 and identified in section 2 of chapter 40 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the office of management and budget to continue the assessment of state lands and facilities during the biennium beginning July 1, 2021, and ending June 30, 2023.

**"SECTION 21. EXEMPTION - STATE STUDENT INTERNSHIP PROGRAM.** The amount of \$250,000 appropriated in section 1, identified in section 2, and transferred in section 8 of chapter 40 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the office of management and budget for the state student internship program during the biennium beginning July 1, 2021, and ending June 30, 2023.

Page 3, after line 3, insert:

**SECTION 19. REPEAL.** Sections 54-06-25 of the North Dakota Century Code is repealed."

2. Within sixty days after the fund receives its statutory limit of oil and gas tax allocations under section 57-51.1-07.5 or by September thirtieth of each odd-numbered year, whichever is earlier, the state treasurer shall distribute moneys in the fund as grants to counties for road and bridge infrastructure projects. The state treasurer shall distribute the grants only if the fund balance is at least ten percent of the amount needed for distributions under this section.

**SECTION 18. AMENDMENT.** Subsection 2 of section 57-51.1-07.8 of the North Dakota Century Code is amended and reenacted as follows:

- e. For the purposes of determining the city's population under this subsection, the state treasurer shall use the most recent actual or estimated census data published by the United States census bureau.
- f. For the purposes of determining taxable property values, the state treasurer shall use the most recent data published by the tax commissioner in the tax levy report.



4. Consideration of the feasibility and desirability of the office of management and budget charging rent to agencies receiving funding from the general fund; and

5. The development of a space utilization plan for the capitol complex.

The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1015 - Summary of House Action**

Office of Management and Budget	Base Budget	House Changes	House Version
Total all funds	\$41,662,367	\$5,599,383	\$47,261,750
Less estimated income	8,746,515	5,506,391	14,252,906
General fund	\$32,915,852	\$92,992	\$33,008,844
FTE	112.00	0.00	112.00
State Treasurer	\$0	\$8,100,000	\$8,100,000
Total all funds	0	8,100,000	8,100,000
Less estimated income	\$0	\$0	\$0
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00
Bill total	\$41,662,367	\$13,699,383	\$55,361,750
Total all funds	8,746,515	13,606,391	22,352,906
Less estimated income	\$32,915,852	\$92,992	\$33,008,844
General fund	\$32,915,852	\$92,992	\$33,008,844
FTE	112.00	0.00	112.00

**House Bill No. 1015 - Office of Management and Budget - House Action**

Base Budget	House Changes	House Version	
Salaries and wages	\$21,903,816	\$893,187	\$22,797,003
Operating expenses	14,937,426	492,702	15,430,128
Capital assets	767,125	4,767,494	5,534,619
Grants	54,000	(54,000)	0
Emergency commission	500,000	(100,000)	400,000
contingency fund	1,950,000	(400,000)	1,550,000
Guardianship grants	1,200,000	(400,000)	800,000
Fairle public broadcasting	350,000	(100,000)	250,000
Community service	100,000	100,000	200,000
supervision grants	100,000	100,000	200,000
Student internship program	100,000	100,000	200,000
Total all funds	\$41,662,367	\$5,599,383	\$47,261,750
Less estimated income	8,746,515	5,506,391	14,252,906
General fund	\$32,915,852	\$92,992	\$33,008,844
FTE	112.00	0.00	112.00

Department 110 - Office of Management and Budget - Detail of House Changes

Adjusts Funding for Decreases	Adjusts Funding for Emergency Commission Fund <sup>6</sup>	Adjusts Funding for Operating Expenses <sup>4</sup>	Adjusts Funding for Salaries and Wages <sup>5</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adjusts Funding for Salaries and Wages <sup>5</sup>	Adjusts Funding for Operating Expenses <sup>4</sup>	Adjusts Funding for Emergency Commission Fund <sup>6</sup>	Adjusts Funding for Decreases	FTE
\$125,960		(\$157,298)	\$235,693	\$531,534	\$445,446	20,000	(\$137,495)	\$125,958	0.00
Operating expenses				86,088		(19,803)		Less estimated income	
Capital assets								General fund	
Grants								Total all funds	
Emergency commission	(\$100,000)								
contingency fund									
Guardianship grants									
Prairie public broadcasting									
Community service									
supervision grants									
Student internship program									
Total all funds		(\$157,298)	\$235,693	\$531,534	\$445,446	20,000	(\$137,495)	\$125,960	0.00
Less estimated income				86,088		(19,803)			
General fund									
FTE									0.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2021-23 biennium salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250 for both years, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

Salary increase	Health insurance increase	Total
\$440,835	4,611	\$445,446
Other Funds	734	\$86,088
Total	5,345	\$531,534

<sup>3</sup> Funding and FTE positions are added as follows:

Increases funding to reclassify a vacant position into a human resource officer position	Increases funding to reclassify vacant positions into procurement officers	Increases funding for temporary salaries related to risk management	Total
\$110,869	104,824	\$215,693	\$215,693
Other Funds	20,000		\$20,000
Total	104,824		\$235,693

<sup>4</sup> Funding is adjusted for operating expenses as follows:

	General Fund	Other Funds	Total
Decreases funding for operating expenses primarily related to IT costs	(\$701,000)	(\$20,000)	(\$721,000)
Adds funding for budget software maintenance agreements	403,000	0	403,000
Adds funding for procurement software maintenance agreements	152,000	0	152,000
Increases funding for Microsoft Office 365 licensing expenses	8,505	197	8,702
<b>Total</b>	<b>(\$137,495)</b>	<b>(\$19,803)</b>	<b>(\$157,298)</b>

<sup>5</sup> Funding is decreased for the Emergency Commission contingency fund by \$100,000, from \$500,000 to \$400,000.

<sup>6</sup> Funding for bond payments is decreased by \$2,610, from \$567,125 to \$564,515.

<sup>7</sup> Funding for grants is decreased as follows:

	Other Funds
Removes funding for boys' and girls' clubwork grants	(\$53,000)
Removes funding for Council of State Employees grants	(1,000)
Decreases funding for Prairie Public Broadcasting grants	(400,000)
Decreases funding for community service grants to provide a total of \$800,000	(100,000)
Supervision grants to provide total funding of \$250,000	
<b>Total</b>	<b>(\$554,000)</b>

<sup>8</sup> One-time funding is added as follows:

	Total
Facility consolidation study (Capitol building fund)	\$350,000
Special assessments associated with the Capitol grounds (Capitol building fund)	300,000
Extraordinary repairs (Capitol building fund)	500,000
Building automation (Capitol building fund)	518,800
Interior and exterior signage (Capitol building fund)	500,000
Procurement software IT project (strategic investment and improvements fund)	2,021,204
Budget software IT project (strategic investment and improvements fund)	1,230,100
State student internship program (general fund)	100,000
<b>Total</b>	<b>\$5,520,104</b>

This amendment also:

- Appropriates additional money in the community service supervision fund to the Office of Management and Budget (OMB) for distributions to community corrections association regions.
- Transfers \$190.2 million from the tax relief fund to the human service finance fund.
- Authorizes OMB to transfer student internship funding to other state agencies.
- Identifies one-time funding from the Capitol building fund for a facility consolidation study, special assessments, extraordinary repairs, building automation, and interior and exterior signage.
- Identifies one-time funding from the strategic investment and improvements fund for information technology projects related to procurement software and budget software.
- Identifies the funding designated for statewide memberships and dues, unemployment insurance, and the Capitol Grounds Planning Commission.
- Authorizes OMB to make payments from the risk management fund for attorney's fees incurred by a state employee resulting from a criminal investigation lacking a probable cause.
- Provides guidelines for compensation increases reflecting a 1.5 percent annual increase with a monthly minimum of \$100 and a monthly maximum of \$250.
- Removes the requirement for OMB to publish political subdivision budgets on the department's website.
- Removes the requirement to specify the amount of recycled content included in the items purchased by the state.

