

Fifty-ninth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1015

Introduced by

Appropriations Committee

(At the request of the Governor)

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 provide for  
3 various transfers and financial transactions; to provide an exemption from the provisions of  
4 section 54-44.1-11 of the North Dakota Century Code; to amend and reenact section 4-28-08,  
5 subsection 6 of section 37-17.1-06, and sections 54-23.2-01, 54-52.1-06, and 57-40.6-12 of the  
6 North Dakota Century Code, relating to the state wheat commission fund, the division of  
7 emergency management, and state radio; and to provide an appropriation to the legislative  
8 assembly.

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

10 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this  
11 section represent the base level funding component appropriated to the office of management  
12 and budget in section 3 of this Act as follows:

13 Salaries and wages	\$15,388,231
14 Operating expenses	11,328,756
15 Capital assets	733,000
16 Grants	<u>179,000</u>
17 Total all funds - Base level	\$27,628,987
18 Less estimated income - Base level	<u>7,888,476</u>
19 Total general fund - Base level	\$19,740,511

20 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The  
21 amounts identified in this section represent the funding adjustments or enhancements to the  
22 base funding level for the office of management and budget which are included in the  
23 appropriation in section 3 of this Act as follows:

24 Salaries and wages	(\$1,876,214)
25 Operating expenses	(94,850)

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1	Capital assets	111,000
2	Grants	210,000
3	Prairie public broadcasting	1,337,138
4	Statewide equity pool	<u>5,000,000</u>
5	Total all funds - Adjustments/enhancements	\$4,687,074
6	Less estimated income - Adjustments/enhancements	<u>1,985,524</u>
7	Total general fund - Adjustments/enhancements	\$2,701,550

8           **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the  
9 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
11 other income, to the office of management and budget for the purpose of defraying the  
12 expenses of that agency, for the biennium beginning July 1, 2005, and ending June 30, 2007,  
13 as follows:

14	Salaries and wages	\$13,512,017
15	Operating expenses	11,233,906
16	Capital assets	844,000
17	Grants	389,000
18	Prairie public broadcasting	1,337,138
19	Statewide equity pool	<u>5,000,000</u>
20	Total all funds	\$32,316,061
21	Less estimated income	<u>9,874,000</u>
22	Total general fund appropriation	\$22,442,061

23           **SECTION 4. CAPITOL BUILDING FUND.** The amount of \$25,000, or so much of the  
24 sum as may be necessary, included in the estimated income line item in section 3 of this Act, is  
25 to be spent by the administration division from the capitol building fund for capitol grounds  
26 planning, during the biennium beginning July 1, 2005, and ending June 30, 2007.

27           **SECTION 5. EXEMPTION.** The amount appropriated for the fiscal management  
28 division, as contained in section 1 of chapter 36 of the 2003 Session Laws is not subject to the  
29 provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available  
30 for continued development and operating costs of the accounting, management, and payroll  
31 systems, during the biennium beginning July 1, 2005, and ending June 30, 2007.

1           **SECTION 6. STATEWIDE EQUITY POOL FOR CLASSIFIED STATE EMPLOYEES.**

2     The statewide equity pool included in section 3 of this Act must be used for market equity  
3     compensation adjustments for classified state employees. The market equity adjustments are  
4     to begin with the month of July 2005, to be paid in August 2005. The market equity  
5     adjustments are to be independent of any general salary increase provided by the fifty-ninth  
6     legislative assembly.

7           The market equity increases are to be prioritized based on equity for employees whose  
8     salaries are furthest from their respective salary range midpoints effective July 1, 2005. Market  
9     equity increases may not be given to employees whose salary exceeds the midpoints of their  
10    assigned salary range effective July 1, 2005.

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

14          The human resource management services shall provide a model base plan to each  
15    agency. Agencies may adopt the model plan, adopt the model plan with exceptions, or offer an  
16    alternative plan which meets the intent outlined in this section.

17          Upon adoption of an appropriate plan and application to the human resource  
18    management services, the fiscal management division shall transfer appropriated general fund  
19    or special fund spending authority for the increases to the agencies.

20          **SECTION 7. INTENT.** Within the authority included in section 3 of this Act are the  
21    following grants and special items:

22   Boys and girls clubwork	\$53,000
23   State contingencies	500,000
24   State memberships and related expenses	477,860
25   Firefighter's association	126,000
26   Unemployment insurance	1,500,000
27   Capitol grounds planning commission	25,000
28   State consultant	120,000

29          **SECTION 8 TRANSFER.** During the biennium beginning July 1, 2005, and ending  
30    June 30, 2007, the director of the office of management and budget is authorized to transfer

1 special funds from the lands and minerals trust fund to the general fund in the amount of  
2 \$5,000,000 or such greater amount as may be available.

3 **SECTION 9 FIRE AND TORNADO FUND.** The amount of \$126,000, or so much of  
4 the amount as is necessary, included in the estimated income line item in section 3 of this Act,  
5 is from the fire and tornado fund.

6 **SECTION 10. BANK OF NORTH DAKOTA TRANSFERS TO STATE GENERAL**  
7 **FUND.** During the biennium ending June 30, 2007, the industrial commission shall transfer to  
8 the state general fund up to \$60,000,000 from the current earnings and the accumulated  
9 undivided profits of the Bank of North Dakota. The moneys shall be transferred in the amounts  
10 and at such times as requested by the director of the office of management and budget. Any  
11 transfer authorized may only be made to the extent the transfer does not reduce the Bank's  
12 capital structure below \$150,000,000.

13 **SECTION 11. AMENDMENT.** Section 4-28-08 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **4-28-08. State wheat commission fund –~~Continuing appropriation.~~** Each first  
16 purchaser shall make quarterly reports and returns to the commission, on or before the  
17 twentieth day of the month next succeeding each calendar quarterly period, commencing with  
18 the calendar quarter ending September 30, 1995. The commission shall prescribe the forms to  
19 be used. With each report and return, the first purchaser shall remit to the commission, in the  
20 form of a remittance payable to the state treasurer, the tax due. The commission shall transmit  
21 all such payments to the state treasurer to be deposited in the state treasury to the credit of a  
22 ~~special revolving fund known as the "state wheat commission fund".~~ All money in the state  
23 wheat commission fund ~~is appropriated on a continuing basis to the commission~~ may be spent  
24 pursuant to legislative appropriation for carrying out the purposes of this chapter. Expenditures  
25 from the fund may be made upon vouchers duly approved by the commission to carry out this  
26 chapter. Regular audits of the commission's accounts must be conducted in accordance with  
27 chapter 54-10.

28 **SECTION 12. AMENDMENT.** Subsection 6 of section 37-17.1-06 of the North Dakota  
29 Century Code is amended and reenacted as follows:

30 6. The division of emergency management shall:

- 1 a. Coordinate the procurement and prepositioning of supplies, materials, and  
2 equipment for disaster or emergency operations.
- 3 b. Provide guidance and standards for local disaster or emergency operational  
4 plans.
- 5 c. Periodically review local disaster or emergency operational plans.
- 6 d. Coordinate state or state and federal assistance to local emergency  
7 management organizations.
- 8 e. Establish and operate or assist local emergency management organizations  
9 to establish and operate training programs and programs for emergency  
10 public information.
- 11 f. Make surveys of industries, resources, and facilities, within the state, both  
12 public and private, as are necessary to carry out the purposes of this chapter.  
13 The use of sensitive and proprietary logistical data submitted to the state in  
14 confidence by individual industries and suppliers must be accorded full  
15 confidentiality and will be released only in aggregate form.
- 16 g. Plan and make arrangements for the availability and use of any private  
17 facilities, services, and property, and, if necessary and if in fact used,  
18 coordinate payment for that use under terms and conditions agreed upon.
- 19 h. Establish access to a register of persons with types of training and skills  
20 important in mitigation, preparedness, response, and recovery.
- 21 i. Establish access to a register of equipment and facilities available for use in a  
22 disaster or emergency.
- 23 j. Prepare, for issuance by the governor, executive orders, proclamations, and  
24 guidance as necessary or appropriate in managing a disaster or emergency.
- 25 k. Coordinate with the federal government and any public or private agency or  
26 entity in achieving any purpose of this chapter and in implementing programs  
27 for disaster mitigation, preparation, response, and recovery.
- 28 l. Be the state search and rescue coordinating agency, establish access to a  
29 register of search and rescue equipment and personnel in the state, and plan  
30 for its effective utilization in carrying out the search for and rescue of persons  
31 when no violation of criminal laws exists.

- 1           m. Operate a state radio broadcasting system as set out in chapter 54-23.2.  
2           n. Do other things necessary, incidental, or appropriate for the implementation of  
3           this chapter.

4           **SECTION 13. AMENDMENT.** Section 54-23.2-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **54-23.2-01. Definitions.** ~~Wherever~~ As used in this chapter, the word "director" is  
7 ~~hereinafter used, it shall mean~~ means the director of the ~~office of management and budget~~  
8 division of emergency management. The word "system" ~~hereinafter used shall mean~~ means  
9 the state radio broadcasting system.

10          **SECTION 14. AMENDMENT.** Section 57-40.6-12 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12          **57-40.6-12. Reports of coordination of public safety answering points coverage.**  
13 The governing body of a city or county, which adopted a fee on telephone exchange access  
14 service and wireless service under this chapter, shall make an annual report of the income,  
15 expenditures, and status of its emergency services communication system. The annual report  
16 must be submitted to the state radio division and to the public safety answering points  
17 coordinating committee. The committee is composed of three members, one appointed by the  
18 North Dakota 911 association, one appointed by the North Dakota association of counties, and  
19 one appointed by the ~~office of management and budget~~ adjutant general to represent the state  
20 radio division. The public safety answering points coordinating committee shall file its report  
21 with the legislative council by November first of each even-numbered year.

22          **SECTION 15. APPROPRIATION.** There is appropriated out of any moneys in the  
23 general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much  
24 of the sum as may be necessary, to the legislative assembly for designing and remodeling the  
25 cloak room and bill room and as part of the remodeling project make a new committee hearing  
26 room, for the biennium beginning July 1, 2005, and ending June 30, 2007.