PROPOSED AMENDMENTS TO SENATE BILL NO. 2311

That the House recede from its amendments as printed on pages 1351 and 1352 of the Senate Journal and pages 1414 and 1415 of the House Journal and that Senate Bill No. 2311 be amended as follows:

Page 1, line 2, replace "and state employee equity adjustments; and to provide for transfers" with "; to provide for budget section reports; to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to vacant state employee positions; and to limit the number of filled full-time equivalent positions"

Page 1, replace lines 22 through 24 with:

"**SECTION 2.** 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 - Emergency commission and 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 for payment of accrued annual leave and sick leave balances for eligible employees upon retirement or resignation, employee workload increases, employee reclassifications, temporary salary increases, unanticipated overtime, employee recruitment and retention bonuses, and employee performance bonuses. 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 3. 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 4. FULL-TIME EQUIVALENT POSITIONS - LIMITATION - BUDGET SECTION REPORT. Notwithstanding any other provision of law, the office of management and budget shall limit, for the biennium beginning July 1, 2009, and ending June 30, 2011, the total number of filled full-time equivalent positions for executive branch agencies, departments, and institutions, excluding institutions under the control of the state board of higher education, to 7,727 full-time equivalent positions, which is 44 full-time equivalent positions more than the 2007-09 biennium-authorized level for these entities. To limit the number of positions, the office of management and budget, with the assistance of executive branch agency heads, shall:

1. Leave vacant positions unfilled that are not critical to an agency's mission.

2. If necessary, not fill selected new positions authorized by the sixty-first legislative assembly.

Agencies, departments, and institutions that have unfilled positions as a result of the provisions of this section may not spend the funding related to these positions and the office of management and budget shall report at each budget section meeting on the number of unfilled positions and related savings resulting from provisions of this section."

Page 2, remove lines 1 through 13

Renumber accordingly