

**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 create and  
 3 enact a new subsection to section 54-44.1-18 of the North Dakota Century Code, relating to  
 4 political subdivisions submitting budget information to the state budget database website; to  
 5 amend and reenact section 15.1-27-25 of the North Dakota Century Code, relating to  
 6 distributions of royalties; to provide an exemption; to provide for various transfers; to provide  
 7 legislative intent; to provide for legislative management studies; and to ~~declare an~~  
 8 ~~emergency~~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 purpose of defraying the  
 14 expenses of that agency, for the biennium beginning July 1, 2013, and ending June 30, 2015,  
 15 as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
18 <del>Salaries and wages</del>	<del>\$18,477,763</del>	<del>\$2,426,581</del>	<del>\$20,904,344</del>
19 <del>Operating expenses</del>	<del>13,755,254</del>	<del>941,534</del>	<del>14,696,788</del>
20 <del>Emergency commission</del>	<del>700,000</del>	<del>0</del>	<del>700,000</del>
21 <del>—contingency fund</del>			
22 <del>Capital assets</del>	<del>5,190,143</del>	<del>4,605,922</del>	<del>9,796,065</del>
23 <del>Grants</del>	<del>430,000</del>	<del>0</del>	<del>430,000</del>
24 <del>Prairie public broadcasting</del>	<del>1,000,000</del>	<del>1,037,138</del>	<del>2,037,138</del>

Sixty-third  
Legislative Assembly

1	<del>State student internship program</del>	<del>200,000</del>	<del>0</del>	<del>200,000</del>
2	<del>Health insurance pool – temporary</del>	<del>0</del>	<del>2,000,000</del>	<del>2,000,000</del>
3	<del>employees</del>			
4	<del>Total all funds</del>	<del>\$39,753,160</del>	<del>\$11,011,175</del>	<del>\$50,764,335</del>
5	<del>Less estimated income</del>	<del>10,514,461</del>	<del>(925,066)</del>	<del>9,589,395</del>
6	<del>Total general fund</del>	<del>\$29,238,699</del>	<del>\$11,936,241</del>	<del>\$41,174,940</del>
7	<del>Full-time equivalent positions</del>	<del>131.50</del>	<del>0.00</del>	<del>131.50</del>
8	Salaries and wages	\$18,477,763	\$1,241,539	\$19,719,302
9	Operating expenses	13,755,254	471,534	14,226,788
10	Emergency commission	700,000	300,000	1,000,000
11	contingency fund			
12	Capital assets	5,190,143	605,922	5,796,065
13	Grants	430,000	0	430,000
14	Prairie public broadcasting	1,000,000	537,138	1,537,138
15	State student internship program	200,000	0	200,000
16	Accrued leave payments	0	570,412	570,412
17	Total all funds	\$39,753,160	\$3,726,545	\$43,479,705
18	Less estimated income	10,514,461	(1,844,863)	8,669,598
19	Total general fund	\$29,238,699	\$5,571,408	\$34,810,107
20	Full-time equivalent positions	131.50	(1.00)	130.50

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

**SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

25	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
26	Capitol envelope	\$2,800,000	\$0
27	Capitol complex parking lot repairs	800,000	0
28	North Dakota 125 <sup>th</sup> anniversary coordinator	50,000	190,000
29	Board of integrative health	4,000	0
30	State transfers	474,700,000	0
31	Capitol south entrance	0	1,000,000

Sixty-third  
Legislative Assembly

1	Exterior restoration of legislative and j-wing	0	1,500,000
2	<del>Health insurance pool</del>	<del>0</del>	<del>2,000,000</del>
3	<del>Parking lot projects</del>	<del>0</del>	<del>4,000,000</del>
4	<del>Prairie public broadcasting</del>	<del>0</del>	<del>700,000</del>
5	<u>Prairie public broadcasting</u>	<u>0</u>	<u>200,000</u>
6	Repair and cleaning capitol and j-wing	<u>0</u>	1,200,000
7	<del>Total all funds</del>	<del>\$478,354,000</del>	<del>\$10,590,000</del>
8	<del>Less estimated income</del>	<del>0</del>	<del>1,000,000</del>
9	<del>Total general fund</del>	<del>\$478,354,000</del>	<del>\$9,590,000</del>
10	<u>Total general fund</u>	<u>\$478,354,000</u>	<u>\$4,090,000</u>

11 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the  
12 2015-17 biennium. The office of management and budget shall report to the appropriations  
13 committees of the sixty-fourth legislative assembly on the use of this one-time funding for the  
14 biennium beginning July 1, 2013, and ending June 30, 2015.

15 **SECTION 3. APPROPRIATION - TRANSFER GENERAL FUND TO PROPERTY TAX**

16 **RELIEF SUSTAINABILITY FUND** ~~2011-13 BIENNIUM~~. There is appropriated out of any  
17 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of  
18 ~~\$744,767,676~~ \$373,210,000, or so much of the sum as may be necessary, which the office of  
19 management and budget shall transfer to the property tax relief sustainability fund ~~for the period~~  
20 ~~beginning with the effective date of this Act~~ during the biennium beginning July 1, 2013, and  
21 ending June 30, ~~2013~~ 2015.

22 **SECTION 4. EXEMPTION.** The amount appropriated for the fiscal management division, as

23 contained in section 1 of chapter 15 of the 2009 Session Laws is not subject to the provisions of  
24 section 54-44.1-11. Any unexpended funds from this appropriation are available for continued  
25 development and operating costs of the accounting, management, and payroll systems, during  
26 the biennium beginning July 1, 2013, and ending June 30, 2015.

27 **SECTION 5. INTENT.** Within the authority included in section 1 of this Act are the following

28 grants and special items:

29	Boys and girls clubwork	\$53,000
30	State memberships and related expenses	\$611,000

1 Unemployment insurance \$1,500,000  
2 Capitol grounds planning commission \$25,000

3 **SECTION 6. STATE STUDENT INTERNSHIP PROGRAM.** The human resources division  
4 of the office of management and budget may transfer to each eligible agency appropriated  
5 general fund spending authority from the state student internship program line item contained in  
6 section 1 of this Act.

7 ~~SECTION 7. OFFICE OF MANAGEMENT AND BUDGET - TEMPORARY EMPLOYEE~~  
8 ~~HEALTH INSURANCE POOL.~~ The office of management and budget may transfer to each  
9 eligible agency appropriation authority from the health insurance pool temporary employees  
10 line item contained in section 1 of this Act. Transfers may be made for the purpose of providing  
11 temporary employee health insurance adjustments for state employees, including institutions of  
12 higher education, determined to be full-time based on guidelines developed by the office of  
13 management and budget in accordance with the shared responsibility provisions of the  
14 Affordable Care Act for the biennium beginning July 1, 2013, and ending June 30, 2015.

15 **SECTION 7. FUNDING TRANSFERS - EXCEPTION - AUTHORIZATION.** Notwithstanding  
16 section 54-16-04, agencies may transfer appropriation authority between line items, as it relates  
17 to compensation increases authorized in section 98 of this Act, for the biennium beginning  
18 July 1, 2013, and ending June 30, 2015. However, agencies may not transfer appropriation  
19 authority from the accrued leave payments line item under authority granted in this section. The  
20 agencies shall notify the office of management and budget of any transfer made pursuant to this  
21 section.

22 ~~SECTION 9. STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES.~~ It is  
23 the intent of the sixty-third legislative assembly that 2013-15 biennium compensation  
24 adjustments for classified state employees are to be in a range of one to four percent for  
25 employees below the market policy point and in a range of three to five percent based on  
26 documented performance. Increases for classified state employees are not to be the same  
27 percentage increase for each employee. The market and performance increases are to be given  
28 beginning with the month of July 2013, to be paid in August 2013, and beginning with the month  
29 of July 2014, to be paid in August 2014.

30 ~~Probationary employees are not entitled to the market and performance increases.~~  
31 ~~However, probationary employees may be given all or a portion of the increases effective in~~

1 ~~July, paid in August, or upon completion of probation, at the discretion of the appointing-~~  
2 ~~authority.~~

3 ~~—The office of management and budget shall develop guidelines for use by state agencies for~~  
4 ~~providing compensation adjustments for regular classified employees. The guidelines must~~  
5 ~~follow section 54-44.3-01.2, compensation philosophy statement, and the compensation system~~  
6 ~~initiatives included in House Bill No. 1031, as approved by the sixty-second legislative~~  
7 ~~assembly.~~

8 ~~—Compensation adjustments for regular nonclassified state employees are to be in a range of~~  
9 ~~three to five percent based on market and documented performance and are not to be the same~~  
10 ~~percentage increase for each employee.~~

11 ~~—Employees whose overall documented performance level does not meet standards are not~~  
12 ~~eligible for any salary increase.~~

13 **SECTION 8. STATE EMPLOYEE COMPENSATION ADJUSTMENTS - LEGISLATIVE**

14 **INTENT - GUIDELINES.** It is the intent of the sixty-third legislative assembly that 2013-15  
15 biennium compensation adjustments for classified state employees are to be in a range of 2 to  
16 4 percent for each year of the biennium based on documented performance. Increases for  
17 classified state employees are not to be the same percentage increase for each employee. The  
18 performance increases are to be given beginning with the month of July 2013, to be paid in  
19 August 2013, and beginning with the month of July 2014, to be paid in August 2014. An  
20 additional compensation adjustment of up to 2 percent for the first year of the biennium may be  
21 provided for a classified state employee whose salary is in the first quartile of the employee's  
22 assigned salary range to address market equity. The market equity increases are to be given  
23 beginning with the month of July 2013, to be paid in August 2013.

24 It is the intent of the sixty-third legislative assembly that the goal of the classified state  
25 employee compensation program be a compensation ratio of 95 percent of the market policy  
26 point used by the office of management and budget for establishing the grade and salary range  
27 structure for fiscal year 2013. The office of management and budget may not adjust the market  
28 policy point based on an estimated inflationary factor during the 2013-15 biennium. The office of  
29 management and budget shall develop guidelines for use by state agencies for providing  
30 compensation adjustments for regular classified employees in accordance with provisions of  
31 this section and section 54-44.3-01.2.

1 Compensation adjustments for regular nonclassified state employees are to be in a range of  
2 2 to 4 percent for each year of the biennium based on market and documented performance  
3 and are not to be the same percentage increase for each employee. The market and  
4 performance increases are to be given beginning with the month of July 2013, to be paid in  
5 August 2013, and beginning with the month of July 2014, to be paid in August 2014.

6 It is the intent of the legislative assembly that retirement contribution percentages provided  
7 by the state and the employee to the public employees retirement system not be changed  
8 during the 2013-15 biennium from the percentages in effect at the end of the 2011-13 biennium.

9 Probationary employees are not entitled to the market and performance increases.  
10 However, probationary employees may be given all or a portion of the increases upon  
11 completion of probation, at the discretion of the appointing authority. Employees whose overall  
12 documented performance level does not meet standards are not eligible for any salary increase.

13 **SECTION 9. ACCRUED LEAVE PAYMENTS LINE ITEM - LINE ITEM TRANSFERS -**  
14 **EMERGENCY COMMISSION APPROVAL.** The accrued leave payments line item included in  
15 agency appropriation bills, as approved by the sixty-third legislative assembly, includes funding  
16 for paying accrued annual leave and sick leave for eligible employees resigning, retiring, or  
17 otherwise discontinuing employment with the agency. The emergency commission may approve  
18 agency requests for line item transfers from the accrued leave payments line item to the  
19 salaries and wages line item or other line item that includes salaries and wages funding subject  
20 to the agency providing documentation justifying the need for the funding transfer for the  
21 biennium beginning July 1, 2013, and ending June 30, 2015.

22 **SECTION 10. AMENDMENT.** Section 15.1-27-25 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **15.1-27-25. Royalties available under federal law - Distribution to counties and school**  
25 **districts - Continuing appropriation.**

- 26 1. Any money paid to the state by the secretary of the treasury of the United States  
27 under the provisions of an Act of Congress entitled "An Act to promote the mining of  
28 coal, phosphate, oil, oil shale, gas, and sodium on the public domain" [Pub. L. 66-146;  
29 41 Stat. 437; 30 U.S.C. 181 et seq.] must be credited to the state general fund and the  
30 federal mineral royalties distribution fund and must be distributed only pursuant to the  
31 terms of this section.

- 1       2.    Within three months following the calendar quarters ending in March, June,  
2           September, and December, the state auditor shall certify to the state treasurer the  
3           amount of money the state received during the preceding calendar quarter for royalties  
4           under the Act of Congress cited in subsection 1.
- 5       3.    The state treasurer shall allocate the percentage of the total moneys received as  
6           required by this section among the counties in which the minerals were produced  
7           based on the proportion each county's mineral royalty revenue bears to the total  
8           mineral royalty revenue received by the state for that calendar quarter. The state  
9           treasurer shall pay the amount calculated to each county.
- 10      4.    The counties may use any money received under this section only for the planning,  
11           construction, and maintenance of public facilities and the provision of public services.  
12           As used in this section, public facilities include any facility used primarily for public use  
13           as determined by the board of county commissioners whether located on public or  
14           private property.
- 15      5.    The percentage of money received by the state under the Act of Congress cited in  
16           subsection 1 which must be allocated and paid to the counties under this section is ~~ten~~  
17           percent for collections in 2000, ~~twenty percent for collections in 2001, thirty percent for~~  
18           ~~collections in 2002, forty percent for collections in 2003, and fifty percent for~~  
19           ~~collections in 2004 and thereafter.~~
- 20      6.    Any remaining money received by the state under the Act of Congress cited in  
21           subsection 1 must be distributed to school districts as provided for in this chapter. Any  
22           moneys distributed under this subsection are deemed the first moneys withdrawn or  
23           expended from the general fund for the purpose of state aid to school districts.
- 24      7.    A reserve for distributions to counties pursuant to this section is created as a special  
25           fund in the state treasury known as the federal mineral royalties distribution fund. The  
26           state treasurer shall deposit in the fund fifty percent of amounts received pursuant to  
27           this section.
- 28      8.    The funds needed to make the distribution to counties, as provided for in this section,  
29           are hereby appropriated on a continuing basis.

30    ~~SECTION 11. EMERGENCY. Section 3 of this Act is declared to be an emergency~~  
31    ~~measure.~~

1        **SECTION 11.** A new subsection to section 54-44.1-18 of the North Dakota Century Code is  
2 created and enacted as follows:

3        The governing body of each political subdivision may submit the annual budget  
4        adopted by the governing body to the director of the budget for inclusion in the state  
5        budget database website. The director of the budget shall include in the budget  
6        database website any information submitted by any participating governing body of a  
7        political subdivision. The official who submits the annual budget to the director of the  
8        budget may not submit any information that is confidential under state or federal law.  
9        In lieu of submitting the annual budget adopted by the governing body to the director,  
10       any participating governing body may provide to the director a publicly accessible  
11       internet link on which the annual budget adopted by the participating governing body is  
12       available.

13        **SECTION 12. LEGISLATIVE MANAGEMENT STUDY - STATE AGENCY FACILITY**

14        **NEEDS.** During the 2013-14 interim, the legislative management shall study the facility needs of  
15 state agencies located in the Bismarck area, including an evaluation of current and projected  
16 facility needs of state agencies, facilities on the capitol grounds currently being used by state  
17 agencies, and facilities owned or leased by state agencies that are not located on the capitol  
18 grounds. As part of the study, the legislative management shall determine if additional facilities  
19 are needed for the operations of state agencies. If it is determined that additional space is  
20 needed, the legislative management shall review the most economical options for increasing  
21 the amount of facilities space available, including options for renovating or expanding existing  
22 buildings on the capitol grounds, options for constructing new buildings on the capitol grounds,  
23 and options for building or leasing facilities that are not located on the capitol grounds. The  
24 legislative management shall report its findings and recommendations, together with any  
25 legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

26        **SECTION 13. LEGISLATIVE MANAGEMENT STUDY - SALARIES AND WAGES**

27        **APPROPRIATIONS - CLASSIFICATION SYSTEM.** The legislative management shall consider  
28 studying, during the 2013-14 interim, the process of appropriating funds for salaries and wages  
29 and the state's classification system. The study, if conducted, must consider the feasibility and  
30 desirability of appropriating a lump sum amount to each agency for salaries and wages, without  
31 identifying specific purposes for the funding and allowing the agency head the flexibility to use

1 the funding as necessary to accomplish the duties and responsibilities of the agency. The study  
2 must also include the effect of this change on the state's classification and benefits system and  
3 on the process of reporting by the agency on its use of the funds to the legislative assembly.  
4 The legislative management shall report its findings and recommendations, together with any  
5 legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

6 **SECTION 14. LEGISLATIVE MANAGEMENT STUDY - STATE EMPLOYEE HEALTH**

7 **INSURANCE PREMIUMS.** The legislative management shall consider studying, during the  
8 2013-14 interim, the feasibility and desirability of establishing a maximum state contribution to  
9 the cost of state employee health insurance premiums. The legislative management shall report  
10 its findings and recommendations, together with any legislation required to implement the  
11 recommendations, to the sixty-fourth legislative assembly.

12 **SECTION 15. EFFECTIVE DATE.** Section 11 of this Act becomes effective on

13 January 1, 2014.