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Title.
Fiscal No. 5

Prepared by the Legislative Council
staff for Senator Wanzek

April 15, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1015

Introduced by

Appropriations Committee

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 section to chapter 54-44 of the North Dakota Century Code, relating to a state
4 facility maintenance fund; to amend and reenact section 57-51.1-07.5 of the North Dakota
5 Century Code, relating to the state share of oil and gas tax revenue allocations; to repeal
6 section 11-38-08 of the North Dakota Century Code, relating to county achievement days; to
7 provide for a transfer; to authorize a line of credit; to provide an exemption; to provide for a
8 report; and to declare an emergency.

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 other funds derived from special funds and
13 federal funds, to the office of management and budget for the purpose of defraying the
14 expenses of the office of management and budget, for the biennium beginning July 1, 2025,
15 and ending June 30, 2027, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
18 Salaries and wages	\$23,510,218	\$2,774,739	\$26,284,957
19 <u>Salaries and wages</u>	<u>\$23,510,218</u>	<u>\$2,884,853</u>	<u>\$26,395,071</u>
20 New and vacant FTE pool	98,200,000	(96,997,038)	1,202,962

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1	Operating expenses	18,217,793	6,874,081	25,091,874
2	Capital assets	308,355	5,808,649	6,117,004
3	Emergency commission contingency fund	750,000	(750,000)	0
4	Guardianship grants	7,100,000	0	7,100,000
5	Prairie public broadcasting	1,200,000	(1,200,000)	0
6	<u>Prairie public broadcasting</u>	<u>1,200,000</u>	<u>(350,000)</u>	<u>850,000</u>
7	Community service supervision grants	350,000	(35,000)	315,000
8	State employee child care benefits	3,000,000	(1,635,000)	1,365,000
9	Student internship program	0	500,000	500,000
10	Deferred maintenance funding pool	0	40,000,000	40,000,000
11	Rent, moving, and space reconfiguration pool	0	2,000,000	2,000,000
12	Total all funds	\$152,636,366	(\$42,659,569)	\$109,976,797
13	Less other funds	71,757,126	(6,630,280)	65,126,846
14	Total general fund	\$80,879,240	(\$36,029,289)	\$44,849,951
15	<u>State facility maintenance fund</u>	<u>0</u>	<u>40,000,000</u>	<u>40,000,000</u>
16	<u>Rent, moving, and space reconfiguration pool</u>	<u>0</u>	<u>6,000,000</u>	<u>6,000,000</u>
17	<u>Retirement incentive pool</u>	<u>0</u>	<u>1,000,000</u>	<u>1,000,000</u>
18	<u>State Hospital project</u>	<u>0</u>	<u>285,000,000</u>	<u>285,000,000</u>
19	<u>Life education committee</u>	<u>0</u>	<u>1,500,000</u>	<u>1,500,000</u>
20	<u>Total all funds</u>	<u>\$152,636,366</u>	<u>\$249,800,545</u>	<u>\$402,436,911</u>
21	<u>Less other funds</u>	<u>71,757,126</u>	<u>283,110,834</u>	<u>354,867,960</u>
22	<u>Total general fund</u>	<u>\$80,879,240</u>	<u>(\$33,310,289)</u>	<u>\$47,568,951</u>
23	Full-time equivalent positions	110.00	1.00	111.00

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

25 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
 26 items included in the appropriation in section 1 of this Act which are not included in the entity's
 27 base budget for the 2027-29 biennium and which the entity shall report to the appropriations
 28 committees of the seventieth legislative assembly regarding the use of this funding:

29	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
30	Procurement automation	\$0	\$515,052	\$515,052
31	Recruiting management system	250,000	0	250,000

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1	Student internship program	500,000	0	500,000
2	Employee leave payouts	99,305	50,695	150,000
3	Snow removal equipment	0	172,000	172,000
4	Floor scrubber	0	20,000	20,000
5	Capitol building improvements	0	3,000,000	3,000,000
6	Governor's residence projects	0	2,350,000	2,350,000
7	Deferred maintenance pool	0	40,000,000	40,000,000
8	Rent, moving and space reconfiguration pool	0	2,000,000	2,000,000
9	Total	\$849,305	\$48,107,747	\$48,957,052
10	State facility maintenance fund	0	40,000,000	40,000,000
11	Rent, moving, and space reconfiguration pool	0	6,000,000	6,000,000
12	Retirement incentive pool	1,000,000	0	1,000,000
13	Life education committee	1,500,000	0	1,500,000
14	State hospital project	0	285,000,000	285,000,000
15	Prairie public broadcasting infrastructure	0	850,000	850,000
16	Total	\$3,349,305	\$337,957,747	\$341,307,052

17 **SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The
18 office of management and budget may not spend funds appropriated in the new and vacant
19 FTE pool line item in section 1 of this Act, but may transfer funds from the new and vacant
20 FTE pool line item to the salaries and wages line item in accordance with the provisions of this
21 Act.

22 **SECTION 4. APPROPRIATION - NEW AND VACANT FTE FUNDING POOL - 2023-25**
23 **BIENNIUM.** There is appropriated out of any moneys in the general fund in the state treasury,
24 not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be
25 necessary, to the office of management and budget for the 2023-25 biennium new and vacant
26 FTE funding pool, for the period beginning with the effective date of this section and ending
27 June 30, 2025. Notwithstanding any other provision of law, the office of management and
28 budget may transfer the funds under this section to other state agencies in accordance with the
29 guidelines established in section 16 of chapter 640 of the 2023 Special Session Session Laws.

30 **SECTION 5. APPROPRIATION - UNIFORM LAWS COMMISSION - 2023-25 BIENNIUM.**
31 There is appropriated out of any moneys in the general fund in the state treasury, not otherwise

1 appropriated, the sum of \$45,000, or so much of the sum as may be necessary, to the office of
2 management and budget for the purpose of uniform laws commission expenses, for the period
3 beginning with the effective date of this section and ending June 30, 2025.

4 **SECTION 6. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND -**
5 **STATE FACILITY MAINTENANCE FUND.** The office of management and budget shall transfer
6 the sum of \$40,000,000 from the strategic investment and improvements fund to the state
7 facility maintenance fund during the biennium beginning July 1, 2025, and ending June 30,
8 2027.

9 **SECTION 7. APPROPRIATION - COMMUNITY SERVICES SUPERVISION FUND.** Any
10 moneys in the community service supervision fund under section 29-26-22 are appropriated to
11 the office of management and budget for distribution to community corrections association
12 regions on or before August first of each year for the biennium beginning July 1, 2025, and
13 ending June 30, 2027.

14 **SECTION 8. TRANSFER - SOCIAL SERVICES FUND TO HUMAN SERVICE FINANCE**
15 **FUND.** The office of management and budget shall transfer the sum of
16 ~~\$250,000,000~~\$240,000,000 from the social services fund to the human service finance fund
17 during the biennium beginning July 1, 2025, and ending June 30, 2027.

18 **SECTION 9. TRANSFER AUTHORITY - STUDENT INTERNSHIP PROGRAM -**
19 ~~DEFERRED MAINTENANCE FUNDING POOL~~STATE FACILITY MAINTENANCE FUND -
20 **RENT, MOVING, AND SPACE RECONFIGURATION POOL.** The office of management and
21 budget may transfer appropriation authority to eligible state agencies during the biennium
22 beginning July 1, 2025, and ending June 30, 2027, from the line items in section 1 of this Act as
23 follows:

- 24 1. From the student internship line item for student internships.
- 25 2. From the ~~deferred maintenance pool~~state facility maintenance fund line item for
26 ~~deferred~~ maintenance projects at state-owned facilities.
- 27 3. From the rent, moving, and space reconfiguration pool line item for agency lease,
28 relocation, and remodeling costs.

29 **SECTION 10. TRANSFER - FEDERAL STATE FISCAL RECOVERY FUND**
30 **APPROPRIATION AUTHORITY TO DEPARTMENT OF CORRECTIONS AND**
31 **REHABILITATION - EXEMPTION - SPENDING RESTRICTION - REPORT.**

- 1 1. Notwithstanding any other provision of law, on or before June 30, 2025, the office of
2 management and budget shall transfer any federal state fiscal recovery fund
3 appropriation authority amounts previously obligated but not anticipated to be
4 expended from the state agency that received the appropriation authority to the
5 department of corrections and rehabilitation for the purpose of defraying the expenses
6 of salaries and wages of the department of corrections and rehabilitation for the
7 biennium beginning July 1, 2023, and ending June 30, 2025.
- 8 2. Notwithstanding any other provision of law, on or before December 31, 2026, the office
9 of management and budget shall transfer any federal state fiscal recovery fund
10 appropriation authority amounts previously obligated but not anticipated to be
11 expended from the state agency that received the appropriation authority to the
12 department of corrections and rehabilitation for the purpose of defraying the expenses
13 of salaries and wages of the department of corrections and rehabilitation for the
14 biennium beginning July 1, 2025 and ending June 30, 2027.
- 15 3. The office of management and budget shall transfer any uncommitted accumulated
16 interest and earnings of the federal state fiscal recovery fund to the department of
17 corrections and rehabilitation during the biennium beginning July 1, 2025, and ending
18 June 30, 2027. Any interest and earnings received by the department of corrections
19 and rehabilitation under this section are appropriated to the department for the
20 purpose of defraying the expenses of salaries and wages for the biennium beginning
21 July 1, 2025, and ending June 30, 2027.
- 22 4. The department of corrections and rehabilitation may not spend general fund
23 appropriations equal to the amount of any federal state fiscal recovery fund moneys
24 transferred to the department under this section.
- 25 5. The office of management and budget shall report to the budget section regarding any
26 appropriation authority and interest and earnings transferred under this section.

27 **SECTION 11. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS**

28 **FUND.** The other funds line item in section 1 of this Act includes the sum of
29 ~~\$42,707,052~~ \$207,557,052 from the strategic investment and improvements fund for the
30 following projects:

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1	Procurement automation	\$515,052
2	Snow removal equipment	172,000
3	Floor scrubber	20,000
4	Deferred maintenance pool	40,000,000
5	Rent, moving, and space reconfiguration pool	2,000,000
6	Total	\$42,707,052
7	<u>Rent, moving, and space reconfiguration pool</u>	<u>6,000,000</u>
8	<u>State hospital project</u>	<u>200,000,000</u>
9	<u>Prairie public broadcasting infrastructure</u>	<u>850,000</u>
10	<u>Total</u>	<u>\$207,557,052</u>

11 **SECTION 12. OTHER FUNDS - CAPITOL BUILDING FUND.** The other funds line item in
12 section 1 of this Act includes the sum of \$5,850,000 from the capitol building fund for the
13 following purposes and projects:

14	Ongoing Capitol <u>capitol</u> grounds repairs	\$500,000
15	Governor's residence projects	2,350,000
16	Capitol building improvements	<u>3,000,000</u>
17	Total	\$5,850,000

18 **SECTION 13. OTHER FUNDS - STATE HOSPITAL PROJECT - BANK OF NORTH**
19 **DAKOTA LINE OF CREDIT - PROJECT OVERSIGHT.**

- 20 1. The other funds line item in section 1 of this Act includes \$85,000,000 from a Bank of
21 North Dakota line of credit. The office of management and budget may borrow up to
22 \$85,000,000 through a line of credit from the Bank of North Dakota during the
23 biennium beginning July 1, 2025, and ending June 30, 2027, for costs associated with
24 the construction of a new state hospital. The interest rate on the line of credit may not
25 exceed the prevailing interest rate charged to North Dakota governmental entities. If
26 the office of management and budget accesses the line of credit, it shall request a
27 deficiency appropriation from the seventieth legislative assembly to repay the line of
28 credit.
- 29 2. The office of management and budget shall have managerial control of the new state
30 hospital project and any construction management consultants utilized for the project
31 must report directly to the office of management and budget.

SECTION 14. LIFE EDUCATION COMMITTEE - LIFE EDUCATION CAMPAIGN.

1. The life education committee is created and comprised of the following members:
 - a. Three individuals appointed by the governor;
 - b. Two members of the house of representatives selected by the majority leader of the house of representatives; and
 - c. Two members of the senate selected by the majority leader of the senate.
2. During the 2025-27 biennium, the life education committee shall:
 - a. Oversee the statewide life education campaign established in this section;
 - b. Oversee the instructional course established under section 43-17-27.1 pursuant to House Bill No. 1511 as enacted by the sixty-ninth legislative assembly.
3. The governor may designate the office of management and budget responsibility to provide support to the life education committee pursuant to section 54-07-01.4.
4. The sum of \$1,500,000 from the general fund included in section 1 of this Act must be used to develop a contract through the office of management and budget, in consultation with the attorney general, for the coordination of a statewide life education campaign.
5. The contractor selected to conduct the statewide life education campaign must be a resident North Dakota contractor, as defined under section 44-08-02. The contractor shall report to the life education committee, as determined by the committee.
6. The state life education campaign must include:
 - a. Education on state abortion laws and policy;
 - b. Education on state laws and policies supporting life and family values;
 - c. Programs available for a pregnant mother, including assistance, housing, and adoption services;
 - d. Resources for children and families; and
 - e. Other information as determined by the life education committee.

SECTION 15. GRANTS AND SPECIAL ITEMS. Section 1 of this Act includes appropriation

authority which may be used only for the following grants and special items:

Unemployment insurance	\$1,500,000
Capitol grounds planning commission	\$25,000
Statewide memberships and related expenses	\$757,489

1 **SECTION 16. STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES.**

- 2 1. The 2025-27 biennium compensation adjustments for permanent state employees are
3 to average 3 percent per eligible employee for the first fiscal year of the biennium and
4 are to average 3 percent per eligible employee for the second year of the biennium.
5 The increases for the first year of the biennium are to be given beginning with the
6 month of July 2025, to be paid in August 2025, and for the second year of the
7 biennium are to be given beginning with the month of July 2026, to be paid in
8 August 2026. Increases for eligible state employees are to be based on documented
9 performance and are not to be the same percentage increase for each employee.
- 10 2. The office of management and budget shall develop guidelines for use by state
11 agencies for providing compensation adjustments for classified state employees. The
12 guidelines must follow the compensation philosophy statement under section
13 54-44.3-01.2.
- 14 3. Probationary employees are not entitled to the increases. However, at the discretion of
15 the appointing authority, probationary employees may be given all or a portion of the
16 increases effective in July, paid in August, or upon completion of probation. Employees
17 whose overall documented performance level does not meet standards are not eligible
18 for any salary increase.

19 **SECTION 17. NEW AND VACANT FTE POOL - GUIDELINES - EXEMPTION -**
20 **TRANSFERS - REPORTS - APPLICATION.**

- 21 1. Notwithstanding section 54-16-04, the office of management and budget shall transfer
22 funds from an executive branch state agency's new and vacant FTE pool line item to
23 the agency's salaries and wages line item or other line items with salaries and wages
24 funding as requested by the agency in accordance with provisions of this section.
- 25 2. An executive branch state agency may request a transfer to provide funding for the
26 salaries and wages necessary for the remainder of the 2025-27 biennium for a new
27 full-time equivalent position authorized by the sixty-ninth legislative assembly from the
28 date of hiring through the end of the biennium, limited to the amount identified for the
29 position in the statement of purpose of amendment.
- 30 3. After July 31, 2026, an executive branch state agency may request a transfer if the
31 agency projects actual salaries and wages expenditures will exceed the agency's

- 1 available salaries and wages funding for the biennium. The transfer amount may not
2 exceed the amount by which the agency's actual salaries and wages savings from
3 vacant positions and employee turnover to date and estimates for the remainder of the
4 biennium adjusted for other identified uses of any savings are less than the vacant
5 position savings estimate used by the sixty-ninth legislative assembly in development
6 of the agency's appropriation. The agency shall provide documentation supporting the
7 need for the transfer to the office of management and budget and legislative council in
8 advance of the transfer request.
- 9 4. Each executive branch state agency with a new and vacant FTE pool line item shall
10 report to the office of management and budget and the legislative council on a
11 quarterly basis regarding any transfer of appropriation authority for filling a new
12 full-time equivalent position. The report must include the funding transferred, the title
13 of the position filled, the salary funding removed by the sixty-ninth legislative assembly
14 for the position by funding source as identified in the statement of purpose of
15 amendment, and the date the position was filled.
- 16 5. Each executive branch state agency with a new and vacant FTE pool line item shall
17 report quarterly to the office of management and budget and the legislative council on
18 the number of full-time equivalent positions that become vacant and the number of
19 positions filled each month, the number of vacant positions at the end of each month,
20 salaries and wages savings by funding source for each month resulting from vacant
21 positions and employee turnover, and the use of salaries and wages savings by
22 funding source for other purposes, including accrued leave payouts, salary increases
23 in addition to general salary increases provided by the sixty-ninth legislative assembly,
24 bonuses, incentive or location pay adjustments, reclassifications, temporary salaries or
25 overtime in excess of amounts provided by the sixty-ninth legislative assembly, or
26 other items.
- 27 6. The office of management and budget shall report to each meeting of the budget
28 section regarding the status of funding in each executive branch state agency's new
29 and vacant FTE pool line item; vacant positions, employee turnover, and savings from
30 vacant positions and employee turnover by agency; and uses of savings from vacant
31 positions and employee turnover for other purposes by agency.

7. The provisions of section 54-27-10 do not apply to the salaries and wages line item of appropriations approved by the sixty-ninth legislative assembly for the biennium beginning July 1, 2025, and ending June 30, 2027.

8. An executive branch state agency may request a deficiency appropriation from the seventieth legislative assembly if the funding in the agency's new and vacant FTE pool line item is insufficient to provide the necessary salaries and wages funding for the biennium.

SECTION 18. A new section to chapter 54-44 of the North Dakota Century Code is created and enacted as follows:

State facility maintenance fund.

There is created in the state treasury the state facility maintenance fund. The fund consists of moneys allocated to the fund from legislative transfers. Subject to legislative appropriation, moneys in the fund may be used for maintenance needs at state-owned facilities, excluding facilities under the control of the state board of higher education.

SECTION 19. AMENDMENT. Section 57-51.1-07.5 of the North Dakota Century Code is amended and reenacted as follows:

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

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:

1. The first two hundred thirty million dollars into the state general fund;
2. The next two hundred fifty million dollars into the social service 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 thirty million dollars into the state general fund;
5. The next ten million dollars into the lignite research fund;
6. The next twenty 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 twenty million dollars;

- 1 7. The next ~~four hundred million~~two hundred seventy million dollars into the strategic
- 2 investment and improvements fund;
- 3 8. The next sixty-five million dollars to the public employees retirement fund for the main
- 4 system plan;
- 5 9. The next fifty-nine million seven hundred fifty thousand dollars, or the amount
- 6 necessary to provide for twice the amount of the distributions under subsection 2 of
- 7 section 57-51.1-07.7, into the funds designated for infrastructure development in
- 8 non-oil-producing counties under sections 57-51.1-07.7 and 57-51.1-07.8 with fifty
- 9 percent deposited into the municipal infrastructure fund and fifty percent deposited into
- 10 the county and township infrastructure fund;
- 11 10. The next ~~one hundred seventy million two hundred fifty thousand~~two hundred twenty
- 12 million two hundred fifty thousand dollars or the amount necessary to provide a total of
- 13 ~~two hundred thirty million~~two hundred eighty million dollars into the funds designated
- 14 for infrastructure development in non-oil-producing counties under sections
- 15 57-51.1-07.7 and 57-51.1-07.8 with fifty percent deposited into the municipal
- 16 infrastructure fund and fifty percent deposited into the county and township
- 17 infrastructure fund;
- 18 11. The next twenty million dollars into the airport infrastructure fund; and
- 19 12. Any additional revenues into the strategic investment and improvements fund.

20 **SECTION 20. REPEAL.** Section 11-38-08 of the North Dakota Century Code is repealed.

21 **SECTION 21. EXEMPTION - FISCAL MANAGEMENT.** The amount appropriated for the

22 fiscal management division, as contained in section 1 of chapter 640 of the 2023 Special

23 Session Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended

24 funds from this appropriation are available for continued development and operating costs of

25 the statewide systems, including accounting, management, and payroll, during the biennium

26 beginning July 1, 2025, and ending June 30, 2027.

27 **SECTION 22. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following

28 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into

29 the biennium beginning July 1, 2025, and ending June 30, 2027:

- 30 1. The sum of \$500,000 appropriated from the strategic investment and improvements
- 31 fund in section 1 and identified in section 2 of chapter 40 of the 2019 Session Laws

1 and continued into the 2021-23 biennium pursuant to chapter 42 of the 2021 Session
2 Laws and continued into the 2023-25 biennium pursuant to chapter 640 of the 2023
3 Special Session Laws for an assessment of state facilities.

4 2. The sum of \$3,659,555 appropriated from federal funds in section 1 and identified in
5 section 2 of chapter 640 of the 2023 Special Session Laws for governor's emergency
6 education relief program.

7 3. The sum of \$4,000,000 from the capitol building fund in section 1 and identified in
8 section 2 of chapter 640 of the 2023 Special Session Laws for the window
9 replacement project.

10 4. The sum of \$2,500,000 appropriated from the general fund in section 1 and identified
11 in section 2 of chapter 640 of the 2023 Special Session Laws for space utilization
12 improvements.

13 5. The sum of \$20,000,000 appropriated from the strategic investment and
14 improvements fund in section 1 and identified in section 2 of chapter 640 of the 2023
15 Special Session Laws for the boiler replacement project and water mitigation at the
16 liberty memorial building.

17 6. The sum of \$400,000 appropriated from the general fund in section 1 and identified in
18 section 2 of chapter 640 of the 2023 Special Session Laws for the procurement
19 automation project.

20 **SECTION 23. EMERGENCY.** ~~Section 7~~ The capital assets, state facility maintenance fund,
21 and rent, moving, and space reconfiguration pool line items in section 1 of this Act and
22 sections 4, 5 and 10 of this Act ~~is~~ are declared to be an emergency measure.