Prepared by the North Dakota Legislative Council staff for the Budget Section
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AUTHORIZED NUMBER OF FULL-TIME EQUIVALENT POSITIONS - CONSIDERATION OF INCLUSION IN APPROPRIATION BILLS

PROPOSED CHANGE - BUDGET AND FINANCE COMMITTEE RECOMMENDATION

The Budget and Finance Committee at its September 23, 2008, meeting made the following recommendation for consideration by the Budget Section regarding the appropriation bill format for the 2009 legislative session:

- Identify the number of authorized full-time equivalent (FTE) positions for each agency in appropriation bills.
- Use a three-column format, identifying base level funding, adjustments or enhancements, and the appropriation for each agency within one section of the agency's primary appropriation bill.

Attached as Appendix A are sample appropriation bills with FTE positions using the recommended three-column appropriation bill format.

Attached as Appendix B are sample appropriation bills with FTE positions using the current appropriation bill format.

CURRENT PROCESS

The current process of authorizing the number of FTE positions for each agency includes:

1. The number of authorized FTE positions for each agency is included in supporting documentation submitted to the Legislative Assembly as part of the executive budget recommendation.
2. The number of authorized FTE positions recommended in the executive budget and any legislative changes to the number of FTE positions are identified in statements of purpose of amendments to appropriation bills and included in postsession Legislative Council reports.
3. New FTE positions are, at times, identified in other appropriation bills affecting a state agency or in fiscal notes to bills affecting an agency's budget.
4. The Emergency Commission may authorize additional FTE positions for agencies during the interim for the remainder of the current biennium based on agency requests.

ITEMS TO CONSIDER

If the number of authorized FTE positions for each agency is identified in appropriation bills, it is anticipated that:

1. The agency's primary appropriation bill will include only those FTE positions associated with the funding in that bill. Additional FTE positions for the agency may be authorized in other appropriation bills.
2. The Legislative Assembly will specifically take action amending the appropriation bill to change the number of FTE positions similar to the action taken to change funding levels of an agency.
3. Full-time equivalent positions identified in fiscal notes would not be authorized unless also specifically identified in an appropriation bill.

EMERGENCY COMMISSION ROLE

Currently, based on agency requests, the Emergency Commission may authorize additional FTE positions during the interim, generally as part of the approval of additional appropriation authority for the agency under North Dakota Century Code Chapter 54-16. These positions are authorized only for the current biennium and, if the agency wishes to continue the position, the position must be requested by the agency as a new FTE position from the next Legislative Assembly. If the Legislative Assembly includes the number of authorized FTE positions for an agency in the appropriation bill, to continue the current Emergency Commission process, the Emergency Commission would need specific authority to approve additional FTE positions for state agencies.

ATTACH:2