

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 provide statements of legislative intent  
 5 relating to state employee compensation adjustments; to authorize the transfer of special funds  
 6 to the general fund; to provide for transfers from the Bank of North Dakota to the state general  
 7 fund; to create and enact a new section to chapter 54-23.2 of the North Dakota Century Code,  
 8 relating to mobile data terminal and 911 service fees; to amend and reenact section 54-27.2-02  
 9 of the North Dakota Century Code, relating to the budget stabilization fund; and to provide an  
 10 effective date.

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

12 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
 13 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in  
 14 the state treasury, not otherwise appropriated, and from special funds derived from federal  
 15 funds and other income, to the various divisions under the supervision of the director of the  
 16 office of management and budget for the purpose of defraying their expenses, for the biennium  
 17 beginning July 1, 1999, and ending June 30, 2001, as follows:

18 Subdivision 1.

19 OFFICE OF MANAGEMENT AND BUDGET

20 Administration	\$3,086,844
21 Fiscal management	3,998,308
22 Facility management	8,203,213
23 Central personnel	1,226,846
24 Intergovernmental assistance	42,055,293

Fifty-sixth  
Legislative Assembly

1	Risk management	964,173
2	Statewide compensation plan	<u>5,400,000</u>
3	Total all funds	\$64,934,677
4	Less estimated income	<u>46,105,926</u>
5	Total general fund appropriation	\$18,828,751

6 Subdivision 2.

7 INFORMATION SERVICES DIVISION

8	Information resource management	<u>\$46,282,960</u>
9	Total all funds	\$46,282,960
10	Less estimated income	<u>46,082,960</u>
11	Total general fund appropriation	\$200,000

12 Subdivision 3.

13 CENTRAL SERVICES

14	Central services	<u>\$5,472,106</u>
15	Total all funds	\$5,472,106
16	Less estimated income	<u>4,787,636</u>
17	Total general fund appropriation	\$684,470

18 Subdivision 4.

19 STATE RADIO COMMUNICATIONS

20	Salaries and wages	\$2,490,772
21	Operating expenses	1,745,580
22	Equipment	<u>160,000</u>
23	Total all funds	\$4,396,352
24	Less estimated income	<u>514,990</u>
25	Total general fund appropriation	\$3,881,362

26 Grand total general fund appropriation S.B. 2015 \$23,594,583

27 Grand total special funds appropriation S.B. 2015 \$97,491,512

28 Grand total all funds appropriation S.B. 2015 \$121,086,095

29 **SECTION 2. ADDITIONAL INCOME - EMERGENCY COMMISSION**

30 **AUTHORIZATION - BUDGET SECTION APPROVAL.** All income in excess of estimated

31 income in the budget appropriated by the legislative assembly to the office of management and

1 budget for the biennium beginning July 1, 1999, and ending June 30, 2001, must be deposited  
2 in the appropriate operating funds in the state treasury and may only be expended with the  
3 authorization of the emergency commission. Income exceeding \$50,000 must be approved by  
4 the budget section.

5 **SECTION 3. LINE ITEM TRANSFERS - EMERGENCY COMMISSION AND BUDGET**

6 **SECTION APPROVAL.** Upon approval of the emergency commission, the director of the office  
7 of management and budget may transfer between various line items in subdivisions 1, 2, and 3  
8 of section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust  
9 for changing circumstances in meeting established performance measures. Any further  
10 transfers must be approved by the budget section.

11 **SECTION 4. CAPITOL BUILDING FUND.** The amount of \$225,000, or so much of the  
12 sum as is necessary, included in the estimated income line item in subdivision 1 of section 1 of  
13 this Act, is to be spent by the facility management division from the capitol building fund during  
14 the biennium beginning July 1, 1999, and ending June 30, 2001. The amount of \$25,000, or so  
15 much of the sum as is necessary, included in the estimated income line item in subdivision 1 of  
16 section 1 of this Act, is to be spent by the administration division from the capitol building fund  
17 for capitol grounds planning during the biennium beginning July 1, 1999, and ending June 30,  
18 2001.

19 **SECTION 5. EXEMPTION.** The fiscal management appropriation contained in  
20 subdivision 1 of section 1 of chapter 15 of the 1997 Session Laws is not subject to the  
21 provisions of section 54-44.1-11 for up to an amount of \$1,000,000 and any unexpended funds  
22 from this appropriation are available for continued development and operating costs of the  
23 accounting, management, and payroll systems during the biennium beginning July 1, 1999, and  
24 ending June 30, 2001.

25 **SECTION 6. SPECIAL COMPENSATION ADJUSTMENTS FOR CLASSIFIED STATE**

26 **EMPLOYEES.** It is the intent of the fifty-sixth legislative assembly that the statewide  
27 compensation plan appropriation included in subdivision 1 of section 1 of this Act be used for  
28 market equity compensation adjustments for classified state employees. The special market  
29 equity adjustments are to begin with the month of July 1999, to be paid in August 1999. The  
30 special market equity adjustments are to be independent of any general salary increase  
31 provided by this legislative assembly.

1           The special market equity increases are to be prioritized based on equity for employees  
2 whose salaries are furthest from their respective salary range midpoints effective July 1, 1999.  
3 Special market equity increases may not be given to employees whose salary exceeds the  
4 midpoints of their assigned salary range effective July 1, 1999.

5           Probationary employees are eligible for the special market equity increases. Employees  
6 whose documented performance levels do not meet standards are not eligible for the special  
7 market equity increases.

8           The central personnel division shall provide a model base plan to each agency.  
9 Agencies may adopt the model plan, adopt the model plan with exceptions, or offer an  
10 alternative plan that meets the intent outlined in this section.

11           Upon adoption of an appropriate plan and application to the central personnel division,  
12 the division shall transfer appropriated general funds or special fund spending authority for the  
13 increases to the agencies.

14           **SECTION 7. INTENT - STATE EMPLOYEE COMPENSATION ADJUSTMENTS -**  
15 **GUIDELINES.** It is the intent of the fifty-sixth legislative assembly that 1999-2001  
16 compensation adjustments for permanent state employees are to be increases of a minimum of  
17 \$35 per month, beginning with the month of July 1999, to be paid in August 1999, and a  
18 minimum of \$35 per month, beginning with the month of July 2000, to be paid in August 2000.  
19 Any increases greater than \$35 per month may not be given across-the-board and must be  
20 based on merit and equity. Each agency appropriation is increased by 3.0 percent per year.

21           Probationary employees and employees whose documented performance levels do not  
22 meet standards are not eligible for the general or additional increases.

23           During the biennium, no salary increase other than the \$35 per month in July 1999 and  
24 \$35 per month in July 2000 may be given to an employee whose salary exceeds or would  
25 exceed the salary range maximum.

26           It is the intent of the fifty-sixth legislative assembly that the workers compensation  
27 bureau receive its 1999-2001 employee compensation in a lump sum amount of \$581,348 to  
28 provide pay raises based on merit and performance throughout the 1999-2001 biennium.

29           **SECTION 8. INTENT.** Within the authority included in subdivision 1 of section 1 of this  
30 Act, are the following grants and special items:

1	Boys and girls clubworks	\$53,000
2	State contingencies	700,000
3	State memberships and related expenses	317,000
4	Firemen's association	63,000
5	Unemployment insurance	1,200,000
6	Capitol grounds planning commission	25,000
7	State lobbyist	120,000

8           **SECTION 9. TRANSFER.** During the biennium beginning July 1, 1999, and ending  
9 June 30, 2001, the director of the office of management and budget is authorized to transfer  
10 \$3,000,000 from the lands and minerals trust fund to the general fund.

11           **SECTION 10. FIRE AND TORNADO FUND.** The amount of \$63,000, or so much of  
12 the amount as is necessary, included in the estimated income line item in subdivision 1 of  
13 section 1 of this Act, is from the fire and tornado fund.

14           **SECTION 11. BANK OF NORTH DAKOTA TRANSFERS TO STATE GENERAL**  
15 **FUND.** During the biennium ending June 30, 2001, the industrial commission shall transfer to  
16 the state general fund up to \$60,000,000 from the current earnings and the accumulated  
17 undivided profits of the Bank of North Dakota. No more than \$15,000,000 of the amount  
18 transferred may come from accumulated undivided profits. The moneys must be transferred in  
19 the amounts and at such times as requested by the director of the office of management and  
20 budget.

21           No transfers may be made that would reduce the Bank's capital structure below  
22 \$100,000,000.

23           **SECTION 12. CONTINGENT BANK OF NORTH DAKOTA TRANSFERS TO STATE**  
24 **GENERAL FUND - BUDGET SECTION APPROVAL.** If, during the biennium ending June 30,  
25 2001, the director of the office of management and budget determines via revised projections  
26 that general fund revenue collections will not meet the revenues as forecast in the March 1999  
27 legislative forecast, then the industrial commission shall transfer to the state general fund an  
28 additional amount, as determined by the director of the office of management and budget as  
29 approved by the budget section, from the earnings and accumulated and undivided profits of  
30 the Bank of North Dakota. The moneys must be transferred in amounts and at such times as  
31 requested by the director of the office of management and budget. The additional amount

1 transferred may not exceed the lesser of \$23,000,000 or the revenue shortfall of actual  
2 collections compared to the March 1999 legislative forecast.

3 No transfers may be made that would reduce the Bank's capital structure below  
4 \$100,000,000.

5 **SECTION 13.** A new section to chapter 54-23.2 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Mobile data terminal and 911 service fees.** State radio communications shall  
8 establish and charge fees to provide mobile data terminal service to interested local law  
9 enforcement agencies. The fees must be based on actual costs incurred by state radio  
10 communications for providing the service.

11 State radio communications shall charge at least twenty cents per telephone for 911  
12 services provided to political subdivisions. Each county currently receiving 911 services from  
13 state radio communications shall abide by the standards established by the governor's  
14 emergency services advisory committee.

15 **SECTION 14. AMENDMENT.** Section 54-27.2-02 of the 1997 Supplement to the North  
16 Dakota Century Code is amended and reenacted as follows:

17 **54-27.2-02. (Effective through June 30, 1999) Certain general fund revenues to be**  
18 **deposited in the budget stabilization fund.** Notwithstanding any other provision of law  
19 except section 54-27.2-01, any amount in the state general fund in excess of sixty-five million  
20 dollars at the end of any biennium must be transferred by the state treasurer to the budget  
21 stabilization fund. For purposes of this section, "at the end of any biennium" means after  
22 cancellation of unexpended appropriations under section 54-44.1-11.

23 ~~(Effective July 1, 1999) Certain general fund revenues to be deposited in the~~  
24 ~~budget stabilization fund.~~ Notwithstanding any other provision of law except section  
25 ~~54-27.2-01, any amount in the state general fund in excess of forty million dollars at the end of~~  
26 ~~any biennium must be transferred by the state treasurer to the budget stabilization fund. For~~  
27 ~~purposes of this section, "at the end of any biennium" means after cancellation of unexpended~~  
28 ~~appropriations under section 54-44.1-11.~~