

2009 HOUSE APPROPRIATIONS

HB 1027

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1027

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: January 19, 2009

Recorder Job Number: 7214

Committee Clerk Signature

Holly H. Sand

Minutes:

Chm. Svedjan called the Full House Appropriations Committee back to order. There are several members absent as they are in other committees introducing bills. Allen Knudson, who staffed the interim committee, will introduce HB 1027 instead of Rep. Carlson.

Allen Knudson, Legislative Council Staff, approached the podium and discussed HB 1027.

Mr. Knudson explained that he was the staff member for the Budget and Finance Committee where this bill was recommended. The Budget and Finance Committee recommended that the Budget Section change the format of the appropriation bills for this session and the Budget Section did approve that recommendation. The appropriation bills will now be set up in a three-column format with the previous biennium's appropriation, the changes and the appropriation for the 09-11 included in a columnar format. They also recommended that the bills identify the FTE positions that each agency is authorized. This would require the Emergency Commission to get specific authority to approve additional FTEs during the interim. Section 2 of the bill authorized the Emergency Commission, based on agency requests during the interim, to make a recommendation to the budget section to authorize additional FTEs for that agency in addition to those included in the appropriation bill. The authority for that agency to employ that additional position is effective only for the current biennium. The agency would need to come before the next legislature and ask for that position to be a new position, if they want that

position to continue. This bill puts into statute the current process that's in place. Currently the Emergency Commission authorized new positions. Under this bill, the Budget Section would approve the position based on a recommendation from the Emergency Commission. Mr. Knudson concluded his remarks.

Chm. Svedjan: It emanates from the change in the bill format and the slight switch in authority from the Emergency Commission to the Budget Section. (3:20)

Mr. Knudson: That's correct.

Rep. Kempenich: Why declare an emergency?

Mr. Knudson: This would have to be effective on July 1 so it would be effective the first month of the biennium instead of August 1.

Rep. Wald asked Mr. Knudson about the definition of a state officer.

Mr. Knudson: Under the Emergency Commission chapter, "state officer" is defined. It is an elected or appointed officer, board, commission, director – it pretty much includes everybody.

Laura Glatt, Vice Chancellor for Administrative Affairs, North Dakota University System, approached the podium to testify as a neutral party and distributed written testimony (Attachment A). (5:38)

Rep. Hawken: I'd like an answer to her question. (8:28)

Chm. Svedjan looked to Allen Knudson of Legislative Council for an answer.

Mr. Knudson: There was no specific discussion on that and as Ms. Glatt indicated there is that section in the bill. For the most part I would think that the section in their bill would give them the authority to add those positions. But to make it clear there could be an amendment to SB 2003, the Higher Education bill, to that section to say that notwithstanding the section that we've added now in HB 1027, they may add additional positions if that's the Committee's

wishes. Then there would be no question that this does take precedence over the other one.

(8:47)

Rep. Delzer: Are you talking about changing this bill to say that?

Mr. Knudson: No, the Higher Education appropriation bill.

Rep. Skarphol: We will make sure that Council keeps us advised as to that in the second half.

Rep. Onstad: Is the additional language that would be added something that every agency is going to add throughout this decision?

Mr. Knudson: No. There are only a couple of agencies that have the authority to add positions – the experiment station extension service, and the university system.

Chm. Svedjan: And those are the two bills cited in her testimony.

There was no further discussion.

Rep. Wald moved a Do Pass to HB 1027. Rep. Skarphol seconded the motion. The motion carried by a roll call vote of 20 ayes, 0 nays, 5 absent and not voting. Rep. Wald will carry the bill.

Chm. Svedjan recessed until 9:30 am.

Date: 1/19/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1027

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Wald Seconded By Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Vice Chairman Kempenich	<input checked="" type="checkbox"/>				
Rep. Skarphol	<input checked="" type="checkbox"/>		Rep. Kroeber	<input checked="" type="checkbox"/>	
Rep. Wald	<input checked="" type="checkbox"/>		Rep. Onstad	<input checked="" type="checkbox"/>	
Rep. Hawken	<input checked="" type="checkbox"/>		Rep. Williams	<input checked="" type="checkbox"/>	
Rep. Klein	<input checked="" type="checkbox"/>				
Rep. Martinson	<input checked="" type="checkbox"/>				
Rep. Delzer	<input checked="" type="checkbox"/>		Rep. Glassheim	<input checked="" type="checkbox"/>	
Rep. Thoreson	<input checked="" type="checkbox"/>		Rep. Kaldor	<input checked="" type="checkbox"/>	
Rep. Berg	<input checked="" type="checkbox"/>		Rep. Meyer	<input checked="" type="checkbox"/>	
Rep. Dosch	<input checked="" type="checkbox"/>				
Rep. Pollert	<input checked="" type="checkbox"/>		Rep. Ekstrom	<input checked="" type="checkbox"/>	
Rep. Bellew	<input checked="" type="checkbox"/>		Rep. Kerzman	<input checked="" type="checkbox"/>	
Rep. Kreidt	<input checked="" type="checkbox"/>		Rep. Metcalf	<input checked="" type="checkbox"/>	
Rep. Nelson	<input checked="" type="checkbox"/>				
Rep. Wieland	<input checked="" type="checkbox"/>				

Total (Yes) 20 No 0

Absent 5

Floor Assignment Rep. Wald

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 20, 2009 3:13 p.m.

Module No: HR-10-0617
Carrier: Wald
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1027: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS
(20 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1027 was placed on the
Eleventh order on the calendar.

2009 SENATE APPROPRIATIONS

HB 1027

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1027

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-05-09

Recorder Job Number: 10280

Committee Clerk Signature



Minutes:

Chairman Holmberg called the committee hearing to order at 10:30 am in regards to Relating to powers and duties of the emergency commission and budget section and to provide an effective date; and to declare an emergency. (54.30) (on same job as HB 1209)

Allen Knudson, Legislative Council. I am on the staff for the interim and budget finance committee. I don't appear for or against the bill, I am here to explain it. During the interim the budget and finance committee made a couple of recommendations regarding appropriation bills. They went before the budget section and the budget section then took action on the appropriation bills you will be working on during the session. The two changes that were made are: the 1st one is the appropriations sections are in a 3 column format in one section rather than the green sections of the bill that we had before. The 2nd change is the number of FTE positions that are authorized to these changes are now included in the appropriation bill. And because of that change that is made it is the basis for this House Bill 1027 which you have before you. Because the appropriation bills now include the FTE positions, in order for agencies to increase that number during the interim if additional federal funds and other funds become available they were at a position, the emergency commission needs the statutory authority to approve those FTE's positions. Currently how the process works is if the number of FTE positions aren't in the appropriation bill, the emergency commission over the years has

been authorizing the agencies to (could not understand this portion of his testimony) (56.05) for the remainder of that biennium. Now because the FTE positions are in the bill, these agencies have the authority to do that so that is what section 2 of the bill does. We have really discontinued the current practice that currently authorizes additional FTE positions. What we were actually recommending to the budget section the additional FTE positions added effective only for the remainder of the biennium .

Chairman Holmberg stated a lot of legislators like the new format with the budget bills themselves, where you have the 3 columns rather than sections 1, 2, and 3 that you had to keep referring back and forth to. One thing that may be interesting for the committee members if you could provide to the entire committee the form that is used for requests to the emergency commission. Because I think a lot of folks haven't served on the emergency commission and they can see where they have to check if this is federal money, Where the money is coming from, what the impact will be the next biennium, is this something they will be coming back to the Legislature and ask for, is this something that they asked for and the Legislature and didn't get last time. That might be something the committee might find interesting just informally to be prepared.

V. Chair Bowman asked according to one section of the law, you could hire these FTE positions is that the money is in the emergency that you're requesting money for and out of that funding source you hire these FTE's or is it general fund. .

Allen Knudson stated I believe 99% of the time the agency got federal funds .

Chairman Holmberg said the best example, traffic walk coordinator, in the Highway Department. They got the money they had to have one, and the emergency commission authorized it, but it is only good until the legislature meets.

Senator Mathern had questions regarding the emergency commission and it's involvement during the legislative session.

Allen Knudson said there is nothing in the current law that would conclude that. The emergency commission could meet during the session.

Senator Mathern said I hate to be suspicious if this doing what we are already doing. Why do we have a bill here?

Chairman Holmberg stated because we made the change.

Senator Mathern stated he understood the format but still had questions regarding section 2 and the FTE's.

Chairman Holmberg said it has to do with the fact that now that we have put FTE's in the budget bill the agency has no flexibility if these things occur so what we're doing is putting those FTE's in there was additional information and transparency for all of us in the legislature and the public. But now if the money comes in they need authorization and there has to be a mechanism to do that because the emergency commission without this doesn't have the authority to say yes they can hire that traffic coordinator.

Senator Mathern said it is kind of dealing with an unintended consequence.(60.32)

Chairman Holmberg stated it was intended because it came from that same committee that put in the process.

Allen Knudson shared more about this matter. (60.58)

SENATOR KRAUTER MOVED A DO PASS. SECONDED BY VICE-CHAIRMAN

GRINDBERG. A ROLL CALL VOTE WAS TAKEN RESULTING IN 11 YAYS, 1 NAY, 2

ABSENT. CHAIRMAN HOLMBERG WILL CARRY THE BILL. .

Date:

2/5/09

Roll Call Vote #

1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1027

Senate

Senate Appropriations

Committee

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Legislative Council Amendment Number _____

Action Taken



Do Pass



Do Not Pass



Amended

Motion Made By

Sen

Krauter

Seconded By

Sen Grindberg

Senators	Yes	No	Senators	Yes	No
Sen. Ray Holmberg, Chairman	✓		Sen. Aaron Krauter	✓	
Sen. Bill Bowman, VCh	✓		Sen. Elroy N. Lindaas	✓	
Sen. Tony S. Grindberg, VCh	✓		Sen. Tim Mathern	✓	✓
Sen. Randel Christmann	✓		Sen. Larry J. Robinson <i>A</i>		
Sen. Tom Fischer <i>A</i>	✓		Sen. Tom Seymour	✓	
Sen. Ralph Kilzer	✓		Sen. John Warner	✓	
Sen. Karen K. Krebsbach	✓				
Sen. Rich Wardner	✓				

Total Yes

11

No

1

Absent

2

Floor Assignment

Holmberg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 6, 2009 8:13 a.m.

Module No: SR-41-4177
Carrier: Holmberg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1027: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS
(11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1027 was placed on the
Fourteenth order on the calendar.

2009 TESTIMONY

HB 1027

Attachment A

*1-19-09
HB 1027*

North Dakota University System - HB1027

House Appropriations, January 19, 2009

Laura Glatt

I appear before you today in a neutral position on HB1027. SB's 2003 and 2020, the NDUS appropriation bills, include specific FTE authorizations by campus and entity. SB2003 also includes another section which permits the State Board of Higher Education (SBHE) to adjust FTE positions as needed, subject to the availability of funds, for the institutions and entities under its control. Any adjustments must be reported to OMB. Given the specific language contained in SB2003, it would be our understanding that the provisions of HB1027 do not apply to the NDUS. This specific SBHE authority has been included in NDUS appropriation bills since at least the 1997 legislative session.

This flexibility is important in order to respond on a timely basis to the changing demands for education and training. For example, if fall enrollment suggests that two more sections of English 101 are needed to accommodate student demand, the institutions must be able to, on short-notice, hire additional adjunct faculty to teach these courses. Or, if for example, business and industry request additional education or training for welders in the oil patch, we must be able to respond to these requests in a timely manner, sometimes requiring the addition of new positions. Or, if in the middle of harvest, one of the agriculture research centers must hire additional temporary help to assist with harvest or to assist with a project funded with a federal grant.

With an annual operation, that on any given day employs over 10,000 individuals, FTE changes occur on almost a daily basis. I think you can quickly see the difficulty of requiring legislative approval for those changes.

Thank you.