

2015 HOUSE APPROPRIATIONS

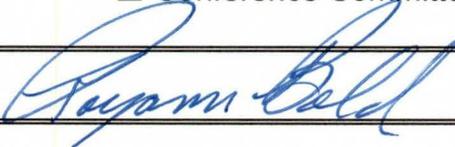
HB 1185

2015 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

HB 1185
1/20/2015
22192

- Subcommittee
 Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to the authority of the emergency commission to recommend employee positions

Minutes:

No attachments

Vice Chairman Keith Kempenich

Called the bill hearing on HB1185 to order in place of Chairman Jeff Delzer, who is one of the bill sponsors.

Representative Jeff Delzer State Representative District 8

Testified In support of HB1185. It's a bill that would say that the Emergency Commission cannot grant full time equivalent (FTE) positions, but only temporaries or contract positions.

Representative Hogan

Recruitment is an issue; will this help people recruit for temporary or contract positions?

Representative Jeff Delzer

It may make it more difficult but that brings the essence of whether or not they really have to be there. Almost anything you need, you can contract for a certain period of time.

Representative Skarphol

Question for Legislative Council...How many fulltime FTE's were approved by the Emergency Commission in this biennium and in what agencies?

Brady Larson Legislative Council

5 positions authorized for water commission and in June of 2012 there were positions authorized for the Secretary of State.

Representative Skarphol

The Water Commission employees were approved by the Budget Section based on what mechanism? They were not authorized and triggered, I assume. Were those employees we authorized to trigger at a certain level or whatever would be excluded from this, if we correctly identified them in the budget process?

Representative Jeff Delzer

You are referring to the triggers we had in Oil and Gas. I don't believe these would do that. These would ones that have never been talked about before the Emergency Commission. Those, like the Water Commission, none of those were triggered, so they would all fall under this.

Representative Skarphol

In the process if we want employees to trigger, that mechanism is correctly worded to where they don't have to go through the Emergency Commission.

Representative Jeff Delzer

That would be true.

Vice Chairman Keith Kempenich

Any more testimony, for, against or neutral for HB 1185?

Pam Sharp Director of the Office of Management and Budget (OMB) for the state of North Dakota testified against the bill:

While I understand the sponsors are in this room, there are situations where this could put agencies in a bind. It is hard to pull employees off the street especially in the environment where there are so many jobs out there. To eliminate that option, it could make it hard to get a temporary position. It was suggested they could contract, but to contract, they had to go through another engineering firm, which created other issues as well. There are unusual situations that can arise that may make it difficult for other agencies.

Vice Chairman Keith Kempenich

We are here today and then in July, the second half ...the timing is difficult

Representative Hogan

Do you think this would impact routine hiring of temporaries or contract employees?

Sharp:

I do not.

Vice Chairman Keith Kempenich

Any other testimony?

Closed the hearing on HB 1185.

Committee discussion

Representative Streyle

Made a motion for a Do Pass

Representative Kreidt

Seconded the motion

Vice Chairman Keith Kempenich

Further discussion?

Representative Glassheim

I'm concerned about the hiring.

Representative Jeff Delzer

It's pretty hard to say no, you could tell last session that the Water Commission did not want to even try to contract. And I think they could have contracted some of this.

Representative Schmidt

There is an engineering firm that has hydrologist. That firm would have liked to have the opportunity to bid on some of these projects.

Vice Chairman Keith Kempenich

These agencies act like they have had this dropped on them from heaven. This oil development has increased FTE hiring; it's not a good idea.

Representative Jeff Delzer

Asked if there was further discussion; hearing none, the motion for a Do Pass was voted on.

YES; 19; NO: 2; ABSENT: 2

The motion carried.

Representative Kreidt will be the carrier.

Vice Chairman Keith Kempenich adjourned the hearing.

Date: 11/20/15
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1185**

House Appropriations Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Streyle Seconded By Kreidt

Representatives	Yes	No	Representatives	Yes	No
Chairman Jeff Delzer	✓		Representative Boe	A	
Vice Chairman Keith Kempenich	✓		Representative Glassheim	✓	
Representative Bellew	✓		Representative Guggisberg		✓
Representative Brandenburg	✓		Representative Hogan		✓
Representative Boehning	✓		Representative Holman	✓	
Representative Dosch	✓				
Representative Kreidt	✓				
Representative Martinson	✓				
Representative Monson	✓				
Representative Nelson	A				
Representative Pollert	✓				
Representative Sanford	✓				
Representative Schmidt	✓				
Representative Silbernagel	✓				
Representative Skarphol	✓				
Representative Streyle	✓				
Representative Thoreson	✓				
Representative Vigesaa	✓				

Total (Yes) 19 No 2

Absent 2

Floor Assignment Kreidt

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

REPORT OF STANDING COMMITTEE

HB 1185: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (19 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1185 was placed on the Eleventh order on the calendar.

2015 SENATE APPROPRIATIONS

HB 1185

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

HB 1185
3/9/2015
Job # 24484

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kate Oliver for Rose Lanning

Explanation or reason for introduction of bill/resolution:

Relating to the authority of the emergency commission to recommend employee positions.

Minutes:

Attachment

Legislative Council - Brady Larson
OMB - Becky Keller

Representative Jeff Delzer: District 8. Once we leave the legislative session, and need to look at employees. In House appropriations, if the interim grants full time FTEs, we have to re-grant them in the Appropriations committee. It's hard for the legislative assembly to know if you should release them. This would make the problem not be the forefront of the problem they'd have to be approved in the next legislative session. It takes away with authority to have an honest look at them. The budget section would be a mini legislative assembly.

Senator Bowman: In the off years, if we hire people in the interim, they would be temporary and then be made full-time if the appropriations committee approves it?

Senator Heckaman: How many full time employees were approved by the budget section?

Representative Delzer: I am sure council can get that for us, I remember at least 3 in the Secretary of State's office, 4 or 5 in the Water Commission office and those are the ones I had the biggest issue with and eventually decided to put the bill in.

Senator Heckaman: Could we get that information.

Senator Kilzer: Would this make any difference in the benefits of the newly hired employee. Would that agency have to tell them they wouldn't be available for benefits until the legislature meets?

Representative Delzer: It should be checked out, but we were told that it wouldn't make a difference.

Senator Carlisle: This is pre-emptive. We have budgets where folks have been working and considering putting them fulltime.

Representative Delzer: This is strictly when they need full time employees. They would be temporary until the next legislative session.

Senator Krebsbach: Would this keep people from applying because they are part time instead of full.

Representative Delzer: Not really.

Senator Mathern: Would this put barrier on agency to replace a full time employee with a full time employee during the interim?

Representative Delzer: They'd be fulltime already; this would keep from adding full time before the legislature meets.

If we need to do adjustment on language, that's ok, but want the gist of the language to stay the same.

Those opposed to HB 1185.

Al Jaeger, Secretary of State, State of North Dakota:
Testified in opposition to HB 1185. Attachment 1.

Senator Carlisle: Where are all the other agency heads? They all know about the hearing. No one seems to have a question like you do.

Al Jaeger: Just concerned.

Senator Bowman this says "in addition" and that's what Representative Delzer is getting to. You can appoint these

Al Jaeger: "to employ temporary 'in addition' to.

Chairman Holmberg: We'll have legal look at that, so there aren't any problems.

Pam Sharp, Director, Office of Management and Budget. Testified in opposition of HB 1185. If you're not able to provide salaries, you probably won't get those employees. If the emergency commission doesn't want to approve the full time employees they can just not approve the employee and not take it off the table.

Pam Sharp: Just because you're addressing these employees, does that mean it can only be done thru the emergency commission?

Chairman Holmberg closed the hearing on HB 1185.

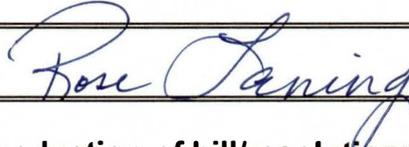
2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

HB 1185
4/8/2015
Job # 25905

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the authority of the emergency commission to recommend employee positions.

Minutes:

Chairman Holmberg said there was a concern that the emergency commission had too much authority and the legislature should be consulted. Right now what happens is if the Health Department gets \$300,000 to hire a water person with federal money, they can go to the emergency commission and get the approval to hire the person, but that person is only able to be hired until the next legislative assembly has passed on it. This would take away that authority to accept money for or to recommend full time equivalent folks.

Senator Carlisle said he had a note about fixed language on line 20.

Chairman Holmberg: That was the Secretary of State, if we were going to pass it, he wanted some language fixed.

Senator Mathern moved Do Not Pass on HB 1185.
Senator Krebsbach seconded.

A Roll Call vote was taken. Yea: 13 Nay: 0 Absent: 0

Senator Holmberg will carry the bill on the floor.

Date: 4-8-15
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1185

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By Mather Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Heckaman	✓	
Senator Bowman	✓		Senator Mather	✓	
Senator Krebsbach	✓		Senator O'Connell	✓	
Senator Carlisle	✓		Senator Robinson	✓	
Senator Sorvaag	✓				
Senator G. Lee	✓				
Senator Kilzer	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Holmberg

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

REPORT OF STANDING COMMITTEE

HB 1185: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1185 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1185

HB 1185
3-9-15 #1

NDLA, S APP ASST - Laning, Rose

*requested info
later submitted*

From: Larson, Brady A.
Sent: Thursday, March 12, 2015 5:46 PM
To: -Grp-NDLA Senate Appropriations
Cc: NDLA, S APP ASST - Laning, Rose; NDLA, S APP - Delzer, Alice; Knudson, Allen H.
Subject: HB 1185 Questions
Attachments: Budget Section - FTE additions.pdf

Members of the Senate Appropriations Committee:

This email is in response to questions asked during the hearing on House Bill No. 1185. The bill adjusts the authority of the Emergency Commission and Budget Section to approve employee positions.

Benefits Provided to Permanent and Temporary Employees:

In general, an employee of a state agency is eligible to receive benefits if the employee is at least 18 years old, occupies a regularly funded position, and works a minimum of 20 hours per week for at least 20 weeks each year. Benefits available to employees which are paid in full or in part by the state include health insurance, life insurance, retirement plan, employee assistance program, and annual and sick leave.

Employees hired for a temporary position generally do not receive benefits paid by the state. However, a temporary employee can choose to participate in most benefits programs at their own expense. Section 54-52-02.9 allows temporary employees to participate in the defined benefit retirement program if the employee pays both the employee and employer contribution amounts. Section 54-52.1-03.4 allows an employee to receive health insurance (in addition to insurance required to be offered by the state to the employee under the federal Affordable Care Act) if the employee pays the monthly health insurance premium. However, the section also allows a state agency to pay the health insurance premium on behalf of the temporary employee.

Recent FTE Positions Authorized by Budget Section:

Budget Section authorized 6 FTE positions during the 2011-12 interim and authorized 6.5 FTE positions during the 2013-14 interim. Attached to this email is a document detailing the positions authorized by Budget Section.

Please contact me with any questions or if you need additional information.

Brady

1.1

Budget Section 2011-12 interim	FTE Positions Added	Agency	Position Type	Description
June 19, 2012	3.0	Secretary of State	2 FTE - Business Registration Unit positions; 1 FTE - Business Information Unit position	Authorized 3 new FTE positions and transferred \$295,000 from the operating expenses line item to the salaries and wages line item for the additional FTE positions, overtime, temporary staff, and salary adjustments to retain personnel.
September 20, 2012	3.0	State Department of Health	1 FTE - Municipal Facilities - Public Water System Inspections; 1 FTE - Water Quality - Spill Response Remediation Oversight; 1 FTE - Water Quality NPDES Wastewater Treatment Inspections of Septic Tank Haulers and Land Applications	Authorized to transfer funding of \$280,314 from the state contingencies appropriation to increase the salaries and wages line item (\$145,449) and operating expenses line item (\$134,865) and added 3 FTE positions in the Environmental Health Section of the State Department of Health to provide inspection, outreach, investigation, and other services relating to water quality, wastewater disposal and treatment, and oil spill response and remediation in western North Dakota.
	6.0			
Budget Section 2013-14 interim	FTE Positions Added	Agency	Position Type	Description
September 25, 2013	0.5	Attorney General's Office	0.5 FTE - Regulatory Attorney for oil impacted counties	Authorized an additional 0.5 FTE position for assistance with prosecutions in oil-impacted counties.
March 12, 2014	1.0	Attorney General's Office	1 FTE - Drug Trafficking Prosecutor for Minot and Williston area	Increased federal funds spending authority by \$100,000 for salaries and wages (\$66,000) and operating expenses (\$34,000) and authorized 1 FTE position relating to a prosecutor.
June 25, 2014	5.0	State Water Commission	1 FTE - Hydrologist Manager 1 - Groundwater Management Section; 1 FTE - Hydrologist II - Groundwater Management Section; 1 FTE - Hydrologist III - Surface Water Management Section; 1 FTE - Hydrologist III - Surface Water Management Section; 1 FTE - Water Resource Program Administrator II - Water Permit Administration Section	Authorized 5 new FTE positions within the Water Appropriations Division of the State Water Commission and increased special funds spending authority from the resources trust fund by \$546,106 in the water and atmospheric resources line item to meet the demand for water permits and required permit inspections.
	6.5			