

**FIRST ENGROSSMENT
with House Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2001

Introduced by

Appropriations Committee

(At the request of the Legislative Council)

1 A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch
2 of state government; to provide for transfers; to create and enact a new section to chapter
3 54-03 and a new section to chapter 54-35 of the North Dakota Century Code, relating to
4 reimbursement of broadband and certain wireless expenses of members of the legislative
5 assembly and to a legislative budget committee; to amend and reenact subdivision c of
6 subsection 7 of section 54-03-20, section 54-44.1-04, subsection 7 of section 54-44.1-06, and
7 section 54-44.1-07 of the North Dakota Century Code, relating to legislative leaders' monthly
8 compensation, budget requests, and drafts of appropriation bills; to provide for applications and
9 transfers; to provide for a legislative council study; to provide an effective date; and to declare
10 an emergency.

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 appropriated out of any moneys in the general fund in the state
14 treasury, not otherwise appropriated, and from special funds derived from the insurance
15 regulatory trust fund, not otherwise appropriated, to the legislative branch of state government
16 for the purpose of defraying the expenses of that branch, for the fiscal period beginning with the
17 effective date of this Act and ending June 30, 2011, as follows:

18 Subdivision 1.

19 **SIXTY-FIRST AND SIXTY-SECOND LEGISLATIVE ASSEMBLIES AND BIENNIUM**

| 20 | | Adjustments or | |
|----|--------------------|---------------------|----------------------|
| 21 | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 22 | Salaries and wages | \$6,855,557 | \$1,077,949 |
| 23 | Operating expenses | 2,648,431 | 294,130 |
| | | | 2,942,561 |

Sixty-first
Legislative Assembly

| | | | | |
|---|--------------------------|-------------|-------------|--------------|
| 1 | Capital assets | 206,000 | 794,000 | 1,000,000 |
| 2 | National conference of | 206,314 | 21,346 | 227,660 |
| 3 | state legislatures | | | |
| 4 | Legislative applications | 0 | 3,910,827 | 3,910,827 |
| 5 | replacement | | | |
| 6 | Total general fund | \$9,916,302 | \$6,098,252 | \$16,014,554 |
| 7 | Subdivision 2. | | | |

LEGISLATIVE COUNCIL

| | | | | |
|----|-----------------------|-------------------|---------------------|----------------------|
| 9 | | | Adjustments or | |
| 10 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 11 | Salaries and wages | \$5,802,975 | \$1,073,394 | \$6,876,369 |
| 12 | Operating expenses | 2,635,888 | 892,246 | 3,528,134 |
| 13 | Capital assets | 0 | 41,000 | 41,000 |
| 14 | Prison facility study | <u>250,000</u> | <u>(250,000)</u> | <u>0</u> |
| 15 | Total all funds | \$8,688,863 | \$1,756,640 | \$10,445,503 |
| 16 | Less estimated income | <u>70,000</u> | <u>0</u> | <u>70,000</u> |
| 17 | Total general fund | \$8,618,863 | \$1,756,640 | \$10,375,503 |
| 18 | Full-time equivalent | 33.00 | 1.00 | 34.00 |
| 19 | positions | | | |

Subdivision 3.

BILL TOTAL

| | | | | |
|----|---------------------------|-------------------|---------------------|----------------------|
| 22 | | | Adjustments or | |
| 23 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 24 | Grand total general fund | \$18,535,165 | \$7,854,892 | \$26,390,057 |
| 25 | Grand total special funds | <u>70,000</u> | <u>0</u> | <u>70,000</u> |
| 26 | Grand total all funds | \$18,605,165 | \$7,854,892 | \$26,460,057 |

SECTION 2. LEGISLATIVE ASSEMBLY ONE-TIME FUNDING - EFFECT ON BASE

BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation for the legislative assembly in section 1 of this Act:

Sixty-first
Legislative Assembly

| <u>One-Time Funding Description</u> | <u>2007-09</u> | <u>2009-11</u> |
|---|----------------|------------------|
| Legislative applications replacement system | \$3,910,827 | \$3,910,827 |
| Computer equipment replacement | 350,000 | 92,500 |
| Legislative wing equipment and improvements | <u>0</u> | <u>1,000,000</u> |
| Total general fund | \$4,260,827 | \$5,003,327 |

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The legislative assembly shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 3. LEGISLATIVE COUNCIL ONE-TIME FUNDING - EFFECT ON BASE

BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation for the legislative council in section 1 of this Act:

| <u>One-Time Funding Description</u> | <u>2007-09</u> | <u>2009-11</u> |
|-------------------------------------|----------------|----------------|
| Computer equipment replacement | \$104,579 | \$0 |
| Office equipment replacement | 25,000 | 20,000 |
| State employee compensation study | 0 | 100,000 |
| Office improvements | <u>0</u> | <u>50,000</u> |
| Total general fund | \$129,579 | \$170,000 |

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The legislative council shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 4. TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget and the state treasurer shall make transfers of funds between line items of appropriations for the legislative council as may be requested by the chairman of the council or the chairman's designee upon the finding by the chairman or designee that the nature of studies and duties assigned to the council requires the transfers in properly carrying on the council's functions and duties. The director of the office of management and budget and the state treasurer shall similarly make transfers of funds between the line items for the

1 sixty-first and sixty-second legislative assemblies, upon request by the chairman of the
2 legislative council or the chairman's designee upon the finding by the chairman or designee that
3 the transfers are required for the legislative assembly to carry on its functions and duties.

4 **SECTION 5. LEGISLATIVE WING EQUIPMENT AND IMPROVEMENT FUNDING -**
5 **EXPENDITURE DETERMINATION.** Any expenditure of funds relating to \$350,000 of the
6 \$1,000,000 provided for legislative wing equipment and improvements in subdivision 1 of
7 section 1 of this Act must be approved by a majority of the senate members of the legislative
8 management committee. Any expenditures relating to a separate sum of \$550,000 of the
9 \$1,000,000 for legislative wing equipment and improvements must be approved by a majority of
10 the house of representatives members of the legislative management committee and any
11 expenditures relating to the remaining \$100,000 must be approved by all members of this
12 committee for the biennium beginning July 1, 2009, and ending June 30, 2011.

13 **SECTION 6. APPLICATION AND TRANSFER AUTHORITY.** North Dakota Century
14 Code sections 54-16-04 and 54-44.1-11 do not apply to chapter 1 of the 2007 Session Laws.
15 The director of the office of management and budget and the state treasurer shall make
16 transfers of funds between the line items and the agencies of the legislative branch within
17 section 1 of that chapter as requested by the chairman of the legislative council or the
18 chairman's designee.

19 **SECTION 7. LEGISLATIVE COUNCIL STUDY - STATE EMPLOYEE**
20 **COMPENSATION.** During the 2009-10 interim, the legislative council shall consider studying
21 the classified state employee compensation system, including a review of the development and
22 determination of pay grades and classifications. The legislative council shall report its findings
23 and recommendations, together with any legislation required to implement the
24 recommendations, to the sixty-second legislative assembly.

25 **SECTION 8. AMENDMENT.** Subdivision c of subsection 7 of section 54-03-20 of the
26 North Dakota Century Code is amended and reenacted as follows:

- 27 c. The majority and minority leaders of the house and senate and the chairman
28 of the legislative council, if the chairman is not a majority or minority leader,
29 are each entitled to receive as compensation, in addition to any other
30 compensation or expense reimbursement provided by law, the sum of two

1 hundred ~~seventy~~ eighty-four dollars per month during the biennium for their
2 execution of public duties.

3 **SECTION 9. AMENDMENT.** Subdivision c of subsection 7 of section 54-03-20 of the
4 North Dakota Century Code is amended and reenacted as follows:

5 c. The majority and minority leaders of the house and senate and the chairman
6 of the legislative council, if the chairman is not a majority or minority leader,
7 are each entitled to receive as compensation, in addition to any other
8 compensation or expense reimbursement provided by law, the sum of two
9 hundred ~~seventy~~ ninety-eight dollars per month during the biennium for their
10 execution of public duties.

11 **SECTION 10.** A new section to chapter 54-03 of the North Dakota Century Code is
12 created and enacted as follows:

13 **Payment for broadband internet and smartphone data services for legislators.**

14 1. Each member of the legislative assembly may receive from the information
15 technology department broadband internet service to be used for legislative
16 business. If a member elects to receive broadband internet service for legislative
17 business from a provider other than the information technology department, the
18 member is entitled to be reimbursed for the cost of the service if the legislative
19 council determines that the purchase of that service from the provider will result in
20 a cost-savings to the state, based upon the average cost of the information
21 technology department to provide service to other members of the legislative
22 assembly.

23 2. A member of the legislative assembly who acquires a smartphone to be used for
24 legislative business may receive associated data services from the information
25 technology department. If a member elects to receive smartphone data services
26 for legislative business from a provider other than the information technology
27 department, the member is entitled to be reimbursed for the cost of the service if
28 the legislative council determines that the purchase of that service from the
29 provider will result in a cost-savings to the state, based upon the average cost of
30 the information technology department to provide the service to other members of
31 the legislative assembly.

- 1 3. The legislative council shall establish guidelines and procedures for
2 reimbursement under this section, including requiring necessary documentation of
3 expenses being claimed.

4 **SECTION 11.** A new section to chapter 54-35 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Legislative budget committee - Creation - Duties.** The legislative council, during
7 each biennium, shall appoint a legislative budget committee to coordinate and direct activities
8 involved in the development of budget recommendations to assist the legislative assembly as it
9 develops policy and provides appropriations for the operations of state government. The
10 legislative budget committee, with the assistance of the legislative budget analyst and auditor,
11 shall:

- 12 1. Develop recommendations for the office of management and budget to include in
13 its forms and guidelines for agencies to use in preparing budget requests;
14 2. Review, analyze, and evaluate budgets, budget requests, programs, and activities
15 of state agencies, institutions, and departments;
16 3. Develop budget-related recommendations pertaining to the state budget or any
17 portion of that budget, including revenues and appropriations to assist the
18 legislative assembly as it develops policy and provides appropriations for the
19 operations of state government; and
20 4. Prepare drafts of appropriations acts for the next biennium providing funding at the
21 same base level approved by the most recently adjourned special or regular
22 session of the legislative assembly and any draft amendments to these acts to
23 implement recommendations of the committee.

24 **SECTION 12. AMENDMENT.** Section 54-44.1-04 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **(Effective after June 30, 2009) Budget estimates of budget units filed with the**
27 **office of the budget and the legislative council - Deadline.** The head of each budget unit,
28 not later than July fifteenth of each year next preceding the session of the legislative assembly,
29 shall submit to the office of the budget and the legislative council, estimates of financial
30 requirements of the person's budget unit for the next two fiscal years, on the forms and in the
31 manner prescribed by the office of the budget considering recommendations of the legislative

1 council, with such explanatory data as is required by the office of the budget and such
2 additional data as the head of the budget unit wishes to submit. The estimates so submitted
3 must bear the approval of the board or commission of each budget unit for which a board or
4 commission is constituted. The director of the budget, subject to approval by the legislative
5 council, may extend the filing date for any budget unit if the director finds there is some
6 circumstance that makes it advantageous to authorize the extension. If a budget unit has not
7 submitted its estimate of financial requirements by the required date or within a period of
8 extension set by the director of the budget, the director of the budget shall prepare the budget
9 unit's estimate of financial requirements except the estimate may not exceed ninety percent of
10 the budget unit's previous biennial appropriation. The director of the budget or a subordinate
11 officer as the director shall designate shall examine the estimates and shall afford to the heads
12 of budget units reasonable opportunity for explanation in regard thereto and, when requested,
13 shall grant to the heads of budget units a hearing thereon which must be open to the public.

14 **SECTION 13. AMENDMENT.** Subsection 7 of section 54-44.1-06 of the North Dakota
15 Century Code, as effective after June 30, 2009, is amended and reenacted as follows:

- 16 7. Drafts of a proposed amendment to a general appropriations act and special
17 appropriations acts embodying the budget data and recommendations of the
18 governor for appropriations for the next biennium and drafts of such revenues and
19 other acts recommended by the governor for putting into effect the proposed
20 financial plan. ~~The recommended general appropriation for each budget unit must~~
21 ~~be specified in a separate section of the general appropriations act.~~

22 **SECTION 14. AMENDMENT.** Section 54-44.1-07 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **54-44.1-07. Presentation of budget data - How presented to the legislative**
25 **assembly.** The director of the budget or the director's designee shall present the budget data
26 information in section 54-44.1-06, except the drafts of ~~acts~~ amendments required by
27 subsection 7 of that section, and make available sufficient copies thereof to the legislative
28 assembly at the organizational session. The drafts of ~~acts~~ amendments required by
29 subsection 7 of section 54-44.1-06 must be submitted to the legislative council within seven
30 days after the day of adjournment of the organizational session. The budget data must be
31 completed and made available to the legislative assembly in such form as may be prescribed

1 by the legislative council. The legislative council shall set the time and place at which such
2 budget data is to be presented.

3 **SECTION 15. EFFECTIVE DATE.** Section 8 of this Act becomes effective on July 1,
4 2009, and Section 9 of this Act becomes effective on July 1, 2010.

5 **SECTION 16. EMERGENCY.** This Act is declared to be an emergency measure.