

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2001

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the legislative branch
2 of state government; to amend and reenact sections 54-03-10, 54-03-20, and 54-35-10 of the
3 North Dakota Century Code, relating to legislative compensation; to provide a statement of
4 legislative intent; to provide for a legislative management study; to provide for a report; to
5 provide an exemption; to provide for application, transfer, and cancellation of unexpended
6 appropriations; and to declare an emergency.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
9 as may be necessary, are appropriated out of any moneys in the general fund in the state
10 treasury, not otherwise appropriated, and from other funds derived from the insurance
11 regulatory trust fund and other income, not otherwise appropriated, to the legislative branch of
12 state government for the purpose of defraying the expenses of the legislative branch of state
13 government, for the fiscal period beginning with the effective date of this Act, and ending
14 June 30, 2027, as follows:

15 Subdivision 1.

16 **SIXTY-NINTH AND SEVENTIETH LEGISLATIVE ASSEMBLIES AND BIENNIUM**

17		Adjustments or	
18	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
19	Salaries and wages	\$1,645,103	\$14,595,670
20	Operating expenses	5,190,631	9,962,840
21	Capital assets	220,000	226,000

Sixty-ninth
Legislative Assembly

1	National conference of state legislatures	<u>283,070</u>	<u>23,102</u>	<u>306,172</u>
2	Total general fund	\$18,011,846	\$7,078,836	\$25,090,682

3 Subdivision 2.

4 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

5			Adjustments or	
6		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
7	Salaries and wages	\$15,435,797	\$1,190,358	\$16,626,155
8	New and vacant FTE pool	0	5,088,515	5,088,515
9	Operating expenses	3,780,912	2,085,238	5,866,150
10	Capital assets	<u>6,000</u>	<u>280,000</u>	<u>286,000</u>
11	Total all funds	\$19,222,709	\$8,644,111	\$27,866,820
12	Less other funds	<u>88,000</u>	<u>325,000</u>	<u>413,000</u>
13	Total general fund	\$19,134,709	\$8,319,111	\$27,453,820
14	Full-time equivalent positions	45.00	25.00	70.00

15 Subdivision 3.

16 TOTAL - SECTION 1

17			Adjustments or	
18		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
19	Grand total all funds	\$37,234,555	\$15,722,947	\$52,957,502
20	Less grand total other funds	<u>88,000</u>	<u>325,000</u>	<u>413,000</u>
21	Grand total general fund	\$37,146,555	\$15,397,947	\$52,544,502

22 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

23 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
 24 items included in the appropriation in section 1 of this Act which are not included in each entity's
 25 base budget for the 2027-29 biennium and which each entity shall report to the appropriations
 26 committees of the seventieth legislative assembly regarding the use of this funding:

27	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total Funds</u>
28	Legislative Assembly			
29	Legislative chambers and	<u>\$4,451,000</u>	<u>\$0</u>	<u>\$4,451,000</u>
30	system upgrades			
31	Total legislative assembly	\$4,451,000	\$0	\$4,451,000

1 Legislative Management

2 and Legislative Council

3	Costs related to new positions	\$375,000	\$0	\$375,000
4	Legislative term limit study	225,000	0	225,000
5	Advanced nuclear energy study	325,000	325,000	650,000
6	Information technology equipment	<u>280,000</u>	<u>0</u>	<u>280,000</u>
7	Total legislative management and			
8	legislative council	<u>\$1,205,000</u>	<u>\$325,000</u>	<u>\$1,530,000</u>
9	Grand total	\$5,656,000	\$325,000	\$5,981,000

10 **SECTION 3. NEW AND VACANT FTE POOL - BUDGET SECTION REPORT.**

- 11 1. The legislative council may not spend funds from the new and vacant FTE pool line
12 item in subdivision 2 of section 1 of this Act, but may transfer funds from this line item
13 to the salaries and wages line item as necessary to provide funding for:
- 14 a. Filling a new FTE position from the date of hire through the end of the biennium;
15 or
- 16 b. Salaries and wages if actual salaries and wages savings from vacant positions
17 and employee turnover adjusted for other uses are less than the estimate used
18 by the sixty-ninth legislative assembly in the development of the appropriation.
- 19 2. The legislative council shall report to the budget section regarding the use of funding
20 in the pool including information on:
- 21 a. New FTE positions, including the date hired;
- 22 b. Vacant FTE positions, including information on positions that become vacant and
23 positions filled, salaries and wages savings resulting from vacant positions and
24 employee turnover, and the use of salaries and wages savings for other
25 purposes; and
- 26 c. Additional salaries and wages funding needed due to savings from vacant
27 positions being less than anticipated.
- 28 3. If funding in the new and vacant FTE pool line item is insufficient to provide the
29 necessary salaries and wages funding for the biennium, the legislative council may
30 request a deficiency appropriation from the seventieth legislative assembly.

1 **SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director
2 of the office of management and budget shall transfer appropriation authority between line items
3 of the legislative management and legislative council as may be requested by the chairman of
4 the legislative management or the director of the legislative council upon the finding by the
5 chairman or the director that the nature of studies and duties assigned to the legislative
6 management or legislative council requires the transfers in properly carrying on the legislative
7 management's and legislative council's functions and duties. The director of the office of
8 management and budget shall similarly make transfers of appropriation authority between the
9 line items for the sixty-ninth and seventieth legislative assemblies, upon request by the
10 chairman of the legislative management or the director of the legislative council upon the finding
11 by the chairman or director that the transfers are required for the legislative assembly to carry
12 on its functions and duties.

13 **SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**
14 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to
15 chapter 1 of the 2023 Session Laws. The director of the office of management and budget shall
16 make transfers of appropriation authority between the line items and the agencies of the
17 legislative branch within section 1 of that chapter as requested by the chairman of the legislative
18 management or the director of the legislative council. The office of management and budget
19 shall cancel unexpended appropriations for the legislative assembly and legislative council
20 enacted prior to the 2023-25 biennium as directed by the chairman of the legislative
21 management or the director of the legislative council.

22 **SECTION 6. AMENDMENT.** Section 54-03-10 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **54-03-10. Compensation of speaker, majority and minority leaders, assistant majority**
25 **and minority leaders, committee chairmen, and employees.**

26 The speaker of the house, the house majority leader, the senate majority leader, the house
27 minority leader, and the senate minority leader shall each receive as compensation, in addition
28 to any other compensation or expense reimbursement provided by law, the sum of ~~fifteen~~twenty
29 dollars per day for each calendar day during any regular, special, or organizational session.
30 Chairmen of the substantive standing committees, the house assistant majority leader, the
31 senate assistant majority leader, the house assistant minority leader, and the senate assistant

1 minority leader shall receive additional compensation of ~~ten~~fifteen dollars for each calendar day
2 during any regular, special, or organizational session. The additional compensation provided by
3 this section must be paid in the manner provided in section 54-03-20. The legislative assembly,
4 by concurrent resolution, shall fix the compensation of the other officers and employees elected
5 or appointed.

6 **SECTION 7. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **54-03-20. Compensation and expense reimbursement of members of the legislative**
9 **assembly.**

- 10 1. Each member of the legislative assembly is entitled to receive as compensation for
11 services the sum of ~~two hundred fifty~~two hundred nineteen dollars through June 30,
12 ~~2024~~2026, and ~~two hundred thirteen~~two hundred twenty-six dollars thereafter for each
13 calendar day during any organizational, special, or regular legislative session and for
14 each day that member attends a meeting of a legislative committee between the
15 organizational session and the regular session as authorized by legislative rule.
- 16 2. a. Each member of the legislative assembly is entitled to receive reimbursement for
17 lodging, which may not exceed per calendar month the amount established under
18 this subdivision by the director of the office of management and budget for
19 lodging in state and which may not exceed the rate provided in section 44-08-04
20 for each calendar day during the period of any organizational, special, or regular
21 session. On August first of each even-numbered year, the director of the office of
22 management and budget shall set the maximum monthly reimbursement for the
23 subsequent two-year period at an amount equal to thirty times seventy percent of
24 the daily lodging reimbursement in effect on that date as provided under
25 subdivision d of subsection 2 of section 44-08-04.
- 26 b. Notwithstanding subdivision a:
 - 27 (1) A member of the legislative assembly may elect to be reimbursed for less
28 than the amount to which the legislator is entitled under this subsection by
29 claiming the lesser amount on a voucher submitted with the receipt required
30 by section 44-08-04.

- 1 (2) The legislative management may establish guidelines that may result in a
2 reduced maximum reimbursement for a single dwelling in which two or more
3 legislators share lodging and the total rent for that dwelling exceeds the
4 amount to which a legislator is entitled under subdivision a.
- 5 3. a. Members of the legislative assembly who receive reimbursement for lodging are
6 also entitled to reimbursement for travel for not to exceed one round trip taken
7 during any calendar week, or portion of a week, the legislative assembly is in
8 session, between their residences and the place of meeting of the legislative
9 assembly, at the rate provided for state employees with the additional limitation
10 that reimbursement for travel by common carrier may be only at the cost of coach
11 fare and may not exceed one and one-half times the amount the member would
12 be entitled to receive as mileage reimbursement for travel by motor vehicle.
- 13 b. A member of the legislative assembly who does not receive reimbursement for
14 lodging and whose place of residence in the legislative district that the member
15 represents is not within the city of Bismarck is entitled to reimbursement at the
16 rate provided for state employees for necessary travel for not to exceed one
17 round trip taken per day between the residence and the place of meeting of the
18 legislative assembly when it is in session and may receive reimbursement for
19 lodging at the place of meeting of the legislative assembly as provided in section
20 44-08-04 for each calendar day for which round trip travel reimbursement is not
21 claimed, provided that the total reimbursement may not exceed the maximum
22 monthly reimbursement allowed under subdivision a of subsection 2.
- 23 4. The amount to which each legislator is entitled must be paid following the
24 organizational session in December and each month upon submission of a voucher
25 and appropriate documentation during a regular or special session, consistent with
26 section 26 of article XI of the constitution of North Dakota.
- 27 5. If during a special session, the legislative assembly adjourns for more than three days,
28 a member of the legislative assembly is entitled to receive compensation during those
29 days only while in attendance at a standing committee if the legislator is a member of
30 that committee, a majority or minority leader, or a legislator who is not on that
31 committee but who has the approval of a majority or minority leader to attend.

- 1 6. A day, or portion of a day, spent in traveling to or returning from an organizational,
2 special, or regular session or a legislative committee meeting must be included as a
3 calendar day during a legislative session or as a day of a legislative committee
4 meeting for the purposes of this section.
- 5 7. a. In addition, each member is entitled to receive during the term for which the
6 member was elected, as compensation for the execution of public duties during
7 the biennium, the sum of ~~five hundred sixty-nine~~six hundred ten dollars through
8 June 30, ~~2024~~2026, and ~~five hundred ninety-two~~six hundred twenty-eight dollars
9 thereafter per month, paid monthly.
- 10 b. If a member dies or resigns from office during the member's term, the member
11 may be paid only the allowances provided for in this section for the period for
12 which the member was actually a member.
- 13 c. The majority and minority leaders of the house and senate and the chairman of
14 the legislative management, if the chairman is not a majority or minority leader,
15 are each entitled to receive as compensation, in addition to any other
16 compensation or expense reimbursement provided by law, the sum of ~~four~~
17 ~~hundred eight~~four hundred thirty-seven dollars through June 30, ~~2024~~2026, and
18 ~~four hundred twenty-four~~four hundred fifty dollars thereafter per month during the
19 biennium for their execution of public duties.
- 20 8. Attendance at any organizational, special, or regular session of the legislative
21 assembly by any member is a conclusive presumption of entitlement as set out in this
22 section and compensation and expense allowances must be excluded from gross
23 income for income tax purposes to the extent permitted for federal income tax
24 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;
25 95 Stat. 202; 26 U.S.C. 162(i)].
- 26 9. Before each regular legislative session, the legislative management shall make
27 recommendations and submit any necessary legislation to adjust legislative
28 compensation amounts.

29 **SECTION 8. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **54-35-10. Compensation of members and leadership.**

2 1. The members of the legislative management and the members of any committee of
3 the legislative management are entitled to be compensated for the time spent in
4 attendance at sessions of the legislative management and of its committees at the rate
5 of ~~two hundred fifty~~two hundred nineteen dollars through June 30, ~~2024~~2026, and ~~two-~~
6 ~~hundred thirteen~~two hundred twenty-six dollars thereafter per day and must also be
7 paid for expenses incurred in attending said meetings and in the performance of their
8 official duties in the amounts provided by law for other state officers.

9 2. In addition to the compensation provided in subsection 1, the chairman of the
10 legislative management is entitled to receive an additional ~~five~~ten dollars for each day
11 spent in attendance at sessions of the legislative management and of its committees,
12 and the chairman of each of the legislative management's committees is entitled to
13 receive ~~five~~ten dollars for each day spent in attendance at sessions of the legislative
14 management or of the committee which the person chairs.

15 **SECTION 9. LEGISLATIVE INTENT - LEGISLATIVE MANAGEMENT - CHAMBER**

16 **ACCESSIBILITY.** It is the intent of the sixty-ninth legislative assembly that the legislative
17 management review the accessibility of the legislative chambers and gather information
18 regarding options to improve access.

19 **SECTION 10. LEGISLATIVE MANAGEMENT STUDY - ADVANCED NUCLEAR ENERGY.**

20 During the 2025-26 interim, the legislative management shall study the feasibility, siting, and
21 deployment of advanced nuclear power plants in the state. The appropriation for the legislative
22 management and legislative council, included in subdivision 2 of section 1 of this Act, includes
23 one-time funding of \$650,000, of which \$325,000 is from the general fund and \$325,000 is from
24 other funds derived from matching funds, for the purpose of contracting for consulting services
25 for the advanced nuclear energy study. The legislative management shall seek matching funds
26 from the private sector to the extent available to assist with the cost of the project.

27 1. The study must include evaluation of:

28 a. Siting locations, including potential greenfield and brownfield sites, the
29 identification and assessment of undeveloped land suitable for construction,
30 developed land suitable for rehabilitation and reuse, geographical locations,
31 environmental impacts, proximity to infrastructure, and community acceptance;

- b. Electric grid connectivity, including the capacity of the electrical grid and integration of a nuclear power plant to the state, necessary upgrades and expansions to ensure reliability, and recommendations adhering to national and state electric standards and regulations;
 - c. Land use considerations, including long-term sustainability of proposed sites, environmental and social factors, land use patterns and zoning regulations, potential impacts on local land use, and proposed mitigation strategies;
 - d. Economic impacts, including potential tax revenue, job creation during construction and operation of a nuclear facility, economic impacts on local and state economies, and investor appeal;
 - e. Small modular and micro nuclear reactors, including the feasibility of constructing and operating small modular and micro reactors to generate power in the state; and
 - f. Provisions of the North Dakota Century Code that place restrictions on advanced nuclear energy development, if any.
2. The study must invite participation from an institution of higher education for assistance in evaluating social interests and community acceptance of potential siting locations.
 3. The committee must consist of members appointed by the legislative management.
 4. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

SECTION 11. EMERGENCY. Sections 1 through 5 and section 10 of this Act are declared to be an emergency measure.