

**HOUSE BILL NO. 1001**

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 54-03-20 and 54-35-10 of the North  
3 Dakota Century Code, relating to legislative compensation; to provide for a legislative  
4 management study; to provide a report; to provide for application, transfer, and cancellation of  
5 unexpended appropriations; and to declare an emergency.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
8 as may be necessary, are appropriated out of any moneys in the general fund in the state  
9 treasury, not otherwise appropriated, and from special funds derived from the insurance  
10 regulatory trust fund, not otherwise appropriated, to the legislative branch of state government  
11 for the purpose of defraying the expenses of the legislative branch of state government, for the  
12 fiscal period beginning with the effective date of this Act and ending June 30, 2025, as follows:

13 Subdivision 1.

14 SIXTY-EIGHTH AND SIXTY-NINTH LEGISLATIVE ASSEMBLIES AND BIENNIUM

<u>Governor's</u>			
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
<u>Salaries and wages</u>	<u>\$11,430,094</u>	<u>\$12,506,837</u>	<u>\$11,430,094</u>
<u>Operating expenses</u>	<u>6,218,753</u>	<u>5,167,919</u>	<u>6,218,753</u>
<u>Capital assets</u>	<u>6,000</u>	<u>4,932,600</u>	<u>6,000</u>
<u>National conference of state legislatures</u>	<u>271,333</u>	<u>283,070</u>	<u>271,333</u>
<u>Total general fund</u>	<u>\$17,926,180</u>	<u>\$22,890,426</u>	<u>\$17,926,180</u>
<u>Adjustments or</u>			
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
<u>Salaries and wages</u>	<u>\$11,430,094</u>	<u>\$1,399,505</u>	<u>\$12,829,599</u>

Sixty-eighth  
Legislative Assembly

1	Operating expenses	6,218,753	(668,594)	5,550,159
2	Capital assets	6,000	4,926,600	4,932,600
3	National conference of state legislatures	271,333	11,737	283,070
4	Total general fund	\$17,926,180	\$5,669,248	\$23,595,428

5 Subdivision 2.

6 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

7	<u>Governor's</u>			
8		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
9	Salaries and wages	\$12,690,980	\$13,957,027	\$12,690,980
10	Operating expenses	3,045,430	3,936,412	3,045,430
11	Capital assets	6,000	126,000	6,000
12	Total all funds	\$15,742,410	\$18,019,439	\$15,742,410
13	Less estimated income	70,000	88,000	70,000
14	Total general fund	\$15,672,410	\$17,931,439	\$15,672,410
15	Full-time equivalent positions	44.00	44.00	44.00

16	<u>Adjustments or</u>			
17		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18	Salaries and wages	\$12,690,980	\$1,940,465	\$14,631,445
19	Operating expenses	3,045,430	890,982	3,936,412
20	Capital assets	6,000	120,000	126,000
21	Total all funds	\$15,742,410	\$2,951,447	\$18,693,857
22	Less estimated income	70,000	18,000	88,000
23	Total general fund	\$15,672,410	\$2,933,447	\$18,605,857
24	Full-time equivalent positions	44.00	1.00	45.00

25 Subdivision 3.

26 TOTAL - SECTION 1

27	<u>Governor's</u>			
28		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
29	Grand total general fund	\$33,598,590	\$40,821,865	\$33,598,590
30	Grand total special funds	70,000	88,000	70,000
31	Grand total all funds	\$33,668,590	\$40,909,865	\$33,668,590

	Adjustments or		
	Base Level	Enhancements	Appropriation
Grand total general fund	\$33,598,590	\$8,602,695	\$42,201,285
Grand total special funds	70,000	18,000	88,000
Grand total all funds	\$33,668,590	\$8,620,695	\$42,289,285

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

**BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 one-time funding items included in the appropriation for the legislative assembly in section 1 of this Act:

One-Time Funding Description	2021-23	2023-25
<del>Redistricting session</del>	<del>\$316,284</del>	<del>\$0</del>
<del>Information technology expansion</del>	<del>1,450,000</del>	<del>0</del>
<del>Total general fund</del>	<del>\$1,766,284</del>	<del>\$0</del>
Redistricting session	\$316,284	\$0
Information technology expansion	1,450,000	0
Propylon core upgrade	0	4,816,600
Audio and video storage	0	110,000
Computer and iPad replacement	0	557,950
Chamber upgrades	0	220,000
Total general fund	\$1,766,284	\$5,704,550

The 2023-25 biennium one-time funding amounts are not part of the entity's base budget for the 2025-27 biennium. The legislative assembly shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

**SECTION 3. LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE**

**ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 one-time funding items included in the appropriation for legislative management and legislative council in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
2	<del>Information technology expansion</del>	<del>\$48,000</del>	<del>\$0</del>
3	<del>Public website design</del>	<del>150,000</del>	<del>0</del>
4	<del>Acute psychiatric hospitalization study</del>	<del>500,000</del>	<del>0</del>
5	<del>Total general fund</del>	<del>\$698,000</del>	<del>\$0</del>
6	Information technology expansion	\$48,000	\$0
7	Public website design	150,000	0
8	Acute psychiatric hospitalization study	500,000	0
9	Computer and iPad replacement	0	155,500
10	Secondary and backup servers	0	120,000
11	Total general fund	\$698,000	\$275,500

12 The 2023-25 biennium one-time funding amounts are not part of the entity's base budget for  
 13 the 2025-27 biennium. The legislative council shall report to the appropriations committees of  
 14 the sixty-ninth legislative assembly on the use of this one-time funding for the biennium  
 15 beginning July 1, 2023, and ending June 30, 2025.

16 **SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director  
 17 of the office of management and budget shall transfer appropriation authority between line items  
 18 of the legislative management and legislative council as may be requested by the chairman of  
 19 the legislative management or the director of the legislative council upon the finding by the  
 20 chairman or the director that the nature of studies and duties assigned to the legislative  
 21 management or legislative council requires the transfers in properly carrying on the legislative  
 22 management's and legislative council's functions and duties. The director of the office of  
 23 management and budget shall similarly make transfers of appropriation authority between the  
 24 line items for the sixty-eighth and sixty-ninth legislative assemblies, upon request by the  
 25 chairman of the legislative management or the director of the legislative council upon the finding  
 26 by the chairman or director that the transfers are required for the legislative assembly to carry  
 27 on its functions and duties.

28 **SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**  
 29 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to  
 30 chapter 29 of the 2021 Session Laws. The director of the office of management and budget  
 31 shall make transfers of appropriation authority between the line items and the agencies of the

1 legislative branch within section 1 of that chapter as requested by the chairman of the legislative  
2 management or the director of the legislative council. The office of management and budget  
3 shall cancel unexpended appropriations for the legislative assembly and legislative council  
4 enacted prior to the 2021-23 biennium as directed by the chairman of the legislative  
5 management or the director of the legislative council.

6 **SECTION 6. 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 ~~one hundred eighty-nine~~two hundred one dollars through June 30,  
12 ~~2022~~2024, and ~~one hundred ninety-three~~two hundred nine 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 ~~twenty-six~~fifty-eight dollars through  
8       June 30, ~~2022~~2024, and five hundred ~~thirty-seven~~eighty dollars thereafter per  
9       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 ~~three-~~  
17      ~~hundred seventy-seven~~four hundred dollars through June 30, ~~2022~~2024, and  
18      ~~three hundred eighty-five~~four hundred sixteen dollars thereafter per month during  
19      the 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 7. 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 ~~one hundred eighty-nine~~two hundred one dollars through June 30, ~~2022~~2024, and  
6       ~~one hundred ninety-three~~two hundred nine 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 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 dollars for each day spent in attendance at sessions of the legislative  
14       management or of the committee which the person chairs.

15       **SECTION 8. LEGISLATIVE MANAGEMENT STUDY - IMPACT OF TERM LIMITS ON THE**  
16       **LEGISLATIVE ASSEMBLY.** During the 2023-24 interim, the legislative management shall  
17       consider studying the impact of term limits on the manner in which the legislative assembly  
18       conducts business. The study must include an assessment of the desirability of providing  
19       increased educational opportunities for legislative members due to shortened tenures in the  
20       legislative assembly, increasing the number of legislative council policy staff available to assist  
21       new members, and holding legislative sessions on an annual basis. The legislative  
22       management shall report its findings and recommendations, together with any legislation  
23       required to implement the recommendations, to the sixty-ninth legislative assembly.

24       **SECTION 9. EMERGENCY.** ~~This Act is~~Sections 1 through 5 of this Act are declared to be  
25       an emergency measure.