

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED 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 a report; to provide an  
4 exemption; to provide for application, transfer, and cancellation of unexpended appropriations;  
5 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

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$11,430,094	\$1,520,473	\$12,950,567
18 Operating expenses	6,218,753	(668,594)	5,550,159
19 Capital assets	6,000	4,926,600	4,932,600
20 National conference of state legislatures	<u>271,333</u>	<u>11,737</u>	<u>283,070</u>
21 Total general fund	\$17,926,180	\$5,790,216	\$23,716,396

22 Subdivision 2.

23 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

Sixty-eighth  
Legislative Assembly

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
1				
2				
3	Salaries and wages	\$12,690,980	\$1,952,397	\$14,643,377
4	New and vacant FTE funding pool	0	479,137	479,137
5	Operating expenses	3,045,430	890,982	3,936,412
6	Capital assets	<u>6,000</u>	<u>120,000</u>	<u>126,000</u>
7	Total all funds	\$15,742,410	\$3,442,516	\$19,184,926
8	Less estimated income	<u>70,000</u>	<u>18,000</u>	<u>88,000</u>
9	Total general fund	\$15,672,410	\$3,424,516	\$19,096,926
10	Full-time equivalent positions	44.00	1.00	45.00

11 Subdivision 3.

12 TOTAL - SECTION 1

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
13				
14				
15	Grand total general fund	\$33,598,590	\$9,214,732	\$42,813,322
16	Grand total special funds	<u>70,000</u>	<u>18,000</u>	<u>88,000</u>
17	Grand total all funds	\$33,668,590	\$9,232,732	\$42,901,322

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

19 **BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts  
 20 reflect the one-time funding items approved by the sixty-seventh legislative assembly for the  
 21 2021-23 biennium and the 2023-25 one-time funding items included in the appropriation for the  
 22 legislative assembly in section 1 of this Act:

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

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

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

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

11 <u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
12 Information technology expansion	\$48,000	\$0
13 Public website design	150,000	0
14 Acute psychiatric hospitalization study	500,000	0
15 Computer and iPad replacement	0	155,500
16 Secondary and backup servers	<u>0</u>	<u>120,000</u>
17 Total general fund	\$698,000	\$275,500

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

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

1 by the chairman or director that the transfers are required for the legislative assembly to carry  
2 on its functions and duties.

3 **SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**

4 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to  
5 chapter 29 of the 2021 Session Laws. The director of the office of management and budget  
6 shall make transfers of appropriation authority between the line items and the agencies of the  
7 legislative branch within section 1 of that chapter as requested by the chairman of the legislative  
8 management or the director of the legislative council. The office of management and budget  
9 shall cancel unexpended appropriations for the legislative assembly and legislative council  
10 enacted prior to the 2021-23 biennium as directed by the chairman of the legislative  
11 management or the director of the legislative council.

12 **SECTION 6. NEW AND VACANT FTE FUNDING POOL - BUDGET SECTION REPORT.**

- 13 1. The legislative council may not spend funds from the new and vacant FTE funding  
14 pool line item in section 1 of this Act, but may transfer funds from this line item to the  
15 salaries and wages line item as necessary to provide funding for:
- 16 a. Filling a new or vacant FTE position from the date of hire through the end of the  
17 biennium; or
  - 18 b. Salaries and wages if actual salaries and wages savings from vacant positions  
19 are less than the estimate used by the sixty-eighth legislative assembly in the  
20 development of the appropriation.
- 21 2. The legislative council shall report to the budget section regarding the use of funding  
22 in the pool including information on:
- 23 a. New FTE positions, including the date hired;
  - 24 b. Vacant FTE positions, including the dates the positions are vacated and filled;  
25 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 funding pool line item is insufficient to provide the necessary salaries  
29 and wages funding for the biennium, the legislative council may request a deficiency  
30 appropriation from the sixty-ninth legislative assembly.

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

3       **54-03-20. Compensation and expense reimbursement of members of the legislative**  
4 **assembly.**

5       1. Each member of the legislative assembly is entitled to receive as compensation for  
6 services the sum of ~~one hundred eighty-nine~~two hundred five dollars through June 30,  
7 ~~2022~~2024, and ~~one hundred ninety-three~~two hundred thirteen dollars thereafter for  
8 each calendar day during any organizational, special, or regular legislative session  
9 and for each day that member attends a meeting of a legislative committee between  
10 the organizational session and the regular session as authorized by legislative rule.

11       2. a. Each member of the legislative assembly is entitled to receive reimbursement for  
12 lodging, which may not exceed per calendar month the amount established under  
13 this subdivision by the director of the office of management and budget for  
14 lodging in state and which may not exceed the rate provided in section 44-08-04  
15 for each calendar day during the period of any organizational, special, or regular  
16 session. On August first of each even-numbered year, the director of the office of  
17 management and budget shall set the maximum monthly reimbursement for the  
18 subsequent two-year period at an amount equal to thirty times seventy percent of  
19 the daily lodging reimbursement in effect on that date as provided under  
20 subdivision d of subsection 2 of section 44-08-04.

21       b. Notwithstanding subdivision a:  
22       (1) A member of the legislative assembly may elect to be reimbursed for less  
23 than the amount to which the legislator is entitled under this subsection by  
24 claiming the lesser amount on a voucher submitted with the receipt required  
25 by section 44-08-04.  
26       (2) The legislative management may establish guidelines that may result in a  
27 reduced maximum reimbursement for a single dwelling in which two or more  
28 legislators share lodging and the total rent for that dwelling exceeds the  
29 amount to which a legislator is entitled under subdivision a.

30       3. a. Members of the legislative assembly who receive reimbursement for lodging are  
31 also entitled to reimbursement for travel for not to exceed one round trip taken

1 during any calendar week, or portion of a week, the legislative assembly is in  
2 session, between their residences and the place of meeting of the legislative  
3 assembly, at the rate provided for state employees with the additional limitation  
4 that reimbursement for travel by common carrier may be only at the cost of coach  
5 fare and may not exceed one and one-half times the amount the member would  
6 be entitled to receive as mileage reimbursement for travel by motor vehicle.

7 b. A member of the legislative assembly who does not receive reimbursement for  
8 lodging and whose place of residence in the legislative district that the member  
9 represents is not within the city of Bismarck is entitled to reimbursement at the  
10 rate provided for state employees for necessary travel for not to exceed one  
11 round trip taken per day between the residence and the place of meeting of the  
12 legislative assembly when it is in session and may receive reimbursement for  
13 lodging at the place of meeting of the legislative assembly as provided in section  
14 44-08-04 for each calendar day for which round trip travel reimbursement is not  
15 claimed, provided that the total reimbursement may not exceed the maximum  
16 monthly reimbursement allowed under subdivision a of subsection 2.

17 4. The amount to which each legislator is entitled must be paid following the  
18 organizational session in December and each month upon submission of a voucher  
19 and appropriate documentation during a regular or special session, consistent with  
20 section 26 of article XI of the constitution of North Dakota.

21 5. If during a special session, the legislative assembly adjourns for more than three days,  
22 a member of the legislative assembly is entitled to receive compensation during those  
23 days only while in attendance at a standing committee if the legislator is a member of  
24 that committee, a majority or minority leader, or a legislator who is not on that  
25 committee but who has the approval of a majority or minority leader to attend.

26 6. A day, or portion of a day, spent in traveling to or returning from an organizational,  
27 special, or regular session or a legislative committee meeting must be included as a  
28 calendar day during a legislative session or as a day of a legislative committee  
29 meeting for the purposes of this section.

30 7. a. In addition, each member is entitled to receive during the term for which the  
31 member was elected, as compensation for the execution of public duties during

1 the biennium, the sum of five hundred ~~twenty-six~~sixty-nine dollars through  
2 June 30, ~~2022~~2024, and five hundred ~~thirty-seven~~ninety-two dollars thereafter  
3 per month, paid monthly.

4 b. If a member dies or resigns from office during the member's term, the member  
5 may be paid only the allowances provided for in this section for the period for  
6 which the member was actually a member.

7 c. The majority and minority leaders of the house and senate and the chairman of  
8 the legislative management, if the chairman is not a majority or minority leader,  
9 are each entitled to receive as compensation, in addition to any other  
10 compensation or expense reimbursement provided by law, the sum of ~~three-~~  
11 ~~hundred-seventy-seven~~four hundred eight dollars through June 30, ~~2022~~2024,  
12 and ~~three hundred-eighty-five~~four hundred twenty-four dollars thereafter per  
13 month during the biennium for their execution of public duties.

14 8. Attendance at any organizational, special, or regular session of the legislative  
15 assembly by any member is a conclusive presumption of entitlement as set out in this  
16 section and compensation and expense allowances must be excluded from gross  
17 income for income tax purposes to the extent permitted for federal income tax  
18 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;  
19 95 Stat. 202; 26 U.S.C. 162(i)].

20 9. Before each regular legislative session, the legislative management shall make  
21 recommendations and submit any necessary legislation to adjust legislative  
22 compensation amounts.

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

25 **54-35-10. Compensation of members and leadership.**

26 1. The members of the legislative management and the members of any committee of  
27 the legislative management are entitled to be compensated for the time spent in  
28 attendance at sessions of the legislative management and of its committees at the rate  
29 of ~~one hundred eighty-nine~~two hundred five dollars through June 30, ~~2022~~2024, and  
30 ~~one hundred ninety-three~~two hundred thirteen dollars thereafter per day and must also

1           be paid for expenses incurred in attending said meetings and in the performance of  
2           their official duties in the amounts provided by law for other state officers.

3           2. In addition to the compensation provided in subsection 1, the chairman of the  
4           legislative management is entitled to receive an additional five dollars for each day  
5           spent in attendance at sessions of the legislative management and of its committees,  
6           and the chairman of each of the legislative management's committees is entitled to  
7           receive five dollars for each day spent in attendance at sessions of the legislative  
8           management or of the committee which the person chairs.

9           **SECTION 9. EMERGENCY.** Sections 1 through 5 of this Act are declared to be an  
10          emergency measure.