

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 for
4 application, transfer, and cancellation of unexpended appropriations; and to declare an
5 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	(1,040,834)	5,177,919
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	\$5,297,008	\$23,223,188

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	\$1,890,465	\$14,581,445
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	\$2,901,447	\$18,643,857
22	Less estimated income	70,000	18,000	88,000
23	Total general fund	\$15,672,410	\$2,883,447	\$18,555,857
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	\$8,180,455	\$41,779,045
Grand total special funds	70,000	18,000	88,000
Grand total all funds	\$33,668,590	\$8,198,455	\$41,867,045

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
Redistricting session	\$316,284	\$0
Information technology expansion	1,450,000	0
Total general fund	\$1,766,284	\$0
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	Information technology expansion	\$48,000	\$0
3	Public website design	150,000	0
4	Acute psychiatric hospitalization study	500,000	0
5	Total general fund	\$698,000	\$0
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

The 2023-25 biennium one-time funding amounts are not part of the entity's base budget for the 2025-27 biennium. The legislative council 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 4. EXEMPTION - TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority between line items of the legislative management and legislative council as may be requested by the chairman of the legislative management or the director of the legislative council upon the finding by the chairman or the director that the nature of studies and duties assigned to the legislative management or legislative council requires the transfers in properly carrying on the legislative management's and legislative council's functions and duties. The director of the office of management and budget shall similarly make transfers of appropriation authority between the line items for the sixty-eighth and sixty-ninth legislative assemblies, upon request by the chairman of the legislative management or the director of the legislative council upon the finding by the chairman or director that the transfers are required for the legislative assembly to carry on its functions and duties.

SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF UNEXPENDED APPROPRIATIONS. Sections 54-16-04 and 54-44.1-11 do not apply to chapter 29 of the 2021 Session Laws. The director of the office of management and budget 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. EMERGENCY.** ~~This Act is~~Sections 1 through 5 of this Act are declared to be
16 an emergency measure.