

April 15, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2001

Introduced by

Appropriations Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the legislative branch of state government; to amend and reenact sections 48-08-04, 54-03-10, 54-03-20, and 54-35-10 of the North Dakota Century Code, relating to use of legislative rooms and halls and legislative compensation; to provide a statement of legislative intent; ~~to provide for a legislative management study~~; to provide for a report; to provide an exemption; and to provide for application, transfer, and cancellation of unexpended appropriations; ~~and to declare an emergency.~~

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Subdivision 1.

SIXTY-NINTH AND SEVENTIETH LEGISLATIVE ASSEMBLIES AND BIENNIUM

	Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$12,950,567	\$1,645,103	\$14,595,670

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1	Operating expenses	4,772,209	5,190,631	9,962,840
2	Capital assets	6,000	220,000	226,000
3	National conference of state legislatures	283,070	23,102	306,172
4	Total general fund	\$18,011,846	\$7,078,836	\$25,090,682
5	Salaries and wages	\$12,950,567	\$1,645,103	\$14,595,670
6	Operating expenses	4,772,209	5,398,631	10,170,840
7	Capital assets	6,000	220,000	226,000
8	National conference of state legislatures	283,070	23,102	306,172
9	Total general fund	\$18,011,846	\$7,286,836	\$25,298,682

Subdivision 2.

LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

12			Adjustments or	
13		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
14	Salaries and wages	\$15,435,797	\$1,190,358	\$16,626,155
15	New and vacant FTE pool	0	5,088,515	5,088,515
16	Operating expenses	3,780,912	2,085,238	5,866,150
17	Capital assets	6,000	280,000	286,000
18	Total all funds	\$19,222,709	\$8,644,111	\$27,866,820
19	Less other funds	88,000	325,000	413,000
20	Total general fund	\$19,134,709	\$8,319,111	\$27,453,820
21	Salaries and wages	\$15,435,797	\$1,190,358	\$16,626,155
22	New and vacant FTE pool	0	5,088,515	5,088,515
23	Operating expenses	3,780,912	1,435,238	5,216,150
24	Public printing	0	290,000	290,000
25	Capital assets	6,000	280,000	286,000
26	Total all funds	\$19,222,709	\$8,284,111	\$27,506,820
27	Less other funds	88,000	0	88,000
28	Total general fund	\$19,134,709	\$8,284,111	\$27,418,820
29	Full-time equivalent positions	45.00	25.00	70.00

Subdivision 3.

TOTAL - SECTION 1

1		Adjustments or		
2		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
3	Grand total all funds	\$37,234,555	\$15,722,947	\$52,957,502
4	Less grand total other funds	88,000	325,000	413,000
5	Grand total general fund	\$37,146,555	\$15,397,947	\$52,544,502
6	<u>Grand total all funds</u>	<u>\$37,234,555</u>	<u>\$15,570,947</u>	<u>\$52,805,502</u>
7	<u>Less grand total other funds</u>	<u>88,000</u>	<u>0</u>	<u>88,000</u>
8	<u>Grand total general fund</u>	<u>\$37,146,555</u>	<u>\$15,570,947</u>	<u>\$52,717,502</u>

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

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

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total Funds</u>
Legislative Assembly			
Legislative chambers and system upgrades	<u>\$4,451,000</u>	<u>\$0</u>	<u>\$4,451,000</u>
Total legislative assembly	<u>\$4,451,000</u>	<u>\$0</u>	<u>\$4,451,000</u>
Legislative Management and Legislative Council			
Costs related to new positions	<u>\$375,000</u>	<u>\$0</u>	<u>\$375,000</u>
Legislative term limit study	<u>225,000</u>	<u>0</u>	<u>225,000</u>
Advanced nuclear energy study	325,000	325,000	650,000
Information technology equipment	<u>280,000</u>	<u>0</u>	<u>280,000</u>
Total legislative management and legislative council	\$1,205,000	\$325,000	\$1,530,000
Grand total	\$5,656,000	\$325,000	\$5,981,000
<u>legislative council</u>	<u>\$880,000</u>	<u>\$0</u>	<u>\$880,000</u>
<u>Grand total</u>	<u>\$5,331,000</u>	<u>\$0</u>	<u>\$5,331,000</u>

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

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

21 **SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director
22 of the office of management and budget shall transfer appropriation authority between line items
23 of the legislative management and legislative council as may be requested by the chairman of
24 the legislative management or the director of the legislative council upon the finding by the
25 chairman or the director that the nature of studies and duties assigned to the legislative
26 management or legislative council requires the transfers in properly carrying on the legislative
27 management's and legislative council's functions and duties. The director of the office of
28 management and budget shall similarly make transfers of appropriation authority between the
29 line items for the sixty-ninth and seventieth legislative assemblies, upon request by the
30 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 1 of the 2023 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 legislative branch within section 1 of that chapter as requested by the chairman of the legislative management or the director of the legislative council. The office of management and budget shall cancel unexpended appropriations for the legislative assembly and legislative council enacted prior to the 2023-25 biennium as directed by the chairman of the legislative management or the director of the legislative council.

SECTION 6. AMENDMENT. Section 48-08-04 of the North Dakota Century Code is amended and reenacted as follows:

48-08-04. Use of legislative assembly rooms, ~~and halls~~, and other space in the capitol.

During the interim between legislative sessions, the committee rooms, halls, passageways, and other space in the capitol used by the legislative assembly, including the pioneer room, the coteau room, the Sheyenne River room, judicial wing room 216, and judicial wing rooms 327 B, C, and E, may not be used without authorization of the legislative council. The fifteenth floor of the capitol is reserved for the exclusive use of the legislative council.

SECTION 7. AMENDMENT. Section 54-03-10 of the North Dakota Century Code is amended and reenacted as follows:

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

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

during any regular, special, or organizational session. The additional compensation provided by this section must be paid in the manner provided in section 54-03-20. The legislative assembly, by concurrent resolution, shall fix the compensation of the other officers and employees elected or appointed.

SECTION 8. AMENDMENT. Section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

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

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

legislators share lodging and the total rent for that dwelling exceeds the amount to which a legislator is entitled under subdivision a.

3. a. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may be only at the cost of coach fare and may not exceed one and one-half times the amount the member would be entitled to receive as mileage reimbursement for travel by motor vehicle.
- b. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed the maximum monthly reimbursement allowed under subdivision a of subsection 2.
4. The amount to which each legislator is entitled must be paid following the organizational session in December and each month upon submission of a voucher and appropriate documentation during a regular or special session, consistent with section 26 of article XI of the constitution of North Dakota.
5. If during a special session, the legislative assembly adjourns for more than three days, a member of the legislative assembly is entitled to receive compensation during those days only while in attendance at a standing committee if the legislator is a member of that committee, a majority or minority leader, or a legislator who is not on that committee but who has the approval of a majority or minority leader to attend.
6. A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session or a legislative committee meeting must be included as a

calendar day during a legislative session or as a day of a legislative committee meeting for the purposes of this section.

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

SECTION 9. AMENDMENT. Section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The members of the legislative management and the members of any committee of the legislative management are entitled to be compensated for the time spent in

attendance at sessions of the legislative management and of its committees at the rate of ~~two hundred fifty~~two hundred nineteen dollars through June 30, ~~2024~~2026, and ~~two hundred thirteen~~two hundred twenty-six dollars thereafter per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.

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

SECTION 10. LEGISLATIVE INTENT - LEGISLATIVE MANAGEMENT - CHAMBER

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

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

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

~~1. The study must include evaluation of:~~

- ~~a. Siting locations, including potential greenfield and brownfield sites, the identification and assessment of undeveloped land suitable for construction, developed land suitable for rehabilitation and reuse, geographical locations, 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~~

1 expansions to ensure reliability, and recommendations adhering to national and
2 state electric standards and regulations;
3 ~~—— c. Land use considerations, including long-term sustainability of proposed sites,~~
4 environmental and social factors, land use patterns and zoning regulations,
5 potential impacts on local land use, and proposed mitigation strategies;
6 ~~—— d. Economic impacts, including potential tax revenue, job creation during~~
7 construction and operation of a nuclear facility, economic impacts on local and
8 state economies, and investor appeal;
9 ~~—— e. Small modular and micro nuclear reactors, including the feasibility of constructing~~
10 and operating small modular and micro reactors to generate power in the state;
11 and
12 ~~—— f. Provisions of the North Dakota Century Code that place restrictions on advanced~~
13 nuclear energy development, if any.
14 ~~—— 2. The study must invite participation from an institution of higher education for~~
15 assistance in evaluating social interests and community acceptance of potential siting
16 locations.
17 ~~—— 3. The committee must consist of members appointed by the legislative management.~~
18 ~~—— 4. The legislative management shall report its findings and recommendations,~~
19 together with any legislation necessary to implement the recommendations, to the
20 seventieth legislative assembly.
21 ~~—— **SECTION 11. EMERGENCY.** Sections 1 through 5 and section 10 of this Act are declared~~
22 to be an emergency measure.