

Sixty-ninth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with House Amendments**

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 48-08-04, 54-03-10, 54-03-20, and
3 54-35-10 of the North Dakota Century Code, relating to use of legislative rooms and halls and
4 legislative compensation; to provide a statement of legislative intent; to provide for a report; to
5 provide an exemption; and to provide for application, transfer, and cancellation of unexpended
6 appropriations.

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, not otherwise appropriated, to the legislative branch of state government
12 for the purpose of defraying the expenses of the legislative branch of state government, for the
13 fiscal period beginning with the effective date of this Act, and ending June 30, 2027, as follows:

14 Subdivision 1.

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

16			Adjustments or	
17		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18	Salaries and wages	\$12,950,567	\$1,645,103	\$14,595,670
19	Operating expenses	4,772,209	5,398,631	10,170,840
20	Capital assets	6,000	220,000	226,000
21	National conference of state legislatures	<u>283,070</u>	<u>23,102</u>	<u>306,172</u>
22	Total general fund	\$18,011,846	\$7,286,836	\$25,298,682

1 Subdivision 2.

2 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

3			Adjustments or	
4		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
5	Salaries and wages	\$15,435,797	\$1,190,358	\$16,626,155
6	New and vacant FTE pool	0	5,088,515	5,088,515
7	Operating expenses	3,780,912	1,435,238	5,216,150
8	Public printing	0	290,000	290,000
9	Capital assets	<u>6,000</u>	<u>280,000</u>	<u>286,000</u>
10	Total all funds	\$19,222,709	\$8,284,111	\$27,506,820
11	Less other funds	<u>88,000</u>	<u>0</u>	<u>88,000</u>
12	Total general fund	\$19,134,709	\$8,284,111	\$27,418,820
13	Full-time equivalent positions	45.00	25.00	70.00

14 Subdivision 3.

15 TOTAL - SECTION 1

16			Adjustments or	
17		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18	Grand total all funds	\$37,234,555	\$15,570,947	\$52,805,502
19	Less grand total other funds	<u>88,000</u>	<u>0</u>	<u>88,000</u>
20	Grand total general fund	\$37,146,555	\$15,570,947	\$52,717,502

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

22 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
 23 items included in the appropriation in section 1 of this Act which are not included in each entity's
 24 base budget for the 2027-29 biennium and which each entity shall report to the appropriations
 25 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>
27 Legislative Assembly			
28 Legislative chambers and	<u>\$4,451,000</u>	<u>\$0</u>	<u>\$4,451,000</u>
29 system upgrades			
30 Total legislative assembly	\$4,451,000	\$0	\$4,451,000
31 Legislative Management			

1 and Legislative Council

2	Costs related to new positions	\$375,000	\$0	\$375,000
3	Legislative term limit study	225,000	0	225,000
4	Information technology equipment	<u>280,000</u>	<u>0</u>	<u>280,000</u>
5	Total legislative management and			
6	legislative council	<u>\$880,000</u>	<u>\$0</u>	<u>\$880,000</u>
7	Grand total	\$5,331,000	\$0	\$5,331,000

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

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

29 **SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director
30 of the office of management and budget shall transfer appropriation authority between line items
31 of the legislative management and legislative council as may be requested by the chairman of

1 the legislative management or the director of the legislative council upon the finding by the
2 chairman or the director that the nature of studies and duties assigned to the legislative
3 management or legislative council requires the transfers in properly carrying on the legislative
4 management's and legislative council's functions and duties. The director of the office of
5 management and budget shall similarly make transfers of appropriation authority between the
6 line items for the sixty-ninth and seventieth legislative assemblies, upon request by the
7 chairman of the legislative management or the director of the legislative council upon the finding
8 by the chairman or director that the transfers are required for the legislative assembly to carry
9 on its functions and duties.

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

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

21 **48-08-04. Use of legislative assembly rooms, and halls, and other space in the**
22 **capitol.**

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

28 **SECTION 7. AMENDMENT.** Section 54-03-10 of the North Dakota Century Code is
29 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

1 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;
2 95 Stat. 202; 26 U.S.C. 162(i)].

3 9. Before each regular legislative session, the legislative management shall make
4 recommendations and submit any necessary legislation to adjust legislative
5 compensation amounts.

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

8 **54-35-10. Compensation of members and leadership.**

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

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

22 **SECTION 10. LEGISLATIVE INTENT - LEGISLATIVE MANAGEMENT - CHAMBER**

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