

Introduced by

Appropriations Committee

(At the request of the Legislative Council)

1 A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch
 2 of state government; to provide a statement of legislative intent; to amend and reenact sections
 3 54-03-10 and 54-03-20 of the North Dakota Century Code, relating to compensation of
 4 appropriations committee division chairmen and compensation of members of the legislative
 5 assembly; to provide for applications and transfers; to provide an effective date; to provide for
 6 retroactive application; and to declare an emergency.

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

8 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this
 9 section represent the base level funding component appropriated to the legislative branch of
 10 state government in section 3 of this Act as follows:

11 Subdivision 1.

12 FIFTY-NINTH AND SIXTIETH LEGISLATIVE ASSEMBLIES AND BIENNIUM

13 Salaries and wages	\$5,482,878
14 Operating expenses	2,904,850
15 Capital assets	6,000
16 National conference of state legislatures	<u>167,524</u>
17 Total general fund - Base level	\$8,561,252

18 Subdivision 2.

19 LEGISLATIVE COUNCIL

20 Salaries and wages	\$4,916,029
21 Operating expenses	2,209,827
22 Capital assets	57,000
23 Information technology study	<u>350,000</u>

Fifty-ninth
Legislative Assembly

1	Total general fund - Base level	\$7,532,856
2	Total general fund - Section 1	\$16,094,108

3 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
4 amounts identified in this section represent the funding adjustments or enhancements to the
5 base funding level for the legislative branch of state government which are included in the
6 appropriation in section 3 of this Act as follows:

7 Subdivision 1.

8	FIFTY-NINTH AND SIXTIETH LEGISLATIVE ASSEMBLIES AND BIENNIUM	
9	Salaries and wages	\$415,913
10	Operating expenses	92,923
11	Capital assets	100,000
12	National conference of state legislatures	<u>10,226</u>
13	Total general fund - Adjustments/enhancements	\$619,062

14 Subdivision 2.

15	LEGISLATIVE COUNCIL	
16	Salaries and wages	\$251,007
17	Operating expenses	157,909
18	Capital assets	(16,000)
19	Information technology study	<u>(350,000)</u>
20	Total general fund - Adjustments/enhancements	\$42,916
21	Total general fund - Section 2	\$661,978

22 **SECTION 3. APPROPRIATION FOR THE LEGISLATIVE BRANCH OF STATE**
23 **GOVERNMENT.** The funds provided in this section, or so much of the funds as may be
24 necessary, are appropriated out of any moneys in the general fund in the state treasury, not
25 otherwise appropriated, to the legislative branch of state government for the purpose of
26 defraying the expenses of that branch, for the fiscal period beginning with the effective date of
27 this Act and ending June 30, 2007, as follows:

28 Subdivision 1.

29	FIFTY-NINTH AND SIXTIETH LEGISLATIVE ASSEMBLIES AND BIENNIUM	
30	Salaries and wages	\$5,898,791
31	Operating expenses	2,997,773

1 regarding system functions. After completion of a project phase, the information technology
2 committee shall review and approve the deliverables from the completed phase before any
3 consideration may be made for a subsequent phase. The individual designated as the project
4 manager shall provide reports regarding the project as required by chapters 54-35 and 54-59
5 and provide any additional information requested by the information technology committee.

6 **SECTION 6. LEGISLATIVE INTENT - PRINTING OF BILLS AND RESOLUTIONS.** It
7 is the intent of the fifty-ninth legislative assembly that to provide for the space needs of the
8 legislative assembly and to better utilize space in the legislative wing of the state capitol, the
9 legislative council arrange for the printing of bills and resolutions for the sixtieth legislative
10 assembly as requested using computers and high-speed printers rather than printing multiple
11 copies of all bills and having them available in the bill and journal room for the biennium
12 beginning July 1, 2005, and ending June 30, 2007.

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

15 **54-03-10. Compensation of speaker, majority and minority leaders, assistant**
16 **majority and minority leaders, committee or division chairmen, and employees.** The
17 speaker of the house, the house majority leader, the senate majority leader, the house minority
18 leader, and the senate minority leader shall each receive as compensation, in addition to any
19 other compensation or expense reimbursement provided by law, the sum of ten dollars per day
20 for each calendar day during any regular, special, or organizational session. Chairmen of the
21 substantive standing committees, chairmen of substantive standing committee divisions
22 established by rule of the house or senate, the house assistant majority leader, the senate
23 assistant majority leader, the house assistant minority leader, and the senate assistant minority
24 leader shall receive additional compensation of five dollars for each calendar day during any
25 regular, special, or organizational session. The additional compensation provided by this
26 section must be paid in the manner provided in section 54-03-20. The legislative assembly, by
27 concurrent resolution, shall fix the compensation of the other officers and employees elected or
28 appointed.

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

1 **54-03-20. Compensation and expense reimbursement of members of the**
2 **legislative assembly.** Each member of the legislative assembly of the state of North Dakota is
3 entitled to receive as compensation for services the sum of one hundred ~~twenty-five~~ thirty-five
4 dollars for each calendar day during any organizational, special, or regular legislative session
5 and for each day that member attends a meeting of a legislative committee between the
6 organizational session and the regular session as authorized by legislative rule. Each member
7 of the legislative assembly is entitled to receive reimbursement for lodging, which may not
8 exceed a maximum of six hundred fifty dollars per calendar month for lodging in state, at the
9 rates and in the manner provided in section 44-08-04 for each calendar day during the period of
10 any organizational, special, or regular session. Members of the legislative assembly who
11 receive reimbursement for lodging are also entitled to reimbursement for travel for not to
12 exceed one round trip taken during any calendar week, or portion of a week, the legislative
13 assembly is in session, between their residences and the place of meeting of the legislative
14 assembly, at the rate provided for state employees with the additional limitation that
15 reimbursement for travel by common carrier may be only at the cost of coach fare and may not
16 exceed one and one-half times the amount the member would be entitled to receive as mileage
17 reimbursement for travel by motor vehicle. A member of the legislative assembly who does not
18 receive reimbursement for lodging and whose place of residence in the legislative district that
19 the member represents is not within the city of Bismarck is entitled to reimbursement at the rate
20 provided for state employees for necessary travel for not to exceed one round trip taken per
21 day between the residence and the place of meeting of the legislative assembly when it is in
22 session and may receive reimbursement for lodging at the place of meeting of the legislative
23 assembly as provided in section 44-08-04 for each calendar day for which round trip travel
24 reimbursement is not claimed, provided that the total reimbursement may not exceed six
25 hundred fifty dollars per month. The amount to which each legislator is entitled must be paid
26 following the organizational session in December and following each month during a regular or
27 special session.

28 If during a special session, the legislative assembly adjourns for more than three days,
29 a member of the legislative assembly is entitled to receive compensation during those days
30 only while in attendance at a standing committee if the legislator is a member of that
31 committee, a majority or minority leader, or a legislator who is not on that committee but who

1 has the approval of a majority or minority leader to attend. A day, or portion of a day, spent in
2 traveling to or returning from an organizational, special, or regular session or a legislative
3 committee meeting must be included as a calendar day during a legislative session or as a day
4 of a legislative committee meeting for the purposes of this section.

5 In addition, each member is entitled to receive during the term for which the member
6 was elected, as compensation for the execution of public duties during the biennium, the sum
7 of two hundred fifty dollars a month, which is payable every six months or monthly, at the
8 member's option. If a member dies or resigns from office during the member's term, the
9 member may be paid only the allowances provided for in this section for the period for which
10 the member was actually a member. The majority and minority leaders of the house and
11 senate and the chairman of the legislative council, if the chairman is not a majority or minority
12 leader, are each entitled to receive as compensation, in addition to any other compensation or
13 expense reimbursement provided by law, the sum of two hundred fifty dollars per month during
14 the biennium for their execution of public duties.

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

20 **SECTION 9. APPLICATION AND TRANSFER AUTHORITY.** North Dakota Century
21 Code sections 54-16-04 and 54-44.1-11 do not apply to chapter 1 of the 2003 Session Laws.
22 Any unexpended funds from the appropriations in chapter 1 of the 2003 Session Laws are
23 available to assist in the cost of the legislative applications replacement project, including
24 preplanning costs. The director of the office of management and budget and the state
25 treasurer shall make transfers of funds between the line items and the agencies of the
26 legislative branch within section 1 of that chapter as requested by the chairman of the
27 legislative council or the chairman's designee.

28 **SECTION 10. EFFECTIVE DATE.** Section 8 of this Act becomes effective
29 December 1, 2006.

30 **SECTION 11. RETROACTIVE APPLICATION.** Section 7 of this Act is retroactive in
31 application to January 1, 2005.

1 **SECTION 12. EMERGENCY.** This Act is declared to be an emergency measure.