

Sixty-second  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1001

Introduced by

Appropriations Committee

(At the request of the Legislative Management)

1 A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch  
2 of state government; to provide for applications and transfers; to amend and reenact sections  
3 54-03-10, 54-03-20, and 54-35-10 of the North Dakota Century Code, relating to legislative  
4 compensation; to provide an effective date; and to declare an emergency.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
7 as may be necessary, are appropriated out of any moneys in the general fund in the state  
8 treasury, not otherwise appropriated, and from special funds derived from the insurance  
9 regulatory trust fund, not otherwise appropriated, to the legislative branch of state government  
10 for the purpose of defraying the expenses of that branch, for the fiscal period beginning with the  
11 effective date of this Act and ending June 30, 2013, as follows:

12 Subdivision 1.

13 SIXTY-SECOND AND SIXTY-THIRD LEGISLATIVE ASSEMBLIES AND BIENNIUM

	Adjustments or		
	Base Level	Enhancements	Appropriation
16 <del>Salaries and wages</del>	<del>\$7,933,506</del>	<del>\$764,074</del>	<del>\$8,697,580</del>
17 <del>Operating expenses</del>	<del>2,850,061</del>	<del>1,264,023</del>	<del>4,114,084</del>
18 <u>Salaries and wages</u>	<u>\$7,933,506</u>	<u>\$784,985</u>	<u>\$8,718,491</u>
19 <u>Operating expenses</u>	<u>2,850,061</u>	<u>1,167,255</u>	<u>4,017,316</u>
20 Capital assets	0	1,300,000	1,300,000
21 National conference of state legislatures	227,660	4,450	232,110
22 <del>Total general fund</del>	<del>\$11,011,227</del>	<del>\$3,332,547</del>	<del>\$14,343,774</del>
23 <u>Total general fund</u>	<u>\$11,011,227</u>	<u>\$3,256,690</u>	<u>\$14,267,917</u>

24 Subdivision 2.

1 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
4	Salaries and wages	\$6,876,369	\$697,962	\$7,574,331
5	Operating expenses	3,442,134	473,193	3,915,327
6	Capital assets	<u>21,000</u>	<u>20,500</u>	<u>41,500</u>
7	Total all funds	\$10,339,503	\$1,191,655	\$11,531,158
8	Less estimated income	<u>70,000</u>	<u>0</u>	<u>70,000</u>
9	Total general fund	\$10,269,503	\$1,191,655	\$11,461,158
10	Full-time equivalent positions	34.00	0	34.00

11 Subdivision 3.

12 BILL TOTAL

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
15	<del>Grand total general fund</del>	<del>\$21,280,730</del>	<del>\$4,524,202</del>	<del>\$25,804,932</del>
16	<u>Grand total general fund</u>	<u>\$21,280,730</u>	<u>\$4,448,345</u>	<u>\$25,729,075</u>
17	Grand total special funds	<u>70,000</u>	<u>0</u>	<u>70,000</u>
18	<del>Grand total all funds</del>	<del>\$21,350,730</del>	<del>\$4,524,202</del>	<del>\$25,874,932</del>
19	<u>Grand total all funds</u>	<u>\$21,350,730</u>	<u>\$4,448,345</u>	<u>\$25,799,075</u>

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

21 BUDGET - REPORT TO SIXTY-THIRD LEGISLATIVE ASSEMBLY. The following amounts  
 22 reflect the one-time funding items approved by the sixty-first legislative assembly for the  
 23 2009-11 biennium and the 2011-13 one-time funding items included in the appropriation for the  
 24 legislative assembly in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
26	Legislative applications replacement system	\$3,910,827	\$0
27	Computer equipment replacement	92,500	510,750
28	Legislative wing equipment and improvements	1,000,000	1,300,000
29	Redistricting special session	0	272,018
30	Information technology projects	<u>0</u>	<u>159,938</u>
31	Total general fund	\$5,003,327	\$2,242,706

1 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the  
2 2013-15 biennium. The legislative assembly shall report to the appropriations committees of the  
3 sixty-third legislative assembly on the use of this one-time funding for the biennium beginning  
4 July 1, 2011, and ending June 30, 2013.

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

7 **ASSEMBLY.** The following amounts reflect the one-time funding items approved by the  
8 sixty-first legislative assembly for the 2009-11 biennium and the 2011-13 one-time funding items  
9 included in the appropriation for the legislative management and legislative council in section 1  
10 of this Act:

11	<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
12	Computer equipment replacement	\$0	\$76,000
13	Information technology projects	0	483,807
14	Office equipment replacement	20,000	25,000
15	State employee compensation study	100,000	0
16	Office improvements	<u>50,000</u>	<u>50,000</u>
17	Total general fund	\$170,000	\$634,807

18 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the  
19 2013-15 biennium. The legislative management and legislative council shall report to the  
20 appropriations committees of the sixty-third legislative assembly on the use of this one-time  
21 funding for the biennium beginning July 1, 2011, and ending June 30, 2013.

22 **SECTION 4. TRANSFERS.** Notwithstanding section 54-16-05, the director of the office of  
23 management and budget and the state treasurer shall make transfers of funds between line  
24 items of appropriations for the legislative management and legislative council as may be  
25 requested by the chairman of the legislative management or the chairman's designee upon the  
26 finding by the chairman or designee that the nature of studies and duties assigned to the  
27 legislative management or legislative council requires the transfers in properly carrying on the  
28 legislative management and legislative council's functions and duties. The director of the office  
29 of management and budget and the state treasurer shall similarly make transfers of funds  
30 between the line items for the sixty-second and sixty-third legislative assemblies, upon request  
31 by the chairman of the legislative management or the chairman's designee upon the finding by

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

3 **SECTION 5. APPLICATION AND TRANSFER AUTHORITY.** Sections 54-16-04 and  
4 54-44.1-11 do not apply to chapter 29 of the 2009 Session Laws. The director of the office of  
5 management and budget and the state treasurer shall make transfers of funds between the line  
6 items and the agencies of the legislative branch within section 1 of that chapter as requested by  
7 the chairman of the legislative management or the chairman's designee.

8 **SECTION 6. COMMITTEE ROOM RENOVATIONS AND IMPROVEMENTS FUNDING -**  
9 **EXPENDITURE DETERMINATION.** Any expenditure of funds relating to the sum of \$200,000 of  
10 the \$500,000 provided for committee room renovations and improvements in subdivision 1 of  
11 section 1 of this Act must be approved by a majority of the senate members of the interim  
12 legislative procedure and arrangements committee. Any expenditures relating to a separate  
13 sum of \$200,000 of the \$500,000 for committee room renovations and improvements must be  
14 approved by a majority of the house of representatives members of the interim legislative  
15 procedure and arrangements committee, and any expenditures relating to the remaining  
16 \$100,000 must be approved by a majority of all members of the interim legislative procedure  
17 and arrangements committee, for the biennium beginning July 1, 2011, and ending June 30,  
18 2013.

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

21 **54-03-10. Compensation of speaker, majority and minority leaders, assistant majority**  
22 **and minority leaders, committee chairmen, and employees.**

23 The speaker of the house, the house majority leader, the senate majority leader, the house  
24 minority leader, and the senate minority leader shall each receive as compensation, in addition  
25 to any other compensation or expense reimbursement provided by law, the sum of ~~ten~~fifteen  
26 dollars per day for each calendar day during any regular, special, or organizational session.  
27 Chairmen of the substantive standing committees, the house assistant majority leader, the  
28 senate assistant majority leader, the house assistant minority leader, and the senate assistant  
29 minority leader shall receive additional compensation of ~~five~~ten dollars for each calendar day  
30 during any regular, special, or organizational session. The additional compensation provided by  
31 this section must be paid in the manner provided in section 54-03-20. The legislative assembly,

1 by concurrent resolution, shall fix the compensation of the other officers and employees elected  
2 or appointed.

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

5 **54-03-20. Compensation and expense reimbursement of members of the legislative**  
6 **assembly.**

- 7 1. Each member of the legislative assembly is entitled to receive as compensation for  
8 services the sum of one hundred ~~forty-eight~~fifty-two dollars for each calendar day  
9 during any organizational, special, or regular legislative session and for each day that  
10 member attends a meeting of a legislative committee between the organizational  
11 session and the regular session as authorized by legislative rule.
- 12 2. a. Each member of the legislative assembly is entitled to receive reimbursement for  
13 lodging, which may not exceed per calendar month the amount established under  
14 this subdivision by the director of the office of management and budget for  
15 lodging in state and which may not exceed the rate provided in section 44-08-04  
16 for each calendar day during the period of any organizational, special, or regular  
17 session. On August first of each even-numbered year, the director of the office of  
18 management and budget shall set the maximum monthly reimbursement for the  
19 subsequent two-year period at an amount equal to thirty times fifty-five percent of  
20 the daily lodging reimbursement in effect on that date as provided under  
21 subdivision d of subsection 2 of section 44-08-04.
- 22 b. Notwithstanding subdivision a:
- 23 (1) A member of the legislative assembly may elect to be reimbursed for less  
24 than the amount to which the legislator is entitled under this subsection by  
25 claiming the lesser amount on a voucher submitted with the receipt required  
26 by section 44-08-04.
- 27 (2) The legislative management may establish guidelines that may result in a  
28 reduced maximum reimbursement for a single dwelling in which two or more  
29 legislators share lodging and the total rent for that dwelling exceeds the  
30 amount to which a legislator is entitled under subdivision a.

- 1       3.   a.   Members of the legislative assembly who receive reimbursement for lodging are  
2           also entitled to reimbursement for travel for not to exceed one round trip taken  
3           during any calendar week, or portion of a week, the legislative assembly is in  
4           session, between their residences and the place of meeting of the legislative  
5           assembly, at the rate provided for state employees with the additional limitation  
6           that reimbursement for travel by common carrier may be only at the cost of coach  
7           fare and may not exceed one and one-half times the amount the member would  
8           be entitled to receive as mileage reimbursement for travel by motor vehicle.
- 9       b.   A member of the legislative assembly who does not receive reimbursement for  
10          lodging and whose place of residence in the legislative district that the member  
11          represents is not within the city of Bismarck is entitled to reimbursement at the  
12          rate provided for state employees for necessary travel for not to exceed one  
13          round trip taken per day between the residence and the place of meeting of the  
14          legislative assembly when it is in session and may receive reimbursement for  
15          lodging at the place of meeting of the legislative assembly as provided in section  
16          44-08-04 for each calendar day for which round trip travel reimbursement is not  
17          claimed, provided that the total reimbursement may not exceed the maximum  
18          monthly reimbursement allowed under subdivision a of subsection 2.
- 19      4.   The amount to which each legislator is entitled must be paid following the  
20          organizational session in December and following each month during a regular or  
21          special session.
- 22      5.   If during a special session, the legislative assembly adjourns for more than three days,  
23          a member of the legislative assembly is entitled to receive compensation during those  
24          days only while in attendance at a standing committee if the legislator is a member of  
25          that committee, a majority or minority leader, or a legislator who is not on that  
26          committee but who has the approval of a majority or minority leader to attend.
- 27      6.   A day, or portion of a day, spent in traveling to or returning from an organizational,  
28          special, or regular session or a legislative committee meeting must be included as a  
29          calendar day during a legislative session or as a day of a legislative committee  
30          meeting for the purposes of this section.

- 1       7.   a.   In addition, each member is entitled to receive during the term for which the  
2           member was elected, as compensation for the execution of public duties during  
3           the biennium, the sum of four hundred ~~fifteen~~twenty-seven dollars a month, paid  
4           monthly.
- 5       b.   If a member dies or resigns from office during the member's term, the member  
6           may be paid only the allowances provided for in this section for the period for  
7           which the member was actually a member.
- 8       c.   The majority and minority leaders of the house and senate and the chairman of  
9           the legislative management, if the chairman is not a majority or minority leader,  
10          are each entitled to receive as compensation, in addition to any other  
11          compensation or expense reimbursement provided by law, the sum of ~~two~~three  
12          hundred ~~ninety-eight~~seven dollars per month during the biennium for their  
13          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 9. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code is  
24      amended and reenacted as follows:

25      **54-03-20. Compensation and expense reimbursement of members of the legislative**  
26      **assembly.**

- 27      1.   Each member of the legislative assembly is entitled to receive as compensation for  
28          services the sum of one hundred ~~fifty-two~~fifty-seven dollars for each calendar day  
29          during any organizational, special, or regular legislative session and for each day that  
30          member attends a meeting of a legislative committee between the organizational  
31          session and the regular session as authorized by legislative rule.

- 1       2.   a.   Each member of the legislative assembly is entitled to receive reimbursement for  
2           lodging, which may not exceed per calendar month the amount established under  
3           this subdivision by the director of the office of management and budget for  
4           lodging in state and which may not exceed the rate provided in section 44-08-04  
5           for each calendar day during the period of any organizational, special, or regular  
6           session. On August first of each even-numbered year, the director of the office of  
7           management and budget shall set the maximum monthly reimbursement for the  
8           subsequent two-year period at an amount equal to thirty times fifty-five percent of  
9           the daily lodging reimbursement in effect on that date as provided under  
10          subdivision d of subsection 2 of section 44-08-04.
- 11       b.   Notwithstanding subdivision a:
- 12           (1)   A member of the legislative assembly may elect to be reimbursed for less  
13           than the amount to which the legislator is entitled under this subsection by  
14           claiming the lesser amount on a voucher submitted with the receipt required  
15           by section 44-08-04.
- 16           (2)   The legislative management may establish guidelines that may result in a  
17           reduced maximum reimbursement for a single dwelling in which two or more  
18           legislators share lodging and the total rent for that dwelling exceeds the  
19           amount to which a legislator is entitled under subdivision a.
- 20       3.   a.   Members of the legislative assembly who receive reimbursement for lodging are  
21           also entitled to reimbursement for travel for not to exceed one round trip taken  
22           during any calendar week, or portion of a week, the legislative assembly is in  
23           session, between their residences and the place of meeting of the legislative  
24           assembly, at the rate provided for state employees with the additional limitation  
25           that reimbursement for travel by common carrier may be only at the cost of coach  
26           fare and may not exceed one and one-half times the amount the member would  
27           be entitled to receive as mileage reimbursement for travel by motor vehicle.
- 28       b.   A member of the legislative assembly who does not receive reimbursement for  
29           lodging and whose place of residence in the legislative district that the member  
30           represents is not within the city of Bismarck is entitled to reimbursement at the  
31           rate provided for state employees for necessary travel for not to exceed one

1 round trip taken per day between the residence and the place of meeting of the  
2 legislative assembly when it is in session and may receive reimbursement for  
3 lodging at the place of meeting of the legislative assembly as provided in section  
4 44-08-04 for each calendar day for which round trip travel reimbursement is not  
5 claimed, provided that the total reimbursement may not exceed the maximum  
6 monthly reimbursement allowed under subdivision a of subsection 2.

- 7 4. The amount to which each legislator is entitled must be paid following the  
8 organizational session in December and following each month during a regular or  
9 special session.
- 10 5. If during a special session, the legislative assembly adjourns for more than three days,  
11 a member of the legislative assembly is entitled to receive compensation during those  
12 days only while in attendance at a standing committee if the legislator is a member of  
13 that committee, a majority or minority leader, or a legislator who is not on that  
14 committee but who has the approval of a majority or minority leader to attend.
- 15 6. A day, or portion of a day, spent in traveling to or returning from an organizational,  
16 special, or regular session or a legislative committee meeting must be included as a  
17 calendar day during a legislative session or as a day of a legislative committee  
18 meeting for the purposes of this section.
- 19 7. a. In addition, each member is entitled to receive during the term for which the  
20 member was elected, as compensation for the execution of public duties during  
21 the biennium, the sum of four hundred ~~twenty-seven~~forty dollars a month, paid  
22 monthly.
- 23 b. If a member dies or resigns from office during the member's term, the member  
24 may be paid only the allowances provided for in this section for the period for  
25 which the member was actually a member.
- 26 c. The majority and minority leaders of the house and senate and the chairman of  
27 the legislative management, if the chairman is not a majority or minority leader,  
28 are each entitled to receive as compensation, in addition to any other  
29 compensation or expense reimbursement provided by law, the sum of three  
30 hundred ~~sevens~~sixteen dollars per month during the biennium for their execution  
31 of public duties.

1 8. Attendance at any organizational, special, or regular session of the legislative  
2 assembly by any member is a conclusive presumption of entitlement as set out in this  
3 section and compensation and expense allowances must be excluded from gross  
4 income for income tax purposes to the extent permitted for federal income tax  
5 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;  
6 95 Stat. 202; 26 U.S.C. 162(i)].

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

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

12 **54-35-10. Compensation of members and leadership.**

13 1. The members of the legislative management and the members of any committee of  
14 the legislative management are entitled to be compensated for the time spent in  
15 attendance at sessions of the legislative management and of its committees at the rate  
16 of one hundred ~~forty-eight~~fifty-two dollars per day and must also be paid for expenses  
17 incurred in attending said meetings and in the performance of their official duties in the  
18 amounts provided by law for other state officers.

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

25 **SECTION 11. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **54-35-10. Compensation of members and leadership.**

28 1. The members of the legislative management and the members of any committee of  
29 the legislative management are entitled to be compensated for the time spent in  
30 attendance at sessions of the legislative management and of its committees at the rate  
31 of one hundred ~~fifty-two~~fifty-seven dollars per day and must also be paid for expenses

1 incurred in attending said meetings and in the performance of their official duties in the  
2 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 12. EFFECTIVE DATE.** Sections 7, 8, and 10 of this Act become effective on  
10 July 1, 2011, and sections 9 and 11 of this Act become effective on July 1, 2012.

11 **SECTION 13. EMERGENCY.** This Act is declared to be an emergency measure.