

**FIRST ENGROSSMENT  
with Senate Amendments  
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	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15 Salaries and wages	\$7,933,506	\$784,985	\$8,718,491
17 Operating expenses	2,850,061	1,167,255	4,017,316
18 Capital assets	0	1,300,000	1,300,000
19 National conference of state legislatures	<u>227,660</u>	<u>4,450</u>	<u>232,110</u>
20 Total general fund	\$11,011,227	\$3,256,690	\$14,267,917

## 21 Subdivision 2.

## 22 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
24			

Sixty-second  
Legislative Assembly

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

8 Subdivision 3.

9 BILL TOTAL

10			Adjustments or	
11		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
12	Grand total general fund	\$21,280,730	\$4,448,345	\$25,729,075
13	Grand total special funds	<u>70,000</u>	<u>0</u>	<u>70,000</u>
14	Grand total all funds	\$21,350,730	\$4,448,345	\$25,799,075

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

16 **BUDGET - REPORT TO SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts  
 17 reflect the one-time funding items approved by the sixty-first legislative assembly for the  
 18 2009-11 biennium and the 2011-13 one-time funding items included in the appropriation for the  
 19 legislative assembly in section 1 of this Act:

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

27 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the  
 28 2013-15 biennium. The legislative assembly shall report to the appropriations committees of the  
 29 sixty-third legislative assembly on the use of this one-time funding for the biennium beginning  
 30 July 1, 2011, and ending June 30, 2013.

1       **SECTION 3. LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL ONE-TIME**  
2 **FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-THIRD LEGISLATIVE**  
3 **ASSEMBLY.** The following amounts reflect the one-time funding items approved by the  
4 sixty-first legislative assembly for the 2009-11 biennium and the 2011-13 one-time funding items  
5 included in the appropriation for the legislative management and legislative council in section 1  
6 of this Act:

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

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

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

30       **SECTION 5. APPLICATION AND TRANSFER AUTHORITY.** Sections 54-16-04 and  
31 54-44.1-11 do not apply to chapter 29 of the 2009 Session Laws. The director of the office of

1 management and budget and the state treasurer shall make transfers of funds between the line  
2 items and the agencies of the legislative branch within section 1 of that chapter as requested by  
3 the chairman of the legislative management or the chairman's designee.

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

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

17 **54-03-10. Compensation of speaker, majority and minority leaders, assistant majority**  
18 **and minority leaders, committee chairmen, and employees.**

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

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

1           **54-03-20. Compensation and expense reimbursement of members of the legislative**  
2 **assembly.**

3           1. Each member of the legislative assembly is entitled to receive as compensation for  
4 services the sum of one hundred ~~forty-eight~~fifty-two dollars for each calendar day  
5 during any organizational, special, or regular legislative session and for each day that  
6 member attends a meeting of a legislative committee between the organizational  
7 session and the regular session as authorized by legislative rule.

8           2. a. Each member of the legislative assembly is entitled to receive reimbursement for  
9 lodging, which may not exceed per calendar month the amount established under  
10 this subdivision by the director of the office of management and budget for  
11 lodging in state and which may not exceed the rate provided in section 44-08-04  
12 for each calendar day during the period of any organizational, special, or regular  
13 session. On August first of each even-numbered year, the director of the office of  
14 management and budget shall set the maximum monthly reimbursement for the  
15 subsequent two-year period at an amount equal to thirty times fifty-five percent of  
16 the daily lodging reimbursement in effect on that date as provided under  
17 subdivision d of subsection 2 of section 44-08-04.

18           b. Notwithstanding subdivision a:  
19           (1) A member of the legislative assembly may elect to be reimbursed for less  
20 than the amount to which the legislator is entitled under this subsection by  
21 claiming the lesser amount on a voucher submitted with the receipt required  
22 by section 44-08-04.

23           (2) The legislative management may establish guidelines that may result in a  
24 reduced maximum reimbursement for a single dwelling in which two or more  
25 legislators share lodging and the total rent for that dwelling exceeds the  
26 amount to which a legislator is entitled under subdivision a.

27           3. a. Members of the legislative assembly who receive reimbursement for lodging are  
28 also entitled to reimbursement for travel for not to exceed one round trip taken  
29 during any calendar week, or portion of a week, the legislative assembly is in  
30 session, between their residences and the place of meeting of the legislative  
31 assembly, at the rate provided for state employees with the additional limitation

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

- 1           b. If a member dies or resigns from office during the member's term, the member  
2           may be paid only the allowances provided for in this section for the period for  
3           which the member was actually a member.
- 4           c. The majority and minority leaders of the house and senate and the chairman of  
5           the legislative management, if the chairman is not a majority or minority leader,  
6           are each entitled to receive as compensation, in addition to any other  
7           compensation or expense reimbursement provided by law, the sum of ~~two~~three  
8           hundred ~~ninety-eight~~seven dollars per month during the biennium for their  
9           execution of public duties.
- 10          8. Attendance at any organizational, special, or regular session of the legislative  
11          assembly by any member is a conclusive presumption of entitlement as set out in this  
12          section and compensation and expense allowances must be excluded from gross  
13          income for income tax purposes to the extent permitted for federal income tax  
14          purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;  
15          95 Stat. 202; 26 U.S.C. 162(i)].
- 16          9. Before each regular legislative session, the legislative management shall make  
17          recommendations and submit any necessary legislation to adjust legislative  
18          compensation amounts.

19          **SECTION 9. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code is  
20          amended and reenacted as follows:

21          **54-03-20. Compensation and expense reimbursement of members of the legislative**  
22          **assembly.**

- 23          1. Each member of the legislative assembly is entitled to receive as compensation for  
24          services the sum of one hundred ~~fifty-two~~fifty-seven dollars for each calendar day  
25          during any organizational, special, or regular legislative session and for each day that  
26          member attends a meeting of a legislative committee between the organizational  
27          session and the regular session as authorized by legislative rule.
- 28          2. a. Each member of the legislative assembly is entitled to receive reimbursement for  
29          lodging, which may not exceed per calendar month the amount established under  
30          this subdivision by the director of the office of management and budget for  
31          lodging in state and which may not exceed the rate provided in section 44-08-04

1 for each calendar day during the period of any organizational, special, or regular  
2 session. On August first of each even-numbered year, the director of the office of  
3 management and budget shall set the maximum monthly reimbursement for the  
4 subsequent two-year period at an amount equal to thirty times fifty-five percent of  
5 the daily lodging reimbursement in effect on that date as provided under  
6 subdivision d of subsection 2 of section 44-08-04.

7 b. Notwithstanding subdivision a:

8 (1) A member of the legislative assembly may elect to be reimbursed for less  
9 than the amount to which the legislator is entitled under this subsection by  
10 claiming the lesser amount on a voucher submitted with the receipt required  
11 by section 44-08-04.

12 (2) The legislative management may establish guidelines that may result in a  
13 reduced maximum reimbursement for a single dwelling in which two or more  
14 legislators share lodging and the total rent for that dwelling exceeds the  
15 amount to which a legislator is entitled under subdivision a.

16 3. a. Members of the legislative assembly who receive reimbursement for lodging are  
17 also entitled to reimbursement for travel for not to exceed one round trip taken  
18 during any calendar week, or portion of a week, the legislative assembly is in  
19 session, between their residences and the place of meeting of the legislative  
20 assembly, at the rate provided for state employees with the additional limitation  
21 that reimbursement for travel by common carrier may be only at the cost of coach  
22 fare and may not exceed one and one-half times the amount the member would  
23 be entitled to receive as mileage reimbursement for travel by motor vehicle.

24 b. A member of the legislative assembly who does not receive reimbursement for  
25 lodging and whose place of residence in the legislative district that the member  
26 represents is not within the city of Bismarck is entitled to reimbursement at the  
27 rate provided for state employees for necessary travel for not to exceed one  
28 round trip taken per day between the residence and the place of meeting of the  
29 legislative assembly when it is in session and may receive reimbursement for  
30 lodging at the place of meeting of the legislative assembly as provided in section  
31 44-08-04 for each calendar day for which round trip travel reimbursement is not

- 1                   claimed, provided that the total reimbursement may not exceed the maximum  
2                   monthly reimbursement allowed under subdivision a of subsection 2.
- 3       4.   The amount to which each legislator is entitled must be paid following the  
4           organizational session in December and following each month during a regular or  
5           special session.
- 6       5.   If during a special session, the legislative assembly adjourns for more than three days,  
7           a member of the legislative assembly is entitled to receive compensation during those  
8           days only while in attendance at a standing committee if the legislator is a member of  
9           that committee, a majority or minority leader, or a legislator who is not on that  
10          committee but who has the approval of a majority or minority leader to attend.
- 11      6.   A day, or portion of a day, spent in traveling to or returning from an organizational,  
12          special, or regular session or a legislative committee meeting must be included as a  
13          calendar day during a legislative session or as a day of a legislative committee  
14          meeting for the purposes of this section.
- 15      7.   a.   In addition, each member is entitled to receive during the term for which the  
16          member was elected, as compensation for the execution of public duties during  
17          the biennium, the sum of four hundred ~~twenty-seven~~forty dollars a month, paid  
18          monthly.
- 19          b.   If a member dies or resigns from office during the member's term, the member  
20          may be paid only the allowances provided for in this section for the period for  
21          which the member was actually a member.
- 22          c.   The majority and minority leaders of the house and senate and the chairman of  
23          the legislative management, if the chairman is not a majority or minority leader,  
24          are each entitled to receive as compensation, in addition to any other  
25          compensation or expense reimbursement provided by law, the sum of three  
26          hundred ~~sevensixteen~~ dollars per month during the biennium for their execution  
27          of public duties.
- 28      8.   Attendance at any organizational, special, or regular session of the legislative  
29          assembly by any member is a conclusive presumption of entitlement as set out in this  
30          section and compensation and expense allowances must be excluded from gross  
31          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 10. 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 one hundred ~~forty-eight~~fifty-two dollars per day and must also be paid for expenses  
13 incurred in attending said meetings and in the performance of their official duties in the  
14 amounts provided by law for other state officers.

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

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

23 **54-35-10. Compensation of members and leadership.**

24 1. The members of the legislative management and the members of any committee of  
25 the legislative management are entitled to be compensated for the time spent in  
26 attendance at sessions of the legislative management and of its committees at the rate  
27 of one hundred ~~fifty-two~~fifty-seven dollars per day and must also be paid for expenses  
28 incurred in attending said meetings and in the performance of their official duties in the  
29 amounts provided by law for other state officers.

30 2. In addition to the compensation provided in subsection 1, the chairman of the  
31 legislative management is entitled to receive an additional five dollars for each day

1           spent in attendance at sessions of the legislative management and of its committees,  
2           and the chairman of each of the legislative management's committees is entitled to  
3           receive five dollars for each day spent in attendance at sessions of the legislative  
4           management or of the committee which the person chairs.

5           **SECTION 12. EFFECTIVE DATE.** Sections 7, 8, and 10 of this Act become effective on  
6 July 1, 2011, and sections 9 and 11 of this Act become effective on July 1, 2012.

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