

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1001

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 provide for applications, transfers, and cancellation of unexpended
3 appropriations; to provide a continuing appropriation; to create and enact two new sections to
4 chapter 15-03 of the North Dakota Century Code, relating to a presidential library operating and
5 maintenance endowment fund and a presidential documents digitization endowment fund; to
6 amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota Century Code, relating
7 to legislative compensation; to provide for a report; to provide an effective date; and to declare
8 an emergency.

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

10 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
11 as may be necessary, are appropriated out of any moneys in the general fund in the state
12 treasury, not otherwise appropriated, and from special funds derived from the insurance
13 regulatory trust fund and the capitol building fund, not otherwise appropriated, to the legislative
14 branch of state government for the purpose of defraying the expenses of the legislative branch
15 of state government, for the fiscal period beginning with the effective date of this Act and ending
16 June 30, 2021, as follows:

17 Subdivision 1.

18 SIXTY-SIXTH AND SIXTY-SEVENTH LEGISLATIVE ASSEMBLIES AND BIENNIUM

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
21 Salaries and wages	\$10,233,424	\$927,113	\$11,160,537
22 Operating expenses	3,694,591	710,647	4,405,238
23 Capital assets	6,000	100,000	106,000
24 National conference of state legislatures	225,155	11,935	237,090

Sixty-sixth
Legislative Assembly

1	Total all funds	\$14,159,170	\$1,749,695	\$15,908,865
2	Less estimated income	0	140,000	140,000
3	Total general fund	\$14,159,170	\$1,609,695	\$15,768,865
4	Salaries and wages	\$10,233,424	\$957,420	\$11,190,844
5	Operating expenses	3,694,591	710,647	4,405,238
6	Capital assets	6,000	100,000	106,000
7	National conference of state legislatures	225,155	38,278	263,433
8	Total all funds	\$14,159,170	\$1,806,345	\$15,965,515
9	Less estimated income	0	140,000	140,000
10	Total general fund	\$14,159,170	\$1,666,345	\$15,825,515

11 Subdivision 2.

12 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

13		Adjustments or		
14		Base Level	Enhancements	Appropriation
15	Salaries and wages	\$9,049,530	\$886,859	\$9,936,389
16	Operating expenses	2,911,608	171,749	3,083,357
17	Capital assets	0	6,000	6,000
18	Total all funds	\$11,961,138	\$1,064,608	\$13,025,746
19	Less estimated income	70,000	0	70,000
20	Total general fund	\$11,891,138	\$1,064,608	\$12,955,746
21	Salaries and wages	\$9,049,530	\$916,187	\$9,965,717
22	Operating expenses	2,911,608	231,749	3,143,357
23	Capital assets	0	6,000	6,000
24	Total all funds	\$11,961,138	\$1,153,936	\$13,115,074
25	Less estimated income	70,000	0	70,000
26	Total general fund	\$11,891,138	\$1,153,936	\$13,045,074

27 Full-time equivalent positions 36.00 0.00 36.00

28 Subdivision 3.

29 BILL TOTAL

30		Adjustments or		
31		Base Level	Enhancements	Appropriation

1	Grand total general fund	\$26,050,308	\$2,674,303	\$28,724,611
2	Grand total special funds	70,000	140,000	210,000
3	Grand total all funds	\$26,120,308	\$2,814,303	\$28,934,611
4	Grand total general fund	\$26,050,308	\$2,820,281	\$28,870,589
5	Grand total special funds	70,000	140,000	210,000
6	Grand total all funds	\$26,120,308	\$2,960,281	\$29,080,589

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

BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. The following amounts reflect the 2019-21 biennium one-time funding items included in the appropriation for the legislative assembly in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
12	Digital signage replacement	\$0	\$40,000
13	Voting system upgrades	0	100,000
14	Computer and iPad replacement	<u>0</u>	<u>517,760</u>
15	Total all funds	\$0	\$657,760
16	Less estimated income	<u>0</u>	<u>140,000</u>
17	Total general fund	\$0	\$517,760

The 2019-21 biennium one-time funding amounts are not part of the entity's base budget for the 2021-23 biennium. The legislative assembly shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE

ASSEMBLY. The following amounts reflect the 2019-21 biennium one-time funding items included in the appropriation for the legislative management and legislative council in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
28	Redistricting equipment	\$0	\$22,400
29	Computer replacement	0	124,856
30	Council of state governments conference	<u>0</u>	<u>7,500</u>
31	Total general fund	\$0	\$154,756

1 The 2019-21 biennium one-time funding amounts are not part of the entity's base budget for
2 the 2021-23 biennium. The legislative council shall report to the appropriations committees of
3 the sixty-seventh legislative assembly on the use of this one-time funding for the biennium
4 beginning July 1, 2019, and ending June 30, 2021.

5 **SECTION 4. CONTINGENT APPROPRIATION - TRANSFERS.** If the actual legacy fund
6 earnings transferred to the general fund at the end of the 2019-21 biennium in accordance with
7 section 26 of article X of the Constitution of North Dakota exceed the estimate made by the
8 sixty-sixth legislative assembly by at least \$124,370,000, there is appropriated out of any
9 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
10 \$60,000,000, of which the state treasurer shall immediately transfer \$50,000,000 of the sum to
11 the presidential library operating and maintenance endowment fund and shall immediately
12 transfer \$10,000,000 of the sum to the presidential documents digitization endowment fund, for
13 the biennium beginning July 1, 2019, and ending June 30, 2021.

14 **SECTION 5. ESTIMATED INCOME - CAPITOL BUILDING FUND.** The estimated income
15 line item in subdivision 1 of section 1 of this Act includes \$140,000 from the capitol building fund
16 for digital signage replacement and voting system upgrades for the biennium beginning July 1,
17 2019, and ending June 30, 2021.

18 **SECTION 6. TRANSFERS.** Notwithstanding section 54-16-05, the director of the office of
19 management and budget shall transfer appropriation authority between line items of the
20 legislative management and legislative council as may be requested by the chairman of the
21 legislative management or the director of the legislative council upon the finding by the
22 chairman or the director that the nature of studies and duties assigned to the legislative
23 management or legislative council requires the transfers in properly carrying on the legislative
24 management's and legislative council's functions and duties. The director of the office of
25 management and budget shall similarly make transfers of appropriation authority between the
26 line items for the sixty-sixth and sixty-seventh legislative assemblies, upon request by the
27 chairman of the legislative management or the director of the legislative council upon the finding
28 by the chairman or director that the transfers are required for the legislative assembly to carry
29 on its functions and duties.

30 **SECTION 7. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**
31 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to

1 chapter 26 of the 2017 Session Laws. The director of the office of management and budget
2 shall make transfers of appropriation authority between the line items and the agencies of the
3 legislative branch within section 1 of that chapter as requested by the chairman of the legislative
4 management or the director of the legislative council. The office of management and budget
5 shall cancel unexpended appropriations for the legislative assembly and legislative council
6 enacted prior to the 2017-19 biennium as directed by the chairman of the legislative
7 management or the director of the legislative council.

8 **SECTION 8.** A new section to chapter 15-03 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Presidential library operating and maintenance endowment fund - Continuing**
11 **appropriation.**

12 1. There is created in the state treasury the presidential library operating and
13 maintenance endowment fund. The board of university and school lands shall manage
14 the fund and shall supervise the investment of moneys in the fund.

15 2. The interest and earnings of the fund are appropriated on a continuing basis to the
16 board of university and school lands to provide annual grants for the operating and
17 maintenance costs of presidential libraries located in North Dakota.

18 **SECTION 9.** A new section to chapter 15-03 of the North Dakota Century Code is created
19 and enacted as follows:

20 **Presidential documents digitization endowment fund - Continuing appropriation.**

21 There is created in the state treasury the presidential documents digitization endowment
22 fund. The board of university and school lands shall manage the fund and shall supervise the
23 investment of moneys in the fund. The interest and earnings of the fund are appropriated on a
24 continuing basis to the board of university and school lands to provide annual grants to
25 educational institutions and educational institution foundations for the digitization of documents
26 related to Theodore Roosevelt.

27 **SECTION 10. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code is
28 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 ~~seventy-seven~~eighty-one dollars for each calendar
5 day during any organizational, special, or regular legislative session and for each day
6 that 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 seventy 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 each month upon submission of a voucher
16 and appropriate documentation during a regular or special session, consistent with
17 section 26 of article XI of the constitution of North Dakota.
- 18 5. If during a special session, the legislative assembly adjourns for more than three days,
19 a member of the legislative assembly is entitled to receive compensation during those
20 days only while in attendance at a standing committee if the legislator is a member of
21 that committee, a majority or minority leader, or a legislator who is not on that
22 committee but who has the approval of a majority or minority leader to attend.
- 23 6. A day, or portion of a day, spent in traveling to or returning from an organizational,
24 special, or regular session or a legislative committee meeting must be included as a
25 calendar day during a legislative session or as a day of a legislative committee
26 meeting for the purposes of this section.
- 27 7. a. In addition, each member is entitled to receive during the term for which the
28 member was elected, as compensation for the execution of public duties during
29 the biennium, the sum of ~~four~~five hundred ~~ninety-five~~five dollars a month, paid
30 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 three
8 hundred ~~fifty-five~~sixty-two 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 11. 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 ~~eighty-one~~eighty-five~~eighty-six~~ dollars for each
25 calendar day during any organizational, special, or regular legislative session and for
26 each day that member attends a meeting of a legislative committee between the
27 organizational 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 seventy 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 each month upon submission of a voucher
5 and appropriate documentation during a regular or special session, consistent with
6 section 26 of article XI of the constitution of North Dakota.
- 7 5. If during a special session, the legislative assembly adjourns for more than three days,
8 a member of the legislative assembly is entitled to receive compensation during those
9 days only while in attendance at a standing committee if the legislator is a member of
10 that committee, a majority or minority leader, or a legislator who is not on that
11 committee but who has the approval of a majority or minority leader to attend.
- 12 6. A day, or portion of a day, spent in traveling to or returning from an organizational,
13 special, or regular session or a legislative committee meeting must be included as a
14 calendar day during a legislative session or as a day of a legislative committee
15 meeting for the purposes of this section.
- 16 7. a. In addition, each member is entitled to receive during the term for which the
17 member was elected, as compensation for the execution of public duties during
18 the biennium, the sum of five hundred ~~five~~fifteen~~eighteen~~ dollars a month, paid
19 monthly.
- 20 b. If a member dies or resigns from office during the member's term, the member
21 may be paid only the allowances provided for in this section for the period for
22 which the member was actually a member.
- 23 c. The majority and minority leaders of the house and senate and the chairman of
24 the legislative management, if the chairman is not a majority or minority leader,
25 are each entitled to receive as compensation, in addition to any other
26 compensation or expense reimbursement provided by law, the sum of three
27 hundred ~~sixty-two~~sixty-nine~~seventy-one~~ dollars per month during the biennium for
28 their execution of public duties.
- 29 8. Attendance at any organizational, special, or regular session of the legislative
30 assembly by any member is a conclusive presumption of entitlement as set out in this
31 section and compensation and expense allowances must be excluded from gross

1 income for income tax purposes to the extent permitted for federal income tax
2 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;
3 95 Stat. 202; 26 U.S.C. 162(i)].

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

7 **SECTION 12. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **54-35-10. Compensation of members and leadership.**

10 1. The members of the legislative management and the members of any committee of
11 the legislative management are entitled to be compensated for the time spent in
12 attendance at sessions of the legislative management and of its committees at the rate
13 of one hundred ~~seventy-seven~~eighty-one dollars per day and must also be paid for
14 expenses incurred in attending said meetings and in the performance of their official
15 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 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 dollars for each day spent in attendance at sessions of the legislative
21 management or of the committee which the person chairs.

22 **SECTION 13. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **54-35-10. Compensation of members and leadership.**

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

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

7 **SECTION 14. EFFECTIVE DATE.** Sections ~~7 and 9~~10 and 12 of this Act become effective
8 on July 1, 2019, and sections ~~8 and 10~~11 and 13 of this Act become effective on July 1, 2020.

9 **SECTION 15. EFFECTIVE DATE.** Subsection 2 of the new section to chapter 15-03 of the
10 North Dakota Century Code, as created in section 8 of this Act, becomes effective when a
11 presidential library foundation certifies to the commissioner of university and school lands that:

- 12 1. The presidential library foundation has received the sum of \$100,000,000 in cash
13 donations and binding pledged donations for the construction of a presidential library
14 and for grants to affected entities; and
15 2. The foundation has donated \$300,000 to a city in North Dakota for prior costs incurred
16 related to planning for a presidential library.

17 **SECTION 16. EMERGENCY.** This Act is declared to be an emergency measure.