

Sixty-eighth  
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 amend and reenact sections 54-03-20 and 54-35-10 of the North  
3 Dakota Century Code, relating to legislative compensation; ~~to provide for a legislative-~~  
4 ~~management study~~; to provide a report; to provide an exemption; to provide for application,  
5 transfer, and cancellation of unexpended appropriations; and to declare an emergency.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
8 as may be necessary, are appropriated out of any moneys in the general fund in the state  
9 treasury, not otherwise appropriated, and from special funds derived from the insurance  
10 regulatory trust fund, not otherwise appropriated, to the legislative branch of state government  
11 for the purpose of defraying the expenses of the legislative branch of state government, for the  
12 fiscal period beginning with the effective date of this Act and ending June 30, 2025, as follows:

13 Subdivision 1.

14 SIXTY-EIGHTH AND SIXTY-NINTH LEGISLATIVE ASSEMBLIES AND BIENNIUM

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
17 <del>Salaries and wages</del>	<del>\$11,430,094</del>	<del>\$1,399,505</del>	<del>\$12,829,599</del>
18 <del>Operating expenses</del>	<del>6,218,753</del>	<del>(668,594)</del>	<del>5,550,159</del>
19 <del>Capital assets</del>	<del>6,000</del>	<del>4,926,600</del>	<del>4,932,600</del>
20 <del>National conference of state legislatures</del>	<del>271,333</del>	<del>11,737</del>	<del>283,070</del>
21 <del>Total general fund</del>	<del>\$17,926,180</del>	<del>\$5,669,248</del>	<del>\$23,595,428</del>
22 <u>Salaries and wages</u>	<u>\$11,430,094</u>	<u>\$1,520,473</u>	<u>\$12,950,567</u>
23 <u>Operating expenses</u>	<u>6,218,753</u>	<u>(668,594)</u>	<u>5,550,159</u>
24 <u>Capital assets</u>	<u>6,000</u>	<u>4,926,600</u>	<u>4,932,600</u>

Sixty-eighth  
Legislative Assembly

1	National conference of state legislatures	271,333	11,737	283,070
2	Total general fund	\$17,926,180	\$5,790,216	\$23,716,396
3	Subdivision 2.			
4	LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL			
5			Adjustments or	
6		Base Level	Enhancements	Appropriation
7	Salaries and wages	\$12,690,980	\$1,940,465	\$14,631,445
8	Operating expenses	3,045,430	890,982	3,936,412
9	Capital assets	6,000	120,000	126,000
10	Total all funds	\$15,742,410	\$2,951,447	\$18,693,857
11	Less estimated income	70,000	18,000	88,000
12	Total general fund	\$15,672,410	\$2,933,447	\$18,605,857
13	Salaries and wages	\$12,690,980	\$1,952,397	\$14,643,377
14	New and vacant FTE funding pool	0	479,137	479,137
15	Operating expenses	3,045,430	890,982	3,936,412
16	Capital assets	6,000	120,000	126,000
17	Total all funds	\$15,742,410	\$3,442,516	\$19,184,926
18	Less estimated income	70,000	18,000	88,000
19	Total general fund	\$15,672,410	\$3,424,516	\$19,096,926
20	Full-time equivalent positions	44.00	1.00	45.00
21	Subdivision 3.			
22	TOTAL - SECTION 1			
23			Adjustments or	
24		Base Level	Enhancements	Appropriation
25	Grand total general fund	\$33,598,590	\$8,602,695	\$42,201,285
26	Grand total special funds	70,000	18,000	88,000
27	Grand total all funds	\$33,668,590	\$8,620,695	\$42,289,285
28	Grand total general fund	\$33,598,590	\$9,214,732	\$42,813,322
29	Grand total special funds	70,000	18,000	88,000
30	Grand total all funds	\$33,668,590	\$9,232,732	\$42,901,322

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

2       **BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts  
3 reflect the one-time funding items approved by the sixty-seventh legislative assembly for the  
4 2021-23 biennium and the 2023-25 one-time funding items included in the appropriation for the  
5 legislative assembly in section 1 of this Act:

6 <u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
7       Redistricting session	\$316,284	\$0
8       Information technology expansion	1,450,000	0
9       Propylon core upgrade	0	4,816,600
10      Audio and video storage	0	110,000
11      Computer and iPad replacement	0	557,950
12      Chamber upgrades	<u>0</u>	<u>220,000</u>
13      Total general fund	\$1,766,284	\$5,704,550

14      The 2023-25 biennium one-time funding amounts are not part of the entity's base budget for  
15 the 2025-27 biennium. The legislative assembly shall report to the appropriations committees of  
16 the sixty-ninth legislative assembly on the use of this one-time funding for the biennium  
17 beginning July 1, 2023, and ending June 30, 2025.

18       **SECTION 3. LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL ONE-TIME**  
19 **FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE**

20 **ASSEMBLY.** The following amounts reflect the one-time funding items approved by the  
21 sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 one-time funding  
22 items included in the appropriation for legislative management and legislative council in  
23 section 1 of this Act:

24 <u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
25      Information technology expansion	\$48,000	\$0
26      Public website design	150,000	0
27      Acute psychiatric hospitalization study	500,000	0
28      Computer and iPad replacement	0	155,500
29      Secondary and backup servers	<u>0</u>	<u>120,000</u>
30      Total general fund	\$698,000	\$275,500

1 The 2023-25 biennium one-time funding amounts are not part of the entity's base budget for  
2 the 2025-27 biennium. The legislative council shall report to the appropriations committees of  
3 the sixty-ninth legislative assembly on the use of this one-time funding for the biennium  
4 beginning July 1, 2023, and ending June 30, 2025.

5 **SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director  
6 of the office of management and budget shall transfer appropriation authority between line items  
7 of the legislative management and legislative council as may be requested by the chairman of  
8 the legislative management or the director of the legislative council upon the finding by the  
9 chairman or the director that the nature of studies and duties assigned to the legislative  
10 management or legislative council requires the transfers in properly carrying on the legislative  
11 management's and legislative council's functions and duties. The director of the office of  
12 management and budget shall similarly make transfers of appropriation authority between the  
13 line items for the sixty-eighth and sixty-ninth legislative assemblies, upon request by the  
14 chairman of the legislative management or the director of the legislative council upon the finding  
15 by the chairman or director that the transfers are required for the legislative assembly to carry  
16 on its functions and duties.

17 **SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**  
18 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to  
19 chapter 29 of the 2021 Session Laws. The director of the office of management and budget  
20 shall make transfers of appropriation authority between the line items and the agencies of the  
21 legislative branch within section 1 of that chapter as requested by the chairman of the legislative  
22 management or the director of the legislative council. The office of management and budget  
23 shall cancel unexpended appropriations for the legislative assembly and legislative council  
24 enacted prior to the 2021-23 biennium as directed by the chairman of the legislative  
25 management or the director of the legislative council.

26 **SECTION 6. NEW AND VACANT FTE FUNDING POOL - BUDGET SECTION REPORT.**

- 27 1. The legislative council may not spend funds from the new and vacant FTE funding  
28 pool line item in section 1 of this Act, but may transfer funds from this line item to the  
29 salaries and wages line item as necessary to provide funding for:
- 30 a. Filling a new or vacant FTE position from the date of hire through the end of the  
31 biennium; or

- 1           b. Salaries and wages if actual salaries and wages savings from vacant positions  
2           are less than the estimate used by the sixty-eighth legislative assembly in the  
3           development of the appropriation.
- 4           2. The legislative council shall report to the budget section regarding the use of funding  
5           in the pool including information on:
  - 6           a. New FTE positions, including the date hired;
  - 7           b. Vacant FTE positions, including the dates the positions are vacated and filled;  
8           and
  - 9           c. Additional salaries and wages funding needed due to savings from vacant  
10           positions being less than anticipated.
- 11           3. If funding in the funding pool line item is insufficient to provide the necessary salaries  
12           and wages funding for the biennium, the legislative council may request a deficiency  
13           appropriation from the sixty-ninth legislative assembly.

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

16           **54-03-20. Compensation and expense reimbursement of members of the legislative**  
17 **assembly.**

- 18           1. Each member of the legislative assembly is entitled to receive as compensation for  
19           services the sum of ~~one hundred eighty-nine~~two hundred ~~one~~five dollars through  
20           June 30, ~~2022~~2024, and ~~one hundred ninety-three~~two hundred ~~nine~~thirteen dollars  
21           thereafter for each calendar day during any organizational, special, or regular  
22           legislative session and for each day that member attends a meeting of a legislative  
23           committee between the organizational session and the regular session as authorized  
24           by legislative rule.
- 25           2. a. Each member of the legislative assembly is entitled to receive reimbursement for  
26           lodging, which may not exceed per calendar month the amount established under  
27           this subdivision by the director of the office of management and budget for  
28           lodging in state and which may not exceed the rate provided in section 44-08-04  
29           for each calendar day during the period of any organizational, special, or regular  
30           session. On August first of each even-numbered year, the director of the office of  
31           management and budget shall set the maximum monthly reimbursement for the

1 subsequent two-year period at an amount equal to thirty times seventy percent of  
2 the daily lodging reimbursement in effect on that date as provided under  
3 subdivision d of subsection 2 of section 44-08-04.

4 b. Notwithstanding subdivision a:

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

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

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

21 b. A member of the legislative assembly who does not receive reimbursement for  
22 lodging and whose place of residence in the legislative district that the member  
23 represents is not within the city of Bismarck is entitled to reimbursement at the  
24 rate provided for state employees for necessary travel for not to exceed one  
25 round trip taken per day between the residence and the place of meeting of the  
26 legislative assembly when it is in session and may receive reimbursement for  
27 lodging at the place of meeting of the legislative assembly as provided in section  
28 44-08-04 for each calendar day for which round trip travel reimbursement is not  
29 claimed, provided that the total reimbursement may not exceed the maximum  
30 monthly reimbursement allowed under subdivision a of subsection 2.

- 1           4.    The amount to which each legislator is entitled must be paid following the  
2                   organizational session in December and each month upon submission of a voucher  
3                   and appropriate documentation during a regular or special session, consistent with  
4                   section 26 of article XI of the constitution of North Dakota.
- 5           5.    If during a special session, the legislative assembly adjourns for more than three days,  
6                   a member of the legislative assembly is entitled to receive compensation during those  
7                   days only while in attendance at a standing committee if the legislator is a member of  
8                   that committee, a majority or minority leader, or a legislator who is not on that  
9                   committee but who has the approval of a majority or minority leader to attend.
- 10          6.    A day, or portion of a day, spent in traveling to or returning from an organizational,  
11                   special, or regular session or a legislative committee meeting must be included as a  
12                   calendar day during a legislative session or as a day of a legislative committee  
13                   meeting for the purposes of this section.
- 14          7.    a.    In addition, each member is entitled to receive during the term for which the  
15                   member was elected, as compensation for the execution of public duties during  
16                   the biennium, the sum of five hundred ~~twenty-six~~fifty-eight~~sixty-nine~~ dollars  
17                   through June 30, ~~2022~~2024, and five hundred ~~thirty-seven~~eighty~~ninety-two~~  
18                   dollars thereafter per month, paid 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-seventy-seven~~four hundred eight dollars through June 30, ~~2022~~2024,  
27                   and ~~three hundred-eighty-five~~four hundred sixteen~~twenty-four~~ dollars thereafter  
28                   per month during the biennium for 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 8. 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 eighty-nine~~two hundred ~~one~~five dollars through June 30, ~~2022~~2024,  
14 and ~~one hundred ninety-three~~two hundred ~~nine~~thirteen dollars thereafter per day and  
15 must also be paid for expenses incurred in attending said meetings and in the  
16 performance of their official duties in the amounts provided by law for other state  
17 officers.

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

24 ~~—SECTION 8. LEGISLATIVE MANAGEMENT STUDY—IMPACT OF TERM LIMITS ON THE~~  
25 ~~LEGISLATIVE ASSEMBLY. During the 2023-24 interim, the legislative management shall~~  
26 ~~consider studying the impact of term limits on the manner in which the legislative assembly~~  
27 ~~conducts business. The study must include an assessment of the desirability of providing~~  
28 ~~increased educational opportunities for legislative members due to shortened tenures in the~~  
29 ~~legislative assembly, increasing the number of legislative council policy staff available to assist~~  
30 ~~new members, and holding legislative sessions on an annual basis. The legislative~~

1 | ~~management shall report its findings and recommendations, together with any legislation~~  
2 | ~~required to implement the recommendations, to the sixty-ninth legislative assembly.~~

3 |       **SECTION 9. EMERGENCY.** Sections 1 through 5 of this Act are declared to be an  
4 | emergency measure.