

Introduced by

Legislative Management

1 A BILL for an Act to provide an appropriation to the legislative assembly for the payment of dues
2 and costs related to a special legislative session and the legislative council for the payment of
3 fees, employer retirement contributions, and legislative council salaries and wages; to amend
4 and reenact section 24-02-37.3 of the North Dakota Century Code, as amended by section 10
5 of House Bill No. 1012, as approved by the sixty-eighth legislative assembly, relating to budget
6 section approval limits for the flexible transportation fund; to provide for a legislative
7 management study; to provide for a legislative management report; to provide for retroactive
8 application; and to provide an effective date.

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

10 **SECTION 1. APPROPRIATION - 2021-23 BIENNIUM - LEGISLATIVE ASSEMBLY.** There
11 is appropriated out of any moneys in the general fund in the state treasury, not otherwise
12 appropriated, the sum of \$5,000, or so much of the sum as may be necessary, to the legislative
13 assembly for international legislators' forum dues for the period beginning May 10, 2023, and
14 ending June 30, 2023.

15 **SECTION 2. APPROPRIATION - LEGISLATIVE ASSEMBLY - ONE-TIME FUNDING.**

16 There is appropriated out of any moneys in the general fund in the state treasury, not otherwise
17 appropriated, the sum of \$425,000, or so much of the sum as may be necessary, to the
18 Legislative Assembly for costs related to the 2023 special legislative session, for the period
19 beginning with the effective date of this Act and ending June 30, 2025. The funding provided in
20 this section is considered a one-time funding item.

21 **SECTION 3. APPROPRIATION - LEGISLATIVE COUNCIL - REPORT - ONE-TIME**

22 **FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury,
23 not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary,
24 to the legislative council for the purpose of contracting for a performance audit of the state

1 auditor and for other consulting services of interim committees, for the biennium beginning
2 July 1, 2023, and ending June 30, 2025. The chairman of the legislative management shall
3 arrange for the audit and receive the audit report. The performance audit must address the
4 efficiency and effectiveness of the state auditor's office relative to industry best practices. The
5 performance audit must include a review of the appropriateness of the number of hours to
6 complete audits; methods used to monitor staff time and allocate hours charged to audits; billing
7 processes; quality assurance processes; the adequacy and timeliness of communications with
8 audited entities, governing boards, and the public; and other areas as determined by the
9 chairman of the legislative management. The funding provided in this section is considered a
10 one-time funding item.

11 **SECTION 4. APPROPRIATION - LEGISLATIVE COUNCIL - EMPLOYER RETIREMENT**
12 **CONTRIBUTION FUNDING.** There is appropriated out of any moneys in the general fund in the
13 state treasury, not otherwise appropriated, the sum of \$58,283, or so much of the sum as may
14 be necessary, to the legislative council for the purpose of providing funding for the cost of the
15 one percent employer retirement contribution increase included in House Bill No. 1040, as
16 approved by the sixty-eighth legislative assembly, for the biennium beginning July 1, 2023, and
17 ending June 30, 2025.

18 **SECTION 5. APPROPRIATION - LEGISLATIVE COUNCIL.** There is appropriated out of
19 any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
20 \$255,000, or so much of the sum as may be necessary, to the legislative council for salaries
21 and wages, for the period beginning with the effective date of this Act and ending June 30,
22 2025.

23 **SECTION 6. AMENDMENT.** Section 24-02-37.3 of the North Dakota Century Code as
24 amended by section 10 of House Bill No. 1012, as approved by the sixty-eighth legislative
25 assembly, is amended and reenacted as follows:

26 **SECTION 10. AMENDMENT.** Section 24-02-37.3 of the North Dakota Century
27 Code as created by section 1 of Senate Bill No. 2113, as approved by the sixty-eighth
28 legislative assembly, is amended and reenacted as follows:

29 **24-02-37.3. Flexible transportation fund - Budget section approval - Report.**

30 There is created in the state treasury the flexible transportation fund. The fund
31 consists of eligible federal or state funding and any contributed private funds.

- 1 1. The flexible transportation fund must be administered and expended by the
2 director and may be used for the following:
 - 3 a. Providing a match for federal funding obtained by the department of
4 transportation.
 - 5 b. State-funded road and bridge construction and maintenance, and
6 transportation support costs including staffing, facilities, and operational
7 expenditures on the state highway system.
 - 8 c. State-funded road and bridge construction and maintenance activities within
9 the state but off of the state highway system. The director shall establish the
10 terms and provisions of the program.
- 11 2. All money derived from the investment of the flexible transportation fund or any
12 portion of the fund, must be credited to the flexible transportation fund. The
13 director shall monthly transmit all moneys collected and received under this
14 chapter to the state treasurer to be transferred and credited to the flexible
15 transportation fund.
- 16 3. The director must receive budget section approval for any project that
17 utilizes more than ~~fifteen~~ million dollars from the fund except for projects
18 that match federal or private funds and the amount utilized from the fund is
19 fifty percent or less of total project costs. Any request considered by the
20 budget section must comply with section 54-35-02.9.
- 21 4. The director shall allocate at least twenty-five percent of motor vehicle
22 excise tax collections deposited in the flexible transportation fund pursuant
23 to section 57-40.3-10 for non-oil-producing county and township road and
24 bridge projects as follows:
 - 25 a. The funds must be allocated by the department to counties for
26 projects or grants for the benefit of counties and organized and
27 unorganized townships;
 - 28 b. The department shall establish criteria to distribute the funds;
 - 29 c. The funds must be used for the maintenance and improvement of
30 county and township paved and unpaved roads and bridges;

- 1 d. Priority must be given to projects that match federal funds and to
2 projects that improve roadways that serve as local corridors;
- 3 e. An organized township is not eligible to receive funding if the township
4 does not maintain any roadways or does not levy at least eighteen
5 mills for general purposes; and
- 6 f. For purposes of this subsection, "non-oil-producing county" means a
7 county that received no allocation of funding or a total allocation of
8 less than five million dollars under subsection 2 of section 57-51-15 in
9 the most recently completed even-numbered fiscal year before the
10 start of each biennium.
- 11 5. The director shall provide periodic reports to the budget section regarding
12 the status of the fund and projects receiving allocations from the fund.

13 **SECTION 7. LEGACY FUND EARNINGS - REPORT TO LEGISLATIVE MANAGEMENT.**

14 Each biennium, the state retirement and investment office shall provide a report including the
15 amount of legacy fund earnings above the percent of market value that would have been
16 transferred to the legacy earnings fund had Senate Bill No. 2330 not been passed by the sixty-
17 eighth legislative assembly to the legislative management.

18 **SECTION 8. LEGISLATIVE MANAGEMENT STUDY - STATE FIRE AND TORNADO**
19 **FUND AND STATE BONDING FUND ADMINISTRATION.** During the 2023-24 interim, the

20 legislative management shall consider studying, in collaboration with the insurance
21 commissioner and the director of the office of management and budget, the feasibility and
22 desirability of changing administration of the state fire and tornado fund and state bonding fund
23 from the insurance commissioner to the director of the office of management and budget. The
24 study must include an analysis of the statutory changes necessary to accomplish the change in
25 administration and other statutory changes necessary to facilitate the office of management and
26 budget's administration of these funds. The legislative management shall report its findings and
27 recommendations, together with any legislation required to implement the recommendations, to
28 the sixty-ninth legislative assembly.

29 **SECTION 9. LEGISLATIVE MANAGEMENT STUDY - MANAGEMENT AND**
30 **MAINTENANCE OF STATE FACILITIES.**

- 1 1. During the 2023-24 interim, the legislative management shall consider studying the
2 policies and procedures of state agencies, excluding institutions under the control of
3 the state board of higher education, for managing, maintaining, and leasing state
4 facilities.
- 5 2. The study must include consideration of:
 - 6 a. The most efficient and cost-effective organizational structure for managing,
7 maintaining, and leasing state facilities, including a comparison of allocating
8 funding and full-time equivalent positions to various agencies and centralizing
9 funding and full-time equivalent positions under one agency.
 - 10 b. The costs and benefits of leasing or owning state facilities.
 - 11 c. The appropriate use of contracts for service and full-time equivalent positions for
12 custodial services, mechanical services, snow removal, lawn care, and
13 maintenance.
- 14 3. The legislative management shall report its findings and recommendations, together
15 with any legislation required to implement the recommendations, to the sixty-ninth
16 legislative assembly.

17 **SECTION 10. LEGISLATIVE MANAGEMENT STUDY - GUARDIANSHIP PROGRAMS.**

18 During the 2023-24 interim, the legislative management shall study the state's guardianship
19 programs. The study must include consideration of the existing structure for the programs under
20 the office of management and budget, judicial branch, and department of health and human
21 services; the feasibility of consolidating the programs under one agency; and an appropriate
22 level of funding for the programs. The legislative management shall report its findings and
23 recommendations, together with any legislation required to implement the recommendations, to
24 the sixty-ninth legislative assembly.

25 **SECTION 11. RETROACTIVE APPLICATION.** Section 1 of this Act applies retroactively to
26 May 10, 2023, and sections 3, 4, and 6 through 10 of this Act apply retroactively to July 1, 2023.

27 **SECTION 12. EFFECTIVE DATE.** This Act becomes effective immediately upon its filing
28 with the secretary of state.