

Sixty-eighth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1001

Introduced by

Appropriations Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the legislative branch of state government; to amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota Century Code, relating to legislative compensation; to provide for a legislative management study; to provide a report; to provide for application, transfer, and cancellation of unexpended appropriations; and to declare an emergency.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

#### Subdivision 1.

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

| <u>Governor's</u>                                    |                         |                         |                         |
|------------------------------------------------------|-------------------------|-------------------------|-------------------------|
|                                                      | <u>Base Level</u>       | <u>Recommendation</u>   | <u>Appropriation</u>    |
| <del>Salaries and wages</del>                        | <del>\$11,430,094</del> | <del>\$12,506,837</del> | <del>\$11,430,094</del> |
| <del>Operating expenses</del>                        | <del>6,218,753</del>    | <del>5,167,919</del>    | <del>6,218,753</del>    |
| <del>Capital assets</del>                            | <del>6,000</del>        | <del>4,932,600</del>    | <del>6,000</del>        |
| <del>National conference of state legislatures</del> | <del>271,333</del>      | <del>283,070</del>      | <del>271,333</del>      |
| <del>Total general fund</del>                        | <del>\$17,926,180</del> | <del>\$22,890,426</del> | <del>\$17,926,180</del> |
| <u>Adjustments or</u>                                |                         |                         |                         |
|                                                      | <u>Base Level</u>       | <u>Enhancements</u>     | <u>Appropriation</u>    |
| <u>Salaries and wages</u>                            | <u>\$11,430,094</u>     | <u>\$1,399,505</u>      | <u>\$12,829,599</u>     |

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|   |                                           |              |             |              |
|---|-------------------------------------------|--------------|-------------|--------------|
| 1 | Operating expenses                        | 6,218,753    | (668,594)   | 5,550,159    |
| 2 | Capital assets                            | 6,000        | 4,926,600   | 4,932,600    |
| 3 | National conference of state legislatures | 271,333      | 11,737      | 283,070      |
| 4 | Total general fund                        | \$17,926,180 | \$5,669,248 | \$23,595,428 |

5 Subdivision 2.

6 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

|    |                                |                   |                       |                      |
|----|--------------------------------|-------------------|-----------------------|----------------------|
| 7  | Governor's                     |                   |                       |                      |
| 8  |                                | <u>Base Level</u> | <u>Recommendation</u> | <u>Appropriation</u> |
| 9  | Salaries and wages             | \$12,690,980      | \$13,957,027          | \$12,690,980         |
| 10 | Operating expenses             | 3,045,430         | 3,936,412             | 3,045,430            |
| 11 | Capital assets                 | 6,000             | 126,000               | 6,000                |
| 12 | Total all funds                | \$15,742,410      | \$18,019,439          | \$15,742,410         |
| 13 | Less estimated income          | 70,000            | 88,000                | 70,000               |
| 14 | Total general fund             | \$15,672,410      | \$17,931,439          | \$15,672,410         |
| 15 | Full-time equivalent positions | 44.00             | 44.00                 | 44.00                |

|    |                                |                   |                     |                      |
|----|--------------------------------|-------------------|---------------------|----------------------|
| 16 | Adjustments or                 |                   |                     |                      |
| 17 |                                | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 18 | Salaries and wages             | \$12,690,980      | \$1,940,465         | \$14,631,445         |
| 19 | Operating expenses             | 3,045,430         | 890,982             | 3,936,412            |
| 20 | Capital assets                 | 6,000             | 120,000             | 126,000              |
| 21 | Total all funds                | \$15,742,410      | \$2,951,447         | \$18,693,857         |
| 22 | Less estimated income          | 70,000            | 18,000              | 88,000               |
| 23 | Total general fund             | \$15,672,410      | \$2,933,447         | \$18,605,857         |
| 24 | Full-time equivalent positions | 44.00             | 1.00                | 45.00                |

25 Subdivision 3.

26 TOTAL - SECTION 1

|    |                           |                   |                       |                      |
|----|---------------------------|-------------------|-----------------------|----------------------|
| 27 | Governor's                |                   |                       |                      |
| 28 |                           | <u>Base Level</u> | <u>Recommendation</u> | <u>Appropriation</u> |
| 29 | Grand total general fund  | \$33,598,590      | \$40,821,865          | \$33,598,590         |
| 30 | Grand total special funds | 70,000            | 88,000                | 70,000               |
| 31 | Grand total all funds     | \$33,668,590      | \$40,909,865          | \$33,668,590         |

|                           | Adjustments or |              |               |
|---------------------------|----------------|--------------|---------------|
|                           | Base Level     | Enhancements | Appropriation |
| Grand total general fund  | \$33,598,590   | \$8,602,695  | \$42,201,285  |
| Grand total special funds | 70,000         | 18,000       | 88,000        |
| Grand total all funds     | \$33,668,590   | \$8,620,695  | \$42,289,285  |

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

**BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 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>2021-23</u>         | <u>2023-25</u> |
|---------------------------------------------|------------------------|----------------|
| <del>Redistricting session</del>            | <del>\$316,284</del>   | <del>\$0</del> |
| <del>Information technology expansion</del> | <del>1,450,000</del>   | <del>0</del>   |
| <del>Total general fund</del>               | <del>\$1,766,284</del> | <del>\$0</del> |
| Redistricting session                       | \$316,284              | \$0            |
| Information technology expansion            | 1,450,000              | 0              |
| Propylon core upgrade                       | 0                      | 4,816,600      |
| Audio and video storage                     | 0                      | 110,000        |
| Computer and iPad replacement               | 0                      | 557,950        |
| Chamber upgrades                            | 0                      | 220,000        |
| Total general fund                          | \$1,766,284            | \$5,704,550    |

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

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

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

| 1  | <u>One-Time Funding Description</u>                | <u>2021-23</u>       | <u>2023-25</u> |
|----|----------------------------------------------------|----------------------|----------------|
| 2  | <del>Information technology expansion</del>        | <del>\$48,000</del>  | <del>\$0</del> |
| 3  | <del>Public website design</del>                   | <del>150,000</del>   | <del>0</del>   |
| 4  | <del>Acute psychiatric hospitalization study</del> | <del>500,000</del>   | <del>0</del>   |
| 5  | <del>Total general fund</del>                      | <del>\$698,000</del> | <del>\$0</del> |
| 6  | Information technology expansion                   | \$48,000             | \$0            |
| 7  | Public website design                              | 150,000              | 0              |
| 8  | Acute psychiatric hospitalization study            | 500,000              | 0              |
| 9  | Computer and iPad replacement                      | 0                    | 155,500        |
| 10 | Secondary and backup servers                       | 0                    | 120,000        |
| 11 | Total general fund                                 | \$698,000            | \$275,500      |

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

16     **SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director  
17     of the office of management and budget shall transfer appropriation authority between line items  
18     of the legislative management and legislative council as may be requested by the chairman of  
19     the legislative management or the director of the legislative council upon the finding by the  
20     chairman or the director that the nature of studies and duties assigned to the legislative  
21     management or legislative council requires the transfers in properly carrying on the legislative  
22     management's and legislative council's functions and duties. The director of the office of  
23     management and budget shall similarly make transfers of appropriation authority between the  
24     line items for the sixty-eighth and sixty-ninth legislative assemblies, upon request by the  
25     chairman of the legislative management or the director of the legislative council upon the finding  
26     by the chairman or director that the transfers are required for the legislative assembly to carry  
27     on its functions and duties.

28     **SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**  
29     **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to  
30     chapter 29 of the 2021 Session Laws. The director of the office of management and budget  
31     shall make transfers of appropriation authority between the line items and the agencies of the

legislative branch within section 1 of that chapter as requested by the chairman of the legislative management or the director of the legislative council. The office of management and budget shall cancel unexpended appropriations for the legislative assembly and legislative council enacted prior to the 2021-23 biennium as directed by the chairman of the legislative management or the director of the legislative council.

**SECTION 6. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Each member of the legislative assembly is entitled to receive as compensation for services the sum of ~~one hundred eighty-nine~~two hundred one dollars through June 30, 20222024, and ~~one hundred ninety-three~~two hundred nine dollars thereafter for each calendar day during any organizational, special, or regular legislative session and for each day that member attends a meeting of a legislative committee between the organizational session and the regular session as authorized by legislative rule.
2. a. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed per calendar month the amount established under this subdivision by the director of the office of management and budget for lodging in state and which may not exceed the rate provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. On August first of each even-numbered year, the director of the office of management and budget shall set the maximum monthly reimbursement for the subsequent two-year period at an amount equal to thirty times seventy percent of the daily lodging reimbursement in effect on that date as provided under subdivision d of subsection 2 of section 44-08-04.
- b. Notwithstanding subdivision a:
  - (1) A member of the legislative assembly may elect to be reimbursed for less than the amount to which the legislator is entitled under this subsection by claiming the lesser amount on a voucher submitted with the receipt required by section 44-08-04.

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

3. a. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may be only at the cost of coach fare and may not exceed one and one-half times the amount the member would be entitled to receive as mileage reimbursement for travel by motor vehicle.
- b. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed the maximum monthly reimbursement allowed under subdivision a of subsection 2.
4. The amount to which each legislator is entitled must be paid following the organizational session in December and each month upon submission of a voucher and appropriate documentation during a regular or special session, consistent with section 26 of article XI of the constitution of North Dakota.
5. If during a special session, the legislative assembly adjourns for more than three days, a member of the legislative assembly is entitled to receive compensation during those days only while in attendance at a standing committee if the legislator is a member of that committee, a majority or minority leader, or a legislator who is not on that committee but who has the approval of a majority or minority leader to attend.

6. A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session or a legislative committee meeting must be included as a calendar day during a legislative session or as a day of a legislative committee meeting for the purposes of this section.
7. a. In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of five hundred ~~twenty-six~~fifty-eight dollars through June 30, ~~2022~~2024, and five hundred ~~thirty-seven~~eighty dollars thereafter per month, paid monthly.
- b. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.
- c. The majority and minority leaders of the house and senate and the chairman of the legislative management, if the chairman is not a majority or minority leader, are each entitled to receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of ~~three-hundred-seventy-seven~~four hundred dollars through June 30, ~~2022~~2024, and ~~three-hundred-eighty-five~~four hundred sixteen dollars thereafter per month during the biennium for their execution of public duties.
8. Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].
9. Before each regular legislative session, the legislative management shall make recommendations and submit any necessary legislation to adjust legislative compensation amounts.

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

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

1. The members of the legislative management and the members of any committee of the legislative management are entitled to be compensated for the time spent in attendance at sessions of the legislative management and of its committees at the rate of ~~one hundred eighty-nine~~two hundred one dollars through June 30, ~~2022~~2024, and ~~one hundred ninety-three~~two hundred nine dollars thereafter per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.
2. In addition to the compensation provided in subsection 1, the chairman of the legislative management is entitled to receive an additional five dollars for each day spent in attendance at sessions of the legislative management and of its committees, and the chairman of each of the legislative management's committees is entitled to receive five dollars for each day spent in attendance at sessions of the legislative management or of the committee which the person chairs.

**SECTION 8. LEGISLATIVE MANAGEMENT STUDY - IMPACT OF TERM LIMITS ON THE LEGISLATIVE ASSEMBLY.** During the 2023-24 interim, the legislative management shall consider studying the impact of term limits on the manner in which the legislative assembly conducts business. The study must include an assessment of the desirability of providing increased educational opportunities for legislative members due to shortened tenures in the legislative assembly, increasing the number of legislative council policy staff available to assist new members, and holding legislative sessions on an annual basis. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 9. EMERGENCY.** ~~This Act is~~Sections 1 through 5 of this Act are declared to be an emergency measure.