

**FIRST ENGROSSMENT**

**ENGROSSED SENATE BILL NO. 2001**

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

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
9 as may be necessary, are appropriated out of any moneys in the general fund in the state  
10 treasury, not otherwise appropriated, and from other funds derived from the insurance  
11 regulatory trust fund and other income, not otherwise appropriated, to the legislative branch of  
12 state government for the purpose of defraying the expenses of the legislative branch of state  
13 government, for the fiscal period beginning with the effective date of this Act, and ending  
14 June 30, 2027, as follows:

15 Subdivision 1.

16 **SIXTY-NINTH AND SEVENTIETH LEGISLATIVE ASSEMBLIES AND BIENNIUM**

17		Adjustments or	
18	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
19	Salaries and wages	\$1,645,103	\$14,595,670
20	Operating expenses	5,190,631	9,962,840
21	Capital assets	220,000	226,000

Sixty-ninth  
Legislative Assembly

1	National conference of state legislatures	<u>283,070</u>	<u>23,102</u>	<u>306,172</u>
2	Total general fund	\$18,011,846	\$7,078,836	\$25,090,682

3 Subdivision 2.

4 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

5			Adjustments or	
6		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
7	Salaries and wages	\$15,435,797	\$1,190,358	\$16,626,155
8	New and vacant FTE pool	0	5,088,515	5,088,515
9	Operating expenses	3,780,912	2,085,238	5,866,150
10	Capital assets	<u>6,000</u>	<u>280,000</u>	<u>286,000</u>
11	Total all funds	\$19,222,709	\$8,644,111	\$27,866,820
12	Less other funds	<u>88,000</u>	<u>325,000</u>	<u>413,000</u>
13	Total general fund	\$19,134,709	\$8,319,111	\$27,453,820
14	Full-time equivalent positions	45.00	25.00	70.00

15 Subdivision 3.

16 TOTAL - SECTION 1

17			Adjustments or	
18		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
19	Grand total all funds	\$37,234,555	\$15,722,947	\$52,957,502
20	Less grand total other funds	<u>88,000</u>	<u>325,000</u>	<u>413,000</u>
21	Grand total general fund	\$37,146,555	\$15,397,947	\$52,544,502

22 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

23 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding  
 24 items included in the appropriation in section 1 of this Act which are not included in each entity's  
 25 base budget for the 2027-29 biennium and which each entity shall report to the appropriations  
 26 committees of the seventieth legislative assembly regarding the use of this funding:

27	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total Funds</u>
28	Legislative Assembly			
29	Legislative chambers and	<u>\$4,451,000</u>	<u>\$0</u>	<u>\$4,451,000</u>
30	system upgrades			
31	Total legislative assembly	\$4,451,000	\$0	\$4,451,000

1 Legislative Management  
2 and Legislative Council

3	Costs related to new positions	\$375,000	\$0	\$375,000
4	Legislative term limit study	225,000	0	225,000
5	Advanced nuclear energy study	325,000	325,000	650,000
6	Information technology equipment	<u>280,000</u>	<u>0</u>	<u>280,000</u>
7	Total legislative management and			
8	legislative council	<u>\$1,205,000</u>	<u>\$325,000</u>	<u>\$1,530,000</u>
9	Grand total	\$5,656,000	\$325,000	\$5,981,000

10 **SECTION 3. NEW AND VACANT FTE POOL - BUDGET SECTION REPORT.**

- 11 1. The legislative council may not spend funds from the new and vacant FTE pool line  
12 item in subdivision 2 of section 1 of this Act, but may transfer funds from this line item  
13 to the salaries and wages line item as necessary to provide funding for:
- 14 a. Filling a new FTE position from the date of hire through the end of the biennium;  
15 or
- 16 b. Salaries and wages if actual salaries and wages savings from vacant positions  
17 and employee turnover adjusted for other uses are less than the estimate used  
18 by the sixty-ninth legislative assembly in the development of the appropriation.
- 19 2. The legislative council shall report to the budget section regarding the use of funding  
20 in the pool including information on:
- 21 a. New FTE positions, including the date hired;
- 22 b. Vacant FTE positions, including information on positions that become vacant and  
23 positions filled, salaries and wages savings resulting from vacant positions and  
24 employee turnover, and the use of salaries and wages savings for other  
25 purposes; and
- 26 c. Additional salaries and wages funding needed due to savings from vacant  
27 positions being less than anticipated.
- 28 3. If funding in the new and vacant FTE pool line item is insufficient to provide the  
29 necessary salaries and wages funding for the biennium, the legislative council may  
30 request a deficiency appropriation from the seventieth legislative assembly.

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

13       **SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**  
14 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to  
15 chapter 1 of the 2023 Session Laws. The director of the office of management and budget shall  
16 make transfers of appropriation authority between the line items and the agencies of the  
17 legislative branch within section 1 of that chapter as requested by the chairman of the legislative  
18 management or the director of the legislative council. The office of management and budget  
19 shall cancel unexpended appropriations for the legislative assembly and legislative council  
20 enacted prior to the 2023-25 biennium as directed by the chairman of the legislative  
21 management or the director of the legislative council.

22       **SECTION 6. AMENDMENT.** Section 54-03-10 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24       **54-03-10. Compensation of speaker, majority and minority leaders, assistant majority**  
25 **and minority leaders, committee chairmen, and employees.**

26       The speaker of the house, the house majority leader, the senate majority leader, the house  
27 minority leader, and the senate minority leader shall each receive as compensation, in addition  
28 to any other compensation or expense reimbursement provided by law, the sum of ~~fifteen~~twenty  
29 dollars per day for each calendar day during any regular, special, or organizational session.  
30 Chairmen of the substantive standing committees, the house assistant majority leader, the  
31 senate assistant majority leader, the house assistant minority leader, and the senate assistant

1 minority leader shall receive additional compensation of ~~ten~~fifteen dollars for each calendar day  
2 during any regular, special, or organizational session. The additional compensation provided by  
3 this section must be paid in the manner provided in section 54-03-20. The legislative assembly,  
4 by concurrent resolution, shall fix the compensation of the other officers and employees elected  
5 or appointed.

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

8 **54-03-20. Compensation and expense reimbursement of members of the legislative**  
9 **assembly.**

- 10 1. Each member of the legislative assembly is entitled to receive as compensation for  
11 services the sum of ~~two hundred fifty~~two hundred nineteen dollars through June 30,  
12 ~~2024~~2026, and ~~two hundred thirteen~~two hundred twenty-six dollars thereafter for each  
13 calendar day during any organizational, special, or regular legislative session and for  
14 each day that member attends a meeting of a legislative committee between the  
15 organizational session and the regular session as authorized by legislative rule.
- 16 2. a. Each member of the legislative assembly is entitled to receive reimbursement for  
17 lodging, which may not exceed per calendar month the amount established under  
18 this subdivision by the director of the office of management and budget for  
19 lodging in state and which may not exceed the rate provided in section 44-08-04  
20 for each calendar day during the period of any organizational, special, or regular  
21 session. On August first of each even-numbered year, the director of the office of  
22 management and budget shall set the maximum monthly reimbursement for the  
23 subsequent two-year period at an amount equal to thirty times seventy percent of  
24 the daily lodging reimbursement in effect on that date as provided under  
25 subdivision d of subsection 2 of section 44-08-04.
- 26 b. Notwithstanding subdivision a:
- 27 (1) A member of the legislative assembly may elect to be reimbursed for less  
28 than the amount to which the legislator is entitled under this subsection by  
29 claiming the lesser amount on a voucher submitted with the receipt required  
30 by section 44-08-04.

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

- 5       3.   a.   Members of the legislative assembly who receive reimbursement for lodging are  
6           also entitled to reimbursement for travel for not to exceed one round trip taken  
7           during any calendar week, or portion of a week, the legislative assembly is in  
8           session, between their residences and the place of meeting of the legislative  
9           assembly, at the rate provided for state employees with the additional limitation  
10          that reimbursement for travel by common carrier may be only at the cost of coach  
11          fare and may not exceed one and one-half times the amount the member would  
12          be entitled to receive as mileage reimbursement for travel by motor vehicle.
- 13       b.   A member of the legislative assembly who does not receive reimbursement for  
14          lodging and whose place of residence in the legislative district that the member  
15          represents is not within the city of Bismarck is entitled to reimbursement at the  
16          rate provided for state employees for necessary travel for not to exceed one  
17          round trip taken per day between the residence and the place of meeting of the  
18          legislative assembly when it is in session and may receive reimbursement for  
19          lodging at the place of meeting of the legislative assembly as provided in section  
20          44-08-04 for each calendar day for which round trip travel reimbursement is not  
21          claimed, provided that the total reimbursement may not exceed the maximum  
22          monthly reimbursement allowed under subdivision a of subsection 2.

- 23       4.   The amount to which each legislator is entitled must be paid following the  
24          organizational session in December and each month upon submission of a voucher  
25          and appropriate documentation during a regular or special session, consistent with  
26          section 26 of article XI of the constitution of North Dakota.

- 27       5.   If during a special session, the legislative assembly adjourns for more than three days,  
28          a member of the legislative assembly is entitled to receive compensation during those  
29          days only while in attendance at a standing committee if the legislator is a member of  
30          that committee, a majority or minority leader, or a legislator who is not on that  
31          committee but who has the approval of a majority or minority leader to attend.

- 1       6.   A day, or portion of a day, spent in traveling to or returning from an organizational,  
2       special, or regular session or a legislative committee meeting must be included as a  
3       calendar day during a legislative session or as a day of a legislative committee  
4       meeting for the purposes of this section.
- 5       7.   a.   In addition, each member is entitled to receive during the term for which the  
6       member was elected, as compensation for the execution of public duties during  
7       the biennium, the sum of ~~five hundred sixty-nine~~six hundred ten dollars through  
8       June 30, ~~2024~~2026, and ~~five hundred ninety-two~~six hundred twenty-eight dollars  
9       thereafter per month, paid monthly.
- 10      b.   If a member dies or resigns from office during the member's term, the member  
11      may be paid only the allowances provided for in this section for the period for  
12      which the member was actually a member.
- 13      c.   The majority and minority leaders of the house and senate and the chairman of  
14      the legislative management, if the chairman is not a majority or minority leader,  
15      are each entitled to receive as compensation, in addition to any other  
16      compensation or expense reimbursement provided by law, the sum of ~~four~~  
17      ~~hundred eight~~four hundred thirty-seven dollars through June 30, ~~2024~~2026, and  
18      ~~four hundred twenty-four~~four hundred fifty dollars thereafter per month during the  
19      biennium for their execution of public duties.
- 20      8.   Attendance at any organizational, special, or regular session of the legislative  
21      assembly by any member is a conclusive presumption of entitlement as set out in this  
22      section and compensation and expense allowances must be excluded from gross  
23      income for income tax purposes to the extent permitted for federal income tax  
24      purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;  
25      95 Stat. 202; 26 U.S.C. 162(i)].
- 26      9.   Before each regular legislative session, the legislative management shall make  
27      recommendations and submit any necessary legislation to adjust legislative  
28      compensation amounts.

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

1       **54-35-10. Compensation of members and leadership.**

2       1. The members of the legislative management and the members of any committee of  
3       the legislative management are entitled to be compensated for the time spent in  
4       attendance at sessions of the legislative management and of its committees at the rate  
5       of ~~two hundred fifty~~two hundred nineteen dollars through June 30, ~~2024~~2026, and ~~two-~~  
6       ~~hundred thirteen~~two hundred twenty-six dollars thereafter per day and must also be  
7       paid for expenses incurred in attending said meetings and in the performance of their  
8       official duties in the amounts provided by law for other state officers.

9       2. In addition to the compensation provided in subsection 1, the chairman of the  
10      legislative management is entitled to receive an additional ~~five~~ten dollars for each day  
11      spent in attendance at sessions of the legislative management and of its committees,  
12      and the chairman of each of the legislative management's committees is entitled to  
13      receive ~~five~~ten dollars for each day spent in attendance at sessions of the legislative  
14      management or of the committee which the person chairs.

15      **SECTION 9. LEGISLATIVE INTENT - LEGISLATIVE MANAGEMENT - CHAMBER**

16      **ACCESSIBILITY.** It is the intent of the sixty-ninth legislative assembly that the legislative  
17      management review the accessibility of the legislative chambers and gather information  
18      regarding options to improve access.

19      **SECTION 10. LEGISLATIVE MANAGEMENT STUDY - ADVANCED NUCLEAR ENERGY.**

20      During the 2025-26 interim, the legislative management shall study the feasibility, siting, and  
21      deployment of advanced nuclear power plants in the state. The appropriation for the legislative  
22      management and legislative council, included in subdivision 2 of section 1 of this Act, includes  
23      one-time funding of \$650,000, of which \$325,000 is from the general fund and \$325,000 is from  
24      other funds derived from matching funds, for the purpose of contracting for consulting services  
25      for the advanced nuclear energy study. The legislative management shall seek matching funds  
26      from the private sector to the extent available to assist with the cost of the project.

27      1. The study must include evaluation of:

28          a. Siting locations, including potential greenfield and brownfield sites, the  
29          identification and assessment of undeveloped land suitable for construction,  
30          developed land suitable for rehabilitation and reuse, geographical locations,  
31          environmental impacts, proximity to infrastructure, and community acceptance;



- b. Electric grid connectivity, including the capacity of the electrical grid and integration of a nuclear power plant to the state, necessary upgrades and expansions to ensure reliability, and recommendations adhering to national and state electric standards and regulations;
  - c. Land use considerations, including long-term sustainability of proposed sites, environmental and social factors, land use patterns and zoning regulations, potential impacts on local land use, and proposed mitigation strategies;
  - d. Economic impacts, including potential tax revenue, job creation during construction and operation of a nuclear facility, economic impacts on local and state economies, and investor appeal;
  - e. Small modular and micro nuclear reactors, including the feasibility of constructing and operating small modular and micro reactors to generate power in the state; and
  - f. Provisions of the North Dakota Century Code that place restrictions on advanced nuclear energy development, if any.
2. The study must invite participation from an institution of higher education for assistance in evaluating social interests and community acceptance of potential siting locations.
  3. The committee must consist of members appointed by the legislative management.
  4. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

**SECTION 11. EMERGENCY.** Sections 1 through 5 and section 10 of this Act are declared to be an emergency measure.