

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 54-03-20 and 54-35-10 of the North
3 Dakota Century Code, relating to legislative compensation; to provide for a report; to provide for
4 application, transfer, and cancellation of unexpended appropriations; and to declare an
5 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, 2023, as follows:

13 Subdivision 1.

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

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
Salaries and wages	\$11,190,844	\$12,300,994	\$11,190,844
Operating expenses	3,847,478	7,751,867	3,847,478
Capital assets	6,000	6,000	6,000
National conference of state legislatures	263,433	271,333	263,433
Total general fund	\$15,307,755	\$20,330,194	\$15,307,755
	<u>Adjustments or</u>		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,190,844	\$505,800	\$11,696,644

Sixty-seventh
Legislative Assembly

1	<u>Operating expenses</u>	<u>3,847,478</u>	<u>3,904,389</u>	<u>7,751,867</u>
2	<u>Capital assets</u>	<u>6,000</u>	<u>0</u>	<u>6,000</u>
3	<u>National conference of state legislatures</u>	<u>263,433</u>	<u>7,900</u>	<u>271,333</u>
4	<u>Total general fund</u>	<u>\$15,307,755</u>	<u>\$4,418,089</u>	<u>\$19,725,844</u>

5 Subdivision 2.

6 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

7	<u>Governor's</u>			
8		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
9	<u>Salaries and wages</u>	<u>\$9,965,717</u>	<u>\$12,434,719</u>	<u>\$9,965,717</u>
10	<u>Operating expenses</u>	<u>2,988,601</u>	<u>3,574,659</u>	<u>2,988,601</u>
11	<u>Capital assets</u>	<u>6,000</u>	<u>6,000</u>	<u>6,000</u>
12	<u>Total all funds</u>	<u>\$12,960,318</u>	<u>\$16,015,378</u>	<u>\$12,960,318</u>
13	<u>Less estimated income</u>	<u>70,000</u>	<u>69,999</u>	<u>70,000</u>
14	<u>Total general fund</u>	<u>\$12,890,318</u>	<u>\$15,945,379</u>	<u>\$12,890,318</u>
15	<u>Full-time equivalent positions</u>	<u>36.00</u>	<u>44.00</u>	<u>36.00</u>

16	<u>Adjustments or</u>			
17		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18	<u>Salaries and wages</u>	<u>\$9,965,717</u>	<u>\$2,465,563</u>	<u>\$12,431,280</u>
19	<u>Operating expenses</u>	<u>2,988,601</u>	<u>254,829</u>	<u>3,243,430</u>
20	<u>Capital assets</u>	<u>6,000</u>	<u>0</u>	<u>6,000</u>
21	<u>Total all funds</u>	<u>\$12,960,318</u>	<u>\$2,720,392</u>	<u>\$15,680,710</u>
22	<u>Less estimated income</u>	<u>70,000</u>	<u>0</u>	<u>70,000</u>
23	<u>Total general fund</u>	<u>\$12,890,318</u>	<u>\$2,720,392</u>	<u>\$15,610,710</u>
24	<u>Full-time equivalent positions</u>	<u>36.00</u>	<u>8.00</u>	<u>44.00</u>

25 Subdivision 3.

26 TOTAL - SECTION 1

27	<u>Governor's</u>			
28		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
29	<u>Grand total general fund</u>	<u>\$28,198,073</u>	<u>\$36,275,573</u>	<u>\$28,198,073</u>
30	<u>Grand total special funds</u>	<u>70,000</u>	<u>69,999</u>	<u>70,000</u>
31	<u>Grand total all funds</u>	<u>\$28,268,073</u>	<u>\$36,345,572</u>	<u>\$28,268,073</u>

	Adjustments or		
	Base Level	Enhancements	Appropriation
Grand total general fund	\$28,198,073	\$7,138,481	\$35,336,554
Grand total special funds	70,000	0	70,000
Grand total all funds	\$28,268,073	\$7,138,481	\$35,406,554

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

BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items included in the appropriation for the legislative assembly in section 1 of this Act:

One-Time Funding Description	2019-21	2021-23
Digital signage replacement	\$40,000	\$0
Voting system upgrades	100,000	0
Computer and iPad replacement	517,760	0
Total all funds	\$657,760	\$0
Less estimated income	140,000	0
Total general fund	\$517,760	\$0

One-Time Funding Description	2019-21	2021-23
Digital signage replacement	\$40,000	\$0
Voting system upgrades	100,000	0
Computer and iPad replacement	517,760	0
Redistricting session	0	317,536
Information technology expansion	0	1,450,000
Total all funds	\$657,760	\$1,767,536
Less estimated income	140,000	0
Total general fund	\$517,760	\$1,767,536

The 2021-23 biennium one-time funding amounts are not part of the entity's base budget for the 2023-25 biennium. The legislative assembly shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

1 **SECTION 3. LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL ONE-TIME**

2 **FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE**

3 **ASSEMBLY.** The following amounts reflect the one-time funding items approved by the
4 sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding
5 items included in the appropriation for legislative management and legislative council in
6 section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
<u>Redistricting equipment</u>	<u>\$22,400</u>	<u>\$0</u>
<u>Computer replacement</u>	<u>124,856</u>	<u>0</u>
<u>Council of state governments conference</u>	<u>7,500</u>	<u>0</u>
<u>Total general fund</u>	<u>\$154,756</u>	<u>\$0</u>

<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
<u>Redistricting equipment</u>	<u>\$22,400</u>	<u>\$0</u>
<u>Computer replacement</u>	<u>124,856</u>	<u>0</u>
<u>Council of state governments conference</u>	<u>7,500</u>	<u>0</u>
<u>Information technology expansion</u>	<u>0</u>	<u>48,000</u>
<u>Public website design</u>	<u>0</u>	<u>150,000</u>
<u>Total general fund</u>	<u>\$154,756</u>	<u>\$198,000</u>

19 The 2021-23 biennium one-time funding amounts are not part of the entity's base budget for
20 the 2023-25 biennium. The legislative council shall report to the appropriations committees of
21 the sixty-eighth legislative assembly on the use of this one-time funding for the biennium
22 beginning July 1, 2021, and ending June 30, 2023.

23 **SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director
24 of the office of management and budget shall transfer appropriation authority between line items
25 of the legislative management and legislative council as may be requested by the chairman of
26 the legislative management or the director of the legislative council upon the finding by the
27 chairman or the director that the nature of studies and duties assigned to the legislative
28 management or legislative council requires the transfers in properly carrying on the legislative
29 management's and legislative council's functions and duties. The director of the office of
30 management and budget shall similarly make transfers of appropriation authority between the
31 line items for the sixty-seventh and sixty-eighth legislative assemblies, upon request by the

1 chairman of the legislative management or the director of the legislative council upon the finding
2 by the chairman or director that the transfers are required for the legislative assembly to carry
3 on its functions and duties.

4 **SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**

5 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to
6 chapter 1 of the 2019 Session Laws. The director of the office of management and budget shall
7 make transfers of appropriation authority between the line items and the agencies of the
8 legislative branch within section 1 of that chapter as requested by the chairman of the legislative
9 management or the director of the legislative council. The office of management and budget
10 shall cancel unexpended appropriations for the legislative assembly and legislative council
11 enacted prior to the 2019-21 biennium as directed by the chairman of the legislative
12 management or the director of the legislative council.

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

15 **54-03-20. Compensation and expense reimbursement of members of the legislative**
16 **assembly.**

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

1 the daily lodging reimbursement in effect on that date as provided under
2 subdivision d of subsection 2 of section 44-08-04.

3 b. Notwithstanding subdivision a:

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

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

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

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

30 4. The amount to which each legislator is entitled must be paid following the
31 organizational session in December and each month upon submission of a voucher

1 and appropriate documentation during a regular or special session, consistent with
2 section 26 of article XI of the constitution of North Dakota.

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

8 6. A day, or portion of a day, spent in traveling to or returning from an organizational,
9 special, or regular session or a legislative committee meeting must be included as a
10 calendar day during a legislative session or as a day of a legislative committee
11 meeting for the purposes of this section.

12 7. a. In addition, each member is entitled to receive during the term for which the
13 member was elected, as compensation for the execution of public duties during
14 the biennium, the sum of ~~five hundred eighteen~~five hundred twenty-eight dollars
15 through June 30, 2022, and five hundred thirty-nine dollars thereafter a month,
16 paid monthly.

17 b. If a member dies or resigns from office during the member's term, the member
18 may be paid only the allowances provided for in this section for the period for
19 which the member was actually a member.

20 c. The majority and minority leaders of the house and senate and the chairman of
21 the legislative management, if the chairman is not a majority or minority leader,
22 are each entitled to receive as compensation, in addition to any other
23 compensation or expense reimbursement provided by law, the sum of ~~three-~~
24 ~~hundred seventy-one~~three hundred seventy-eight dollars through June 30, 2022,
25 and three hundred eighty-six dollars thereafter per month during the biennium for
26 their execution of public duties.

27 8. Attendance at any organizational, special, or regular session of the legislative
28 assembly by any member is a conclusive presumption of entitlement as set out in this
29 section and compensation and expense allowances must be excluded from gross
30 income for income tax purposes to the extent permitted for federal income tax

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

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

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

8 **54-35-10. Compensation of members and leadership.**

- 9 1. The members of the legislative management and the members of any committee of
10 the legislative management are entitled to be compensated for the time spent in
11 attendance at sessions of the legislative management and of its committees at the rate
12 of ~~one hundred eighty-six~~ one hundred ninety dollars through June 30, 2022, and one
13 hundred ninety-four dollars thereafter per day and must also be paid for expenses
14 incurred in attending said meetings and in the performance of their official duties in the
15 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 8. EMERGENCY.** ~~This~~ Sections 1 through 5 of this Act ~~is~~ are declared to be an
23 emergency measure.