

SENATE BILL NO. 2061

Introduced by

Appropriations Committee

(At the request of Legislative Management)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the legislative branch
2 of state government; to provide for applications, transfers, and cancellation of unexpended
3 appropriations; to amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota
4 Century Code, relating to legislative compensation; and to declare an emergency.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from the insurance
9 regulatory trust fund, not otherwise appropriated, to the legislative branch of state government
10 for the purpose of defraying the expenses of that branch, for the fiscal period beginning with the
11 effective date of this Act and ending June 30, 2019, as follows:

12 Subdivision 1.

13 SIXTY-FIFTH AND SIXTY-SIXTH LEGISLATIVE ASSEMBLIES AND BIENNIUM

| | | Adjustments or | | |
|----|-------------------------------------------|---------------------|----------------------|----------------|
| | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> | |
| 14 | | | | |
| 15 | | | | |
| 16 | Salaries and wages | \$10,004,373 | \$714,632 | \$10,719,005 |
| 17 | Operating expenses | 3,467,629 | 274,962 | 3,742,591 |
| 18 | Capital assets | 16,800 | (10,800) | 6,000 |
| 19 | National conference of state legislatures | <u>241,263</u> | <u>8,909</u> | <u>250,172</u> |
| 20 | Total general fund | \$13,730,065 | \$987,703 | \$14,717,768 |

21 Subdivision 2.

22 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

| | | Adjustments or | |
|----|-------------------|---------------------|----------------------|
| | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 23 | | | |
| 24 | | | |

Sixty-fifth
Legislative Assembly

| | | | | |
|----|--------------------------------|-------------------|---------------------|----------------------|
| 1 | Salaries and wages | \$9,180,442 | (\$45,717) | \$9,134,725 |
| 2 | Operating expenses | 2,837,968 | 215,367 | 3,053,335 |
| 3 | Capital assets | <u>0</u> | <u>30,000</u> | <u>30,000</u> |
| 4 | Total all funds | \$12,018,410 | \$199,650 | \$12,218,060 |
| 5 | Less estimated income | <u>70,000</u> | <u>0</u> | <u>70,000</u> |
| 6 | Total general fund | \$11,948,410 | \$199,650 | \$12,148,060 |
| 7 | Full-time equivalent positions | 37.00 | (1.00) | 36.00 |
| 8 | Subdivision 3. | | | |
| 9 | BILL TOTAL | | | |
| 10 | | | Adjustments or | |
| 11 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 12 | Grand total general fund | \$25,678,475 | \$1,187,353 | \$26,865,828 |
| 13 | Grand total special funds | <u>70,000</u> | <u>0</u> | <u>70,000</u> |
| 14 | Grand total all funds | \$25,748,475 | \$1,187,353 | \$26,935,828 |

15 **SECTION 2. LEGISLATIVE ASSEMBLY ONE-TIME FUNDING.** The following amounts
 16 reflect the one-time funding items approved by the sixty-fourth legislative assembly for the
 17 2015-17 biennium and the 2017-19 one-time funding items included in the appropriation for the
 18 legislative assembly in section 1 of this Act:

| 19 | <u>One-Time Funding Description</u> | <u>2015-17</u> | <u>2017-19</u> |
|----|-----------------------------------------|----------------|----------------|
| 20 | Judicial wing meeting rooms | \$160,000 | \$0 |
| 21 | Information technology equipment | 603,050 | 0 |
| 22 | LEGEND maintenance | 191,760 | 0 |
| 23 | Council of State Governments conference | <u>160,000</u> | <u>0</u> |
| 24 | Total general fund | \$1,114,810 | \$0 |

25 **SECTION 3. LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL ONE-TIME**
 26 **FUNDING.** The following amounts reflect the one-time funding items approved by the
 27 sixty-fourth legislative assembly for the 2015-17 biennium and the 2017-19 one-time funding
 28 items included in the appropriation for the legislative management and legislative council in
 29 section 1 of this Act:

| 30 | <u>One-Time Funding Description</u> | <u>2015-17</u> | <u>2017-19</u> |
|----|-------------------------------------|----------------|----------------|
| 31 | Office equipment replacement | \$30,000 | \$0 |

Sixty-fifth
Legislative Assembly

| | | | |
|---|----------------------------------|----------------|----------|
| 1 | Office improvements | 50,000 | 0 |
| 2 | Oil and gas tax study | 395,000 | 0 |
| 3 | Information technology equipment | <u>135,460</u> | <u>0</u> |
| 4 | Total general fund | \$610,460 | \$0 |

5 **SECTION 4. TRANSFERS.** Notwithstanding section 54-16-05, the director of the office of
6 management and budget and the state treasurer shall make transfers of funds between line
7 items of appropriations for the legislative management and legislative council as may be
8 requested by the chairman of the legislative management or the director of the legislative
9 council upon the finding by the chairman or the director that the nature of studies and duties
10 assigned to the legislative management or legislative council requires the transfers in properly
11 carrying on the legislative management's and legislative council's functions and duties. The
12 director of the office of management and budget and the state treasurer shall similarly make
13 transfers of funds between the line items for the sixty-fifth and sixty-sixth legislative assemblies,
14 upon request by the chairman of the legislative management or the director of the legislative
15 council upon the finding by the chairman or director that the transfers are required for the
16 legislative assembly to carry 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 1 of the 2015 Session Laws. The director of the office of management and budget and
20 the state treasurer shall make transfers of funds 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 2015-17 biennium as directed by the chairman of the legislative
25 management or the director of the legislative council.

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

28 **54-03-20. Compensation and expense reimbursement of members of the legislative**
29 **assembly.**

30 1. ~~Each member of the legislative assembly is entitled to receive as~~As compensation for
31 services ~~the sum of one hundred seventy-seven dollars for each calendar day during~~

1 any organizational, special, or regular legislative session and for each day that
2 member attends a meeting of a legislative committee between the organizational
3 session and the regular session as authorized by legislative rule, each member of the
4 legislative assembly is entitled to receive the sum of one hundred seventy-nine dollars
5 for each calendar day through June 30, 2018, and one hundred eighty-one dollars for
6 each calendar day thereafter.

- 7 2. a. Each member of the legislative assembly is entitled to receive reimbursement for
8 lodging, which may not exceed per calendar month the amount established under
9 this subdivision by the director of the office of management and budget for
10 lodging in state and which may not exceed the rate provided in section 44-08-04
11 for each calendar day during the period of any organizational, special, or regular
12 session. On August first of each even-numbered year, the director of the office of
13 management and budget shall set the maximum monthly reimbursement for the
14 subsequent two-year period at an amount equal to thirty times seventy percent of
15 the daily lodging reimbursement in effect on that date as provided under
16 subdivision d of subsection 2 of section 44-08-04.

- 17 b. Notwithstanding subdivision a:

- 18 (1) A member of the legislative assembly may elect to be reimbursed for less
19 than the amount to which the legislator is entitled under this subsection by
20 claiming the lesser amount on a voucher submitted with the receipt required
21 by section 44-08-04.
22 (2) The legislative management may establish guidelines that may result in a
23 reduced maximum reimbursement for a single dwelling in which two or more
24 legislators share lodging and the total rent for that dwelling exceeds the
25 amount to which a legislator is entitled under subdivision a.

- 26 3. a. Members of the legislative assembly who receive reimbursement for lodging are
27 also entitled to reimbursement for travel for not to exceed one round trip taken
28 during any calendar week, or portion of a week, the legislative assembly is in
29 session, between their residences and the place of meeting of the legislative
30 assembly, at the rate provided for state employees with the additional limitation
31 that reimbursement for travel by common carrier may be only at the cost of coach

- 1 fare and may not exceed one and one-half times the amount the member would
2 be entitled to receive as mileage reimbursement for travel by motor vehicle.
- 3 b. A member of the legislative assembly who does not receive reimbursement for
4 lodging and whose place of residence in the legislative district that the member
5 represents is not within the city of Bismarck is entitled to reimbursement at the
6 rate provided for state employees for necessary travel for not to exceed one
7 round trip taken per day between the residence and the place of meeting of the
8 legislative assembly when it is in session and may receive reimbursement for
9 lodging at the place of meeting of the legislative assembly as provided in section
10 44-08-04 for each calendar day for which round trip travel reimbursement is not
11 claimed, provided that the total reimbursement may not exceed the maximum
12 monthly reimbursement allowed under subdivision a of subsection 2.
- 13 4. The amount to which each legislator is entitled must be paid following the
14 organizational session in December and each month upon submission of a voucher
15 and appropriate documentation during a regular or special session, consistent with
16 section 26 of article XI of the constitution of North Dakota.
- 17 5. If during a special session, the legislative assembly adjourns for more than three days,
18 a member of the legislative assembly is entitled to receive compensation during those
19 days only while in attendance at a standing committee if the legislator is a member of
20 that committee, a majority or minority leader, or a legislator who is not on that
21 committee but who has the approval of a majority or minority leader to attend.
- 22 6. A day, or portion of a day, spent in traveling to or returning from an organizational,
23 special, or regular session or a legislative committee meeting must be included as a
24 calendar day during a legislative session or as a day of a legislative committee
25 meeting for the purposes of this section.
- 26 7. a. In addition, each member is entitled to receive during the term for which the
27 member was elected, as compensation for the execution of public duties during
28 the biennium, ~~the sum of four hundred ninety five dollars a month, paid~~
29 ~~monthly~~ the sum of five hundred dollars each month through June 30, 2018, and
30 five hundred five dollars each month thereafter, paid monthly.

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

4 c. The majority and minority leaders of the house and senate and the chairman of
5 the legislative management, if the chairman is not a majority or minority leader,
6 are each entitled to receive as compensation, in addition to any other
7 compensation or expense reimbursement provided by law, the sum of ~~three-~~
8 ~~hundred fifty-five dollars per month~~three hundred fifty-nine dollars per month
9 through June 30, 2018, and three hundred sixty-three dollars per month
10 thereafter, during the biennium for their execution of public duties.

11 8. Attendance at any organizational, special, or regular session of the legislative
12 assembly by any member is a conclusive presumption of entitlement as set out in this
13 section and compensation and expense allowances must be excluded from gross
14 income for income tax purposes to the extent permitted for federal income tax
15 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;
16 95 Stat. 202; 26 U.S.C. 162(i)].

17 9. Before each regular legislative session, the legislative management shall make
18 recommendations and submit any necessary legislation to adjust legislative
19 compensation amounts.

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

22 **54-35-10. Compensation of members and leadership.**

23 1. The members of the legislative management and the members of any committee of
24 the legislative management are entitled to be compensated for the time spent in
25 attendance at sessions of the legislative management and of its committees at the rate
26 of ~~one hundred seventy-seven dollars per day~~one hundred seventy-nine dollars per
27 day through June 30, 2018, and one hundred eighty-one dollars per day thereafter,
28 and must also be paid for expenses incurred in attending said meetings and in the
29 performance of their official duties in the amounts provided by law for other state
30 officers.

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

7 **SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.