

Introduced by

Appropriations Committee

(At the request of the Legislative Management)

1 A BILL for an Act providing 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; to provide an effective date; and to declare
5 an 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 that branch, for the fiscal period beginning with the
12 effective date of this Act and ending June 30, 2015, as follows:

13 Subdivision 1.

14 SIXTY-THIRD AND SIXTY-FOURTH LEGISLATIVE ASSEMBLIES AND BIENNIUM

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$8,524,133	\$681,626	\$9,205,759
18 Operating expenses	3,268,968	1,098,351	4,367,319
19 Capital assets	0	530,000	530,000
20 National conference of state legislatures	<u>232,110</u>	<u>1,176</u>	<u>233,286</u>
21 Total general fund	\$12,025,211	\$2,311,153	\$14,336,364

22 Subdivision 2.

23 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

Sixty-third
Legislative Assembly

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
1			
2			
3	Salaries and wages	\$762,655	\$8,336,986
4	Operating expenses	552,950	3,858,470
5	Capital assets	<u>8,500</u>	<u>25,000</u>
6	Total all funds	\$1,324,105	\$12,220,456
7	Less estimated income	(1)	<u>69,999</u>
8	Total general fund	\$1,324,106	\$12,150,457
9	Full-time equivalent positions	0.00	34.00

10 Subdivision 3.

11 BILL TOTAL

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
12			
13			
14	Grand total general fund	\$3,635,259	\$26,486,821
15	Grand total special funds	(1)	<u>69,999</u>
16	Grand total all funds	\$3,635,258	\$26,556,820

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

18 **BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts
 19 reflect the one-time funding items approved by the sixty-second legislative assembly for the
 20 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation for the
 21 legislative assembly in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
22			
23	Computer equipment replacement	\$510,750	\$0
24	Legislative wing equipment and improvements	1,300,000	500,000
25	Redistricting special session	272,018	0
26	Information technology projects	<u>159,938</u>	<u>439,000</u>
27	Total general fund	\$2,242,706	\$939,000

28 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
 29 2015-17 biennium. The legislative assembly shall report to the appropriations committees of the
 30 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning
 31 July 1, 2013, and ending June 30, 2015.

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

3 **ASSEMBLY.** The following amounts reflect the one-time funding items approved by the
4 sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding
5 items included in the appropriation for the legislative management and legislative council in
6 section 1 of this Act:

7 <u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
8 Computer equipment replacement	\$76,000	\$0
9 Information technology projects	483,807	50,000
10 Office equipment replacement	25,000	25,000
11 Office improvements	50,000	50,000
12 Performance review of the state auditor's office	<u>100,000</u>	<u>0</u>
13 Total general fund	\$734,807	\$125,000

14 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
15 2015-17 biennium. The legislative council shall report to the appropriations committees of the
16 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning
17 July 1, 2013, and ending June 30, 2015.

18 **SECTION 4. TRANSFERS.** Notwithstanding section 54-16-05, the director of the office of
19 management and budget and the state treasurer shall make transfers of funds between line
20 items of appropriations for the legislative management and legislative council as may be
21 requested by the chairman of the legislative management or the chairman's designee upon the
22 finding by the chairman or designee that the nature of studies and duties assigned to the
23 legislative management or legislative council requires the transfers in properly carrying on the
24 legislative management's and legislative council's functions and duties. The director of the office
25 of management and budget and the state treasurer shall similarly make transfers of funds
26 between the line items for the sixty-third and sixty-fourth legislative assemblies, upon request by
27 the chairman of the legislative management or the chairman's designee upon the finding by the
28 chairman or designee that the transfers are required for the legislative assembly to carry on its
29 functions and duties.

30 **SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**
31 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to

1 chapter 1 of the 2011 Session Laws. The director of the office of management and budget and
2 the state treasurer shall make transfers of funds between the line items and the agencies of the
3 legislative branch within section 1 of that chapter as requested by the chairman of the legislative
4 management or the chairman's designee. The office of management and budget shall cancel
5 unexpended appropriations for the legislative assembly and legislative council enacted prior to
6 the 2011-13 biennium as directed by the chairman of the legislative management or the
7 chairman's designee.

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

10 **54-03-20. Compensation and expense reimbursement of members of the legislative**
11 **assembly.**

- 12 1. Each member of the legislative assembly is entitled to receive as compensation for
13 services the sum of one hundred ~~fifty-seven~~sixty-two dollars for each calendar day
14 during any organizational, special, or regular legislative session and for each day that
15 member attends a meeting of a legislative committee between the organizational
16 session and the regular session as authorized by legislative rule.
- 17 2. a. Each member of the legislative assembly is entitled to receive reimbursement for
18 lodging, which may not exceed per calendar month the amount established under
19 this subdivision by the director of the office of management and budget for
20 lodging in state and which may not exceed the rate provided in section 44-08-04
21 for each calendar day during the period of any organizational, special, or regular
22 session. On August first of each even-numbered year, the director of the office of
23 management and budget shall set the maximum monthly reimbursement for the
24 subsequent two-year period at an amount equal to thirty times sixty-five percent
25 of the daily lodging reimbursement in effect on that date as provided under
26 subdivision d of subsection 2 of section 44-08-04.
- 27 b. Notwithstanding subdivision a:
- 28 (1) A member of the legislative assembly may elect to be reimbursed for less
29 than the amount to which the legislator is entitled under this subsection by
30 claiming the lesser amount on a voucher submitted with the receipt required
31 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 following each month during a regular or
25 special session.
- 26 5. If during a special session, the legislative assembly adjourns for more than three days,
27 a member of the legislative assembly is entitled to receive compensation during those
28 days only while in attendance at a standing committee if the legislator is a member of
29 that committee, a majority or minority leader, or a legislator who is not on that
30 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 four hundred ~~forty~~fifty-three dollars a month, paid
8 monthly.
- 9 b. If a member dies or resigns from office during the member's term, the member
10 may be paid only the allowances provided for in this section for the period for
11 which the member was actually a member.
- 12 c. The majority and minority leaders of the house and senate and the chairman of
13 the legislative management, if the chairman is not a majority or minority leader,
14 are each entitled to receive as compensation, in addition to any other
15 compensation or expense reimbursement provided by law, the sum of three
16 hundred ~~sixteen~~twenty-five dollars per month during the biennium for their
17 execution of public duties.
- 18 8. Attendance at any organizational, special, or regular session of the legislative
19 assembly by any member is a conclusive presumption of entitlement as set out in this
20 section and compensation and expense allowances must be excluded from gross
21 income for income tax purposes to the extent permitted for federal income tax
22 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;
23 95 Stat. 202; 26 U.S.C. 162(i)].
- 24 9. Before each regular legislative session, the legislative management shall make
25 recommendations and submit any necessary legislation to adjust legislative
26 compensation amounts.

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

1 **54-03-20. Compensation and expense reimbursement of members of the legislative**
2 **assembly.**

3 1. Each member of the legislative assembly is entitled to receive as compensation for
4 services the sum of one hundred ~~sixty-two~~sixty-seven dollars for each calendar day
5 during any organizational, special, or regular legislative session and for each day that
6 member attends a meeting of a legislative committee between the organizational
7 session and the regular session as authorized by legislative rule.

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

18 b. Notwithstanding subdivision a:
19 (1) A member of the legislative assembly may elect to be reimbursed for less
20 than the amount to which the legislator is entitled under this subsection by
21 claiming the lesser amount on a voucher submitted with the receipt required
22 by section 44-08-04.

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

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

- 1 that reimbursement for travel by common carrier may be only at the cost of coach
2 fare and may not exceed one and one-half times the amount the member would
3 be entitled to receive as mileage reimbursement for travel by motor vehicle.
- 4 b. A member of the legislative assembly who does not receive reimbursement for
5 lodging and whose place of residence in the legislative district that the member
6 represents is not within the city of Bismarck is entitled to reimbursement at the
7 rate provided for state employees for necessary travel for not to exceed one
8 round trip taken per day between the residence and the place of meeting of the
9 legislative assembly when it is in session and may receive reimbursement for
10 lodging at the place of meeting of the legislative assembly as provided in section
11 44-08-04 for each calendar day for which round trip travel reimbursement is not
12 claimed, provided that the total reimbursement may not exceed the maximum
13 monthly reimbursement allowed under subdivision a of subsection 2.
- 14 4. The amount to which each legislator is entitled must be paid following the
15 organizational session in December and following each month during a regular or
16 special session.
- 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 ~~fifty-three~~sixty-seven dollars a month, paid
29 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 ~~twenty-five~~thirty-five dollars per month during the biennium for their
9 execution of public duties.
- 10 8. Attendance at any organizational, special, or regular session of the legislative
11 assembly by any member is a conclusive presumption of entitlement as set out in this
12 section and compensation and expense allowances must be excluded from gross
13 income for income tax purposes to the extent permitted for federal income tax
14 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;
15 95 Stat. 202; 26 U.S.C. 162(i)].
- 16 9. Before each regular legislative session, the legislative management shall make
17 recommendations and submit any necessary legislation to adjust legislative
18 compensation amounts.

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

21 **54-35-10. Compensation of members and leadership.**

- 22 1. The members of the legislative management and the members of any committee of
23 the legislative management are entitled to be compensated for the time spent in
24 attendance at sessions of the legislative management and of its committees at the rate
25 of one hundred ~~fifty-seven~~sixty-two dollars per day and must also be paid for
26 expenses incurred in attending said meetings and in the performance of their official
27 duties in the amounts provided by law for other state officers.
- 28 2. In addition to the compensation provided in subsection 1, the chairman of the
29 legislative management is entitled to receive an additional five dollars for each day
30 spent in attendance at sessions of the legislative management and of its committees,
31 and the chairman of each of the legislative management's committees is entitled to

1 receive five dollars for each day spent in attendance at sessions of the legislative
2 management or of the committee which the person chairs.

3 **SECTION 9. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **54-35-10. Compensation of members and leadership.**

- 6 1. The members of the legislative management and the members of any committee of
7 the legislative management are entitled to be compensated for the time spent in
8 attendance at sessions of the legislative management and of its committees at the rate
9 of one hundred ~~sixty-two~~sixty-seven dollars per day and must also be paid for
10 expenses incurred in attending said meetings and in the performance of their official
11 duties in the amounts provided by law for other state officers.
- 12 2. In addition to the compensation provided in subsection 1, the chairman of the
13 legislative management is entitled to receive an additional five dollars for each day
14 spent in attendance at sessions of the legislative management and of its committees,
15 and the chairman of each of the legislative management's committees is entitled to
16 receive five dollars for each day spent in attendance at sessions of the legislative
17 management or of the committee which the person chairs.

18 **SECTION 10. EFFECTIVE DATE.** Sections 6 and 8 of this Act become effective on July 1,
19 2013, and sections 7 and 9 become effective on July 1, 2014.

20 **SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure.