

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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$8,524,133	\$681,626	\$9,205,759
18 <del>Operating expenses</del>	<del>3,268,968</del>	<del>1,098,351</del>	<del>4,367,319</del>
19 <u>Operating expenses</u>	<u>3,268,968</u>	<u>959,958</u>	<u>4,228,926</u>
20 Capital assets	0	530,000	530,000
21 National conference of state legislatures	<u>232,110</u>	<u>1,176</u>	<u>233,286</u>
22 <del>Total general fund</del>	<del>\$12,025,211</del>	<del>\$2,311,153</del>	<del>\$14,336,364</del>
23 <u>Total general fund</u>	<u>\$12,025,211</u>	<u>\$2,172,760</u>	<u>\$14,197,971</u>

24 Subdivision 2.

LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL			
		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$7,574,331	\$762,655	\$8,336,986
<del>Operating expenses</del>	<del>3,305,520</del>	<del>552,950</del>	<del>3,858,470</del>
<u>Operating expenses</u>	<u>3,305,520</u>	<u>508,007</u>	<u>3,813,527</u>
Capital assets	<u>16,500</u>	<u>8,500</u>	<u>25,000</u>
<del>Total all funds</del>	<del>\$10,896,351</del>	<del>\$1,324,105</del>	<del>\$12,220,456</del>
<u>Total all funds</u>	<u>\$10,896,351</u>	<u>\$1,279,162</u>	<u>\$12,175,513</u>
Less estimated income	<u>70,000</u>	(1)	<u>69,999</u>
<del>Total general fund</del>	<del>\$10,826,351</del>	<del>\$1,324,106</del>	<del>\$12,150,457</del>
<u>Total general fund</u>	<u>\$10,826,351</u>	<u>\$1,279,163</u>	<u>\$12,105,514</u>
Full-time equivalent positions	34.00	0.00	34.00

Subdivision 3.

**BILL TOTAL**

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
<del>Grand total general fund</del>	<del>\$22,851,562</del>	<del>\$3,635,259</del>	<del>\$26,486,821</del>
<u>Grand total general fund</u>	<u>\$22,851,562</u>	<u>\$3,451,923</u>	<u>\$26,303,485</u>
Grand total special funds	<u>70,000</u>	(1)	<u>69,999</u>
<del>Grand total all funds</del>	<del>\$22,921,562</del>	<del>\$3,635,258</del>	<del>\$26,556,820</del>
<u>Grand total all funds</u>	<u>\$22,921,562</u>	<u>\$3,451,922</u>	<u>\$26,373,484</u>

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

**BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 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>2011-13</u>	<u>2013-15</u>
Computer equipment replacement	\$510,750	\$0
Legislative wing equipment and improvements	1,300,000	500,000
Redistricting special session	272,018	0

Sixty-third  
Legislative Assembly

1	Information technology projects	<u>159,938</u>	<u>439,000</u>
2	Total general fund	\$2,242,706	\$939,000

3 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the  
4 2015-17 biennium. The legislative assembly shall report to the appropriations committees of the  
5 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning  
6 July 1, 2013, and ending June 30, 2015.

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

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

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

20 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the  
21 2015-17 biennium. The legislative council shall report to the appropriations committees of the  
22 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning  
23 July 1, 2013, and ending June 30, 2015.

24 **SECTION 4. TRANSFERS.** Notwithstanding section 54-16-05, the director of the office of  
25 management and budget and the state treasurer shall make transfers of funds between line  
26 items of appropriations for the legislative management and legislative council as may be  
27 requested by the chairman of the legislative management or the chairman's designee upon the  
28 finding by the chairman or designee that the nature of studies and duties assigned to the  
29 legislative management or legislative council requires the transfers in properly carrying on the  
30 legislative management's and legislative council's functions and duties. The director of the office  
31 of management and budget and the state treasurer shall similarly make transfers of funds

1 between the line items for the sixty-third and sixty-fourth legislative assemblies, upon request by  
2 the chairman of the legislative management or the chairman's designee upon the finding by the  
3 chairman or designee that the transfers are required for the legislative assembly to carry on its  
4 functions and duties.

5 **SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**  
6 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to  
7 chapter 1 of the 2011 Session Laws. The director of the office of management and budget and  
8 the state treasurer shall make transfers of funds between the line items and the agencies of the  
9 legislative branch within section 1 of that chapter as requested by the chairman of the legislative  
10 management or the chairman's designee. The office of management and budget shall cancel  
11 unexpended appropriations for the legislative assembly and legislative council enacted prior to  
12 the 2011-13 biennium as directed by the chairman of the legislative management or the  
13 chairman's designee.

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

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

- 18 1. Each member of the legislative assembly is entitled to receive as compensation for  
19 services the sum of one hundred ~~fifty-seven~~sixty-two dollars 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 sixty-five percent

- 1 of 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.

- 1           4.    The amount to which each legislator is entitled must be paid following the  
2                   organizational session in December and following each month during a regular or  
3                   special session.
- 4           5.    If during a special session, the legislative assembly adjourns for more than three days,  
5                   a member of the legislative assembly is entitled to receive compensation during those  
6                   days only while in attendance at a standing committee if the legislator is a member of  
7                   that committee, a majority or minority leader, or a legislator who is not on that  
8                   committee but who has the approval of a majority or minority leader to attend.
- 9           6.    A day, or portion of a day, spent in traveling to or returning from an organizational,  
10                   special, or regular session or a legislative committee meeting must be included as a  
11                   calendar day during a legislative session or as a day of a legislative committee  
12                   meeting for the purposes of this section.
- 13          7.    a.    In addition, each member is entitled to receive during the term for which the  
14                   member was elected, as compensation for the execution of public duties during  
15                   the biennium, the sum of four hundred ~~forty~~fifty-three dollars a month, paid  
16                   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 ~~sixteen~~twenty-five dollars per month during the biennium for their  
25                   execution of public duties.
- 26          8.    Attendance at any organizational, special, or regular session of the legislative  
27                   assembly by any member is a conclusive presumption of entitlement as set out in this  
28                   section and compensation and expense allowances must be excluded from gross  
29                   income for income tax purposes to the extent permitted for federal income tax  
30                   purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;  
31                   95 Stat. 202; 26 U.S.C. 162(i)].

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

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

6           **54-03-20. Compensation and expense reimbursement of members of the legislative**  
7 **assembly.**

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

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

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

- 1           3.   a.   Members of the legislative assembly who receive reimbursement for lodging are  
2                   also entitled to reimbursement for travel for not to exceed one round trip taken  
3                   during any calendar week, or portion of a week, the legislative assembly is in  
4                   session, between their residences and the place of meeting of the legislative  
5                   assembly, at the rate provided for state employees with the additional limitation  
6                   that reimbursement for travel by common carrier may be only at the cost of coach  
7                   fare and may not exceed one and one-half times the amount the member would  
8                   be entitled to receive as mileage reimbursement for travel by motor vehicle.
- 9           b.   A member of the legislative assembly who does not receive reimbursement for  
10                   lodging and whose place of residence in the legislative district that the member  
11                   represents is not within the city of Bismarck is entitled to reimbursement at the  
12                   rate provided for state employees for necessary travel for not to exceed one  
13                   round trip taken per day between the residence and the place of meeting of the  
14                   legislative assembly when it is in session and may receive reimbursement for  
15                   lodging at the place of meeting of the legislative assembly as provided in section  
16                   44-08-04 for each calendar day for which round trip travel reimbursement is not  
17                   claimed, provided that the total reimbursement may not exceed the maximum  
18                   monthly reimbursement allowed under subdivision a of subsection 2.
- 19          4.   The amount to which each legislator is entitled must be paid following the  
20                   organizational session in December and following each month during a regular or  
21                   special session.
- 22          5.   If during a special session, the legislative assembly adjourns for more than three days,  
23                   a member of the legislative assembly is entitled to receive compensation during those  
24                   days only while in attendance at a standing committee if the legislator is a member of  
25                   that committee, a majority or minority leader, or a legislator who is not on that  
26                   committee but who has the approval of a majority or minority leader to attend.
- 27          6.   A day, or portion of a day, spent in traveling to or returning from an organizational,  
28                   special, or regular session or a legislative committee meeting must be included as a  
29                   calendar day during a legislative session or as a day of a legislative committee  
30                   meeting for the purposes of this section.



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

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

25           **54-35-10. Compensation of members and leadership.**

- 26          1.   The members of the legislative management and the members of any committee of  
27                          the legislative management are entitled to be compensated for the time spent in  
28                          attendance at sessions of the legislative management and of its committees at the rate  
29                          of one hundred ~~fifty-seven~~sixty-two dollars per day and must also be paid for  
30                          expenses incurred in attending said meetings and in the performance of their official  
31                          duties in the amounts provided by law for other state 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 9. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is  
8           amended and reenacted as follows:

9           **54-35-10. Compensation of members and leadership.**

- 10          1. The members of the legislative management and the members of any committee of  
11          the legislative management are entitled to be compensated for the time spent in  
12          attendance at sessions of the legislative management and of its committees at the rate  
13          of one hundred ~~sixty-two~~sixty-seven dollars per day and must also be paid for  
14          expenses incurred in attending said meetings and in the performance of their official  
15          duties in the 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 10. EFFECTIVE DATE.** Sections 6 and 8 of this Act become effective on July 1,  
23          2013, and sections 7 and 9 become effective on July 1, 2014.

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