

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2001

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 create and enact a new section to chapter 54-35 of the North Dakota Century
4 Code, relating to promotional expenses; to amend and reenact sections 54-03-20 and 54-35-10
5 of the North Dakota Century Code, relating to legislative compensation and expense
6 reimbursement; to provide legislative intent; to provide an effective date; and to declare an
7 emergency.

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

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
10 as may be necessary, are appropriated out of any moneys in the general fund in the state
11 treasury, not otherwise appropriated, and from special funds derived from the insurance
12 regulatory trust fund, not otherwise appropriated, to the legislative branch of state government
13 for the purpose of defraying the expenses of that branch, for the fiscal period beginning with the
14 effective date of this Act and ending June 30, 2015, as follows:

15 Subdivision 1.

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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
18 Salaries and wages	\$8,524,133	\$681,626	\$9,205,759
19 Operating expenses	3,268,968	959,958	4,228,926
20 <u>Operating expenses</u>	<u>3,268,968</u>	<u>683,958</u>	<u>3,952,926</u>
21 Capital assets	0	530,000	530,000
22 National conference of state legislatures	<u>232,110</u>	<u>1,176</u>	<u>233,286</u>
23 Total general fund	\$12,025,211	\$2,172,760	\$14,197,971

1	<u>Total general fund</u>	<u>\$12,025,211</u>	<u>\$1,896,760</u>	<u>\$13,921,971</u>
2	Subdivision 2.			
3	LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL			
4			Adjustments or	
5		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
6	Salaries and wages	\$7,574,331	\$762,655	\$8,336,986
7	Operating expenses	3,305,520	508,007	3,813,527
8	Capital assets	16,500	8,500	25,000
9	Total all funds	\$10,896,351	\$1,279,162	\$12,175,513
10	Less estimated income	70,000	(1)	69,999
11	Total general fund	\$10,826,351	\$1,279,163	\$12,105,514
12	Full-time equivalent positions	34.00	0.00	34.00
13	<u>Salaries and wages</u>	<u>\$7,574,331</u>	<u>\$1,086,529</u>	<u>\$8,660,860</u>
14	<u>Accrued leave payments</u>	<u>0</u>	<u>143,087</u>	<u>143,087</u>
15	<u>Operating expenses</u>	<u>3,305,520</u>	<u>548,007</u>	<u>3,853,527</u>
16	<u>Capital assets</u>	<u>16,500</u>	<u>8,500</u>	<u>25,000</u>
17	<u>Total all funds</u>	<u>\$10,896,351</u>	<u>\$1,786,123</u>	<u>\$12,682,474</u>
18	<u>Less estimated income</u>	<u>70,000</u>	<u>(1)</u>	<u>69,999</u>
19	<u>Total general fund</u>	<u>\$10,826,351</u>	<u>\$1,786,124</u>	<u>\$12,612,475</u>
20	<u>Full-time equivalent positions</u>	<u>34.00</u>	<u>3.00</u>	<u>37.00</u>
21	Subdivision 3.			
22	BILL TOTAL			
23			Adjustments or	
24		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
25	Grand total general fund	\$22,851,562	\$3,451,923	\$26,303,485
26	Grand total special funds	70,000	(1)	69,999
27	Grand total all funds	\$22,921,562	\$3,451,922	\$26,373,484
28	<u>Grand total general fund</u>	<u>\$22,851,562</u>	<u>\$3,682,884</u>	<u>\$26,534,446</u>
29	<u>Grand total special funds</u>	<u>70,000</u>	<u>(1)</u>	<u>69,999</u>
30	<u>Grand total all funds</u>	<u>\$22,921,562</u>	<u>\$3,682,883</u>	<u>\$26,604,445</u>

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

2 **BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts
3 reflect the one-time funding items approved by the sixty-second legislative assembly for the
4 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation for the
5 legislative assembly in section 1 of this Act:

6 <u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
7 Computer equipment replacement	\$510,750	\$0
8 Legislative wing equipment and improvements	1,300,000	500,000
9 Redistricting special session	272,018	0
10 Information technology projects	159,938	439,000
11 Total general fund	\$2,242,706	\$939,000
12 <u>Information technology projects</u>	<u>159,938</u>	<u>42,000</u>
13 <u>Total general fund</u>	<u>\$2,242,706</u>	<u>\$542,000</u>

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 assembly 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 3. LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL ONE-TIME**
19 **FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE**

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

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

1 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
2 2015-17 biennium. The legislative council shall report to the appropriations committees of the
3 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning
4 July 1, 2013, and ending June 30, 2015.

5 | **SECTION 4. TRANSFERS.** Notwithstanding section ~~54-16-05~~54-16-04, the director of the
6 office of management and budget and the state treasurer shall make transfers of funds between
7 line items of appropriations for the legislative management and legislative council as may be
8 requested by the chairman of the legislative management or the chairman's designee upon the
9 finding by the chairman or designee that the nature of studies and duties assigned to the
10 legislative management or legislative council requires the transfers in properly carrying on the
11 legislative management's and legislative council's functions and duties. The director of the office
12 of management and budget and the state treasurer shall similarly make transfers of funds
13 between the line items for the sixty-third and sixty-fourth legislative assemblies, upon request by
14 the chairman of the legislative management or the chairman's designee upon the finding by the
15 chairman or designee that the transfers are required for the legislative assembly to carry on its
16 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 2011 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 chairman's designee. The office of management and budget shall cancel
23 unexpended appropriations for the legislative assembly and legislative council enacted prior to
24 the 2011-13 biennium as directed by the chairman of the legislative management or the
25 chairman's designee.

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 compensation for
31 services the sum of one hundred ~~fifty-seven~~sixty-two dollars for each calendar day

1 during 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.

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

14 b. Notwithstanding subdivision a:

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

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

- 1 b. A member of the legislative assembly who does not receive reimbursement for
2 lodging and whose place of residence in the legislative district that the member
3 represents is not within the city of Bismarck is entitled to reimbursement at the
4 rate provided for state employees for necessary travel for not to exceed one
5 round trip taken per day between the residence and the place of meeting of the
6 legislative assembly when it is in session and may receive reimbursement for
7 lodging at the place of meeting of the legislative assembly as provided in section
8 44-08-04 for each calendar day for which round trip travel reimbursement is not
9 claimed, provided that the total reimbursement may not exceed the maximum
10 monthly reimbursement allowed under subdivision a of subsection 2.
- 11 4. The amount to which each legislator is entitled must be paid following the
12 organizational session in December and following each month during a regular or
13 special session.
- 14 5. If during a special session, the legislative assembly adjourns for more than three days,
15 a member of the legislative assembly is entitled to receive compensation during those
16 days only while in attendance at a standing committee if the legislator is a member of
17 that committee, a majority or minority leader, or a legislator who is not on that
18 committee but who has the approval of a majority or minority leader to attend.
- 19 6. A day, or portion of a day, spent in traveling to or returning from an organizational,
20 special, or regular session or a legislative committee meeting must be included as a
21 calendar day during a legislative session or as a day of a legislative committee
22 meeting for the purposes of this section.
- 23 7. a. In addition, each member is entitled to receive during the term for which the
24 member was elected, as compensation for the execution of public duties during
25 the biennium, the sum of four hundred ~~forty-five~~thirty-three dollars a month, paid
26 monthly.
- 27 b. If a member dies or resigns from office during the member's term, the member
28 may be paid only the allowances provided for in this section for the period for
29 which the member was actually a member.
- 30 c. The majority and minority leaders of the house and senate and the chairman of
31 the legislative management, if the chairman is not a majority or minority leader,

1 are each entitled to receive as compensation, in addition to any other
2 compensation or expense reimbursement provided by law, the sum of three
3 hundred ~~sixteen~~twenty-five dollars per month during the biennium for their
4 execution of public duties.

5 8. Attendance at any organizational, special, or regular session of the legislative
6 assembly by any member is a conclusive presumption of entitlement as set out in this
7 section and compensation and expense allowances must be excluded from gross
8 income for income tax purposes to the extent permitted for federal income tax
9 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;
10 95 Stat. 202; 26 U.S.C. 162(i)].

11 9. Before each regular legislative session, the legislative management shall make
12 recommendations and submit any necessary legislation to adjust legislative
13 compensation amounts.

14 **SECTION 7. 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 ~~sixty-two~~sixty-seven 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~~seventy

- 1 percent of the daily lodging reimbursement in effect on that date as provided
2 under 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 ~~thirty-five~~sixty-seven 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 ~~thirty-five~~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 8. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-35-10. Compensation of members and leadership.**

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

19 **SECTION 9. 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 ~~sixty-two~~sixty-seven 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 10.** A new section to chapter 54-35 of the North Dakota Century Code is created
4 and enacted as follows:

5 **Legislative promotional expenses.**

6 The legislative management shall establish a policy regarding promotional expenses made
7 on behalf of the legislative assembly. Any expenditure made pursuant to this section must be
8 reported to the legislative management. An expenditure under this section may not be
9 construed as a gift for purposes of section 18 of article X of the Constitution of North Dakota.

10 **SECTION 11. LEGISLATIVE INTENT.** It is the intent of the sixty-third legislative assembly
11 that the legislative management consider implementing during the sixty-fourth legislative
12 assembly a limited bill analysis report pilot project to provide bill analysis reports similar to
13 analysis reports prepared in other states.

14 **SECTION 12. EFFECTIVE DATE.** Sections 6 and 8 of this Act become effective on July 1,
15 2013, and sections 7 and 9 become effective on July 1, 2014.

16 **SECTION 13. EMERGENCY.** This Act is declared to be an emergency measure.