

**HOUSE BILL NO. 1001**

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, 2017, as follows:

## 13 Subdivision 1.

## 14 SIXTY-FOURTH AND SIXTY-FIFTH LEGISLATIVE ASSEMBLIES AND BIENNIUM

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$9,205,759	\$1,042,812	\$10,248,571
18 Operating expenses	3,940,926	1,109,005	5,049,931
19 Capital assets	0	516,800	516,800
20 National conference of state legislatures	<u>233,286</u>	<u>7,977</u>	<u>241,263</u>
21 Total general fund	\$13,379,971	\$2,676,594	\$16,056,565

## 22 Subdivision 2.

## 23 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

Sixty-fourth  
Legislative Assembly

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
1			
2			
3	Salaries and wages	\$1,022,481	\$9,683,341
4	Accrued leave payments	4,756	147,843
5	Operating expenses	(271,091)	3,482,436
6	Capital assets	<u>0</u>	<u>30,000</u>
7	Total all funds	\$786,146	\$13,343,620
8	Less estimated income	<u>69,999</u>	<u>70,000</u>
9	Total general fund	\$786,145	\$13,273,620
10	Full-time equivalent positions	0.00	37.00

11 Subdivision 3.

12 BILL TOTAL

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13			
14			
15	Grand total general fund	\$3,462,739	\$29,330,185
16	Grand total special funds	<u>1</u>	<u>70,000</u>
17	Grand total all funds	\$3,462,740	\$29,400,185

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

19 **BUDGET - REPORT TO SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts

20 reflect the one-time funding items approved by the sixty-third legislative assembly for the  
21 2013-15 biennium and the 2015-17 one-time funding items included in the appropriation for the  
22 legislative assembly in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
23			
24	Legislative wing equipment and improvements	\$500,000	\$500,000
25	Information technology projects	42,000	0
26	Information technology equipment	0	603,050
27	LEGEND maintenance	0	191,760
28	Council of State Governments conference	<u>0</u>	<u>350,000</u>
29	Total general fund	\$542,000	\$1,644,810

30 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the  
31 2017-19 biennium. The legislative assembly shall report to the appropriations committees of the

1 sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning  
2 July 1, 2015, and ending June 30, 2017.

3 **SECTION 3. LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL ONE-TIME**  
4 **FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIFTH LEGISLATIVE**

5 **ASSEMBLY.** The following amounts reflect the one-time funding items approved by the  
6 sixty-third legislative assembly for the 2013-15 biennium and the 2015-17 one-time funding  
7 items included in the appropriation for the legislative management and legislative council in  
8 section 1 of this Act:

9	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
10	Information technology projects	\$50,000	\$0
11	Office equipment replacement	25,000	30,000
12	Office improvements	50,000	50,000
13	Education funding study	100,000	0
14	Higher education study	150,000	0
15	Information technology equipment	<u>0</u>	<u>135,460</u>
16	Total general fund	\$375,000	\$215,460

17 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the  
18 2017-19 biennium. The legislative council shall report to the appropriations committees of the  
19 sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning  
20 July 1, 2015, and ending June 30, 2017.

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

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

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

4 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to  
5 chapter 32 of the 2013 Session Laws. The director of the office of management and budget and  
6 the state treasurer shall make transfers of funds between the line items and the agencies of the  
7 legislative branch within section 1 of that chapter as requested by the chairman of the legislative  
8 management or the director of the legislative council. The office of management and budget  
9 shall cancel unexpended appropriations for the legislative assembly and legislative council  
10 enacted prior to the 2013-15 biennium as directed by the chairman of the legislative  
11 management or the director of the legislative council.

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

14 **54-03-20. Compensation and expense reimbursement of members of the legislative**  
15 **assembly.**

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

- 1           (1) A member of the legislative assembly may elect to be reimbursed for less  
2           than the amount to which the legislator is entitled under this subsection by  
3           claiming the lesser amount on a voucher submitted with the receipt required  
4           by section 44-08-04.
- 5           (2) The legislative management may establish guidelines that may result in a  
6           reduced maximum reimbursement for a single dwelling in which two or more  
7           legislators share lodging and the total rent for that dwelling exceeds the  
8           amount to which a legislator is entitled under subdivision a.
- 9        3.   a.   Members of the legislative assembly who receive reimbursement for lodging are  
10       also entitled to reimbursement for travel for not to exceed one round trip taken  
11       during any calendar week, or portion of a week, the legislative assembly is in  
12       session, between their residences and the place of meeting of the legislative  
13       assembly, at the rate provided for state employees with the additional limitation  
14       that reimbursement for travel by common carrier may be only at the cost of coach  
15       fare and may not exceed one and one-half times the amount the member would  
16       be entitled to receive as mileage reimbursement for travel by motor vehicle.
- 17       b.   A member of the legislative assembly who does not receive reimbursement for  
18       lodging and whose place of residence in the legislative district that the member  
19       represents is not within the city of Bismarck is entitled to reimbursement at the  
20       rate provided for state employees for necessary travel for not to exceed one  
21       round trip taken per day between the residence and the place of meeting of the  
22       legislative assembly when it is in session and may receive reimbursement for  
23       lodging at the place of meeting of the legislative assembly as provided in section  
24       44-08-04 for each calendar day for which round trip travel reimbursement is not  
25       claimed, provided that the total reimbursement may not exceed the maximum  
26       monthly reimbursement allowed under subdivision a of subsection 2.
- 27       4.   The amount to which each legislator is entitled must be paid following the  
28       organizational session in December and following each month during a regular or  
29       special session.
- 30       5.   If during a special session, the legislative assembly adjourns for more than three days,  
31       a member of the legislative assembly is entitled to receive compensation during those

1 days only while in attendance at a standing committee if the legislator is a member of  
2 that committee, a majority or minority leader, or a legislator who is not on that  
3 committee but who has the approval of a majority or minority leader to attend.

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

8 7. a. In addition, each member is entitled to receive during the term for which the  
9 member was elected, as compensation for the execution of public duties during  
10 the biennium, the sum of four hundred ~~sixty-seven~~eighty-six dollars a month, paid  
11 monthly.

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

15 c. The majority and minority leaders of the house and senate and the chairman of  
16 the legislative management, if the chairman is not a majority or minority leader,  
17 are each entitled to receive as compensation, in addition to any other  
18 compensation or expense reimbursement provided by law, the sum of three  
19 hundred ~~thirty-five~~forty-eight dollars per month during the biennium for their  
20 execution of public duties.

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

27 9. Before each regular legislative session, the legislative management shall make  
28 recommendations and submit any necessary legislation to adjust legislative  
29 compensation amounts.

30 **SECTION 7. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code is  
31 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 ~~seventy-four~~seventy-nine dollars for each calendar  
5 day during any organizational, special, or regular legislative session and for each day  
6 that 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 seventy percent of  
16 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 eighty-six~~five hundred one dollars a  
29          month, 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 ~~forty-eight~~fifty-eight 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 ~~sixty-seven~~seventy-four 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 ~~seventy-four~~seventy-nine 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          2015, and sections 7 and 9 become effective on July 1, 2016.

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