

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED 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, 54-35-06, and 54-35-10 of the North
4 Dakota Century Code, relating to legislative compensation and expenditures; to provide for a
5 legislative management study; to provide an effective date; and to declare 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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$9,205,759	\$987,174	\$10,192,933
18 Operating expenses	3,940,926	1,109,005	5,049,931
19 Capital assets	0	16,800	16,800
20 National conference of state legislatures	233,286	7,977	241,263
21 Total general fund	\$13,379,971	\$2,120,956	\$15,500,927
22 <u>Salaries and wages</u>	<u>\$9,205,759</u>	<u>\$811,614</u>	<u>\$10,017,373</u>
23 <u>Operating expenses</u>	<u>3,940,926</u>	<u>1,109,005</u>	<u>5,049,931</u>
24 <u>Capital assets</u>	<u>0</u>	<u>416,800</u>	<u>416,800</u>

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1	National conference of state legislatures	233,286	7,977	241,263
2	Total general fund	\$13,379,971	\$2,345,396	\$15,725,367

Subdivision 2.

LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

		Adjustments or		
	Base Level	Enhancements	Appropriation	
7	Salaries and wages	\$8,660,860	\$765,097	\$9,425,957
8	Accrued leave payments	143,087	4,756	147,843
9	Operating expenses	3,753,527	(271,091)	3,482,436
10	Capital assets	0	30,000	30,000
11	Total all funds	\$12,557,474	\$528,762	\$13,086,236
12	Less estimated income	69,999	1	70,000
13	Total general fund	\$12,487,475	\$528,761	\$13,016,236
14	Full-time equivalent positions	37.00	0.00	37.00
15	Salaries and wages	\$8,660,860	\$885,837	\$9,546,697
16	Accrued leave payments	143,087	(143,087)	0
17	Operating expenses	3,753,527	(271,091)	3,482,436
18	Capital assets	0	30,000	30,000
19	Total all funds	\$12,557,474	\$501,659	\$13,059,133
20	Less estimated income	69,999	1	70,000
21	Total general fund	\$12,487,475	\$501,658	\$12,989,133
22	Full-time equivalent positions	37.00	0.00	37.00

Subdivision 3.

BILL TOTAL

		Adjustments or		
	Base Level	Enhancements	Appropriation	
27	Grand total general fund	\$25,867,446	\$2,649,717	\$28,517,163
28	Grand total special funds	69,999	1	70,000
29	Grand total all funds	\$25,937,445	\$2,649,718	\$28,587,163
30	Grand total general fund	\$25,867,446	\$2,847,054	\$28,714,500

1	<u>Grand total special funds</u>	<u>69,999</u>	<u>1</u>	<u>70,000</u>
2	<u>Grand total all funds</u>	<u>\$25,937,445</u>	<u>\$2,847,055</u>	<u>\$28,784,500</u>

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

4 **BUDGET - REPORT TO SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts
5 reflect the one-time funding items approved by the sixty-third legislative assembly for the
6 2013-15 biennium and the 2015-17 one-time funding items included in the appropriation for the
7 legislative assembly in section 1 of this Act:

8	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
9	Legislative wing equipment and improvements	\$500,000	\$0
10	Information technology projects	42,000	0
11	Information technology equipment	0	603,050
12	LEGEND maintenance	0	191,760
13	Council of State Governments conference	0	350,000
14	Total general fund	\$542,000	\$1,144,810
15	<u>Legislative wing equipment and improvements</u>	<u>\$500,000</u>	<u>\$400,000</u>
16	<u>Information technology projects</u>	<u>42,000</u>	<u>0</u>
17	<u>Information technology equipment</u>	<u>0</u>	<u>603,050</u>
18	<u>LEGEND maintenance</u>	<u>0</u>	<u>191,760</u>
19	<u>Council of State Governments conference</u>	<u>0</u>	<u>350,000</u>
20	<u>Total general fund</u>	<u>\$542,000</u>	<u>\$1,544,810</u>

21 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the
22 2017-19 biennium. The legislative assembly shall report to the appropriations committees of the
23 sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning
24 July 1, 2015, and ending June 30, 2017.

25 **SECTION 3. LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL ONE-TIME**

26 **FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIFTH LEGISLATIVE**

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

	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
1			
2	Information technology projects	\$50,000	\$0
3	Office equipment replacement	25,000	30,000
4	Office improvements	50,000	50,000
5	Education funding study	100,000	0
6	Higher education study	150,000	0
7	Information technology equipment	<u>0</u>	<u>135,460</u>
8	Total general fund	\$375,000	\$215,460

9 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the
10 2017-19 biennium. The legislative council shall report to the appropriations committees of the
11 sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning
12 July 1, 2015, and ending June 30, 2017.

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

25 **SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**
26 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to
27 chapter 32 of the 2013 Session Laws. The director of the office of management and budget and
28 the state treasurer shall make transfers of funds between the line items and the agencies of the
29 legislative branch within section 1 of that chapter as requested by the chairman of the legislative
30 management or the director of the legislative council. The office of management and budget
31 shall cancel unexpended appropriations for the legislative assembly and legislative council

1 enacted prior to the 2013-15 biennium as directed by the chairman of the legislative
2 management or the director of the legislative council.

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

5 **54-03-20. Compensation and expense reimbursement of members of the legislative**
6 **assembly.**

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

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

22 b. Notwithstanding subdivision a:

23 (1) A member of the legislative assembly may elect to be reimbursed for less
24 than the amount to which the legislator is entitled under this subsection by
25 claiming the lesser amount on a voucher submitted with the receipt required
26 by section 44-08-04.

27 (2) The legislative management may establish guidelines that may result in a
28 reduced maximum reimbursement for a single dwelling in which two or more
29 legislators share lodging and the total rent for that dwelling exceeds the
30 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 ~~sixty-seven~~eighty-one dollars a month,
4 paid 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 ~~thirty-five~~forty-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 7. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **54-03-20. Compensation and expense reimbursement of members of the legislative**
26 **assembly.**

- 27 1. Each member of the legislative assembly is entitled to receive as compensation for
28 services the sum of one hundred ~~seventy-two~~seventy-seven dollars for each calendar
29 day during any organizational, special, or regular legislative session and for each day
30 that member attends a meeting of a legislative committee between the organizational
31 session and the regular session as authorized by legislative rule.

- 1 2. a. Each member of the legislative assembly is entitled to receive reimbursement for
2 lodging, which may not exceed per calendar month the amount established under
3 this subdivision by the director of the office of management and budget for
4 lodging in state and which may not exceed the rate provided in section 44-08-04
5 for each calendar day during the period of any organizational, special, or regular
6 session. On August first of each even-numbered year, the director of the office of
7 management and budget shall set the maximum monthly reimbursement for the
8 subsequent two-year period at an amount equal to thirty times seventy percent of
9 the daily lodging reimbursement in effect on that date as provided under
10 subdivision d of subsection 2 of section 44-08-04.
- 11 b. Notwithstanding subdivision a:
- 12 (1) A member of the legislative assembly may elect to be reimbursed for less
13 than the amount to which the legislator is entitled under this subsection by
14 claiming the lesser amount on a voucher submitted with the receipt required
15 by section 44-08-04.
- 16 (2) The legislative management may establish guidelines that may result in a
17 reduced maximum reimbursement for a single dwelling in which two or more
18 legislators share lodging and the total rent for that dwelling exceeds the
19 amount to which a legislator is entitled under subdivision a.
- 20 3. a. Members of the legislative assembly who receive reimbursement for lodging are
21 also entitled to reimbursement for travel for not to exceed one round trip taken
22 during any calendar week, or portion of a week, the legislative assembly is in
23 session, between their residences and the place of meeting of the legislative
24 assembly, at the rate provided for state employees with the additional limitation
25 that reimbursement for travel by common carrier may be only at the cost of coach
26 fare and may not exceed one and one-half times the amount the member would
27 be entitled to receive as mileage reimbursement for travel by motor vehicle.
- 28 b. A member of the legislative assembly who does not receive reimbursement for
29 lodging and whose place of residence in the legislative district that the member
30 represents is not within the city of Bismarck is entitled to reimbursement at the
31 rate provided for state employees for necessary travel for not to exceed one

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

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

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

10 **SECTION 8. AMENDMENT.** Section 54-35-06 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **54-35-06. Officers - Accept funds - Expenditures.**

13 The legislative management shall select a chairman and a vice chairman from its own
14 members and may prescribe its own rules of procedure. The legislative management may
15 appoint a secretary who need not be a member, and shall appoint a director who must be in
16 charge of the legislative council and who must be paid such salary as the legislative
17 management may determine. The director may employ such persons and obtain the assistance
18 of such research agencies as determined necessary. The director may use available funds for
19 salary adjustments to assist with staff recruitment, retention, and recognition of exceptional
20 performance. The legislative management and the legislative council may accept and use any
21 funds made available through the terms of any agreement made with any agency whatsoever
22 for the accomplishment of the purpose of this chapter. Expenditures of funds made available by
23 legislative appropriation must be made in accordance with rules or motions duly approved by
24 the legislative management.

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

27 **54-35-10. Compensation of members and leadership.**

28 1. The members of the legislative management and the members of any committee of
29 the legislative management are entitled to be compensated for the time spent in
30 attendance at sessions of the legislative management and of its committees at the rate
31 of one hundred ~~sixty-seven~~seventy-two dollars per day and must also be paid for

1 expenses incurred in attending said meetings and in the performance of their official
2 duties in the amounts provided by law for other state officers.

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

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

11 **54-35-10. Compensation of members and leadership.**

12 1. The members of the legislative management and the members of any committee of
13 the legislative management are entitled to be compensated for the time spent in
14 attendance at sessions of the legislative management and of its committees at the rate
15 of one hundred ~~seventy-two~~seventy-seven dollars per day and must also be paid for
16 expenses incurred in attending said meetings and in the performance of their official
17 duties in the amounts provided by law for other state officers.

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

24 **SECTION 11. LEGISLATIVE MANAGEMENT STUDY - FINANCING STATE**

25 **CONSTRUCTION PROJECTS.** During the 2015-16 interim, the legislative management shall
26 consider studying the use of bonding to finance state building, road, and water construction
27 projects. If conducted, the study must include consideration of the effect that financing state
28 construction projects with existing oil revenue has had on both the construction industry and the
29 oil and gas industry. The legislative management shall report its findings and recommendations,
30 together with any legislation required to implement the recommendations, to the sixty-fifth
31 legislative assembly.

1 **SECTION 12. EFFECTIVE DATE.** Sections 6 and ~~8~~9 of this Act become effective on July 1,
2 2015, and sections 7 and ~~9~~10 become effective on July 1, 2016.

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