

Sixty-seventh  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2001

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the legislative branch  
2 of state government; to amend and reenact sections 54-03-20 and 54-35-10 of the North  
3 Dakota Century Code, relating to legislative compensation; to provide for a report; to provide for  
4 application, transfer, and cancellation of unexpended appropriations; and to declare an  
5 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 the legislative branch of state government, for the  
12 fiscal period beginning with the effective date of this Act and ending June 30, 2023, as follows:

13 Subdivision 1.

14 SIXTY-SEVENTH AND SIXTY-EIGHTH LEGISLATIVE ASSEMBLIES AND BIENNIUM

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
17 <del>Salaries and wages</del>	<del>\$11,190,844</del>	<del>\$505,800</del>	<del>\$11,696,644</del>
18 <del>Operating expenses</del>	<del>3,847,478</del>	<del>3,904,389</del>	<del>7,751,867</del>
19 <del>Capital assets</del>	<del>6,000</del>	<del>0</del>	<del>6,000</del>
20 <del>National conference of state legislatures</del>	<del>263,433</del>	<del>7,900</del>	<del>271,333</del>
21 <del>Total general fund</del>	<del>\$15,307,755</del>	<del>\$4,418,089</del>	<del>\$19,725,844</del>
22 <u>Salaries and wages</u>	<u>\$11,190,844</u>	<u>\$472,420</u>	<u>\$11,663,264</u>
23 <u>Operating expenses</u>	<u>3,847,478</u>	<u>3,904,389</u>	<u>7,751,867</u>
24 <u>Capital assets</u>	<u>6,000</u>	<u>0</u>	<u>6,000</u>

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1	National conference of state legislatures	263,433	7,900	271,333
2	Total general fund	\$15,307,755	\$4,384,709	\$19,692,464

3 Subdivision 2.

4 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

5		Adjustments or		
6		Base Level	Enhancements	Appropriation
7	Salaries and wages	\$9,965,717	\$2,465,563	\$12,431,280
8	Operating expenses	2,988,601	254,829	3,243,430
9	Capital assets	6,000	0	6,000
10	Total all funds	\$12,960,318	\$2,720,392	\$15,680,710
11	Less estimated income	70,000	0	70,000
12	Total general fund	\$12,890,318	\$2,720,392	\$15,610,710
13	Salaries and wages	\$9,965,717	\$2,725,263	\$12,690,980
14	Operating expenses	2,988,601	254,829	3,243,430
15	Capital assets	6,000	0	6,000
16	Total all funds	\$12,960,318	\$2,980,092	\$15,940,410
17	Less estimated income	70,000	0	70,000
18	Total general fund	\$12,890,318	\$2,980,092	\$15,870,410

19	Full-time equivalent positions	36.00	8.00	44.00
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20 Subdivision 3.

21 TOTAL - SECTION 1

22		Adjustments or		
23		Base Level	Enhancements	Appropriation
24	Grand total general fund	\$28,198,073	\$7,138,481	\$35,336,554
25	Grand total special funds	70,000	0	70,000
26	Grand total all funds	\$28,268,073	\$7,138,481	\$35,406,554
27	Grand total general fund	\$28,198,073	\$7,364,801	\$35,562,874
28	Grand total special funds	70,000	0	70,000
29	Grand total all funds	\$28,268,073	\$7,364,801	\$35,632,874

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

31 BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY. The following amounts

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1 reflect the one-time funding items approved by the sixty-sixth legislative assembly for the  
2 2019-21 biennium and the 2021-23 one-time funding items included in the appropriation for the  
3 legislative assembly in section 1 of this Act:

4	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
5	Digital signage replacement	\$40,000	\$0
6	Voting system upgrades	100,000	0
7	Computer and iPad replacement	517,760	0
8	<del>Redistricting session</del>	<del>0</del>	<del>317,536</del>
9	<u>Redistricting session</u>	<u>0</u>	<u>316,284</u>
10	Information technology expansion	0	1,450,000
11	<del>Total all funds</del>	<del>\$657,760</del>	<del>\$1,767,536</del>
12	<del>Less estimated income</del>	<del>140,000</del>	<del>0</del>
13	<del>Total general fund</del>	<del>\$517,760</del>	<del>\$1,767,536</del>
14	<u>Total all funds</u>	<u>\$657,760</u>	<u>\$1,766,284</u>
15	<u>Less estimated income</u>	<u>140,000</u>	<u>0</u>
16	<u>Total general fund</u>	<u>\$517,760</u>	<u>\$1,766,284</u>

17 The 2021-23 biennium one-time funding amounts are not part of the entity's base budget for  
18 the 2023-25 biennium. The legislative assembly shall report to the appropriations committees of  
19 the sixty-eighth legislative assembly on the use of this one-time funding for the biennium  
20 beginning July 1, 2021, and ending June 30, 2023.

21 **SECTION 3. LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL ONE-TIME**  
22 **FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE**

23 **ASSEMBLY.** The following amounts reflect the one-time funding items approved by the  
24 sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding  
25 items included in the appropriation for legislative management and legislative council in  
26 section 1 of this Act:

27	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
28	Redistricting equipment	\$22,400	\$0
29	Computer replacement	124,856	0
30	Council of state governments conference	7,500	0
31	Information technology expansion	0	48,000

1	Public website design	<u>0</u>	<u>150,000</u>
2	Total general fund	\$154,756	\$198,000

3       The 2021-23 biennium one-time funding amounts are not part of the entity's base budget for  
4 the 2023-25 biennium. The legislative council shall report to the appropriations committees of  
5 the sixty-eighth legislative assembly on the use of this one-time funding for the biennium  
6 beginning July 1, 2021, and ending June 30, 2023.

7       **SECTION 4. EXEMPTION - TRANSFERS.** Notwithstanding section 54-16-04, the director  
8 of the office of management and budget shall transfer appropriation authority between line items  
9 of the legislative management and legislative council as may be requested by the chairman of  
10 the legislative management or the director of the legislative council upon the finding by the  
11 chairman or the director that the nature of studies and duties assigned to the legislative  
12 management or legislative council requires the transfers in properly carrying on the legislative  
13 management's and legislative council's functions and duties. The director of the office of  
14 management and budget shall similarly make transfers of appropriation authority between the  
15 line items for the sixty-seventh and sixty-eighth legislative assemblies, upon request by the  
16 chairman of the legislative management or the director of the legislative council upon the finding  
17 by the chairman or director that the transfers are required for the legislative assembly to carry  
18 on its functions and duties.

19       **SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**  
20 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to  
21 chapter 1 of the 2019 Session Laws. The director of the office of management and budget shall  
22 make transfers of appropriation authority between the line items and the agencies of the  
23 legislative branch within section 1 of that chapter as requested by the chairman of the legislative  
24 management or the director of the legislative council. The office of management and budget  
25 shall cancel unexpended appropriations for the legislative assembly and legislative council  
26 enacted prior to the 2019-21 biennium as directed by the chairman of the legislative  
27 management or the director of the legislative council.

28       **SECTION 6. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code is  
29 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 eighty-six~~one hundred ninetyone hundred  
5 eighty-nine dollars through June 30, 2022, and ~~one hundred ninety-four~~one hundred  
6 ninety-three dollars thereafter for each calendar day during any organizational,  
7 special, or regular legislative session and for each day that member attends a meeting  
8 of a legislative committee between the organizational session and the regular session  
9 as authorized by legislative rule.

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

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

29          3. a. Members of the legislative assembly who receive reimbursement for lodging are  
30 also entitled to reimbursement for travel for not to exceed one round trip taken  
31 during any calendar week, or portion of a week, the legislative assembly is in

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

1 hundred twenty-six dollars through June 30, 2022, and ~~five hundred-~~  
2 ~~thirty-nine~~five hundred thirty-seven dollars thereafter a month, paid monthly.

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

6 c. The majority and minority leaders of the house and senate and the chairman of  
7 the legislative management, if the chairman is not a majority or minority leader,  
8 are each entitled to receive as compensation, in addition to any other  
9 compensation or expense reimbursement provided by law, the sum of ~~three-~~  
10 ~~hundred seventy-one~~three hundred seventy-eight~~three hundred seventy-seven~~  
11 dollars through June 30, 2022, and ~~three hundred eighty-six~~three hundred  
12 eighty-five dollars thereafter per month during the biennium for their execution of  
13 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 54-35-10 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 eighty-six~~one hundred ninety~~one hundred eighty-nine~~ dollars through  
30 June 30, 2022, and ~~one hundred ninety-four~~one hundred ninety-three dollars  
31 thereafter per day and must also be paid for expenses incurred in attending said

1 meetings and in the performance of their official duties in the amounts provided by law  
2 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 8. EMERGENCY.** Sections 1 through 5 of this Act are declared to be an  
10 emergency measure.