

**FIRST ENGROSSMENT
with Conference Committee Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2001

Introduced by

Appropriations Committee

(At the request of the Legislative Council)

1 A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch
2 of state government; to provide for transfers; to create and enact a new subsection to section
3 54-03.1-03 and a new section to chapter 54-35 of the North Dakota Century Code, relating to
4 the agenda of the organizational session and to a legislative budget committee; to amend and
5 reenact subdivision c of subsection 7 of section 54-03-20, section 54-44.1-04, subsection 7 of
6 section 54-44.1-06, and section 54-44.1-07 of the North Dakota Century Code, relating to
7 legislative leaders' monthly compensation, budget requests, and drafts of appropriation bills; to
8 provide for applications and transfers; to provide for a legislative council study; to provide an
9 effective date; and to declare an emergency.

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

11 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
12 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
13 treasury, not otherwise appropriated, and from special funds derived from the insurance
14 regulatory trust fund, not otherwise appropriated, to the legislative branch of state government
15 for the purpose of defraying the expenses of that branch, for the fiscal period beginning with the
16 effective date of this Act and ending June 30, 2011, as follows:

17 Subdivision 1.

18 **SIXTY-FIRST AND SIXTY-SECOND LEGISLATIVE ASSEMBLIES AND BIENNIUM**

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
21 Salaries and wages	\$6,855,557	\$1,077,949	\$7,933,506
22 Operating expenses	2,648,431	294,130	2,942,561
23 Capital assets	206,000	794,000	1,000,000
24 National conference of	206,314	21,346	227,660

Sixty-first
Legislative Assembly

1	state legislatures			
2	Legislative applications	0	3,910,827	3,910,827
3	replacement			
4	Total general fund	\$9,916,302	\$6,098,252	\$16,014,554

5 Subdivision 2.

6 LEGISLATIVE COUNCIL

7			Adjustments or	
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	Salaries and wages	\$5,802,975	\$1,073,394	\$6,876,369
10	Operating expenses	2,635,888	956,246	3,592,134
11	Capital assets	0	41,000	41,000
12	Prison facility study	<u>250,000</u>	<u>(250,000)</u>	<u>0</u>
13	Total all funds	\$8,688,863	\$1,820,640	\$10,509,503
14	Less estimated income	<u>70,000</u>	<u>0</u>	<u>70,000</u>
15	Total general fund	\$8,618,863	\$1,820,640	\$10,439,503
16	Full-time equivalent	33.00	1.00	34.00

17 positions

18 Subdivision 3.

19 BILL TOTAL

20			Adjustments or	
21		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
22	Grand total general fund	\$18,535,165	\$7,918,892	\$26,454,057
23	Grand total special funds	<u>70,000</u>	<u>0</u>	<u>70,000</u>
24	Grand total all funds	\$18,605,165	\$7,918,892	\$26,524,057

25 **SECTION 2. LEGISLATIVE ASSEMBLY ONE-TIME FUNDING - EFFECT ON BASE**
 26 **BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts
 27 reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09
 28 biennium and the 2009-11 one-time funding items included in the appropriation for the
 29 legislative assembly in section 1 of this Act:

30	<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
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Sixty-first
Legislative Assembly

1	Legislative applications replacement system	\$3,910,827	\$3,910,827
2	Computer equipment replacement	350,000	92,500
3	Legislative wing equipment and improvements	<u>0</u>	<u>1,000,000</u>
4	Total general fund	\$4,260,827	\$5,003,327

5 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the
6 2011-13 biennium. The legislative assembly shall report to the appropriations committees of
7 the sixty-second legislative assembly on the use of this one-time funding for the biennium
8 beginning July 1, 2009, and ending June 30, 2011.

9 **SECTION 3. LEGISLATIVE COUNCIL ONE-TIME FUNDING - EFFECT ON BASE**

10 **BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts
11 reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09
12 biennium and the 2009-11 one-time funding items included in the appropriation for the
13 legislative council in section 1 of this Act:

14	<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
15	Computer equipment replacement	\$104,579	\$0
16	Office equipment replacement	25,000	20,000
17	State employee compensation study	0	100,000
18	Office improvements	<u>0</u>	<u>50,000</u>
19	Total general fund	\$129,579	\$170,000

20 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the
21 2011-13 biennium. The legislative council shall report to the appropriations committees of the
22 sixty-second legislative assembly on the use of this one-time funding for the biennium
23 beginning July 1, 2009, and ending June 30, 2011.

24 **SECTION 4. TRANSFERS.** Notwithstanding section 54-16-04, the director of the office
25 of management and budget and the state treasurer shall make transfers of funds between line
26 items of appropriations for the legislative council as may be requested by the chairman of the
27 council or the chairman's designee upon the finding by the chairman or designee that the
28 nature of studies and duties assigned to the council requires the transfers in properly carrying
29 on the council's functions and duties. The director of the office of management and budget and
30 the state treasurer shall similarly make transfers of funds between the line items for the
31 sixty-first and sixty-second legislative assemblies, upon request by the chairman of the

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

3 **SECTION 5. LEGISLATIVE WING EQUIPMENT AND IMPROVEMENT FUNDING -**
4 **EXPENDITURE DETERMINATION.** Any expenditure of funds relating to the sum of \$400,000
5 of the \$1,000,000 provided for legislative wing equipment and improvements in subdivision 1 of
6 section 1 of this Act must be approved by a majority of the senate members of the legislative
7 management committee, or its successor. Any expenditures relating to a separate sum of
8 \$400,000 of the \$1,000,000 for legislative wing equipment and improvements must be
9 approved by a majority of the house of representatives members of the legislative management
10 committee, or its successor, and any expenditures relating to the remaining \$200,000 must be
11 approved by a majority of all members of this committee, for the biennium beginning July 1,
12 2009, and ending June 30, 2011.

13 **SECTION 6. APPLICATION AND TRANSFER AUTHORITY.** North Dakota Century
14 Code sections 54-16-04 and 54-44.1-11 do not apply to chapter 1 of the 2007 Session Laws.
15 The director of the office of management and budget and the state treasurer shall make
16 transfers of funds between the line items and the agencies of the legislative branch within
17 section 1 of that chapter as requested by the chairman of the legislative council or the
18 chairman's designee.

19 **SECTION 7. LEGISLATIVE COUNCIL STUDY - STATE EMPLOYEE**
20 **COMPENSATION.** During the 2009-10 interim, the legislative council shall consider studying
21 the classified state employee compensation system, including a review of the development and
22 determination of pay grades and classifications. The legislative council shall report its findings
23 and recommendations, together with any legislation required to implement the
24 recommendations, to the sixty-second legislative assembly.

25 **SECTION 8. ADDITIONAL LODGING REIMBURSEMENT FOR 2009 LEGISLATIVE**
26 **ASSEMBLY.** Notwithstanding the per calendar month lodging maximum provided in section
27 54-03-20 for members of the legislative assembly during a legislative session, a member of the
28 sixty-first legislative assembly is entitled to lodging reimbursement as provided in section
29 44-08-04 for state officers and employees for each calendar day the sixty-first legislative
30 assembly is in session during the month of April 2009 if the member submits a voucher
31 indicating the actual amount expended for lodging during the month of April.

1 **SECTION 9. AMENDMENT.** Subdivision c of subsection 7 of section 54-03-20 of the
2 North Dakota Century Code is amended and reenacted as follows:

3 c. The majority and minority leaders of the house and senate and the chairman
4 of the legislative council, if the chairman is not a majority or minority leader,
5 are each entitled to receive as compensation, in addition to any other
6 compensation or expense reimbursement provided by law, the sum of two
7 hundred ~~seventy~~ eighty-four dollars per month during the biennium for their
8 execution of public duties.

9 **SECTION 10. AMENDMENT.** Subdivision c of subsection 7 of section 54-03-20 of the
10 North Dakota Century Code is amended and reenacted as follows:

11 c. The majority and minority leaders of the house and senate and the chairman
12 of the legislative council, if the chairman is not a majority or minority leader,
13 are each entitled to receive as compensation, in addition to any other
14 compensation or expense reimbursement provided by law, the sum of two
15 hundred ~~seventy~~ ninety-eight dollars per month during the biennium for their
16 execution of public duties.

17 **SECTION 11.** A new subsection to section 54-03.1-03 of the North Dakota Century
18 Code is created and enacted as follows:

19 Presentation of the report of the legislative budget committee as provided in
20 section 12 of this Act;

21 **SECTION 12.** A new section to chapter 54-35 of the North Dakota Century Code is
22 created and enacted as follows:

23 **Legislative budget committee - Creation - Duties.** The legislative council, during
24 each biennium, shall appoint a legislative budget committee consisting of sixteen members,
25 eight of whom must be appointed by the majority leader of the senate and eight of whom must
26 be appointed by the majority leader of the house of representatives. The committee shall
27 coordinate and direct activities involved in the development of budget recommendations to
28 assist the legislative assembly as the legislative assembly develops policy and provides
29 appropriations for the operations of state government. The legislative budget committee, with
30 the assistance of the legislative budget analyst and auditor:

- 1 1. Shall develop recommendations for the office of management and budget to
2 consider including in its forms and guidelines for agencies to use in preparing
3 budget requests;
- 4 2. Shall review, analyze, and evaluate budgets, budget requests, programs, and
5 activities of state agencies, institutions, and departments;
- 6 3. Shall prepare drafts of appropriations acts for the next biennium providing funding
7 at the same base level approved by the most recently adjourned special or regular
8 session of the legislative assembly;
- 9 4. May meet up to four times between November tenth of each even-numbered year
10 and the organizational session of the legislative assembly to develop
11 budget-related recommendations pertaining to the state budget or any portion of
12 that budget, including revenues and appropriations to assist the legislative
13 assembly as the legislative assembly develops policy and provides appropriations
14 for the operations of state government. The committee may prepare draft
15 amendments for consideration by the legislative assembly necessary to implement
16 budget-related recommendations of the committee; and
- 17 5. Shall prepare a report for presentation on the first day of organizational session.

18 **SECTION 13. AMENDMENT.** Section 54-44.1-04 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **(Effective after June 30, 2009) Budget estimates of budget units filed with the**
21 **office of the budget and the legislative council - Deadline.** The head of each budget unit,
22 not later than July fifteenth of each year next preceding the session of the legislative assembly,
23 shall submit to the office of the budget and the legislative council, estimates of financial
24 requirements of the person's budget unit for the next two fiscal years, on the forms and in the
25 manner prescribed by the office of the budget considering recommendations of the legislative
26 council, with such explanatory data as is required by the office of the budget and such
27 additional data as the head of the budget unit wishes to submit. The estimates so submitted
28 must bear the approval of the board or commission of each budget unit for which a board or
29 commission is constituted. The director of the budget, subject to approval by the legislative
30 council, may extend the filing date for any budget unit if the director finds there is some
31 circumstance that makes it advantageous to authorize the extension. If a budget unit has not

1 submitted its estimate of financial requirements by the required date or within a period of
2 extension set by the director of the budget, the director of the budget shall prepare the budget
3 unit's estimate of financial requirements except the estimate may not exceed ninety percent of
4 the budget unit's previous biennial appropriation. The director of the budget or a subordinate
5 officer as the director shall designate shall examine the estimates and shall afford to the heads
6 of budget units reasonable opportunity for explanation in regard thereto and, when requested,
7 shall grant to the heads of budget units a hearing thereon which must be open to the public.

8 **SECTION 14. AMENDMENT.** Subsection 7 of section 54-44.1-06 of the North Dakota
9 Century Code, as effective after June 30, 2009, is amended and reenacted as follows:

10 7. Drafts of a proposed amendment to a general appropriations act and special
11 appropriations acts embodying the budget data and recommendations of the
12 governor for appropriations for the next biennium and drafts of such revenues and
13 other acts recommended by the governor for putting into effect the proposed
14 financial plan. ~~The recommended general appropriation for each budget unit must
15 be specified in a separate section of the general appropriations act.~~

16 **SECTION 15. AMENDMENT.** Section 54-44.1-07 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **54-44.1-07. Presentation of budget data - How presented to the legislative**
19 **assembly.** The director of the budget or the director's designee shall present the budget data
20 information in section 54-44.1-06, except the drafts of ~~acts~~ amendments required by
21 subsection 7 of that section, and make available sufficient copies thereof to the legislative
22 assembly at the organizational session. The drafts of ~~acts~~ amendments required by
23 subsection 7 of section 54-44.1-06 must be submitted to the legislative council within seven
24 days after the day of adjournment of the organizational session. The budget data must be
25 completed and made available to the legislative assembly in such form as may be prescribed
26 by the legislative council. The legislative council shall set the time and place at which such
27 budget data is to be presented.

28 **SECTION 16. EFFECTIVE DATE.** Section 9 of this Act becomes effective on July 1,
29 2009, and section 10 of this Act becomes effective on July 1, 2010.

30 **SECTION 17. EMERGENCY.** This Act is declared to be an emergency measure.