

HOUSE BILL NO. 1001

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 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 for a report; to provide an
5 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 and the capitol building fund, not otherwise appropriated, to the legislative
11 branch of state government for the purpose of defraying the expenses of the legislative branch
12 of state government, for the fiscal period beginning with the effective date of this Act and ending
13 June 30, 2021, as follows:

14 Subdivision 1.

15 SIXTY-SIXTH AND SIXTY-SEVENTH LEGISLATIVE ASSEMBLIES AND BIENNIUM

<u>Governor's</u>			
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
<u>Salaries and wages</u>	<u>\$10,233,424</u>	<u>\$11,182,881</u>	<u>\$10,233,424</u>
<u>Operating expenses</u>	<u>3,694,591</u>	<u>4,405,238</u>	<u>3,694,591</u>
<u>Capital assets</u>	<u>6,000</u>	<u>106,000</u>	<u>6,000</u>
<u>National conference of state legislatures</u>	<u>225,155</u>	<u>263,433</u>	<u>225,155</u>
<u>Total general fund</u>	<u>\$14,159,170</u>	<u>\$15,957,552</u>	<u>\$14,159,170</u>
<u>Adjustments or</u>			
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>

Sixty-sixth
Legislative Assembly

1	Salaries and wages	\$10,233,424	\$927,113	\$11,160,537
2	Operating expenses	3,694,591	710,647	4,405,238
3	Capital assets	6,000	100,000	106,000
4	National conference of state legislatures	225,155	11,935	237,090
5	Total all funds	\$14,159,170	\$1,749,695	\$15,908,865
6	Less estimated income	0	140,000	140,000
7	Total general fund	\$14,159,170	\$1,609,695	\$15,768,865

8 Subdivision 2.

9 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

10	Governor's			
11		Base Level	Recommendation	Appropriation
12	Salaries and wages	\$9,049,530	\$9,882,146	\$9,049,530
13	Operating expenses	2,911,608	3,220,857	2,911,608
14	Capital assets	0	6,000	0
15	Total all funds	\$11,961,138	\$13,109,003	\$11,961,138
16	Less estimated income	70,000	70,000	70,000
17	Total general fund	\$11,891,138	\$13,039,003	\$11,891,138
18	Full-time equivalent positions	36.00	36.00	36.00

19	Adjustments or			
20		Base Level	Enhancements	Appropriation
21	Salaries and wages	\$9,049,530	\$886,859	\$9,936,389
22	Operating expenses	2,911,608	171,749	3,083,357
23	Capital assets	0	6,000	6,000
24	Total all funds	\$11,961,138	\$1,064,608	\$13,025,746
25	Less estimated income	70,000	0	70,000
26	Total general fund	\$11,891,138	\$1,064,608	\$12,955,746
27	Full-time equivalent positions	36.00	0.00	36.00

28 Subdivision 3.

29 BILL TOTAL

30	Governor's			
31		Base Level	Recommendation	Appropriation

1	Grand total general fund	\$26,050,308	\$28,996,555	\$26,050,308
2	Grand total special funds	70,000	70,000	70,000
3	Grand total all funds	\$26,120,308	\$29,066,555	\$26,120,308
4		<u>Adjustments or</u>		
5		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
6	Grand total general fund	\$26,050,308	\$2,674,303	\$28,724,611
7	Grand total special funds	70,000	140,000	210,000
8	Grand total all funds	\$26,120,308	\$2,814,303	\$28,934,611

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

BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. The following amounts reflect the 2019-21 biennium one-time funding items included in the appropriation for the legislative assembly in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Digital signage replacement	\$0	\$40,000
Voting system upgrades	0	100,000
Computer and iPad replacement	<u>0</u>	<u>517,760</u>
Total all funds	\$0	\$657,760
Less estimated income	<u>0</u>	<u>140,000</u>
Total general fund	\$0	\$517,760

The 2019-21 biennium one-time funding amounts are not part of the entity's base budget for the 2021-23 biennium. The legislative assembly shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

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

ASSEMBLY. The following amounts reflect the 2019-21 biennium one-time funding items included in the appropriation for the legislative management and legislative council in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Redistricting equipment	\$0	\$22,400
Computer replacement	0	124,856

1	Council of state governments conference	<u>0</u>	<u>7,500</u>
2	Total general fund	\$0	\$154,756

3 The 2019-21 biennium one-time funding amounts are not part of the entity's base budget for
4 the 2021-23 biennium. The legislative council shall report to the appropriations committees of
5 the sixty-seventh legislative assembly on the use of this one-time funding for the biennium
6 beginning July 1, 2019, and ending June 30, 2021.

7 **SECTION 4. ESTIMATED INCOME - CAPITOL BUILDING FUND.** The estimated income
8 line item in subdivision 1 of section 1 of this Act includes \$140,000 from the capitol building fund
9 for digital signage replacement and voting system upgrades for the biennium beginning July 1,
10 2019, and ending June 30, 2021.

11 **SECTION 5. TRANSFERS.** Notwithstanding section 54-16-05, the director of the office of
12 management and budget shall transfer appropriation authority between line items of the
13 legislative management and legislative council as may be requested by the chairman of the
14 legislative management or the director of the legislative council upon the finding by the
15 chairman or the director that the nature of studies and duties assigned to the legislative
16 management or legislative council requires the transfers in properly carrying on the legislative
17 management's and legislative council's functions and duties. The director of the office of
18 management and budget shall similarly make transfers of appropriation authority between the
19 line items for the sixty-sixth and sixty-seventh legislative assemblies, upon request by the
20 chairman of the legislative management or the director of the legislative council upon the finding
21 by the chairman or director that the transfers are required for the legislative assembly to carry
22 on its functions and duties.

23 **SECTION 6. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF**
24 **UNEXPENDED APPROPRIATIONS.** Sections 54-16-04 and 54-44.1-11 do not apply to
25 chapter 26 of the 2017 Session Laws. The director of the office of management and budget
26 shall make transfers of appropriation authority between the line items and the agencies of the
27 legislative branch within section 1 of that chapter as requested by the chairman of the legislative
28 management or the director of the legislative council. The office of management and budget
29 shall cancel unexpended appropriations for the legislative assembly and legislative council
30 enacted prior to the 2017-19 biennium as directed by the chairman of the legislative
31 management or the director of the legislative council.

1 | **SECTION 7. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code is
2 | amended and reenacted as follows:

3 | **54-03-20. Compensation and expense reimbursement of members of the legislative**
4 | **assembly.**

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

1 the biennium, the sum of ~~four~~~~five~~ hundred ~~ninety~~~~five~~~~five~~ dollars a month, paid
2 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 ~~fifty~~~~five~~~~sixty~~~~two~~ dollars per month during the biennium for their
11 execution of public duties.

12 8. Attendance at any organizational, special, or regular session of the legislative
13 assembly by any member is a conclusive presumption of entitlement as set out in this
14 section and compensation and expense allowances must be excluded from gross
15 income for income tax purposes to the extent permitted for federal income tax
16 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;
17 95 Stat. 202; 26 U.S.C. 162(i)].

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

21 **SECTION 8. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **54-03-20. Compensation and expense reimbursement of members of the legislative**
24 **assembly.**

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

30 2. a. Each member of the legislative assembly is entitled to receive reimbursement for
31 lodging, which may not exceed per calendar month the amount established under

1 this subdivision by the director of the office of management and budget for
2 lodging in state and which may not exceed the rate provided in section 44-08-04
3 for each calendar day during the period of any organizational, special, or regular
4 session. On August first of each even-numbered year, the director of the office of
5 management and budget shall set the maximum monthly reimbursement for the
6 subsequent two-year period at an amount equal to thirty times seventy percent of
7 the daily lodging reimbursement in effect on that date as provided under
8 subdivision d of subsection 2 of section 44-08-04.

9 b. Notwithstanding subdivision a:

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

14 (2) The legislative management may establish guidelines that may result in a
15 reduced maximum reimbursement for a single dwelling in which two or more
16 legislators share lodging and the total rent for that dwelling exceeds the
17 amount to which a legislator is entitled under subdivision a.

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

26 b. A member of the legislative assembly who does not receive reimbursement for
27 lodging and whose place of residence in the legislative district that the member
28 represents is not within the city of Bismarck is entitled to reimbursement at the
29 rate provided for state employees for necessary travel for not to exceed one
30 round trip taken per day between the residence and the place of meeting of the
31 legislative assembly when it is in session and may receive reimbursement for

1 lodging at the place of meeting of the legislative assembly as provided in section
2 44-08-04 for each calendar day for which round trip travel reimbursement is not
3 claimed, provided that the total reimbursement may not exceed the maximum
4 monthly reimbursement allowed under subdivision a of subsection 2.

5 4. The amount to which each legislator is entitled must be paid following the
6 organizational session in December and each month upon submission of a voucher
7 and appropriate documentation during a regular or special session, consistent with
8 section 26 of article XI of the constitution of North Dakota.

9 5. If during a special session, the legislative assembly adjourns for more than three days,
10 a member of the legislative assembly is entitled to receive compensation during those
11 days only while in attendance at a standing committee if the legislator is a member of
12 that committee, a majority or minority leader, or a legislator who is not on that
13 committee but who has the approval of a majority or minority leader to attend.

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

18 7. a. In addition, each member is entitled to receive during the term for which the
19 member was elected, as compensation for the execution of public duties during
20 the biennium, the sum of five hundred ~~five~~fifteen dollars a month, paid monthly.

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

24 c. The majority and minority leaders of the house and senate and the chairman of
25 the legislative management, if the chairman is not a majority or minority leader,
26 are each entitled to receive as compensation, in addition to any other
27 compensation or expense reimbursement provided by law, the sum of three
28 hundred ~~sixty-two~~sixty-nine dollars per month during the biennium for their
29 execution of public duties.

30 8. Attendance at any organizational, special, or regular session of the legislative
31 assembly by any member is a conclusive presumption of entitlement as set out in this

1 section and compensation and expense allowances must be excluded from gross
2 income for income tax purposes to the extent permitted for federal income tax
3 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;
4 95 Stat. 202; 26 U.S.C. 162(i)].

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

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

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

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

23 **SECTION 10. 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-one~~eighty-five dollars per day and must also be paid for
30 expenses incurred in attending said meetings and in the performance of their official
31 duties in the amounts provided by law for other state officers.

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

7 **SECTION 11. EFFECTIVE DATE.** Sections 7 and 9 of this Act become effective on July 1,
8 2019, and sections 8 and 10 of this Act become effective on July 1, 2020.

9 **SECTION 12. EMERGENCY.** This Act is declared to be an emergency measure.