

**Department 160 - Legislative Council  
Senate Bill No. 2001**

**Executive Budget Comparison to Prior Biennium Appropriations**

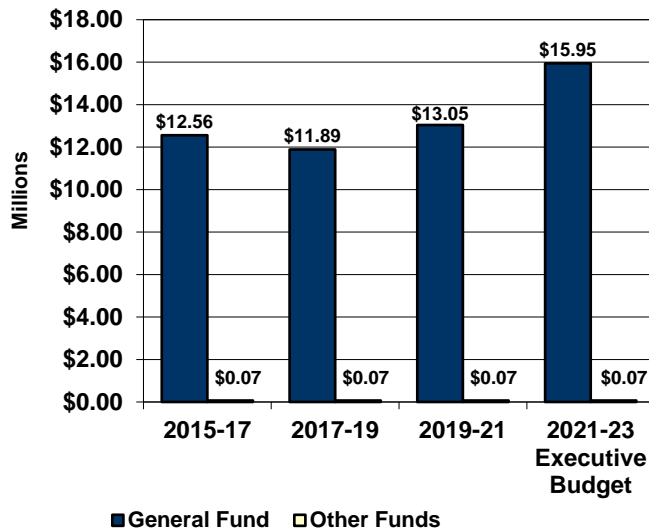
	FTE Positions	General Fund	Other Funds	Total
2021-23 Executive Budget	44.00	\$15,945,379	\$69,999	\$16,015,378
2019-21 Legislative Appropriations <sup>1</sup>	36.00	13,045,074	70,000	13,115,074
Increase (Decrease)	8.00	\$2,900,305	(\$1)	\$2,900,304

<sup>1</sup>The 2019-21 biennium agency appropriation amounts have not been adjusted for additional carryover authority of \$3,897,587 and federal Coronavirus (COVID-19) funds authority of \$100,000 resulting from Emergency Commission action during the 2019-21 biennium.

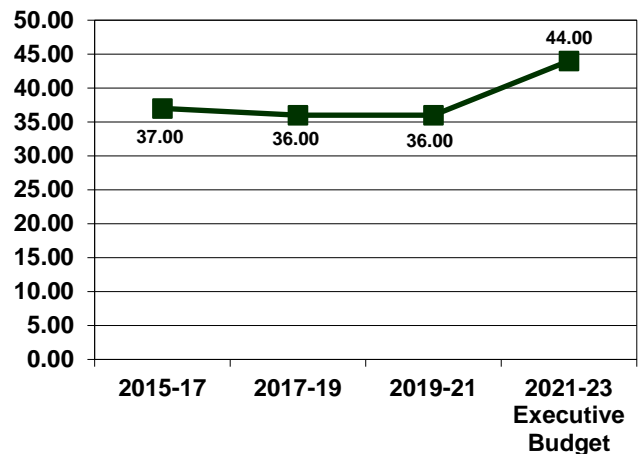
**Ongoing and One-Time General Fund Appropriations**

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2021-23 Executive Budget	\$15,747,379	\$198,000	\$15,945,379
2019-21 Legislative Appropriations	12,890,318	154,756	13,045,074
Increase (Decrease)	\$2,857,061	\$43,244	\$2,900,305

**Agency Funding**



**FTE Positions**



**Executive Budget Comparison to Base Level**

	General Fund	Other Funds	Total
2021-23 Executive Budget	\$15,945,379	\$69,999	\$16,015,378
2021-23 Base Level	12,890,318	70,000	12,960,318
Increase (Decrease)	\$3,055,061	(\$1)	\$3,055,060

Attached as an appendix is a detailed comparison of the executive budget to the agency's base level appropriations.

**Executive Budget Highlights**

	General Fund	Other Funds	Total
1. Adds funding for state employee salary and benefit increases, of which \$230,417 is for salary increases, \$2,095 is for health insurance increases, and \$59,303 is for retirement contribution increases	\$291,815	\$0	\$291,815
2. Adjusts base payroll	\$440,358	(\$1)	\$440,357
3. Provides funding for proposed legislator per diem compensation adjustments of 1 percent in the 1 <sup>st</sup> year and 2 percent in the 2 <sup>nd</sup> year of the biennium, from \$186 per day to \$188 per day effective July 2021 and to \$192 per day effective July 2022	\$21,211	\$0	\$21,211

4. Adds funding for 8 FTE information technology (IT) positions, including salaries and wages (\$1,715,619) and operating expenses (\$24,000), for the expansion of IT services	\$1,739,619	\$0	\$1,739,619
5. Decreases funding for travel to continue reduced committee sizes during the 2021-23 biennium	(\$3,006)	\$0	(\$3,006)
6. Adds funding for estimated increases in the lodging rate	\$2,508	\$0	\$2,508
7. Adjusts funding for other operating expenses	\$29,582	\$0	\$29,582
8. Adds funding for Microsoft Office 365 licensing expenses (added by the Governor)	\$3,745	\$0	\$3,745
9. Adds funding for operating expenses for the state agency Capitol complex rent proposal (added by the Governor)	\$331,229	\$0	\$331,229
10. Adds <b>one-time funding</b> for public website design	\$150,000		\$150,000
11. Adds <b>one-time funding</b> for IT expansion	\$48,000	\$0	\$48,000

**Other Sections Recommended to be Added  
(As Detailed in the Attached Appendix)**

**Transfers** - Section 4 would allow transfers of funds between line items of appropriations for the Legislative Assembly and Legislative Council as requested by the Chairman of the Legislative Management or the Director of the Legislative Council.

**Continuation of appropriation authority** - Section 5 would provide the unspent funds appropriated for the Legislative Assembly and the Legislative Council for the 2019-21 biennium be continued and unexpended appropriations enacted prior to the 2019-21 biennium may be canceled as directed by the Chairman of the Legislative Management or the Director of the Legislative Council.

**Compensation** - Section 6 would increase legislators' daily pay during legislative sessions, monthly compensation, and additional monthly compensation by 1 percent in the 1<sup>st</sup> year and 2 percent in the 2<sup>nd</sup> year of the 2021-23 biennium. Section 7 would increase legislators' interim meeting pay by 1 percent in the 1<sup>st</sup> year and 2 percent in the 2<sup>nd</sup> year of the 2021-23 biennium.

The compensation adjustments are as follows:

	<b>Current Compensation Rate</b>	<b>Rate Effective July 1, 2021</b>	<b>Rate Effective July 1, 2022</b>
Daily session pay	\$186	\$188	\$192
Monthly compensation	\$518	\$523	\$533
Leaders' additional monthly compensation	\$371	\$375	\$383
Interim meeting pay	\$186	\$188	\$192

**Emergency** - Section 8 would declare the Act is an emergency measure.

**Continuing Appropriations**

**Legislative services fund** - North Dakota Century Code Section 54-35-19 - This fund is used for depositing and spending funds relating to legislative information.

**Deficiency Appropriation**

There are no deficiency appropriations for this agency.

**Significant Audit Findings**

There are no significant audit findings for the Legislative Council.

**Major Related Legislation**

**Senate Bill No. 2130** - Provides if the Legislative Management determines a legislative measure mandates health insurance coverage of services or payment for specified providers of services, the measure may not be referred to a committee of the Legislative Assembly unless a cost-benefit analysis provided by the Legislative Management is appended to the measure.

**Senate Bill No. 2218** - Provides for annual legislative sessions.

**Senate Bill No. 2228** - Establishes a nonpartisan, advisory redistricting commission.

**House Bill No. 1038** - Provides for a Legislative Management Legacy Fund Earnings Committee.

**House Bill No. 1236** - Provides the Legislative Management Chairman serve 2-year terms and the Chairman and Vice Chairman may not be a member of the same house of the Legislative Assembly for consecutive terms.

**House Bill No. 1249** - Provides for the design of a legislative wing of the Capitol and appropriates funds for the design and construction of the legislative wing.

**House Bill No. 1282** - Establishes a joint committee on neutralization of federal laws consisting of members of the Senate and the House of Representatives.

**House Bill No. 1397** - Provides for the implementation of a legislative redistricting plan and a special legislative session to adopt a redistricting plan.

**Legislative Council - Budget No. 160**  
**Senate Bill No. 2001**  
**Base Level Funding Changes**

	<b>Executive Budget Recommendation</b>			
	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
<b>2021-23 Biennium Base Level</b>	36.00	\$12,890,318	\$70,000	\$12,960,318
<b>2021-23 Ongoing Funding Changes</b>				
Base payroll changes		\$440,358	(\$1)	\$440,357
Salary increase		230,417		230,417
Retirement contribution increase		59,303		59,303
Health insurance increase		2,095		2,095
Adds funding to increase per diem by 1 percent in the 1st year and 2 percent in the 2nd year of the 2021-23 biennium		21,211		21,211
Adds funding for 8 FTE IT positions, including salaries and wages (\$1,715,619) and operating expenses (\$24,000), for the expansion of IT services	8.00	1,739,619		1,739,619
Decreases funding for travel to continue reduced committee sizes during the 2021-23 biennium		(3,006)		(3,006)
Adds funding for estimated increases in the lodging rate		2,508		2,508
Adjusts funding for other operating expenses		29,582		29,582
Adds funding for Microsoft Office 365 licensing expenses		3,745		3,745
Adds funding for operating expenses for the state agency Capitol complex rent proposal		331,229		331,229
<b>Total ongoing funding changes</b>	<b>8.00</b>	<b>\$2,857,061</b>	<b>(\$1)</b>	<b>\$2,857,060</b>
<b>One-time funding items</b>				
Adds one-time funding for public website design		\$150,000		\$150,000
Adds one-time funding for IT expansion		48,000		48,000
<b>Total one-time funding changes</b>	<b>0.00</b>	<b>\$198,000</b>	<b>\$0</b>	<b>\$198,000</b>
<b>Total Changes to Base Level Funding</b>	<b>8.00</b>	<b>\$3,055,061</b>	<b>(\$1)</b>	<b>\$3,055,060</b>
<b>2021-23 Total Funding</b>	<b>44.00</b>	<b>\$15,945,379</b>	<b>\$69,999</b>	<b>\$16,015,378</b>
<i>Total ongoing changes as a percentage of base level</i>	<i>22.2%</i>	<i>22.2%</i>	<i>(0.0%)</i>	<i>22.0%</i>
<i>Total changes as a percentage of base level</i>	<i>22.2%</i>	<i>23.7%</i>	<i>(0.0%)</i>	<i>23.6%</i>

**Other Sections in Legislative Council - Budget No. 160**

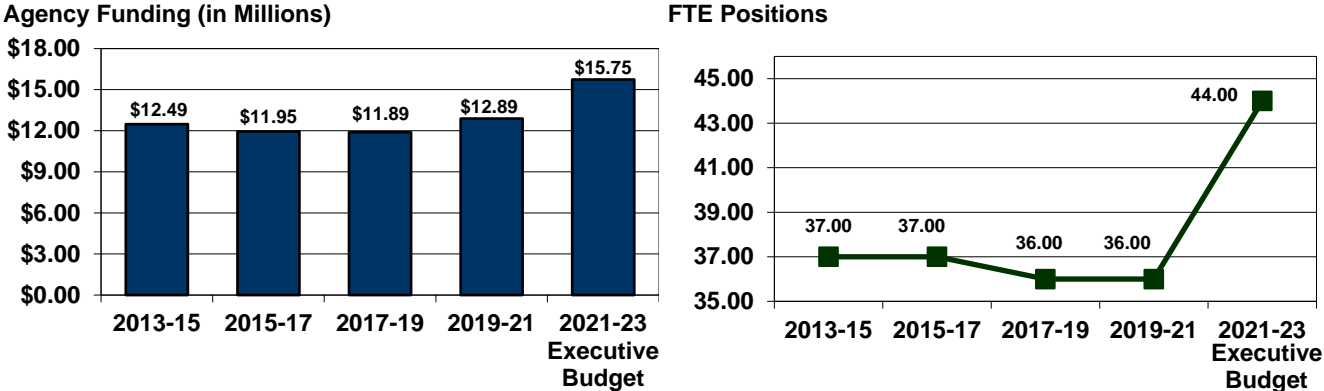
**Executive Budget Recommendation**

Transfers	Section 4 would allow transfers of funds between line items of appropriations for the Legislative Assembly and Legislative Council as requested by the Chairman of the Legislative Management or the Director of the Legislative Council.
Continuation of appropriation authority	Section 5 would provide the unspent funds appropriated for the Legislative Assembly and the Legislative Council for the 2019-21 biennium be continued and unexpended appropriations enacted prior to the 2019-21 biennium may be canceled as directed by the Chairman of the Legislative Management or the Director of the Legislative Council.
Compensation	Section 6 would increase legislators' daily pay during legislative sessions, monthly compensation, and additional monthly compensation by 1 percent in the 1st year and 2 percent in the 2nd year of the 2021-23 biennium. Section 7 would increase legislators' interim meeting pay by 1 percent in the 1st year and 2 percent in the 2nd year of the 2021-23 biennium.
Emergency	Section 8 would declare the Act is an emergency measure.

Department 160 - Legislative Council

# Historical Appropriations Information

## Ongoing General Fund Appropriations Since 2013-15



Ongoing General Fund Appropriations					
	2013-15	2015-17	2017-19	2019-21	2021-23 Executive Budget
Ongoing general fund appropriations	\$12,487,475	\$11,948,410	\$11,891,138	\$12,890,318	\$15,747,379
Increase (decrease) from previous biennium	N/A	(\$539,065)	(\$57,272)	\$999,180	\$2,857,061
Percentage increase (decrease) from previous biennium	N/A	(4.3%)	(0.5%)	8.4%	22.2%
Cumulative percentage increase (decrease) from 2013-15 biennium	N/A	(4.3%)	(4.8%)	3.2%	26.1%

### Major Increases (Decreases) in Ongoing General Fund Appropriations

**2013-15 Biennium**

- 1. Increased funding for IT consulting \$384,855
- 2. Added funding for 3 FTE fiscal analyst positions and related operating expenses, including IT and equipment \$525,000

**2015-17 Biennium**

- 1. Reduced funding for operating expenses, including IT consulting, IT data processing, office supplies, and postage (\$522,718)
- 2. Removed market equity salary funding (\$100,000)

**2017-19 Biennium**

- 1. Removed 1 vacant FTE fiscal analyst position. The related funding for salaries and wages was removed as part of the August 2016 budget reductions. \$0
- 2. Reduced funding for base level salaries and wages due to staff turnover (\$126,558)
- 3. Removed funding for 1 FTE office assistant position (\$147,071)
- 4. Reduced funding for per diem (\$92,251) and travel expenses (\$15,140) related to smaller committee sizes anticipated for the 2017-18 interim (\$107,391)
- 5. Reduced funding for out-of-state travel by 5 percent, including reductions to per diem salaries (\$14,299) and travel expenses (\$44,865). The base budget for out-of-state travel was reduced by an additional 5 percent for a total reduction of 10 percent. (\$59,164)
- 6. Reduced funding for professional fees to provide a total of \$140,000 for audit fees (\$15,000) and interim committee consulting services (\$125,000) during the 2017-18 interim (\$75,000)
- 7. Restored a portion of the funding for IT and other operating expenses, reduced as part of the August 2016 budget reductions \$210,385

**2019-21 Biennium**

- 1. Restored funding for one of two unfunded administrative positions \$125,579
- 2. Added funding for a session retention program \$333,512

3. Decreased funding to continue reduced committee sizes during the 2019-21 biennium, including per diem (\$20,200) and travel (\$39,257)	(\$59,457)
4. Increased funding for other meetings and out-of-state travel to restore the 2017-19 biennium 10 percent reduction, including per diem \$30,188 and travel \$81,860	\$112,048
5. Increased funding for professional services from \$140,000 to \$200,000	\$60,000
<b>2021-23 Biennium (Executive Budget Recommendation)</b>	
1. Adds funding for 8 FTE IT positions, including salaries and wages (\$1,715,619) and operating expenses (\$24,000), for the expansion of IT services	\$1,739,619
2. Adds funding for operating expenses for the state agency Capitol complex rent proposal	\$331,229

# LEGISLATIVE BRANCH REQUEST WITH THE GOVERNOR'S RECOMMENDATION FOR STATE EMPLOYEE COMPENSATION CHANGES AND RENT

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from the insurance regulatory trust fund, not otherwise appropriated, to the legislative branch of state government for the purpose of defraying the expenses of the legislative branch of state government, for the fiscal period beginning with the effective date of this Act and ending June 30, 2023, as follows:

Subdivision 1.

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

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,190,844	\$1,110,150	\$12,300,994
Operating expenses	3,847,478	3,904,389	7,751,867
Capital assets	6,000	0	6,000
National conference of state legislatures	<u>263,433</u>	<u>7,900</u>	<u>271,333</u>
Total general fund	\$15,307,755	\$5,022,439	\$20,330,194

Subdivision 2.

## LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$9,965,717	\$2,469,002	\$12,434,719
Operating expenses	2,988,601	586,058	3,574,659
Capital assets	<u>6,000</u>	<u>0</u>	<u>6,000</u>
Total all funds	\$12,960,318	\$3,055,060	\$16,015,378
Less estimated income	<u>70,000</u>	<u>(1)</u>	<u>69,999</u>
Total general fund	\$12,890,318	\$3,055,061	\$15,945,379
Full-time equivalent positions	36.00	8.00	44.00

Subdivision 3.

## TOTAL - SECTION 1

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$28,198,073	\$8,077,500	\$36,275,573
Grand total special funds	<u>70,000</u>	<u>(1)</u>	<u>69,999</u>
Grand total all funds	\$28,268,073	\$8,077,499	\$36,345,572

**SECTION 2. LEGISLATIVE ASSEMBLY ONE TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items included the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
Digital signage replacement	\$40,000	\$0
Voting system upgrades	100,000	0
Computer and iPad replacement	517,760	0
Redistricting	0	83,114
Information technology expansion	<u>0</u>	<u>1,450,000</u>
Total all funds	\$657,760	\$1,533,114
Less estimated income	<u>140,000</u>	<u>0</u>
Total general fund	\$517,760	\$1,533,114

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

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

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

<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
Redistricting equipment	\$22,400	\$0
Computer replacement	124,856	0
Council of state governments conference	7,500	0
Information technology expansion	0	48,000
Public webpage design	<u>0</u>	<u>150,000</u>
Total general fund	\$154,756	\$198,000

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

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

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



assembly and legislative council enacted prior to the 2019-21 biennium as directed by the chairman of the legislative management or the director of the legislative council.

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

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

1. Each member of the legislative assembly is entitled to receive as compensation for services the sum of ~~one hundred eighty-six~~ one hundred eighty-eight dollars ~~through June 30, 2022, and one hundred ninety-two dollars thereafter~~ for each calendar day during any organizational, special, or regular legislative session and for each day that member attends a meeting of a legislative committee between the organizational session and the regular session as authorized by legislative rule.
2. a. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed per calendar month the amount established under this subdivision by the director of the office of management and budget for lodging in state and which may not exceed the rate provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. On August first of each even-numbered year, the director of the office of management and budget shall set the maximum monthly reimbursement for the subsequent two-year period at an amount equal to thirty times seventy percent of the daily lodging reimbursement in effect on that date as provided under subdivision d of subsection 2 of section 44-08-04.  
b. Notwithstanding subdivision a:
  - (1) A member of the legislative assembly may elect to be reimbursed for less than the amount to which the legislator is entitled under this subsection by claiming the lesser amount on a voucher submitted with the receipt required by section 44-08-04.
  - (2) The legislative management may establish guidelines that may result in a reduced maximum reimbursement for a single dwelling in which two or more legislators share lodging and the total rent for that dwelling exceeds the amount to which a legislator is entitled under subdivision a.
3. a. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may be only at the cost of coach fare and may not exceed one and one-half times the amount the member would be entitled to receive as mileage reimbursement for travel by motor vehicle.  
b. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed the maximum monthly reimbursement allowed under subdivision a of subsection 2.
4. The amount to which each legislator is entitled must be paid following the organizational session in December and each month upon submission of a voucher and appropriate documentation during a regular or special session, consistent with section 26 of article XI of the constitution of North Dakota.
5. If during a special session, the legislative assembly adjourns for more than three days, a member of the legislative assembly is entitled to receive compensation during those days only while in attendance at a standing committee if the legislator is a member of that committee, a majority or minority leader, or a legislator who is not on that committee but who has the approval of a majority or minority leader to attend.

6. A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session or a legislative committee meeting must be included as a calendar day during a legislative session or as a day of a legislative committee meeting for the purposes of this section.
7.
  - a. In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of ~~five hundred eighteen~~ five hundred twenty-three dollars through June 30, 2022, and five hundred thirty-three dollars thereafter a month, paid monthly.
  - b. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.
  - c. The majority and minority leaders of the house and senate and the chairman of the legislative management, if the chairman is not a majority or minority leader, are each entitled to receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of ~~three hundred seventy-one~~ three hundred seventy-five dollars through June 30, 2022, and three hundred eighty-three dollars thereafter per month during the biennium for their execution of public duties.
8. Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].
9. Before each regular legislative session, the legislative management shall make recommendations and submit any necessary legislation to adjust legislative compensation amounts.

**SECTION 7. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The members of the legislative management and the members of any committee of the legislative management are entitled to be compensated for the time spent in attendance at sessions of the legislative management and of its committees at the rate of ~~one hundred eighty-six~~ one hundred eighty-eight dollars through June 30, 2022, and one hundred ninety-two dollars thereafter per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.
2. In addition to the compensation provided in subsection 1, the chairman of the legislative management is entitled to receive an additional five dollars for each day spent in attendance at sessions of the legislative management and of its committees, and the chairman of each of the legislative management's committees is entitled to receive five dollars for each day spent in attendance at sessions of the legislative management or of the committee which the person chairs.

**SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.