

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED 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>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$10,233,424	\$957,420	\$11,190,844
19 Operating expenses	3,694,591	710,647	4,405,238
20 Capital assets	6,000	100,000	106,000
21 National conference of state legislatures	<u>225,155</u>	<u>38,278</u>	<u>263,433</u>
22 Total all funds	\$14,159,170	\$1,806,345	\$15,965,515
23 Less estimated income	<u>0</u>	<u>140,000</u>	<u>140,000</u>
24 Total general fund	\$14,159,170	\$1,666,345	\$15,825,515

1 Subdivision 2.

2 LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

3		Adjustments or		
4		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
5	Salaries and wages	\$9,049,530	\$916,187	\$9,965,717
6	Operating expenses	2,911,608	231,749	3,143,357
7	Capital assets	<u>0</u>	<u>6,000</u>	<u>6,000</u>
8	Total all funds	\$11,961,138	\$1,153,936	\$13,115,074
9	Less estimated income	<u>70,000</u>	<u>0</u>	<u>70,000</u>
10	Total general fund	\$11,891,138	\$1,153,936	\$13,045,074
11	Full-time equivalent positions	36.00	0.00	36.00

12 Subdivision 3.

13 BILL TOTAL

14		Adjustments or		
15		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
16	Grand total general fund	\$26,050,308	\$2,820,281	\$28,870,589
17	Grand total special funds	<u>70,000</u>	<u>140,000</u>	<u>210,000</u>
18	Grand total all funds	\$26,120,308	\$2,960,281	\$29,080,589

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

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

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

30 The 2019-21 biennium one-time funding amounts are not part of the entity's base budget for  
 31 the 2021-23 biennium. The legislative assembly shall report to the appropriations committees of

1 the sixty-seventh legislative assembly on the use of this one-time funding for the biennium  
2 beginning July 1, 2019, and ending June 30, 2021.

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

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

8	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
9	Redistricting equipment	\$0	\$22,400
10	Computer replacement	0	124,856
11	Council of state governments conference	<u>0</u>	<u>7,500</u>
12	Total general fund	\$0	\$154,756

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

17 **SECTION 4. ESTIMATED INCOME - CAPITOL BUILDING FUND.** The estimated income  
18 line item in subdivision 1 of section 1 of this Act includes \$140,000 from the capitol building fund  
19 for digital signage replacement and voting system upgrades for the biennium beginning July 1,  
20 2019, and ending June 30, 2021.

21 **SECTION 5. TRANSFERS.** Notwithstanding section 54-16-05, the director of the office of  
22 management and budget shall transfer appropriation authority between line items of the  
23 legislative management and legislative council as may be requested by the chairman of the  
24 legislative management or the director of the legislative council upon the finding by the  
25 chairman or the director that the nature of studies and duties assigned to the legislative  
26 management or legislative council requires the transfers in properly carrying on the legislative  
27 management's and legislative council's functions and duties. The director of the office of  
28 management and budget shall similarly make transfers of appropriation authority between the  
29 line items for the sixty-sixth and sixty-seventh legislative assemblies, upon request by the  
30 chairman of the legislative management or the director of the legislative council upon the finding

1 by the chairman or director that the transfers are required for the legislative assembly to carry  
2 on its functions and duties.

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

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

14 **54-03-20. Compensation and expense reimbursement of members of the legislative**  
15 **assembly.**

- 16 1. Each member of the legislative assembly is entitled to receive as compensation for  
17 services the sum of one hundred ~~seventy-seven~~eighty-one dollars for each calendar  
18 day during any organizational, special, or regular legislative session and for each day  
19 that member attends a meeting of a legislative committee between the organizational  
20 session and the regular session as authorized by legislative rule.
- 21 2. a. Each member of the legislative assembly is entitled to receive reimbursement for  
22 lodging, which may not exceed per calendar month the amount established under  
23 this subdivision by the director of the office of management and budget for  
24 lodging in state and which may not exceed the rate provided in section 44-08-04  
25 for each calendar day during the period of any organizational, special, or regular  
26 session. On August first of each even-numbered year, the director of the office of  
27 management and budget shall set the maximum monthly reimbursement for the  
28 subsequent two-year period at an amount equal to thirty times seventy percent of  
29 the daily lodging reimbursement in effect on that date as provided under  
30 subdivision d of subsection 2 of section 44-08-04.
- 31 b. Notwithstanding subdivision a:

- 1           (1) A member of the legislative assembly may elect to be reimbursed for less  
2           than the amount to which the legislator is entitled under this subsection by  
3           claiming the lesser amount on a voucher submitted with the receipt required  
4           by section 44-08-04.
- 5           (2) The legislative management may establish guidelines that may result in a  
6           reduced maximum reimbursement for a single dwelling in which two or more  
7           legislators share lodging and the total rent for that dwelling exceeds the  
8           amount to which a legislator is entitled under subdivision a.
- 9        3.   a.   Members of the legislative assembly who receive reimbursement for lodging are  
10       also entitled to reimbursement for travel for not to exceed one round trip taken  
11       during any calendar week, or portion of a week, the legislative assembly is in  
12       session, between their residences and the place of meeting of the legislative  
13       assembly, at the rate provided for state employees with the additional limitation  
14       that reimbursement for travel by common carrier may be only at the cost of coach  
15       fare and may not exceed one and one-half times the amount the member would  
16       be entitled to receive as mileage reimbursement for travel by motor vehicle.
- 17       b.   A member of the legislative assembly who does not receive reimbursement for  
18       lodging and whose place of residence in the legislative district that the member  
19       represents is not within the city of Bismarck is entitled to reimbursement at the  
20       rate provided for state employees for necessary travel for not to exceed one  
21       round trip taken per day between the residence and the place of meeting of the  
22       legislative assembly when it is in session and may receive reimbursement for  
23       lodging at the place of meeting of the legislative assembly as provided in section  
24       44-08-04 for each calendar day for which round trip travel reimbursement is not  
25       claimed, provided that the total reimbursement may not exceed the maximum  
26       monthly reimbursement allowed under subdivision a of subsection 2.
- 27       4.   The amount to which each legislator is entitled must be paid following the  
28       organizational session in December and each month upon submission of a voucher  
29       and appropriate documentation during a regular or special session, consistent with  
30       section 26 of article XI of the constitution of North Dakota.

- 1           5. If during a special session, the legislative assembly adjourns for more than three days,  
2           a member of the legislative assembly is entitled to receive compensation during those  
3           days only while in attendance at a standing committee if the legislator is a member of  
4           that committee, a majority or minority leader, or a legislator who is not on that  
5           committee but who has the approval of a majority or minority leader to attend.
- 6           6. A day, or portion of a day, spent in traveling to or returning from an organizational,  
7           special, or regular session or a legislative committee meeting must be included as a  
8           calendar day during a legislative session or as a day of a legislative committee  
9           meeting for the purposes of this section.
- 10          7. a. In addition, each member is entitled to receive during the term for which the  
11           member was elected, as compensation for the execution of public duties during  
12           the biennium, the sum of ~~four~~five hundred ~~ninety-five~~five dollars a month, paid  
13           monthly.
- 14          b. If a member dies or resigns from office during the member's term, the member  
15           may be paid only the allowances provided for in this section for the period for  
16           which the member was actually a member.
- 17          c. The majority and minority leaders of the house and senate and the chairman of  
18           the legislative management, if the chairman is not a majority or minority leader,  
19           are each entitled to receive as compensation, in addition to any other  
20           compensation or expense reimbursement provided by law, the sum of three  
21           hundred ~~fifty-five~~sixty-two dollars per month during the biennium for their  
22           execution of public duties.
- 23          8. Attendance at any organizational, special, or regular session of the legislative  
24           assembly by any member is a conclusive presumption of entitlement as set out in this  
25           section and compensation and expense allowances must be excluded from gross  
26           income for income tax purposes to the extent permitted for federal income tax  
27           purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;  
28           95 Stat. 202; 26 U.S.C. 162(i)].
- 29          9. Before each regular legislative session, the legislative management shall make  
30           recommendations and submit any necessary legislation to adjust legislative  
31           compensation amounts.

1       **SECTION 8. 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 ~~eighty-one~~eighty-six dollars for each calendar day  
7 during any organizational, special, or regular legislative session and for each day that  
8 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  
31 the biennium, the sum of five hundred ~~five~~eighteen dollars a month, paid monthly.

- 1           b. If a member dies or resigns from office during the member's term, the member  
2           may be paid only the allowances provided for in this section for the period for  
3           which the member was actually a member.
- 4           c. The majority and minority leaders of the house and senate and the chairman of  
5           the legislative management, if the chairman is not a majority or minority leader,  
6           are each entitled to receive as compensation, in addition to any other  
7           compensation or expense reimbursement provided by law, the sum of three  
8           hundred ~~sixty-two~~seventy-one dollars per month during the biennium for their  
9           execution of public duties.
- 10          8. Attendance at any organizational, special, or regular session of the legislative  
11          assembly by any member is a conclusive presumption of entitlement as set out in this  
12          section and compensation and expense allowances must be excluded from gross  
13          income for income tax purposes to the extent permitted for federal income tax  
14          purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;  
15          95 Stat. 202; 26 U.S.C. 162(i)].
- 16          9. Before each regular legislative session, the legislative management shall make  
17          recommendations and submit any necessary legislation to adjust legislative  
18          compensation amounts.

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

21          **54-35-10. Compensation of members and leadership.**

- 22          1. The members of the legislative management and the members of any committee of  
23          the legislative management are entitled to be compensated for the time spent in  
24          attendance at sessions of the legislative management and of its committees at the rate  
25          of one hundred ~~seventy-seven~~eighty-one dollars per day and must also be paid for  
26          expenses incurred in attending said meetings and in the performance of their official  
27          duties in the amounts provided by law for other state officers.
- 28          2. In addition to the compensation provided in subsection 1, the chairman of the  
29          legislative management is entitled to receive an additional five dollars for each day  
30          spent in attendance at sessions of the legislative management and of its committees,  
31          and the chairman of each of the legislative management's committees is entitled to

1 receive five dollars for each day spent in attendance at sessions of the legislative  
2 management or of the committee which the person chairs.

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

5 **54-35-10. Compensation of members and leadership.**

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

18 **SECTION 11. EFFECTIVE DATE.** Sections 7 and 9 of this Act become effective on July 1,  
19 2019, and sections 8 and 10 of this Act become effective on July 1, 2020.

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