



May 19, 2025

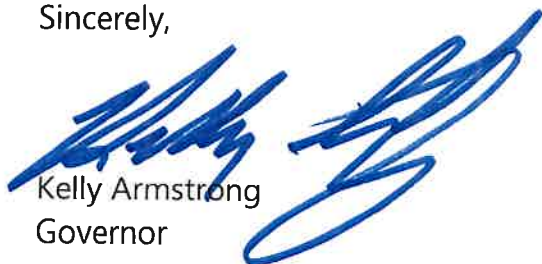
The Honorable Michelle Strinden
President of the Senate
North Dakota Senate Chambers
State Capitol
Bismarck, ND

Re: Senate Bill 2001

Dear President Strinden:

This is to inform you that on May 19, 2025, I have signed Senate Bill 2001 and filed it with the Secretary of State. I also have vetoed Section 6 of Senate Bill 2001.

Sincerely,


Kelly Armstrong
Governor

Received by:



Date:

5-19-25

Time:

3:05 pm



May 19, 2025

The Honorable Michelle Strinden
President of the Senate
North Dakota Senate Chambers
State Capitol
Bismarck, ND

Re: Senate Bill 2001

Dear President Strinden:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have signed Senate Bill 2001 and filed it with the Secretary of State. I also have vetoed Section 6 of Senate Bill 2001.

Section 6 of Senate Bill 2001 reserves the 15th floor of the Capitol building "for the exclusive use of the legislative council." Legislative Council consists of attorneys, accountants, researchers, and auxiliary personnel who serve the members of the Legislative Assembly. The Legislative Council currently occupies the entire second floor of the Capitol building except for one legislative committee room.

The 15th floor currently is occupied by the Department of Career and Technical Education (CTE), which recently remodeled the space. The acquisition of the newly remodeled space in Section 6 of Senate Bill 2001 was proposed without input or consultation with our administration, CTE, or anyone else from the executive branch and without public discussion during the 2023-2025 interim session. Legislative Council testified that additional space is needed to accommodate the increase of its staff from 45 full-time equivalent (FTE) positions to 70 FTEs as approved by the Legislative Assembly in Senate Bill 2001.

For government to work, it must work cohesively. It is crucial to foster open communication, align goals and objectives, and encourage collaboration across departments and levels. My administration is more than willing to help Legislative Council accommodate its growing staff by identifying available space in the Capitol building, including space on the 15th floor. However, requiring the acquisition of a specific floor of the Capitol building via state law is superfluous and undermines our ongoing efforts to find ways to better utilize the Capitol building's square footage to reduce costs and save taxpayers money.

The fact Section 6 of Senate Bill 2001 is a policy item logrolled into an appropriation bill does not restrict the executive's line-item veto authority. Doing so would force the executive to choose between accepting a standalone policy item or risking the entire appropriation for a state agency. Allowing the Legislative Assembly to shoehorn general substantive policy provisions into an appropriation bill, while not simultaneously allowing the executive to veto those provisions, would undermine our system of checks and balances, and violate the longstanding principle of separation of powers.

For the reasons said above, Section 6 of Senate Bill 2001 is vetoed.

Sincerely,



Kelly Armstrong
Governor

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

**SENATE BILL NO. 2001
(Appropriations Committee)**

AN ACT to provide an appropriation for defraying the expenses of the legislative branch of state government; to amend and reenact sections 48-08-04, 54-03-10, 54-03-20, and 54-35-10 of the North Dakota Century Code, relating to use of legislative rooms and halls and legislative compensation; to provide a statement of legislative intent; to provide for a report; to provide an exemption; and to provide for application, transfer, and cancellation of unexpended appropriations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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 other 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, 2027, as follows:

Subdivision 1.

SIXTY-NINTH AND SEVENTIETH LEGISLATIVE ASSEMBLIES AND BIENNIUM

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$12,950,567	\$1,645,103	\$14,595,670
Operating expenses	4,772,209	5,398,631	10,170,840
Capital assets	6,000	220,000	226,000
National conference of state legislatures	<u>283,070</u>	<u>23,102</u>	<u>306,172</u>
Total general fund	\$18,011,846	\$7,286,836	\$25,298,682

Subdivision 2.

LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$15,435,797	\$1,190,358	\$16,626,155
New and vacant FTE pool	0	5,088,515	5,088,515
Operating expenses	3,780,912	1,435,238	5,216,150
Public printing	0	290,000	290,000
Capital assets	<u>6,000</u>	<u>280,000</u>	<u>286,000</u>
Total all funds	\$19,222,709	\$8,284,111	\$27,506,820
Less other funds	<u>88,000</u>	<u>0</u>	<u>88,000</u>
Total general fund	\$19,134,709	\$8,284,111	\$27,418,820
Full-time equivalent positions	45.00	25.00	70.00

Subdivision 3.

TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$37,234,555	\$15,570,947	\$52,805,502

Less grand total other funds	88,000	0	88,000
Grand total general fund	\$37,146,555	\$15,570,947	\$52,717,502

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in each entity's base budget for the 2027-29 biennium and which each entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total Funds</u>
Legislative Assembly			
Legislative chambers and system upgrades	\$4,451,000	\$0	\$4,451,000
Total legislative assembly	\$4,451,000	\$0	\$4,451,000
Legislative Management and Legislative Council			
Costs related to new positions	\$375,000	\$0	\$375,000
Legislative term limit study	225,000	0	225,000
Information technology equipment	280,000	0	280,000
Total legislative management and legislative council	\$880,000	\$0	\$880,000
Grand total	\$5,331,000	\$0	\$5,331,000

SECTION 3. NEW AND VACANT FTE POOL - BUDGET SECTION REPORT.

1. The legislative council may not spend funds from the new and vacant FTE pool line item in subdivision 2 of section 1 of this Act, but may transfer funds from this line item to the salaries and wages line item as necessary to provide funding for:
 - a. Filling a new FTE position from the date of hire through the end of the biennium; or
 - b. Salaries and wages if actual salaries and wages savings from vacant positions and employee turnover adjusted for other uses are less than the estimate used by the sixty-ninth legislative assembly in the development of the appropriation.
2. The legislative council shall report to the budget section regarding the use of funding in the pool including information on:
 - a. New FTE positions, including the date hired;
 - b. Vacant FTE positions, including information on positions that become vacant and positions filled, salaries and wages savings resulting from vacant positions and employee turnover, and the use of salaries and wages savings for other purposes; and
 - c. Additional salaries and wages funding needed due to savings from vacant positions being less than anticipated.
3. If funding in the new and vacant FTE pool line item is insufficient to provide the necessary salaries and wages funding for the biennium, the legislative council may request a deficiency appropriation from the seventieth legislative assembly.

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-ninth and seventieth 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 2023 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 2023-25 biennium as directed by the chairman of the legislative management or the director of the legislative council.

SECTION 6. AMENDMENT. Section 48-08-04 of the North Dakota Century Code is amended and reenacted as follows:

48-08-04. Use of legislative assembly rooms, and halls, and other space in the capitol.

During the interim between legislative sessions, the committee rooms, halls, passageways, and other space in the capitol used by the legislative assembly, including the pioneer room, the coteau room, the Sheyenne River room, judicial wing room 216, and judicial wing rooms 327 B, C, and E, may not be used without authorization of the legislative council. The fifteenth floor of the capitol is reserved for the exclusive use of the legislative council.

SECTION 7. AMENDMENT. Section 54-03-10 of the North Dakota Century Code is amended and reenacted as follows:

54-03-10. Compensation of speaker, majority and minority leaders, assistant majority and minority leaders, committee chairmen, and employees.

The speaker of the house, the house majority leader, the senate majority leader, the house minority leader, and the senate minority leader shall each receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of ~~fifteen~~twenty dollars per day for each calendar day during any regular, special, or organizational session. Chairmen of the substantive standing committees, the house assistant majority leader, the senate assistant majority leader, the house assistant minority leader, and the senate assistant minority leader shall receive additional compensation of ~~ten~~fifteen dollars for each calendar day during any regular, special, or organizational session. The additional compensation provided by this section must be paid in the manner provided in section 54-03-20. The legislative assembly, by concurrent resolution, shall fix the compensation of the other officers and employees elected or appointed.

SECTION 8. 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 ~~two hundred fifty~~two hundred nineteen dollars through June 30, ~~2024~~2026, and ~~two hundred thirteen~~two hundred twenty-six 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 sixty-nine~~six hundred ten dollars through June 30, ~~2024~~2026, and ~~five hundred ninety-two~~six hundred twenty-eight dollars thereafter per 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 ~~four hundred eight~~four hundred thirty-seven dollars through June 30, ~~2024~~2026, and ~~four hundred twenty-four~~four hundred fifty 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 9. 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 ~~two hundred~~five~~two hundred nineteen~~ dollars through June 30, ~~2024~~2026, and ~~two hundred thirteen~~two hundred twenty-six 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~~ten 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~~ten dollars for each day spent in attendance at sessions of the legislative management or of the committee which the person chairs.

SECTION 10. LEGISLATIVE INTENT - LEGISLATIVE MANAGEMENT - CHAMBER ACCESSIBILITY. It is the intent of the sixty-ninth legislative assembly that the legislative management review the accessibility of the legislative chambers and gather information regarding options to improve access.

Kyle Davison
President of the Senate

Robi Whelan
Speaker of the House

Shandi Myn
Secretary of the Senate

Bruce J. Reich
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2001.

Senate Vote: Yeas 45 Nays 2 Absent 0

House Vote: Yeas 62 Nays 29 Absent 3

Shandi Myn
Secretary of the Senate

Received by the Governor at 9:41 A M. on April 29th, 2025.

Approved at 10:11 A M. on May 19th, 2025.

[Signature]
Governor

Filed in this office this 19th day of May, 2025,
at 3:41 o'clock P M.

Michael Horne
Secretary of State