

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2053

Introduced by

Appropriations Committee

(At the request of the Legislative Compensation Commission)

1 A BILL for an Act to amend and reenact sections 4-09-03.1, 4-10.4-05, 4-10.5-04, 4-10.6-04,
2 subsection 3 of section 4-27-05, sections 4-28-05, 21-10-01, 23-01-02, 23-18.2-04,
3 subsection 2 of section 25-02-01.1, sections 43-35-07, 54-03-20, 54-24.3-02, 54-35-10,
4 subsection 6 of section 54-52-03, sections 61-02-12, 61-04.1-07, 61-06-22, 61-24-04, and
5 61-24.5-04 of the North Dakota Century Code, relating to compensation and reimbursement of
6 members of the legislative assembly and various boards, councils, and commissions.

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

8 **SECTION 1. AMENDMENT.** Section 4-09-03.1 of the 1995 Supplement to the North
9 Dakota Century Code is amended and reenacted as follows:

10 **4-09-03.1. State seed arbitration board - Compensation and expenses.** The state
11 seed arbitration board consists of the commissioner of agriculture, the director of the North
12 Dakota state university extension service, the director of the North Dakota agricultural
13 experiment station, the chair of the North Dakota seed trade committee of the North Dakota
14 agriculture association, and a representative of a major North Dakota farm organization
15 appointed by the commissioner of agriculture, or their authorized designees. Each board
16 member is entitled to receive ~~the same as~~ per diem compensation ~~as provided for members of~~
17 ~~the legislative council under section 54-35-10~~ sixty-two dollars and fifty cents, and
18 reimbursement of expenses as provided by law for state officers, while attending meetings or
19 performing duties directed by the board, except that no compensation under this section may
20 be paid to any member who receives compensation or salary as a regular state employee or
21 official. Compensation and expenses for board members who do not receive compensation or
22 salary as a regular state employee or official must be paid by the department of agriculture.

23 **SECTION 2. AMENDMENT.** Section 4-10.4-05 of the North Dakota Century Code is
24 amended and reenacted as follows:

4-10.4-05. Meetings - Quorum - Compensation and expenses of council. A

quorum is necessary for the transaction of all business in carrying out the duties of the council. The chairman shall call all meetings of the council except special meetings which the chairman shall call on the petition of two council members within seven days of receiving such a petition. Each voting member of the council is entitled to receive ~~the same~~ sixty-two dollars and fifty cents as compensation per day ~~as provided in section 54-35-10 for members of the legislative council~~ and their necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09 while attending council meetings or in the performance of such special duties as the council may direct. The compensation provided in this section ~~must~~ may not be paid to any member of the council who receives salary or other compensation as a regular employee of the state.

SECTION 3. AMENDMENT. Section 4-10.5-04 of the North Dakota Century Code is amended and reenacted as follows:

4-10.5-04. Meetings - Quorum - Compensation and expenses of council. All

meetings of the council must be called by the chairman except special meetings which must be called by the chairman on the petition of three council members within seven days of receiving the petition. Each member of the council, except the commissioner, ~~will~~ is entitled to receive ~~the same~~ sixty-two dollars and fifty cents per day ~~as compensation as provided for members of the legislative council under section 54-35-10~~, together with expenses as provided in sections 44-08-04 and 54-06-09, while attending meetings or performing duties directed by the council, except that no compensation may be paid to any council member who receives compensation or salary as a regular state employee or official.

SECTION 4. AMENDMENT. Section 4-10.6-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-10.6-04. Meetings - Compensation and expenses of council. The chairman shall

call all meetings of the council. The chairman shall call special meetings on the petition of three council members, within seven days of receiving the petition. Each council member is entitled to receive ~~the same~~ as per diem compensation ~~as provided for members of the legislative council under section 54-35-10~~ sixty-two dollars and fifty cents, and reimbursement of expenses as provided by law for state officers, while attending meetings or performing duties

directed by the council, except that no compensation under this section may be paid to any member who receives compensation or salary as a regular state employee or official.

SECTION 5. AMENDMENT. Subsection 3 of section 4-27-05 of the North Dakota Century Code is amended and reenacted as follows:

3. The appointive and elected members of the commission ~~shall~~ are entitled to receive a salary ~~equal to seventy five percent of the compensation of forty-seven dollars per day as provided in section 54-35-10 for members of the legislative council~~ while actually engaged in the official duties of the commission, plus their actual expenses at the same rates as other state officials.

SECTION 6. AMENDMENT. Section 4-28-05 of the North Dakota Century Code is amended and reenacted as follows:

4-28-05. Wheat commission - Meeting - Expenses - Legal adviser. Upon call of the governor, the commission shall first meet and organize by electing from the membership a chairman and vice chairman, who shall hold office for one year and until their successors are elected and have qualified. Thereafter the commission shall meet at least once every calendar quarter at such times and places as ~~must be~~ determined by the commission and may meet in special meetings upon such call and notice as ~~may be~~ prescribed by rules adopted by the commission. Members of the commission must be reimbursed for actual expenses necessarily incurred in attending meetings and performing other official duties on the same basis as other state officers and are entitled to receive ~~the same as~~ per diem compensation ~~as provided in section 54-35-10 for members of the legislative council~~ sixty-two dollars and fifty cents for each day actually devoted to official business of the commission. The attorney general shall act as legal adviser to the commission or designate an assistant for that purpose and within the limit of the funds available to the commission it may employ other counsel to advise and represent the commission in its affairs and proceedings.

SECTION 7. AMENDMENT. Section 21-10-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

21-10-01. State investment board - Membership - Term - Compensation - Advisory council.

1. The North Dakota state investment board consists of the governor, the state treasurer, the commissioner of university and school lands, the director of the

workers compensation bureau, the commissioner of insurance, three members of the teachers' fund for retirement board or the board's designees who need not be members of the fund as selected by that board, and three of the elected members of the public employees retirement system board as selected by that board. The teachers' fund for retirement board may appoint an alternate designee with full voting privileges to attend meetings of the state investment board when a selected member is unable to attend. The public employees retirement system board may appoint an alternate designee with full voting privileges from the public employees retirement system board to attend meetings of the state investment board when a selected member is unable to attend. The members of the state investment board, except elected and appointed officials, are entitled to receive ~~the same~~ sixty-two dollars and fifty cents as compensation per day ~~as provided in section 54-35-10 for members of the legislative council~~ and necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09 for attending meetings of the state investment board.

2. The state investment board may establish an advisory council composed of individuals who are experienced and knowledgeable in the field of investments. The state investment board shall determine the responsibilities of the advisory council. Members of the advisory council are entitled to receive the same compensation as provided the members of the advisory board of the Bank of North Dakota and necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09.

SECTION 8. AMENDMENT. Section 23-01-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-01-02. Health council - Members, terms of office, vacancies, compensation, officers, meetings. The health council consists of nine members appointed by the governor in the following manner: Four persons from the health care field and five persons representing consumer interests. The governor may select members to the council from recommendations submitted by trade, professional, and consumer organizations. On the expiration of the term of any member, the governor, in the manner provided by this section, shall appoint for a term of three years, persons to take the place of members whose terms on the council are about to

expire. The officers of the council must be elected annually. Any state agency may serve in an advisory capacity to the health council at the discretion of the council. The council shall meet at least twice each year and at other times as the council or its chairman may direct. The health council shall have as standing committees any committees the council may find necessary. The chairman of the council shall select the members of these committees. The members of the council are entitled to receive ~~the same~~ sixty-two dollars and fifty cents as compensation per day ~~as provided in section 54-35-10 for members of the legislative council~~ and their necessary mileage and travel expenses as provided in sections 54-06-09 and 44-08-04 while attending council meetings or in the performance of any special duties as the council may direct. The per diem and expenses must be audited and paid in the manner in which the expenses of state officers are audited and paid. The compensation provided for in this section may not be paid to any member of the council who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state.

SECTION 9. AMENDMENT. Section 23-18.2-04 of the North Dakota Century Code is amended and reenacted as follows:

23-18.2-04. Commissioners of authority - Appointment, compensation, qualifications, tenure. Upon an affirmative vote of the county electors in the election required by section 23-18.2-03, the board of county commissioners shall appoint five persons as commissioners for the authority created in ~~such~~ the county. The commissioners who are first appointed must be designated to serve for terms of one, two, three, four, and five years, respectively, from the date of their appointment, and thereafter; each commissioner must be appointed for a term of five years, except that all vacancies must be filled for the unexpired term. No commissioner of an authority may be an officer or an employee of the county for which the authority is created. A commissioner shall hold office until ~~his~~ a successor has been appointed and has qualified. A commissioner ~~shall~~ is entitled to receive as compensation in ~~the amount provided in subsection 1 of section 54-35-10~~ sixty-two dollars and fifty cents per day while actually engaged in official duties of the authority and must be reimbursed for mileage and expenses in the amounts provided by sections 44-08-04 and 54-06-09.

SECTION 10. AMENDMENT. Subsection 2 of section 25-02-01.1 of the North Dakota Century Code is amended and reenacted as follows:

2. The department, in consultation with the state hospital, shall create a state hospital governing body and shall by rules describe the powers and duties of the governing body. The department shall compensate and reimburse members not employed by the department in the ~~same manner and amount as members of the legislative council are compensated and reimbursed under section 54-35-10~~ of sixty-two dollars and fifty cents per day and reimburse members for expenses incurred in attending meetings in the amounts provided by sections 44-08-04 and 54-06-09.

SECTION 11. AMENDMENT. Section 43-35-07 of the North Dakota Century Code is amended and reenacted as follows:

43-35-07. Compensation and reimbursement of expenses. Each appointive member of the board ~~shall is entitled to receive the same~~ sixty-two dollars and fifty cents compensation per day and must be reimbursed for his expenses in the same amounts as provided for in ~~section 54-35-10 for members of the legislative council~~ sections 44-08-04 and 54-06-09 while attending board meetings or otherwise engaged in the official business of the board.

SECTION 12. AMENDMENT. Section 54-03-20 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-03-20. Compensation and expense reimbursement of members of the legislative assembly. Each member of the legislative assembly of the state of North Dakota is entitled to receive as compensation for services the sum of ninety dollars for each calendar day during any organizational, special, or regular legislative session. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a maximum of six hundred fifty dollars per calendar month for lodging in state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. 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 not exceed thirty-five cents per mile based upon air mileage. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of

1 residence in the legislative district that the member represents is not within the city of Bismarck
2 is entitled to reimbursement at the rate provided for state employees for necessary travel for not
3 to exceed one round trip taken per day between the residence and the place of meeting of the
4 legislative assembly when it is in session and may receive reimbursement for lodging at the
5 place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar
6 day for which round trip travel reimbursement is not claimed, provided that the total
7 reimbursement may not exceed six hundred fifty dollars per month. The amount to which each
8 legislator is entitled must be paid following the organizational session in December and
9 following each month during a regular or special session.

10 A day, or portion of a day, spent in traveling to or returning from an organizational,
11 special, or regular session must be included as a calendar day during a legislative session for
12 the purposes of this section.

13 In addition, each member is entitled to receive during the term for which the member
14 was elected, as compensation for the execution of public duties during the biennium, the sum of
15 one hundred eighty dollars a month, which is payable every six months. If a member dies or
16 resigns from office during the member's term, the member may be paid only the allowances
17 provided for in this section for the period for which the member was actually a member.

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

23 **SECTION 13. AMENDMENT.** Section 54-24.3-02 of the 1995 Supplement to the North
24 Dakota Century Code is amended and reenacted as follows:

25 **54-24.3-02. Committee - Membership - Compensation.** The superintendent of public
26 instruction shall appoint a seven-member statewide library planning committee. The members
27 must include a state legislator; a representative of the superintendent of public instruction; a
28 representative of the state library; a representative of a school library media center; a
29 representative of a college or university library; a representative of a public library; and a
30 representative of a special library. The term of office for each member of the committee is three
31 years and no person may serve more than two 3-year terms. The superintendent of public

instruction shall stagger the terms so that initially; three members are appointed for three years, three members are appointed for two years, and one member is appointed for one year. Each member of the committee is entitled to receive ~~the same~~ sixty-two dollars and fifty cents per day compensation ~~as provided for members of the legislative council under section 54-35-10,~~ together with expenses as provided in sections 44-08-04 and 54-06-09, while attending meetings or performing duties directed by the committee, except that no compensation may be paid to any committee member who receives compensation or salary as a regular state employee or official.

SECTION 14. 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 council and the members of any committee of the council must be compensated for the time spent in attendance at sessions of the council and of its committees at the daily rate of sixty-two dollars and fifty cents per day provided in section 54-03-20 for attendance at any organizational, special, or regular legislative session 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 council ~~shall~~ is entitled to receive an additional five dollars for each day spent in attendance at sessions of the council and of its committees, and the chairman of each of the council's committees ~~shall~~ is entitled to receive five dollars for each day spent in attendance at sessions of the council or of the committee which the person chairs.

SECTION 15. AMENDMENT. Subsection 6 of section 54-52-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. The members of the board are entitled to receive sixty-two dollars and fifty cents per day compensation ~~as provided in section 54-35-10 for members of the legislative council~~ and necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09. This is in addition to any other pay or allowance

1 due the chairman or a member, plus an allowance for expenses they may incur
2 through service on the board.

3 **SECTION 16. AMENDMENT.** Section 61-02-12 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **61-02-12. Compensation and expenses of appointive members of commission.**

6 Each appointive member of the commission ~~shall~~ is entitled to receive ~~the same~~ sixty-two
7 dollars and fifty cents compensation per day and must be reimbursed for expenses in the ~~same~~
8 amounts ~~as provided for in section 54-35-10 for members of the legislative council~~ sections
9 44-08-04 and 54-06-09 while attending meetings of the commission or, at the discretion of the
10 member, ~~shall~~ may receive either per diem compensation or expenses in ~~the~~ those amounts
11 ~~provided in section 54-35-10~~ while otherwise engaged in official business of the commission,
12 including time of travel between home and the place at which the member performs such
13 duties.

14 **SECTION 17. AMENDMENT.** Section 61-04.1-07 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **61-04.1-07. Board officers - Compensation.** All members of the board, with the
17 exception of the chairman, ~~shall be~~ are voting members. The board shall elect annually from its
18 membership a chairman, vice chairman, and secretary. A majority of the members ~~shall~~
19 ~~constitute~~ constitutes a quorum for the purpose of conducting the business of the board. Board
20 members who are not full-time salaried employees of this state ~~shall~~ are entitled to receive
21 compensation ~~in the amount provided in subsection 1 of section 54-35-10, of~~ sixty-two dollars
22 and fifty cents per day and ~~shall~~ must be reimbursed for their mileage and expenses in the
23 amounts provided by sections 44-08-04 and 54-06-09. All other members of the board ~~shall~~
24 must be reimbursed for necessary travel and other expenses incurred in the performance of the
25 business of the board in the amounts provided in sections 44-08-04 and 54-06-09.

26 **SECTION 18. AMENDMENT.** Section 61-06-22 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **61-06-22. Directors and officers - Salary, mileage, and expenses.** The
29 compensation for each director per day while performing duties as a member of the board ~~shall~~
30 must be fixed by the board of directors, but ~~shall~~ may be no more than ~~the compensation~~
31 sixty-two dollars and fifty cents per day ~~as provided for in section 54-35-10 for members of the~~

1 ~~legislative council~~. The allowance for meals and lodging expenses ~~shall~~ must be at the same
2 rate and under the same conditions as provided for state officials and employees. The
3 allowance for travel expenses ~~shall~~ must be at the same rate as provided by section 11-10-15
4 and ~~shall~~ must be evidenced by a subvoucher or receipt, in a manner determined by the board
5 of directors. The salary of the secretary, assessor, and treasurer ~~shall~~ must be determined by
6 the board of directors.

7 **SECTION 19. AMENDMENT.** Section 61-24-04 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **61-24-04. Compensation of directors.** Each member of the board of directors of the
10 district ~~shall~~ is entitled to receive from the district the same sixty-two dollars and fifty cents
11 compensation per day and ~~shall~~ must be reimbursed for the member's expenses in the ~~same~~
12 amounts as provided for in ~~section 54-35-10 for members of the legislative council~~ sections
13 44-08-04 and 54-06-09 while attending meetings of the board or otherwise engaged in the
14 official business of the district.

15 **SECTION 20. AMENDMENT.** Section 61-24.5-04 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **61-24.5-04. Board of directors - Officers - Meetings - Compensation.** The authority
18 must be governed by a board of directors who must be chosen in accordance with ~~the~~
19 ~~provisions of~~ this chapter. At the first election after the initial board of directors has been
20 appointed, two directors must be elected from each county within the authority, and three
21 directors must be elected in the city of Dickinson. The two directors from Stark County may not
22 be residents of the city of Dickinson. The board shall elect from the directors a chairman, vice
23 chairman, and secretary. A majority of the directors constitutes a quorum for the purpose of
24 conducting the business of the board. The board shall meet at the time and place designated
25 by the secretary. Board members ~~shall~~ are entitled to receive compensation in the amount not
26 to exceed ~~the amount provided for by subsection 1 of section 54-35-10~~ sixty-two dollars and
27 fifty cents per day, and must be reimbursed for their mileage and expenses in the amount
28 provided for by sections 44-08-04 and 54-06-09.