

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2175

Introduced by

Appropriations Committee

(At the request of the Legislative Compensation Commission)

1 A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code,
2 relating to compensation paid to members of the legislative assembly during any
3 organizational, special, or regular legislative session; to provide for retroactive application; and
4 to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 54-03-20 of the 1999 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **54-03-20. Compensation and expense reimbursement of members of the**
9 **legislative assembly.** Each member of the legislative assembly of the state of North Dakota is
10 entitled to receive as compensation for services the sum of one hundred ~~eleven~~ twenty-five
11 dollars for each calendar day during any organizational, special, or regular legislative session.
12 Each member of the legislative assembly is entitled to receive reimbursement for lodging,
13 which may not exceed a maximum of six hundred fifty dollars per calendar month for lodging in
14 state, at the rates and in the manner provided in section 44-08-04 for each calendar day during
15 the period of any organizational, special, or regular session. Members of the legislative
16 assembly who receive reimbursement for lodging are also entitled to reimbursement for travel
17 for not to exceed one round trip taken during any calendar week, or portion of a week, the
18 legislative assembly is in session, between their residences and the place of meeting of the
19 legislative assembly, at the rate provided for state employees with the additional limitation that
20 reimbursement for travel by common carrier may be only at the cost of coach fare and may not
21 exceed one and one-half times the amount the member would be entitled to receive as mileage
22 reimbursement for travel by motor vehicle. A member of the legislative assembly who does not
23 receive reimbursement for lodging and whose place of residence in the legislative district that
24 the member represents is not within the city of Bismarck is entitled to reimbursement at the rate

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

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

12 In addition, each member is entitled to receive during the term for which the member
13 was elected, as compensation for the execution of public duties during the biennium, the sum
14 of two hundred fifty dollars a month, which is payable every six months or monthly, at the
15 member's option. If a member dies or resigns from office during the member's term, the
16 member may be paid only the allowances provided for in this section for the period for which
17 the member was actually a member. The majority and minority leaders of the house and
18 senate are each entitled to receive as compensation, in addition to any other compensation or
19 expense reimbursement provided by law, the sum of two hundred fifty dollars per month during
20 the biennium for their execution of public duties.

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

26 **SECTION 2. RETROACTIVE APPLICATION.** This Act is retroactive in application to
27 January 1, 2001.

28 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.