

**FIRST ENGROSSMENT
with House Amendments****ENGROSSED SENATE BILL NO. 2059**

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 lodging expense reimbursement for members of the legislative assembly; to provide
3 for retroactive application; and to declare an emergency.

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

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

7 **54-03-20. Compensation and expense reimbursement of members of the**
8 **legislative assembly.** Each member of the legislative assembly ~~of the state of North Dakota~~ is
9 entitled to receive as compensation for services the sum of one hundred twenty-five dollars for
10 each calendar day during any organizational, special, or regular legislative session and for
11 each day that member attends a meeting of a legislative committee between the organizational
12 session and the regular session as authorized by legislative rule. Each member of the
13 legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a
14 maximum of ~~six~~ nine hundred ~~fifty~~ dollars per calendar month for lodging in state, at the rates
15 and in the manner provided in section 44-08-04 for each calendar day during the period of any
16 organizational, special, or regular session. Members of the legislative assembly who receive
17 reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one
18 round trip taken during any calendar week, or portion of a week, the legislative assembly is in
19 session, between their residences and the place of meeting of the legislative assembly, at the
20 rate provided for state employees with the additional limitation that reimbursement for travel by
21 common carrier may be only at the cost of coach fare and may not exceed one and one-half
22 times the amount the member would be entitled to receive as mileage reimbursement for travel
23 by motor vehicle. A member of the legislative assembly who does not receive reimbursement
24 for lodging and whose place of residence in the legislative district that the member represents

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

10 If during a special session, the legislative assembly adjourns for more than three days,
11 a member of the legislative assembly is entitled to receive compensation during those days
12 only while in attendance at a standing committee if the legislator is a member of that
13 committee, a majority or minority leader, or a legislator who is not on that committee but who
14 has the approval of a majority or minority leader to attend. A day, or portion of a day, spent in
15 traveling to or returning from an organizational, special, or regular session or a legislative
16 committee meeting must be included as a calendar day during a legislative session or as a day
17 of a legislative committee meeting for the purposes of this section.

18 In addition, each member is entitled to receive during the term for which the member
19 was elected, as compensation for the execution of public duties during the biennium, the sum
20 of two hundred fifty dollars a month, which is payable every six months or monthly, at the
21 member's option. If a member dies or resigns from office during the member's term, the
22 member may be paid only the allowances provided for in this section for the period for which
23 the member was actually a member. The majority and minority leaders of the house and
24 senate and the chairman of the legislative council, if the chairman is not a majority or minority
25 leader, are each entitled to receive as compensation, in addition to any other compensation or
26 expense reimbursement provided by law, the sum of two hundred fifty dollars per month during
27 the biennium for their execution of public duties.

28 Attendance at any organizational, special, or regular session of the legislative assembly
29 by any member is a conclusive presumption of entitlement as set out in this section and
30 compensation and expense allowances must be excluded from gross income for income tax

1 purposes to the extent permitted for federal income tax purposes under section 127 of the
2 Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].

3 **SECTION 2. RETROACTIVE APPLICATION.** This Act is retroactive in application to
4 January 1, 2005.

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