

**FIRST ENGROSSMENT  
with Conference Committee Amendments****ENGROSSED SENATE BILL NO. 2064**

Introduced by

Legislative Compensation Commission

1 A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 44-08-04,  
2 subsections 1, 2, 3, and 7 of section 54-03-20, subsection 1 of section 54-06-09, and section  
3 54-35-10 of the North Dakota Century Code, relating to legislative compensation and state  
4 officer and employee lodging and mileage reimbursement; to provide an effective date; and to  
5 declare an emergency.

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

7 **SECTION 1. AMENDMENT.** Subdivision d of subsection 2 of section 44-08-04 of the  
8 North Dakota Century Code is amended and reenacted as follows:

9 d. Fourth quarter is from twelve midnight to six a.m. and the sum must be the  
10 actual lodging expenses not to exceed ~~fifty-five dollars~~ an amount established  
11 by policy by the director of the office of management and budget plus any  
12 additional applicable state or local taxes. The director shall establish a policy  
13 to set the lodging reimbursement at an amount equal to ninety percent of the  
14 rate established by the United States general services administration for  
15 lodging reimbursement in this state. A political subdivision may reimburse an  
16 elective or appointive officer, employee, representative, or agent for actual  
17 lodging expenses.

18 **SECTION 2. AMENDMENT.** Subsection 1 of section 54-03-20 of the North Dakota  
19 Century Code is amended and reenacted as follows:

20 1. Each member of the legislative assembly is entitled to receive as compensation for  
21 services the sum of one hundred ~~thirty-five~~ forty-one dollars for each calendar day  
22 during any organizational, special, or regular legislative session and for each day  
23 that member attends a meeting of a legislative committee between the  
24 organizational session and the regular session as authorized by legislative rule.

1           **SECTION 3. AMENDMENT.** Subsection 1 of section 54-03-20 of the North Dakota  
2 Century Code is amended and reenacted as follows:

- 3           1. Each member of the legislative assembly is entitled to receive as compensation for  
4 services the sum of one hundred ~~forty-one~~ forty-eight dollars for each calendar day  
5 during any organizational, special, or regular legislative session and for each day  
6 that member attends a meeting of a legislative committee between the  
7 organizational session and the regular session as authorized by legislative rule.

8           **SECTION 4. AMENDMENT.** Subsections 2 and 3 of section 54-03-20 of the North  
9 Dakota Century Code are amended and reenacted as follows:

- 10          2. a. Each member of the legislative assembly is entitled to receive reimbursement  
11 for lodging, which may not exceed ~~a maximum of nine hundred dollars~~ per  
12 calendar month the amount established under this subdivision by the director  
13 of the office of management and budget for lodging in state, at the rates and  
14 in the manner and which may not exceed the rate provided in section  
15 44-08-04 for each calendar day during the period of any organizational,  
16 special, or regular session. On August first of each even-numbered year, the  
17 director of the office of management and budget shall set the maximum  
18 monthly reimbursement for the subsequent two-year period at an amount  
19 equal to thirty times fifty-five percent of the daily lodging reimbursement in  
20 effect on that date as provided under subdivision d of subsection 2 of section  
21 44-08-04.

- 22          b. Notwithstanding subdivision a:

- 23           (1) A member of the legislative assembly may elect to be reimbursed for  
24 less than the amount to which the legislator is entitled under this  
25 subsection by claiming the lesser amount on a voucher submitted with  
26 the receipt required by section 44-08-04.
- 27           (2) The legislative council may establish guidelines that may result in a  
28 reduced maximum reimbursement for a single dwelling in which two or  
29 more legislators share lodging and the total rent for that dwelling  
30 exceeds the amount to which a legislator is entitled under  
31 subdivision a.

- 1           3.   a.   Members of the legislative assembly who receive reimbursement for lodging  
2                   are also entitled to reimbursement for travel for not to exceed one round trip  
3                   taken during any calendar week, or portion of a week, the legislative  
4                   assembly is in session, between their residences and the place of meeting of  
5                   the legislative assembly, at the rate provided for state employees with the  
6                   additional limitation that reimbursement for travel by common carrier may be  
7                   only at the cost of coach fare and may not exceed one and one-half times the  
8                   amount the member would be entitled to receive as mileage reimbursement  
9                   for travel by motor vehicle.
- 10           b.   A member of the legislative assembly who does not receive reimbursement  
11               for lodging and whose place of residence in the legislative district that the  
12               member represents is not within the city of Bismarck is entitled to  
13               reimbursement at the rate provided for state employees for necessary travel  
14               for not to exceed one round trip taken per day between the residence and the  
15               place of meeting of the legislative assembly when it is in session and may  
16               receive reimbursement for lodging at the place of meeting of the legislative  
17               assembly as provided in section 44-08-04 for each calendar day for which  
18               round trip travel reimbursement is not claimed, provided that the total  
19               reimbursement may not exceed ~~nine hundred dollars per month~~ the maximum  
20               monthly reimbursement allowed under subdivision a of subsection 2.

21           **SECTION 5. AMENDMENT.** Subsection 7 of section 54-03-20 of the North Dakota  
22 Century Code is amended and reenacted as follows:

- 23           7.   a.   In addition, each member is entitled to receive during the term for which the  
24                   member was elected, as compensation for the execution of public duties  
25                   during the biennium, the sum of three hundred ~~seventy-eight~~ ninety-six  
26                   dollars a month, ~~which is payable every six months or~~ paid monthly, ~~at the~~  
27                   ~~member's option.~~
- 28           b.   If a member dies or resigns from office during the member's term, the  
29               member may be paid only the allowances provided for in this section for the  
30               period for which the member was actually a member.

- 1           c.    The majority and minority leaders of the house and senate and the chairman  
2               of the legislative council, if the chairman is not a majority or minority leader,  
3               are each entitled to receive as compensation, in addition to any other  
4               compensation or expense reimbursement provided by law, the sum of two  
5               hundred seventy dollars per month during the biennium for their execution of  
6               public duties.

7           **SECTION 6. AMENDMENT.** Subsection 7 of section 54-03-20 of the North Dakota  
8 Century Code is amended and reenacted as follows:

- 9           7.   a.   In addition, each member is entitled to receive during the term for which the  
10               member was elected, as compensation for the execution of public duties  
11               during the biennium, the sum of ~~three~~ four hundred ~~ninety-six~~ fifteen dollars a  
12               month, ~~which is payable every six months or paid monthly, at the member's~~  
13               ~~option.~~  
14           b.   If a member dies or resigns from office during the member's term, the  
15               member may be paid only the allowances provided for in this section for the  
16               period for which the member was actually a member.  
17           c.   The majority and minority leaders of the house and senate and the chairman  
18               of the legislative council, 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 two  
21               hundred seventy dollars per month during the biennium for their execution of  
22               public duties.

23           **SECTION 7. AMENDMENT.** Subsection 1 of section 54-06-09 of the North Dakota  
24 Century Code is amended and reenacted as follows:

- 25           1.   State officials, whether elective or appointive, and their deputies, assistants, and  
26               clerks, or other state employees, entitled by law to be reimbursed for mileage or  
27               travel expense, must be allowed and paid for mileage and travel expense ~~the~~  
28               ~~following amounts:~~  
29           a.   ~~The sum of forty five cents per mile [1.61 kilometers] for each mile [1.61~~  
30               ~~kilometers] actually and necessarily traveled in the performance of official~~  
31               ~~duty when the travel is by motor vehicle, the use of which is required by the~~

1 ~~employing entity. The sum of seventy cents per mile [1.61 kilometers] for~~ For  
2 each mile [1.61 kilometers] actually and necessarily traveled in the  
3 performance of official duty when the travel is by private airplane, the  
4 individual is entitled to a sum equal to one and one-half times the mileage  
5 reimbursement amount established under subdivision c for travel by motor  
6 vehicle. Mileage by private aircraft must be computed by actual air mileage  
7 when only one state employee or official is traveling; if two or more state  
8 employees or officials are traveling by private aircraft, the actual mileage must  
9 be based on the road mileage between the geographical points.

10 Reimbursement for private airplane travel must be calculated as follows:

- 11 (1) If reimbursement is for one properly authorized and reimbursable  
12 passenger, reimbursement must be paid on a per mile basis as  
13 provided in this subsection.
- 14 (2) If reimbursement is claimed for a chartered private aircraft,  
15 reimbursement may not exceed the cost of regular coach fare on a  
16 commercial flight, if one is scheduled between the point of departure,  
17 point of destination, and return, for each properly authorized and  
18 reimbursable passenger on the charter flight; or, where there is no such  
19 regularly scheduled commercial flight, the actual cost of the charter.

- 20 b. Except as provided in subdivision a, when travel is by rail or certificated air  
21 taxi commercial operator or other common carrier, including regularly  
22 scheduled flights by airlines, the individual is entitled to reimbursement for the  
23 amount actually and necessarily expended therefor in the performance of  
24 official duties.

- 25 c. The director of the office of management and budget shall adopt rules  
26 establishing mileage reimbursement for actual and necessary travel in the  
27 performance of official duty when the travel is by motor vehicle, the use of  
28 which is required by the employing entity. The director shall amend the rules  
29 when necessary to set reimbursement at the same rate as established by the  
30 United States general services administration for privately owned vehicles.

**SECTION 8. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

**54-35-10. (Effective through June 30, 2009) Compensation of members and leadership.**

1. The members of the council and the members of any committee of the council are entitled to be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of one hundred eight dollars 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 council shall 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 receive five dollars for each day spent in attendance at sessions of the council or of the committee which the person chairs.

**(Effective after June 30, 2009) Compensation of members and leadership.**

1. The members of the council and the members of any committee of the council are entitled to be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of one hundred ~~thirty-five~~ forty-one dollars 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 council shall 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 receive five dollars for each day spent in attendance at sessions of the council or of the committee which the person chairs.

**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           1.    The members of the council and the members of any committee of the council are  
2                entitled to be compensated for the time spent in attendance at sessions of the  
3                council and of its committees at the rate of one hundred ~~forty-one~~ forty-eight  
4                dollars per day and must also be paid for expenses incurred in attending said  
5                meetings and in the performance of their official duties in the amounts provided by  
6                law for other state officers.

7           2.    In addition to the compensation provided in subsection 1, the chairman of the  
8                council shall receive an additional five dollars for each day spent in attendance at  
9                sessions of the council and of its committees, and the chairman of each of the  
10              council's committees shall receive five dollars for each day spent in attendance at  
11              sessions of the council or of the committee which the person chairs.

12           **SECTION 10. EFFECTIVE DATE.** Sections 2, 5, and 8 of this Act become effective  
13   July 1, 2009, section 1 of this Act becomes effective on August 1, 2009, and sections 3, 6, and  
14   9 of this Act become effective on July 1, 2010.

15           **SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure.