

Introduced by

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; to
5 provide for retroactive application; and to 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 ~~forty-five~~ sixty dollars plus any
11 additional applicable state or local taxes. A political subdivision may
12 reimburse an elective or appointive officer, employee, representative, or agent
13 for actual lodging expenses.

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

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

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

23 2. a. Each member of the legislative assembly is entitled to receive reimbursement
24 for lodging, which may not exceed a maximum of ~~nine hundred~~ one thousand

1 dollars per calendar month for lodging in state, at the rates and in the manner
2 provided in section 44-08-04 for each calendar day during the period of any
3 organizational, special, or regular session.

4 b. Notwithstanding subdivision a:

5 (1) A member of the legislative assembly may elect to be reimbursed for
6 less than the amount to which the legislator is entitled under this
7 subsection by claiming the lesser amount on a voucher submitted with
8 the receipt required by section 44-08-04.

9 (2) The legislative council may establish guidelines that may result in a
10 reduced maximum reimbursement for a single dwelling in which two or
11 more legislators share lodging and the total rent for that dwelling
12 exceeds the amount to which a legislator is entitled under subdivision a.

13 3. a. Members of the legislative assembly who receive reimbursement for lodging
14 are also entitled to reimbursement for travel for not to exceed one round trip
15 taken during any calendar week, or portion of a week, the legislative assembly
16 is in session, between their residences and the place of meeting of the
17 legislative assembly, at the rate provided for state employees with the
18 additional limitation that reimbursement for travel by common carrier may be
19 only at the cost of coach fare and may not exceed one and one-half times the
20 amount the member would be entitled to receive as mileage reimbursement
21 for travel by motor vehicle.

22 b. A member of the legislative assembly who does not receive reimbursement
23 for lodging and whose place of residence in the legislative district that the
24 member represents is not within the city of Bismarck is entitled to
25 reimbursement at the rate provided for state employees for necessary travel
26 for not to exceed one round trip taken per day between the residence and the
27 place of meeting of the legislative assembly when it is in session and may
28 receive reimbursement for lodging at the place of meeting of the legislative
29 assembly as provided in section 44-08-04 for each calendar day for which
30 round trip travel reimbursement is not claimed, provided that the total

1 reimbursement may not exceed ~~nine hundred~~ one thousand dollars per
2 month.

3 **SECTION 4. AMENDMENT.** Subsection 7 of section 54-03-20 of the North Dakota
4 Century Code is amended and reenacted as follows:

- 5 7. a. In addition, each member is entitled to receive during the term for which the
6 member was elected, as compensation for the execution of public duties
7 during the biennium, the sum of three hundred ~~seventy-eight~~ ninety-three
8 dollars a month, which is payable every six months or monthly, at the
9 member's option.
- 10 b. If a member dies or resigns from office during the member's term, the
11 member may be paid only the allowances provided for in this section for the
12 period for which the member was actually a member.
- 13 c. The majority and minority leaders of the house and senate and the chairman
14 of the legislative council, if the chairman is not a majority or minority leader,
15 are each entitled to receive as compensation, in addition to any other
16 compensation or expense reimbursement provided by law, the sum of two
17 hundred seventy dollars per month during the biennium for their execution of
18 public duties.

19 **SECTION 5. AMENDMENT.** Subsection 1 of section 54-06-09 of the North Dakota
20 Century Code is amended and reenacted as follows:

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

1 Mileage by private aircraft must be computed by actual air mileage when only
2 one state employee or official is traveling; if two or more state employees or
3 officials are traveling by private aircraft, the actual mileage must be based on
4 the road mileage between the geographical points. Reimbursement for
5 private airplane travel must be calculated as follows:

6 (1) If reimbursement is for one properly authorized and reimbursable
7 passenger, reimbursement must be paid on a per mile basis as
8 provided in this subsection.

9 (2) If reimbursement is claimed for a chartered private aircraft,
10 reimbursement may not exceed the cost of regular coach fare on a
11 commercial flight, if one is scheduled between the point of departure,
12 point of destination, and return, for each properly authorized and
13 reimbursable passenger on the charter flight; or, where there is no such
14 regularly scheduled commercial flight, the actual cost of the charter.

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

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

26 **SECTION 6. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **54-35-10. (Effective through June 30, 2009) Compensation of members and**
29 **leadership.**

30 1. The members of the council and the members of any committee of the council are
31 entitled to be compensated for the time spent in attendance at sessions of the

1 council and of its committees at the rate of one hundred eight dollars per day and
2 must also be paid for expenses incurred in attending said meetings and in the
3 performance of their official duties in the amounts provided by law for other state
4 officers.

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

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

11 1. The members of the council and the members of any committee of the council are
12 entitled to be compensated for the time spent in attendance at sessions of the
13 council and of its committees at the rate of one hundred ~~thirty-five~~ forty dollars per
14 day and must also be paid for expenses incurred in attending said meetings and in
15 the performance of their official duties in the amounts provided by law for other
16 state officers.

17 2. In addition to the compensation provided in subsection 1, the chairman of the
18 council shall receive an additional five dollars for each day spent in attendance at
19 sessions of the council and of its committees, and the chairman of each of the
20 council's committees shall receive five dollars for each day spent in attendance at
21 sessions of the council or of the committee which the person chairs.

22 **SECTION 7. EFFECTIVE DATE.** Sections 1, 2, 4, and 6 of this Act become effective
23 July 1, 2009, and section 3 of this Act becomes effective on January 1, 2009.

24 **SECTION 8. RETROACTIVE APPLICATION.** Section 3 of this Act is retroactive in
25 application.

26 **SECTION 9. EMERGENCY.** This Act is declared to be an emergency measure.