

Sixty-second  
Legislative Assembly  
of North Dakota

**REENGROSSED HOUSE BILL NO. 1368**

Introduced by

Representatives Keiser, Kasper

1 A BILL for an Act to amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota  
2 Century Code, relating to legislative compensation; to repeal sections 54-03-19.1 and  
3 54-03-19.2 of the North Dakota Century Code, relating to the legislative compensation  
4 commission; to provide an effective date; and 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 North Dakota Century Code is  
7 amended and reenacted as follows:

8 **54-03-20. Compensation and expense reimbursement of members of the legislative**  
9 **assembly.**

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

1           b. Notwithstanding subdivision a:

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

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

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

18          b. A member of the legislative assembly who does not receive reimbursement for  
19           lodging and whose place of residence in the legislative district that the member  
20           represents is not within the city of Bismarck is entitled to reimbursement at the  
21           rate provided for state employees for necessary travel for not to exceed one  
22           round trip taken per day between the residence and the place of meeting of the  
23           legislative assembly when it is in session and may receive reimbursement for  
24           lodging at the place of meeting of the legislative assembly as provided in section  
25           44-08-04 for each calendar day for which round trip travel reimbursement is not  
26           claimed, provided that the total reimbursement may not exceed the maximum  
27           monthly reimbursement allowed under subdivision a of subsection 2.

28          4. The amount to which each legislator is entitled must be paid following the  
29           organizational session in December and following each month during a regular or  
30           special session.

- 1       5. If during a special session, the legislative assembly adjourns for more than three days,  
2       a member of the legislative assembly is entitled to receive compensation during those  
3       days only while in attendance at a standing committee if the legislator is a member of  
4       that committee, a majority or minority leader, or a legislator who is not on that  
5       committee but who has the approval of a majority or minority leader to attend.
- 6       6. A day, or portion of a day, spent in traveling to or returning from an organizational,  
7       special, or regular session or a legislative committee meeting must be included as a  
8       calendar day during a legislative session or as a day of a legislative committee  
9       meeting for the purposes of this section.
- 10      7. a. In addition, each member is entitled to receive during the term for which the  
11         member was elected, as compensation for the execution of public duties during  
12         the biennium, the sum of four hundred ~~fifteen~~twenty-seven dollars a month, paid  
13         monthly.
- 14       b. If a member dies or resigns from office during the member's term, the member  
15         may be paid only the allowances provided for in this section for the period for  
16         which the member was actually a member.
- 17       c. The majority and minority leaders of the house and senate and the chairman of  
18         the legislative management, 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~~three  
21         hundred ~~ninety-eight~~seven dollars per month during the biennium for their  
22         execution of public duties.
- 23      8. Attendance at any organizational, special, or regular session of the legislative  
24         assembly by any member is a conclusive presumption of entitlement as set out in this  
25         section and compensation and expense allowances must be excluded from gross  
26         income for income tax purposes to the extent permitted for federal income tax  
27         purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;  
28         95 Stat. 202; 26 U.S.C. 162(i)].
- 29      9. Before each regular legislative session, the legislative management shall make  
30         recommendations and submit any necessary legislation to adjust legislative  
31         compensation amounts.

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

3       **54-03-20. Compensation and expense reimbursement of members of the legislative**  
4 **assembly.**

- 5       1. Each member of the legislative assembly is entitled to receive as compensation for  
6 services the sum of one hundred ~~fifty-two~~fifty-seven dollars for each calendar day  
7 during any organizational, special, or regular legislative session and for each day that  
8 member attends a meeting of a legislative committee between the organizational  
9 session and the regular session as authorized by legislative rule.
- 10      2. a. Each member of the legislative assembly is entitled to receive reimbursement for  
11 lodging, which may not exceed per calendar month the amount established under  
12 this subdivision by the director of the office of management and budget for  
13 lodging in state and which may not exceed the rate provided in section 44-08-04  
14 for each calendar day during the period of any organizational, special, or regular  
15 session. On August first of each even-numbered year, the director of the office of  
16 management and budget shall set the maximum monthly reimbursement for the  
17 subsequent two-year period at an amount equal to thirty times fifty-five percent of  
18 the daily lodging reimbursement in effect on that date as provided under  
19 subdivision d of subsection 2 of section 44-08-04.
- 20      b. Notwithstanding subdivision a:
- 21          (1) A member of the legislative assembly may elect to be reimbursed for less  
22 than the amount to which the legislator is entitled under this subsection by  
23 claiming the lesser amount on a voucher submitted with the receipt required  
24 by section 44-08-04.
- 25          (2) The legislative management may establish guidelines that may result in a  
26 reduced maximum reimbursement for a single dwelling in which two or more  
27 legislators share lodging and the total rent for that dwelling exceeds the  
28 amount to which a legislator is entitled under subdivision a.
- 29      3. a. Members of the legislative assembly who receive reimbursement for lodging are  
30 also entitled to reimbursement for travel for not to exceed one round trip taken  
31 during any calendar week, or portion of a week, the legislative assembly is in

1 session, between their residences and the place of meeting of the legislative  
2 assembly, at the rate provided for state employees with the additional limitation  
3 that reimbursement for travel by common carrier may be only at the cost of coach  
4 fare and may not exceed one and one-half times the amount the member would  
5 be entitled to receive as mileage reimbursement for travel by motor vehicle.

6 b. A member of the legislative assembly who does not receive reimbursement for  
7 lodging and whose place of residence in the legislative district that the member  
8 represents is not within the city of Bismarck is entitled to reimbursement at the  
9 rate provided for state employees for necessary travel for not to exceed one  
10 round trip taken per day between the residence and the place of meeting of the  
11 legislative assembly when it is in session and may receive reimbursement for  
12 lodging at the place of meeting of the legislative assembly as provided in section  
13 44-08-04 for each calendar day for which round trip travel reimbursement is not  
14 claimed, provided that the total reimbursement may not exceed the maximum  
15 monthly reimbursement allowed under subdivision a of subsection 2.

16 4. The amount to which each legislator is entitled must be paid following the  
17 organizational session in December and following each month during a regular or  
18 special session.

19 5. If during a special session, the legislative assembly adjourns for more than three days,  
20 a member of the legislative assembly is entitled to receive compensation during those  
21 days only while in attendance at a standing committee if the legislator is a member of  
22 that committee, a majority or minority leader, or a legislator who is not on that  
23 committee but who has the approval of a majority or minority leader to attend.

24 6. A day, or portion of a day, spent in traveling to or returning from an organizational,  
25 special, or regular session or a legislative committee meeting must be included as a  
26 calendar day during a legislative session or as a day of a legislative committee  
27 meeting for the purposes of this section.

28 7. a. In addition, each member is entitled to receive during the term for which the  
29 member was elected, as compensation for the execution of public duties during  
30 the biennium, the sum of four hundred ~~twenty-seven~~forty dollars a month, paid  
31 monthly.

1           b. If a member dies or resigns from office during the member's term, the member  
2           may be paid only the allowances provided for in this section for the period for  
3           which the member was actually a member.

4           c. The majority and minority leaders of the house and senate and the chairman of  
5           the legislative management, if the chairman is not a majority or minority leader,  
6           are each entitled to receive as compensation, in addition to any other  
7           compensation or expense reimbursement provided by law, the sum of three  
8           hundred ~~sevensixteen~~ dollars per month during the biennium for their execution  
9           of public duties.

10          8. Attendance at any organizational, special, or regular session of the legislative  
11          assembly by any member is a conclusive presumption of entitlement as set out in this  
12          section and compensation and expense allowances must be excluded from gross  
13          income for income tax purposes to the extent permitted for federal income tax  
14          purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;  
15          95 Stat. 202; 26 U.S.C. 162(i)].

16          9. Before each regular legislative session, the legislative management shall make  
17          recommendations and submit any necessary legislation to adjust legislative  
18          compensation amounts.

19          **SECTION 3. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is  
20          amended and reenacted as follows:

21          **54-35-10. Compensation of members and leadership.**

22          1. The members of the legislative management and the members of any committee of  
23          the legislative management are entitled to be compensated for the time spent in  
24          attendance at sessions of the legislative management and of its committees at the rate  
25          of one hundred ~~forty-eight~~fifty-two dollars per day and must also be paid for expenses  
26          incurred in attending said meetings and in the performance of their official duties in the  
27          amounts provided by law for other state officers.

28          2. In addition to the compensation provided in subsection 1, the chairman of the  
29          legislative management is entitled to receive an additional five dollars for each day  
30          spent in attendance at sessions of the legislative management and of its committees,  
31          and the chairman of each of the legislative management's committees is entitled to

1           receive five dollars for each day spent in attendance at sessions of the legislative  
2           management or of the committee which the person chairs.

3           **SECTION 4. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is  
4   amended and reenacted as follows:

5           **54-35-10. Compensation of members and leadership.**

- 6           1. The members of the legislative management and the members of any committee of  
7           the legislative management are entitled to be compensated for the time spent in  
8           attendance at sessions of the legislative management and of its committees at the rate  
9           of one hundred ~~fifty-two~~fifty-seven dollars per day and must also be paid for expenses  
10          incurred in attending said meetings and in the performance of their official duties in the  
11          amounts provided by law for other state officers.
- 12          2. In addition to the compensation provided in subsection 1, the chairman of the  
13          legislative management is entitled to receive an additional five dollars for each day  
14          spent in attendance at sessions of the legislative management and of its committees,  
15          and the chairman of each of the legislative management's committees is entitled to  
16          receive five dollars for each day spent in attendance at sessions of the legislative  
17          management or of the committee which the person chairs.

18          **SECTION 5. REPEAL.** Sections 54-03-19.1 and 54-03-19.2 of the North Dakota Century  
19   Code are repealed.

20          **SECTION 6. EFFECTIVE DATE.** Sections 1, 3, and 5 of this Act become effective on July 1,  
21   2011, and sections 2 and 4 of this Act become effective on July 1, 2012.

22          **SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure.