

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; and to provide an effective date.

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.