

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2219

Introduced by

Senators DeMers, C. Nelson, W. Stenehjem

Representatives Christenson, Jensen

1 A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code,
2 relating to expense reimbursement of members of the legislative assembly; to provide for
3 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 1995 Supplement to the North
6 Dakota Century Code is 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 ninety dollars for each calendar day
10 during any organizational, special, or regular legislative session. Each member of the
11 legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a
12 maximum of six hundred dollars per calendar month for lodging in state, at the rates and in the
13 manner provided in section 44-08-04 for each calendar day during the period of any
14 organizational, special, or regular session. Members of the legislative assembly who receive
15 reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one
16 round trip taken during any calendar week, or portion of a week, the legislative assembly is in
17 session, between their residences and the place of meeting of the legislative assembly, at the
18 rate provided for state employees ~~with the additional limitation that reimbursement for travel by~~
19 ~~common carrier may not exceed thirty five cents per mile based upon air mileage.~~ A member of
20 the legislative assembly who does not receive reimbursement for lodging and whose place of
21 residence in the legislative district that the member represents is not within the city of Bismarck
22 is entitled to reimbursement at the rate provided for state employees for necessary travel for not
23 to exceed one round trip taken per day between the residence and the place of meeting of the
24 legislative assembly when it is in session and may receive reimbursement for lodging at the

1 place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar
2 day for which round trip travel reimbursement is not claimed, provided that the total
3 reimbursement may not exceed six hundred dollars per month. The amount to which each
4 legislator is entitled must be paid following the organizational session in December and
5 following each month during a regular or special session.

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

9 In addition, each member is entitled to receive during the term for which the member
10 was elected, as compensation for the execution of public duties during the biennium, the sum of
11 one hundred eighty dollars a month, which is payable every six months. If a member dies or
12 resigns from office during the member's term, the member may be paid only the allowances
13 provided for in this section for the period for which the member was actually a member.

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

19 **SECTION 2. RETROACTIVE APPLICATION OF ACT.** This Act is retroactive in
20 application to January 1, 1997.

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