

**HOUSE BILL NO. 1176**

Introduced by

Representative Carlson

1 A BILL for an Act to amend and reenact sections 54-03-20, 54-06-09, and 54-35-10 of the North  
2 Dakota Century Code, relating to legislative compensation and state officer and employee  
3 mileage reimbursement; and to repeal sections 54-03-19.1 and 54-03-19.2 of the North Dakota  
4 Century Code, relating to the legislative compensation commission.

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**  
9 **legislative assembly.**

- 10 1. ~~Each~~ Except as otherwise provided in subsection 8, each member of the legislative  
11 assembly is entitled to receive as compensation for services the sum of one  
12 hundred twenty-five dollars for each calendar day during any organizational,  
13 special, or regular legislative session and for each day that member attends a  
14 meeting of a legislative committee between the organizational session and the  
15 regular session as authorized by legislative rule.
- 16 2. a. Each member of the legislative assembly is entitled to receive reimbursement  
17 for lodging, which may not exceed a maximum of nine hundred dollars per  
18 calendar month for lodging in state, at the rates and in the manner provided in  
19 section 44-08-04 for each calendar day during the period of any  
20 organizational, special, or regular session.
- 21 b. Notwithstanding subdivision a:
- 22 (1) A member of the legislative assembly may elect to be reimbursed for  
23 less than the amount to which the legislator is entitled under this

- 1 subsection by claiming the lesser amount on a voucher submitted with  
2 the receipt required by section 44-08-04.
- 3 (2) The legislative council may establish guidelines that may result in a  
4 reduced maximum reimbursement for a single dwelling in which two or  
5 more legislators share lodging and the total rent for that dwelling  
6 exceeds the amount to which a legislator is entitled under subdivision a.
- 7 3. a. Members of the legislative assembly who receive reimbursement for lodging  
8 are also entitled to reimbursement for travel for not to exceed one round trip  
9 taken during any calendar week, or portion of a week, the legislative assembly  
10 is in session, between their residences and the place of meeting of the  
11 legislative assembly, at the rate provided for state employees with the  
12 additional limitation that reimbursement for travel by common carrier may be  
13 only at the cost of coach fare and may not exceed one and one-half times the  
14 amount the member would be entitled to receive as mileage reimbursement  
15 for travel by motor vehicle.
- 16 b. A member of the legislative assembly who does not receive reimbursement  
17 for lodging and whose place of residence in the legislative district that the  
18 member represents is not within the city of Bismarck is entitled to  
19 reimbursement at the rate provided for state employees for necessary travel  
20 for not to exceed one round trip taken per day between the residence and the  
21 place of meeting of the legislative assembly when it is in session and may  
22 receive reimbursement for lodging at the place of meeting of the legislative  
23 assembly as provided in section 44-08-04 for each calendar day for which  
24 round trip travel reimbursement is not claimed, provided that the total  
25 reimbursement may not exceed nine hundred dollars per month.
- 26 4. The amount to which each legislator is entitled must be paid following the  
27 organizational session in December and following each month during a regular or  
28 special session.
- 29 5. If during a special session, the legislative assembly adjourns for more than three  
30 days, a member of the legislative assembly is entitled to receive compensation  
31 during those days only while in attendance at a standing committee if the legislator

- 1 is a member of that committee, a majority or minority leader, or a legislator who is  
2 not on that committee but who has the approval of a majority or minority leader to  
3 attend.
- 4 6. A day, or portion of a day, spent in traveling to or returning from an organizational,  
5 special, or regular session or a legislative committee meeting must be included as  
6 a calendar day during a legislative session or as a day of a legislative committee  
7 meeting for the purposes of this section.
- 8 7. a. In addition, each member is entitled to receive during the term for which the  
9 member was elected, as compensation for the execution of public duties  
10 during the biennium, the sum of three hundred fifty dollars a month, plus any  
11 applicable adjustment under subsection 8, which is payable every six months  
12 or monthly, at the member's option.
- 13 b. If a member dies or resigns from office during the member's term, the  
14 member may be paid only the allowances provided for in this section for the  
15 period for which the member was actually a member.
- 16 c. The majority and minority leaders of the house and senate and the chairman  
17 of the legislative council, if the chairman is not a majority or minority leader,  
18 are each entitled to receive as compensation, in addition to any other  
19 compensation or expense reimbursement provided by law, the sum of two  
20 hundred fifty dollars per month, plus any applicable adjustment under  
21 subsection 8, during the biennium for their execution of public duties.
- 22 8. Subject to legislative appropriations, the compensation provided for members of  
23 the legislative assembly under subsections 1 and 7 must be adjusted at the same  
24 time and at the same rate as any general percentage adjustment in compensation  
25 for permanent state employees which is approved by the legislative assembly.
- 26 9. Attendance at any organizational, special, or regular session of the legislative  
27 assembly by any member is a conclusive presumption of entitlement as set out in  
28 this section and compensation and expense allowances must be excluded from  
29 gross income for income tax purposes to the extent permitted for federal income  
30 tax purposes under section 127 of the Economic Recovery Tax Act of 1981  
31 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].

1           **SECTION 2. AMENDMENT.** Section 54-06-09 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **54-06-09. Mileage and travel expense of state officers and employees.**

4           1. ~~State officials, whether elective or appointive, and their deputies, assistants, and~~  
5 ~~clerks, or other state employees, entitled by law to be reimbursed for mileage or~~  
6 ~~travel expense, must be allowed and paid for mileage and travel expense the~~  
7 ~~following amounts:~~

8           a. ~~The sum of thirty seven and one half cents per mile [1.61 kilometers] director~~  
9 ~~of the office of management and budget shall establish the mileage~~  
10 ~~reimbursement rate for official travel by state officers and employees for each~~  
11 ~~mile [1.61 kilometers] actually and necessarily traveled in the performance of~~  
12 ~~official duty when the travel is by motor vehicle or private airplane, the use of~~  
13 ~~which is required by the employing entity in an amount equal to the mileage~~  
14 ~~reimbursement rate established by the United States general services~~  
15 ~~administration and in effect on January first of each odd-numbered year. The~~  
16 ~~sum of seventy cents per mile [1.61 kilometers] for each mile [1.61 kilometers]~~  
17 ~~actually and necessarily traveled in the performance of official duty when the~~  
18 ~~travel is by private airplane. Mileage by private aircraft must be computed by~~  
19 ~~actual air mileage when only one state employee or official is traveling; if two~~  
20 ~~or more state employees or officials are traveling by private aircraft, the actual~~  
21 ~~mileage must be based on the road mileage between the geographical points.~~  
22 ~~The reimbursement rate determined by the director in each odd-numbered~~  
23 ~~year becomes effective on July first of that year.~~

24           b. Reimbursement for private airplane travel must be calculated as follows:

- 25           (1) If reimbursement is for one properly authorized and reimbursable  
26           passenger, reimbursement must be paid on a per mile basis as  
27           provided in this subsection.
- 28           (2) If reimbursement is claimed for a chartered private aircraft,  
29           reimbursement may not exceed the cost of regular coach fare on a  
30           commercial flight, if one is scheduled between the point of departure,  
31           point of destination, and return, for each properly authorized and

1 reimbursable passenger on the charter flight; or, where there is no such  
2 regularly scheduled commercial flight, the actual cost of the charter.

3 ~~b.~~ c. Except as provided in ~~subdivision a~~ this subsection, when travel is by rail or  
4 certificated air taxi commercial operator or other common carrier, including  
5 regularly scheduled flights by airlines, an official or employee is entitled to be  
6 reimbursed for the amount actually and necessarily expended ~~therefor~~ in the  
7 performance of official duties.

8 2. No reimbursement may be paid for leased private aircraft, except for leased or  
9 rented private aircraft from a recognized fixed base aviation operator who is in the  
10 business of leasing and renting private aircraft and is located on an airport open for  
11 public use.

12 3. ~~If only one person engages in such travel in a motor vehicle exceeding at any~~  
13 ~~geographical point three hundred miles [482.80 kilometers] beyond the borders of~~  
14 ~~this state, reimbursement is limited to eighteen cents per mile [1.61 kilometers] for~~  
15 ~~miles driven in excess of six hundred miles [965.60 kilometers] of round trip~~  
16 ~~out-of-state travel.~~

17 4. An official, deputy, assistant, clerk, or other employee, when required to travel by  
18 motor vehicle or truck in the performance of official duty, shall use a state-owned  
19 vehicle whenever possible unless exempted under section 24-02-03.3. However,  
20 an agency, institution, department, board, bureau, or commission may allow use of  
21 an official's, deputy's, or employee's personal motor vehicle in circumstances  
22 authorized by the official, deputy, or the employee's supervisor. If personal motor  
23 vehicle use is authorized under this subsection, the agency may also allow mileage  
24 reimbursement at a rate less than that otherwise provided in this section. When  
25 official travel is by motor vehicle or airplane owned by the state or by any  
26 department or political subdivision of the state, no allowance may be made or paid  
27 for such mileage, except that governmental entities may share expenses when  
28 officials or employees of those entities travel in the same motor vehicle or aircraft.

29 5. ~~Notwithstanding the other provisions of this section, state employees permanently~~  
30 ~~located outside the state or on assignments outside the state for an indefinite~~  
31 ~~period of time, exceeding at least thirty consecutive days, must be allowed and~~

1           ~~paid thirty seven and one half cents per mile [1.61 kilometers] for each mile [1.61~~  
2           ~~kilometers] actually and necessarily traveled in the performance of official duty~~  
3           ~~when such travel is by motor vehicle, and the three hundred mile~~  
4           ~~[482.80 kilometer] restriction imposed by subsection 3 does not apply.~~

5       6- 4. Before any allowance for ~~any such~~ mileage or travel expenses may be made, the  
6       official, ~~deputy, assistant, clerk, or other~~ employee shall file with the official's or  
7       employee's department, institution, board, commission, or agency an itemized  
8       statement showing the mileage traveled, the hour of departure and return, the days  
9       when and how traveled, the purpose thereof, and such other information and  
10      documentation as may be prescribed by rule of the ~~employee's~~ department,  
11      institution, board, commission, or agency. The statement must be submitted to the  
12      official's or employee's department, institution, board, commission, or agency for  
13      approval and must be paid only when approved by the ~~employee's~~ department,  
14      institution, board, commission, or agency.

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

17           **54-35-10. Compensation of members and leadership.**

- 18           1. The members of the council and the members of any committee of the council are  
19           entitled to be compensated for the time spent in attendance at sessions of the  
20           council and of its committees at the ~~rate of one hundred dollars per day~~ rate  
21           provided for legislative session compensation under section 54-03-20 and must  
22           also be paid for expenses incurred in attending said meetings and in the  
23           performance of their official duties in the amounts provided by law for other state  
24           officers.
- 25           2. In addition to the compensation provided in subsection 1, the chairman of the  
26           council shall receive an additional five dollars for each day spent in attendance at  
27           sessions of the council and of its committees, and the chairman of each of the  
28           council's committees shall receive five dollars for each day spent in attendance at  
29           sessions of the council or of the committee which the person chairs.

30           **SECTION 4. REPEAL.** Sections 54-03-19.1 and 54-03-19.2 of the North Dakota  
31      Century Code are repealed.