

Sixty-second
Legislative Assembly
of North Dakota

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

1 the daily lodging reimbursement in effect on that date as provided under
2 subdivision d of subsection 2 of section 44-08-04.

3 b. Notwithstanding subdivision a:

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

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

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

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

- 1 4. The amount to which each legislator is entitled must be paid following the
2 organizational session in December and following each month during a regular or
3 special session.
- 4 5. If during a special session, the legislative assembly adjourns for more than three days,
5 a member of the legislative assembly is entitled to receive compensation during those
6 days only while in attendance at a standing committee if the legislator is a member of
7 that committee, a majority or minority leader, or a legislator who is not on that
8 committee but who has the approval of a majority or minority leader to attend.
- 9 6. A day, or portion of a day, spent in traveling to or returning from an organizational,
10 special, or regular session or a legislative committee meeting must be included as a
11 calendar day during a legislative session or as a day of a legislative committee
12 meeting for the purposes of this section.
- 13 7. a. In addition, each member is entitled to receive during the term for which the
14 member was elected, as compensation for the execution of public duties during
15 the biennium, the sum of four hundred ~~fifteen~~twenty-seven dollars a month, ~~plus~~
16 ~~any applicable adjustment under subsection 8,~~ paid monthly.
- 17 b. If a member dies or resigns from office during the member's term, the member
18 may be paid only the allowances provided for in this section for the period for
19 which the member was actually a member.
- 20 c. The majority and minority leaders of the house and senate and the chairman of
21 the legislative management, if the chairman is not a majority or minority leader,
22 are each entitled to receive as compensation, in addition to any other
23 compensation or expense reimbursement provided by law, the sum of ~~two~~three
24 hundred ~~ninety-eight~~seven dollars per month, ~~plus any applicable adjustment~~
25 ~~under subsection 8,~~ during the biennium for their execution of public duties.
- 26 8. ~~Subject to legislative appropriations, the compensation provided for members of the~~
27 ~~legislative assembly under subsections 1 and 7 must be adjusted at the same time~~
28 ~~and at one-half the rate as any general percentage adjustment in compensation for~~
29 ~~permanent state employees which is approved by the legislative assembly.~~
- 30 ~~9.~~ Attendance at any organizational, special, or regular session of the legislative
31 assembly by any member is a conclusive presumption of entitlement as set out in this

1 section and compensation and expense allowances must be excluded from gross
2 income for income tax purposes to the extent permitted for federal income tax
3 purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34;
4 95 Stat. 202; 26 U.S.C. 162(i)].

5 9. Before each regular legislative session, the legislative management shall make
6 recommendations and submit any necessary legislation to adjust legislative
7 compensation amounts.

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

10 **54-03-20. Compensation and expense reimbursement of members of the legislative**
11 **assembly.**

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

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

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

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

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

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

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

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

29 **54-35-10. Compensation of members and leadership.**

- 30 1. The members of the legislative management and the members of any committee of
31 the legislative management are entitled to be compensated for the time spent in

1 attendance at sessions of the legislative management and of its committees at the ~~rate~~
2 ~~of one hundred forty-eight~~fifty-two dollars per day ~~rate provided for legislative session~~
3 ~~compensation under section 54-03-20~~ and must also be paid for expenses incurred in
4 attending said meetings and in the performance of their official duties in the amounts
5 provided by law for other state officers.

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

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

14 **54-35-10. Compensation of members and leadership.**

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

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

29 **SECTION 6. EFFECTIVE DATE.** ~~This Act becomes effective on July 1, 2011.~~ Sections 1, 3,
30 and 5 of this Act become effective on July 1, 2011, and sections 2 and 4 of this Act become
31 effective on July 1, 2012.

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