

HOUSE BILL NO. 1424

Introduced by

Representatives Kempenich, Brandenburg, Kasper, Mock, O'Brien

Senator Bekkedahl

1 A BILL ~~for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code,~~
2 ~~relating to reimbursement for members of the legislative assembly.~~for an Act to provide for a
3 legislative management study regarding compensation and expense reimbursement of
4 members of the legislative assembly.

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 eighty-six dollars for each calendar day during any~~
12 ~~organizational, special, or regular legislative session and for each day that member~~
13 ~~attends a meeting of a legislative committee between the organizational session and~~
14 ~~the regular session as authorized by legislative rule. In addition, each member of the~~
15 ~~legislative assembly may claim reimbursement for meals as provided under section~~
16 ~~44-08-04 for each day during any organizational, special, or regular legislative~~
17 ~~session.~~

18 ~~— 2. a. Each member of the legislative assembly is entitled to receive reimbursement for~~
19 ~~lodging, which may not exceed per calendar month the amount established under~~
20 ~~this subdivision by the director of the office of management and budget for~~
21 ~~lodging in state and which may not exceed the rate provided in section 44-08-04~~
22 ~~for each calendar day during the period of any organizational, special, or regular~~
23 ~~session. On August first of each even-numbered year, the director of the office of~~
24 ~~management and budget shall set the maximum monthly reimbursement for the~~

1 subsequent two-year period at an amount equal to thirty times seventy percent of
2 the daily lodging reimbursement in effect on that date as provided under
3 subdivision d of subsection 2 of section 44-08-04.

4 ~~b.~~ Notwithstanding subdivision a:

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

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

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

21 ~~b.~~ A member of the legislative assembly who does not receive reimbursement for
22 lodging and whose place of residence in the legislative district that the member
23 represents is not within the city of Bismarck is entitled to reimbursement at the
24 rate provided for state employees for necessary travel for not to exceed one
25 round trip taken per day between the residence and the place of meeting of the
26 legislative assembly when it is in session and may receive reimbursement for
27 lodging at the place of meeting of the legislative assembly as provided in section
28 44-08-04 for each calendar day for which round trip travel reimbursement is not
29 claimed, provided that the total reimbursement may not exceed the maximum
30 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 each month upon submission of a voucher~~
3 ~~and appropriate documentation during a regular or special session, consistent with~~
4 ~~section 26 of article XI of the constitution of North Dakota.~~
- 5 ~~5. If during a special session, the legislative assembly adjourns for more than three days,~~
6 ~~a member of the legislative assembly is entitled to receive compensation during those~~
7 ~~days only while in attendance at a standing committee if the legislator is a member of~~
8 ~~that committee, a majority or minority leader, or a legislator who is not on that~~
9 ~~committee but who has the approval of a majority or minority leader to attend.~~
- 10 ~~6. A day, or portion of a day, spent in traveling to or returning from an organizational,~~
11 ~~special, or regular session or a legislative committee meeting must be included as a~~
12 ~~calendar day during a legislative session or as a day of a legislative committee~~
13 ~~meeting for the purposes of this section.~~
- 14 ~~7. a. In addition, each member is entitled to receive during the term for which the~~
15 ~~member was elected, as compensation for the execution of public duties during~~
16 ~~the biennium, the sum of five hundred eighteen dollars a month, 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 three~~
24 ~~hundred seventy-one dollars per month during the biennium for their execution of~~
25 ~~public duties.~~
- 26 ~~8. Attendance at any organizational, special, or regular session of the legislative~~
27 ~~assembly by any member is a conclusive presumption of entitlement for compensation~~
28 ~~as set out in this section and compensation and expense allowances must be~~
29 ~~excluded from gross income for income tax purposes to the extent permitted for~~
30 ~~federal income tax purposes under section 127 of the Economic Recovery Tax Act of~~
31 ~~1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].~~

1 ~~9. Before each regular legislative session, the legislative management shall make~~
2 ~~recommendations and submit any necessary legislation to adjust legislative~~
3 ~~compensation amounts.~~

4 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - COMPENSATION AND**

5 **REIMBURSEMENT OF MEMBERS OF THE LEGISLATIVE ASSEMBLY.** During the 2021-22
6 interim, the legislative management shall consider studying compensation and expense
7 reimbursement for members of the legislative assembly, including consideration of providing
8 meal expense reimbursement during legislative sessions. The study must include a review of
9 legislative compensation and expense reimbursement policies of other states. The legislative
10 management shall report its findings and recommendations, together with any legislation
11 required to implement the recommendations, to the sixty-eighth legislative assembly.