FIRST ENGROSSMENT

Fifty-fifth
Legislative Assembly   ENGROSSED SENATE BILL NO. 2051
of North Dakota

Introduced by

    Appropriations Committee

    (At the request of the Legislative Compensation Commission)

1   A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code,

2   relating to compensation and expense reimbursement of members of the legislative assembly;

3   to provide for 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~~ one hundred eleven dollars

10   for each calendar day during any organizational, special, or regular legislative session. Each

11   member of the legislative assembly is entitled to receive reimbursement for lodging, which may

12   not exceed a maximum of six hundred dollars per calendar month for lodging in state, at the

13   rates and in the manner provided in section 44-08-04 for each calendar day during the period of

14   any organizational, special, or regular session. Members of the legislative assembly who

15   receive reimbursement for lodging are also entitled to reimbursement for travel for not to

16   exceed one round trip taken during any calendar week, or portion of a week, the legislative

17   assembly is in session, between their residences and the place of meeting of the legislative

18   assembly, at the rate provided for state employees with the additional limitation that

19   reimbursement for travel by common carrier may not exceed thirty-five cents per mile based

20   upon air mileage. A member of the legislative assembly who does not receive reimbursement

21   for lodging and whose place of residence in the legislative district that the member represents

22   is not within the city of Bismarck is entitled to reimbursement at the rate provided for state

23   employees for necessary travel for not to exceed one round trip taken per day between the

24   residence and the place of meeting of the legislative assembly when it is in session and may

1 receive reimbursement for lodging at the place of meeting of the legislative assembly as

2 provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is

3 not claimed, provided that the total reimbursement may not exceed six hundred dollars per

4 month. The amount to which each legislator is entitled must be paid following the

5 organizational session in December and following each month during a regular or special

6 session.

7   A day, or portion of a day, spent in traveling to or returning from an organizational,

8 special, or regular session must be included as a calendar day during a legislative session for

9 the purposes of this section.

10   In addition, each member is entitled to receive during the term for which the member

11 was elected, as compensation for the execution of public duties during the biennium, the sum

12 of ~~one~~ two hundred ~~eighty~~ fifty dollars a month, which is payable every six months or monthly,

13 at the member's option. 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 period for which

15 the member was actually a member.

16   Attendance at any organizational, special, or regular session of the legislative assembly

17 by any member is a conclusive presumption of entitlement as set out in this section and

18 compensation and expense allowances must be excluded from gross income for income tax

19 purposes to the extent permitted for federal income tax purposes under section 127 of the

20 Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].

21   **SECTION 2. RETROACTIVE APPLICATION.** This Act is retroactive in application to

22 January 1, 1997.

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