

Introduced by

Appropriations Committee

(At the request of the Legislative Council)

1 A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch
2 of government; to amend and reenact section 54-03-20 of the North Dakota Century Code,
3 relating to legislative compensation; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. APPROPRIATION FOR THE LEGISLATIVE BRANCH OF STATE**

6 **GOVERNMENT.** The funds provided in this section, or so much of the funds as may be
7 necessary, are appropriated out of any moneys in the general fund in the state treasury, not
8 otherwise appropriated, to the legislative branch of the state government for the purpose of
9 defraying the expenses of that branch, for the fiscal period beginning with the effective date of
10 this Act and ending June 30, 2003, as follows:

11 Subdivision 1.

12 **FIFTY-SEVENTH AND FIFTY-EIGHTH LEGISLATIVE ASSEMBLIES AND BIENNIUM**

13 Salaries and wages	\$5,566,499
14 Operating expenses	2,987,567
15 Equipment	350,800
16 National conference of state legislatures	<u>165,297</u>
17 Total general fund appropriation	\$9,070,163

18 Subdivision 2.

19 **LEGISLATIVE COUNCIL**

20 Salaries and wages	\$4,594,446
21 Operating expenses	2,190,656
22 Equipment	148,300
23 Information technology program	<u>240,000</u>

1	Total general fund appropriation	\$7,173,402
2	Grand total general fund appropriation	\$16,243,565

3 **SECTION 2. TRANSFERS.** Notwithstanding section 54-16-04, the director of the office
4 of management and budget and the state treasurer shall make transfers of funds between line
5 items of appropriations for the legislative council as may be requested by the chairman of the
6 council or the chairman's designee upon the finding by the chairman or designee that the
7 nature of studies and duties assigned to the council requires the transfers in properly carrying
8 on the council's functions and duties. The director of the office of management and budget and
9 the state treasurer shall similarly make transfers of funds between the line items for the
10 fifty-seventh and fifty-eighth legislative assemblies, upon request by the chairman of the
11 legislative council or the chairman's designee upon the finding by the chairman or designee that
12 the transfers are required for the legislative assembly to carry on its functions and duties.

13 **SECTION 3. AMENDMENT.** Section 54-03-20 of the 1999 Supplement to the North
14 Dakota Century Code is amended and reenacted as follows:

15 **54-03-20. Compensation and expense reimbursement of members of the**
16 **legislative assembly.** Each member of the legislative assembly of the state of North Dakota is
17 entitled to receive as compensation for services the sum of one hundred eleven dollars for each
18 calendar day during any organizational, special, or regular legislative session. Each member of
19 the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed
20 a maximum of six hundred fifty dollars per calendar month for lodging in state, at the rates and
21 in the manner provided in section 44-08-04 for each calendar day during the period of any
22 organizational, special, or regular session. Members of the legislative assembly who receive
23 reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one
24 round trip taken during any calendar week, or portion of a week, the legislative assembly is in
25 session, between their residences and the place of meeting of the legislative assembly, at the
26 rate provided for state employees with the additional limitation that reimbursement for travel by
27 common carrier may be only at the cost of coach fare and may not exceed one and one-half
28 times the amount the member would be entitled to receive as mileage reimbursement for travel
29 by motor vehicle. A member of the legislative assembly who does not receive reimbursement
30 for lodging and whose place of residence in the legislative district that the member represents
31 is not within the city of Bismarck is entitled to reimbursement at the rate provided for state

Fifty-seventh
Legislative Assembly

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

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

12 In addition, each member is entitled to receive during the term for which the member
13 was elected, as compensation for the execution of public duties during the biennium, the sum
14 of two hundred fifty dollars a month, which is payable every six months or monthly, at the
15 member's option. If a member dies or resigns from office during the member's term, the
16 member may be paid only the allowances provided for in this section for the period for which
17 the member was actually a member. The majority and minority leaders of the house and
18 senate and the chairman of the legislative council, if the chairman is not a majority or minority
19 leader, are each entitled to receive as compensation, in addition to any other compensation or
20 expense reimbursement provided by law, the sum of two hundred fifty dollars per month during
21 the biennium for their execution of public duties.

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

27 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.