

SENATE BILL NO.

Introduced by

Senator T. Mathern

1 A BILL for an Act to amend and reenact sections 54-03-01.5 and 54-03-20 of the North Dakota
2 Century Code, relating to legislative redistricting requirements and compensation of members
3 of the legislative assembly.

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

5 **SECTION 1. AMENDMENT.** Section 54-03-01.5 of the 2001 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **54-03-01.5. Legislative ~~apportionment~~ redistricting requirements.** A legislative
8 ~~apportionment~~ redistricting plan based on any census taken after ~~1989~~ 1999 must meet the
9 following requirements:

- 10 1. The senate must consist of forty-nine members and the house must consist of
11 ninety-eight members.
- 12 2. Except as provided in subsection 3, one senator and two representatives must be
13 apportioned to each senatorial district. Representatives may be elected at large or
14 from subdistricts, except representatives must be elected from subdistricts in every
15 senatorial district having a geographical area of three thousand square miles
16 [777000 hectares] or more. A representative elected from a subdistrict must be
17 chosen by the qualified electors of the subdistrict and be a resident of the
18 subdistrict.
- 19 3. Multimember senate districts providing for two senators and four representatives
20 are authorized only when a proposed single member senatorial district includes a
21 federal facility or federal installation, containing over two-thirds of the population of
22 the proposed single member senatorial district.
- 23 4. Legislative districts and subdistricts must be compact and of contiguous territory.

1 5. Legislative districts and subdistricts must be as nearly equal in population as is
2 practicable. Population deviation from district to district and subdistrict to
3 subdistrict must be kept at a minimum. The total population variance of all districts,
4 and subdistricts if created, from the average district population may not exceed
5 recognized constitutional limitations.

6 **SECTION 2. AMENDMENT.** Section 54-03-20 of the 2001 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **54-03-20. Compensation and expense reimbursement of members of the**
9 **legislative assembly.** Each member of the legislative assembly of the state of North Dakota is
10 entitled to receive as compensation for services the sum of one hundred twenty-five dollars for
11 each calendar day during any organizational, special, or regular legislative session and for each
12 day that member attends a meeting of a legislative committee between the organizational
13 session and the regular session as authorized by legislative rule. Each member of the
14 legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a
15 maximum of six hundred fifty dollars per calendar month for lodging in state, at the rates and in
16 the manner provided in section 44-08-04 for each calendar day during the period of any
17 organizational, special, or regular session. Members of the legislative assembly who receive
18 reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one
19 round trip taken during any calendar week, or portion of a week, the legislative assembly is in
20 session, between their residences and the place of meeting of the legislative assembly, at the
21 rate provided for state employees with the additional limitation that reimbursement for travel by
22 common carrier may be only at the cost of coach fare and may not exceed one and one-half
23 times the amount the member would be entitled to receive as mileage reimbursement for travel
24 by motor vehicle. A member of the legislative assembly who does not receive reimbursement
25 for lodging and whose place of residence in the legislative district that the member represents is
26 not within the city of Bismarck is entitled to reimbursement at the rate provided for state
27 employees for necessary travel for not to exceed one round trip taken per day between the
28 residence and the place of meeting of the legislative assembly when it is in session and may
29 receive reimbursement for lodging at the place of meeting of the legislative assembly as
30 provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is
31 not claimed, provided that the total reimbursement may not exceed six hundred fifty dollars per

1 month. 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 special
3 session.

4 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 a calendar
6 day during a legislative session or as a day of a legislative committee meeting for the purposes
7 of this section.

8 In addition, each member is entitled to receive during the term for which the member
9 was elected, as compensation for the execution of public duties during the biennium, the sum of
10 two hundred fifty dollars a month, which is payable every six months or monthly, at the
11 member's option. A member who is a senator from a senatorial district having a geographical
12 area of three thousand square miles [777000 hectares] or more is entitled to additional
13 compensation in an amount of up to one hundred dollars per month as determined by the
14 legislative council for the execution of public duties during the biennium. If a member dies or
15 resigns from office during the member's term, the member may be paid only the allowances
16 provided for in this section for the period for which the member was actually a member. The
17 majority and minority leaders of the house and senate and the chairman of the legislative
18 council, if the chairman is not a majority or minority leader, are each entitled to receive as
19 compensation, in addition to any other compensation or expense reimbursement provided by
20 law, the sum of two hundred fifty dollars per month during the biennium for their execution of
21 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)].