

HOUSE BILL NO. 1507

Introduced by

Representative Berg

Senator Stenehjem

(Approved by the Delayed Bills Committee)

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 an effective date; to provide an expiration date; and to provide for retroactive
4 application.

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**
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

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

11 A member of the legislative assembly is entitled to receive as compensation for services
12 the sum of one hundred twenty-five dollars for each legislative day while in attendance at a
13 special session and for each day a member of the standing committee or a majority or minority
14 leader attends a meeting of a standing committee after the convening of a special session and
15 before the adjournment sine die of the special session. A day, or portion of a day, spent in
16 traveling to or returning from ~~an organizational~~, a special, ~~or regular~~ session or a legislative
17 committee meeting must be included as a ~~calendar~~ legislative day during a special legislative
18 session or as a day of a legislative standing committee meeting for the purposes of this section.

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

29 Attendance at any organizational, special, or regular session of the legislative assembly
30 by any member is a conclusive presumption of entitlement as set out in this section and
31 compensation and expense allowances must be excluded from gross income for income tax

1 purposes to the extent permitted for federal income tax purposes under section 127 of the
2 Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].

3 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective upon its filing with the
4 secretary of state.

5 **SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2003, and
6 after that date is ineffective.

7 **SECTION 4. RETROACTIVE APPLICATION OF ACT.** This Act is retroactive in
8 application to May 4, 2003.