

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2064

Introduced by

Legislative Compensation Commission

1 A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 44-08-04,
2 subsections 1, 2, 3, and 7 of section 54-03-20, subsection 1 of section 54-06-09, and section
3 54-35-10 of the North Dakota Century Code, relating to legislative compensation and state
4 officer and employee lodging and mileage reimbursement; to provide an effective date; and to
5 declare an emergency.

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

7 **SECTION 1. AMENDMENT.** Subdivision d of subsection 2 of section 44-08-04 of the
8 North Dakota Century Code is amended and reenacted as follows:

9 d. Fourth quarter is from twelve midnight to six a.m. and the sum must be the
10 actual lodging expenses not to exceed ~~fifty-five~~ sixty dollars plus any
11 additional applicable state or local taxes. A political subdivision may
12 reimburse an elective or appointive officer, employee, representative, or
13 agent for actual lodging expenses.

14 **SECTION 2. AMENDMENT.** Subsection 1 of section 54-03-20 of the North Dakota
15 Century Code is amended and reenacted as follows:

16 1. Each member of the legislative assembly is entitled to receive as compensation for
17 services the sum of one hundred ~~thirty-five~~ forty-one dollars for each calendar day
18 during any organizational, special, or regular legislative session and for each day
19 that member attends a meeting of a legislative committee between the
20 organizational session and the regular session as authorized by legislative rule.

21 **SECTION 3. AMENDMENT.** Subsection 1 of section 54-03-20 of the North Dakota
22 Century Code is amended and reenacted as follows:

23 1. Each member of the legislative assembly is entitled to receive as compensation for
24 services the sum of one hundred ~~forty-one~~ forty-eight dollars for each calendar day

1 during any organizational, special, or regular legislative session and for each day
2 that member attends a meeting of a legislative committee between the
3 organizational session and the regular session as authorized by legislative rule.

4 **SECTION 4. AMENDMENT.** Subsections 2 and 3 of section 54-03-20 of the North
5 Dakota Century Code are amended and reenacted as follows:

6 2. a. Each member of the legislative assembly is entitled to receive reimbursement
7 for lodging, which may not exceed a maximum of ~~nine hundred~~ one thousand
8 dollars per calendar month for lodging in state, at the rates and in the manner
9 provided in section 44-08-04 for each calendar day during the period of any
10 organizational, special, or regular session.

11 b. Notwithstanding subdivision a:

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

16 (2) The legislative council may establish guidelines that may result in a
17 reduced maximum reimbursement for a single dwelling in which two or
18 more legislators share lodging and the total rent for that dwelling
19 exceeds the amount to which a legislator is entitled under
20 subdivision a.

21 3. a. Members of the legislative assembly who receive reimbursement for lodging
22 are also entitled to reimbursement for travel for not to exceed one round trip
23 taken during any calendar week, or portion of a week, the legislative
24 assembly is in session, between their residences and the place of meeting of
25 the legislative assembly, at the rate provided for state employees with the
26 additional limitation that reimbursement for travel by common carrier may be
27 only at the cost of coach fare and may not exceed one and one-half times the
28 amount the member would be entitled to receive as mileage reimbursement
29 for travel by motor vehicle.

30 b. A member of the legislative assembly who does not receive reimbursement
31 for lodging and whose place of residence in the legislative district that the

1 member represents is not within the city of Bismarck is entitled to
2 reimbursement at the rate provided for state employees for necessary travel
3 for not to exceed one round trip taken per day between the residence and the
4 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
6 assembly as provided in section 44-08-04 for each calendar day for which
7 round trip travel reimbursement is not claimed, provided that the total
8 reimbursement may not exceed ~~nine hundred~~ one thousand dollars per
9 month.

10 **SECTION 5. AMENDMENT.** Subsection 7 of section 54-03-20 of the North Dakota
11 Century Code is amended and reenacted as follows:

- 12 7. a. In addition, each member is entitled to receive during the term for which the
13 member was elected, as compensation for the execution of public duties
14 during the biennium, the sum of three hundred ~~seventy-eight~~ ninety-six
15 dollars a month, which is payable every six months or monthly, at the
16 member's option.
- 17 b. If a member dies or resigns from office during the member's term, the
18 member may be paid only the allowances provided for in this section for the
19 period for which the member was actually a member.
- 20 c. The majority and minority leaders of the house and senate and the chairman
21 of the legislative council, 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 two
24 hundred seventy dollars per month during the biennium for their execution of
25 public duties.

26 **SECTION 6. AMENDMENT.** Subsection 7 of section 54-03-20 of the North Dakota
27 Century Code is amended and reenacted as follows:

- 28 7. a. In addition, each member is entitled to receive during the term for which the
29 member was elected, as compensation for the execution of public duties
30 during the biennium, the sum of ~~three~~ four hundred ~~ninety-six~~ fifteen dollars a
31 month, which is payable every six months or monthly, at the member's option.

- 1 b. If a member dies or resigns from office during the member's term, the
2 member may be paid only the allowances provided for in this section for the
3 period for which the member was actually a member.
- 4 c. The majority and minority leaders of the house and senate and the chairman
5 of the legislative council, if the chairman is not a majority or minority leader,
6 are each entitled to receive as compensation, in addition to any other
7 compensation or expense reimbursement provided by law, the sum of two
8 hundred seventy dollars per month during the biennium for their execution of
9 public duties.

10 **SECTION 7. AMENDMENT.** Subsection 1 of section 54-06-09 of the North Dakota
11 Century Code is amended and reenacted as follows:

- 12 1. State officials, whether elective or appointive, and their deputies, assistants, and
13 clerks, or other state employees, entitled by law to be reimbursed for mileage or
14 travel expense, must be allowed and paid for mileage and travel expense ~~the~~
15 ~~following amounts:~~
- 16 a. ~~The sum of forty five cents per mile [1.61 kilometers] for each mile [1.61~~
17 ~~kilometers] actually and necessarily traveled in the performance of official~~
18 ~~duty when the travel is by motor vehicle, the use of which is required by the~~
19 ~~employing entity. The sum of seventy cents per mile [1.61 kilometers] for For~~
20 each mile [1.61 kilometers] actually and necessarily traveled in the
21 performance of official duty when the travel is by private airplane, the
22 individual is entitled to the sum of seventy cents per mile [1.61 kilometers].
23 Mileage by private aircraft must be computed by actual air mileage when only
24 one state employee or official is traveling; if two or more state employees or
25 officials are traveling by private aircraft, the actual mileage must be based on
26 the road mileage between the geographical points. Reimbursement for
27 private airplane travel must be calculated as follows:
- 28 (1) If reimbursement is for one properly authorized and reimbursable
29 passenger, reimbursement must be paid on a per mile basis as
30 provided in this subsection.

- 1 (2) If reimbursement is claimed for a chartered private aircraft,
2 reimbursement may not exceed the cost of regular coach fare on a
3 commercial flight, if one is scheduled between the point of departure,
4 point of destination, and return, for each properly authorized and
5 reimbursable passenger on the charter flight; or, where there is no such
6 regularly scheduled commercial flight, the actual cost of the charter.
- 7 b. Except as provided in subdivision a, when travel is by rail or certificated air
8 taxi commercial operator or other common carrier, including regularly
9 scheduled flights by airlines, the individual is entitled to reimbursement for the
10 amount actually and necessarily expended therefor in the performance of
11 official duties.
- 12 c. The director of the office of management and budget shall adopt rules
13 establishing mileage reimbursement for actual and necessary travel in the
14 performance of official duty when the travel is by motor vehicle, the use of
15 which is required by the employing entity. The director shall amend the rules
16 when necessary to set reimbursement at the same rate as established by the
17 United States general services administration for privately owned vehicles.

18 **SECTION 8. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **54-35-10. (Effective through June 30, 2009) Compensation of members and**
21 **leadership.**

- 22 1. The members of the council and the members of any committee of the council are
23 entitled to be compensated for the time spent in attendance at sessions of the
24 council and of its committees at the rate of one hundred eight dollars per day and
25 must also be paid for expenses incurred in attending said meetings and in the
26 performance of their official duties in the amounts provided by law for other state
27 officers.
- 28 2. In addition to the compensation provided in subsection 1, the chairman of the
29 council shall receive an additional five dollars for each day spent in attendance at
30 sessions of the council and of its committees, and the chairman of each of the

1 council's committees shall receive five dollars for each day spent in attendance at
2 sessions of the council or of the committee which the person chairs.

3 **(Effective after June 30, 2009) Compensation of members and leadership.**

4 1. The members of the council and the members of any committee of the council are
5 entitled to be compensated for the time spent in attendance at sessions of the
6 council and of its committees at the rate of one hundred ~~thirty-five~~ forty-one dollars
7 per day and must also be paid for expenses incurred in attending said meetings
8 and in the performance of their official duties in the amounts provided by law for
9 other state officers.

10 2. In addition to the compensation provided in subsection 1, the chairman of the
11 council shall receive an additional five dollars for each day spent in attendance at
12 sessions of the council and of its committees, and the chairman of each of the
13 council's committees shall receive five dollars for each day spent in attendance at
14 sessions of the council or of the committee which the person chairs.

15 **SECTION 9. AMENDMENT.** Section 54-35-10 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **54-35-10. Compensation of members and leadership.**

18 1. The members of the council and the members of any committee of the council are
19 entitled to be compensated for the time spent in attendance at sessions of the
20 council and of its committees at the rate of one hundred ~~forty-one~~ forty-eight
21 dollars per day and must also be paid for expenses incurred in attending said
22 meetings and in the performance of their official duties in the amounts provided by
23 law for other state officers.

24 2. In addition to the compensation provided in subsection 1, the chairman of the
25 council shall receive an additional five dollars for each day spent in attendance at
26 sessions of the council and of its committees, and the chairman of each of the
27 council's committees shall receive five dollars for each day spent in attendance at
28 sessions of the council or of the committee which the person chairs.

29 **SECTION 10. EFFECTIVE DATE.** Sections 1, 2, 5, and 8 of this Act become effective
30 July 1, 2009, and sections 3, 6, and 9 of this Act become effective on July 1, 2010.

31 **SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure.