

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2051

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~~ two hundred eighty five 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.