

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1106

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1106

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1106

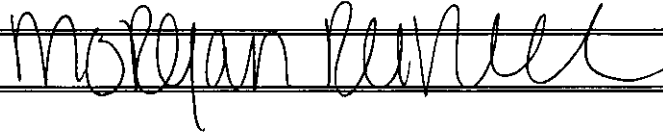
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: January 12, 2007

Recorder Job Number: 954

Committee Clerk Signature



Minutes:

**Roxanne Woeste:** Legislative Compensation Commission Report

I'm not sure if everyone is aware of the Legislative compensation Commission (LCC). By statute they are required to determine appropriate levels of compensation to the members of the legislative assembly. This last term they met one term in July 2006 and made two recommendations, resulting in these next two bills. HB 1106 increases compensation by five dollars a day, from \$125 to \$130. This bill would be effective August 1, 2007, therefore it will change your compensation during the 2009 assembly.

**Rep. Weiler:** When was the last time there was an increase, and how much was it?

**Roxanne Woeste:** The last increase in the daily compensation was in 2001. The increase was \$111 to \$125.

**Rep. Weiler:** What did you say about the budget? It's included in the 2007, 2009 legislative session?

**Roxanne Woeste:** When the commission met in July, this was one of the recommendations. The council took the recommendation into consideration.

**Rep. Kasper:** Is there any public testimony against this?

**Roxanne Woeste:** No

**Rep. Haas:** Was there any discussion at all about the percentage increases that would be appropriate by the legislature?

**Roxanne Woeste:** Prior to the commission meeting, the legislative council staff did survey members of the legislative assembly to ask them questions about their pay. The results of that survey are included in that packet.

**Rep. Amerman:** This \$130 will take effect when we aren't in session, but it will affect committee meetings, etc.

**Roxanne Woeste:** This change is just for the regular session and organization meetings. Interim committees will remain at \$100. The council recommended no change for the interim committees.

**Rep. Amerman:** can you give me an example for special meetings where this \$130 will take place?

**Roxanne Woeste:** Organizational sessions, meetings, any meetings called by the governor.

**Rep. Schneider:** Never before in history have we had such a small increase as \$5. Why is this increase so small?

**Roxanne Woeste:** I don't remember the exact details on the discussion. We just decided on \$5.

**Rep. Haas:** Is there any other testimony in favor of 1106? Is there testimony against HB 1106? If not we will close hearing on HB 1106.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1106

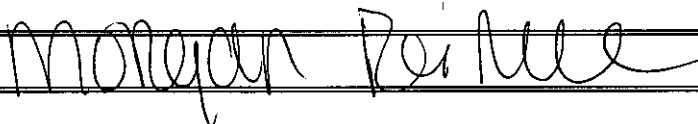
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: February 1, 2007

Recorder Job Number: 2644

Committee Clerk Signature



Minutes:

**Rep. Haas:** This is the legislation commission report that would increase the daily rate from \$120 to \$130 dollars. I'm going to pass out an amendment (attached). This amendment does two things. It would increase the reimbursement rate for legislators from \$135, a ten dollar increase. That increase for the session would be effective December 1, 2008. The reason for that effective date is that legislators on both side of the aisle we don't won't to have to face that issue in the next election. It would take place in the next legislative session. There is another section in the bill, section 2, which is actually taken out of Rep. Carlson's bill. We had to put that in here because it was the intent that you would also get paid the same rate during interim committees and other interim work that you get during the regular legislative session. That is still at \$125. That section will take place August 1 of this year. The effective date on here refers only to section 1 of the bill. Then you have to go back to the bill to see section 1. There is 2 effective dates on this bill. There are 2 changes. One change is you will start getting paid effective August 1, \$125/day for your interim work, and then \$135 work for legislative work beginning of December 1, 2008 and you will also get \$135 for interim work after the 2009 session.

**Rep. Dahl:** I move the amendment.

**Rep. Potter:** I second that.

**Rep. Haas:** Is there any discussion on the motion to amend HB 1106?

**Rep. Weiler:** I'm going to resist the motion. Ever since we began talking about this pay increase at the start of the session I felt that we should go to a \$15/day increase instead of \$5. This amendment has \$10, and I believe we should go \$15. The reasons are pretty simple. In 2001 they increased it \$14. I believe that publicly it happens. When people vote for their own pay raise, we are going to get hammered in the press. No matter if you voted or not you will get hammered. You voted for a \$5 or \$10 pay raise. I would rather get hammered just once for \$15 and that is not out of line so that is why I am going to oppose this amendment.

**Rep. Froseth:** I'm going to oppose it. This might not be much by 2009.

**Rep. Schneider:** Do you have any idea on a revised fiscal note?

**Rep. Haas:** No I don't, not yet.

**Rep. Kasper:** If you took some of these out of Rep. Carlson's bill, I wanted to know what the bill number was.

**Rep. Haas:** It was 1176.

**Rep. Kasper:** Did you act on it already?

**Rep. Haas:** No. Is there any other discussion on the amendment.

**Rep. Kasper:** I agree with Rep. Weiler to raise it to \$140.

**Rep. Haas:** Does anyone disagree with going to \$140.

**Rep. Schneider:** I am apparently the minority. I like Rep. Carlson's approach. The nice thing about Rep. Carlson's bill is that it is tied to public authority and rate. We won't have to think about this ever again. The better for us.

**Rep. Weiler:** I think that if we do Rep. Carlson's bill we are going to hear it every session. You guys are getting it because we would vote for employee's pay raise which would be our own. We are going to hear it every time.

**Rep. Haas:** We are going to hear self serving and conflict of interest, big time.

**Rep. Amerman:** I'm satisfied with the amendment right now.

**Rep. Haas:** Let me see a show of hands on how many want to make it \$140. We have a majority that want it to be \$140.

**Rep. Haas:** In my opinion based on my straw poll.

**Rep. Weiler:** Among those that you have talked to, how many were on appropriations? I guess what I'm getting at is if we go to \$140 and we send it to appropriations. If the majority think it should be lower, then they will change it.

**Rep. Haas:** Yes, if we believe it should be \$140 let's change it.

**Rep. Weiler:** We can take up the amendments. We are going to want to change it to \$140.

**Rep. Haas:** Rep. Dahl withdrew her motion to adopt the amendment so what we are going to do right now is change the amendment. Where it says \$35 we are going to put \$40.

**Rep. Kasper:** Will the amendment number change?

**Rep. Haas:** Yes it will be come .0102.

**Rep. Dahl:** Are we going to have to amend section 2 because after December 1 we have that discussion.

**Rep. Haas:** No it's not a discrepancy. Because right now you are getting \$125/day during the session. Section 2 says that beginning August 1 of this year you will get \$125 for your interim work.

**Rep. Dahl:** I know but the whole point of that was to indicate the interim and sessions. So now starting December 1, 2008 we are going to have that discrepancy again where if we go to an

interim committee meeting?

**Rep. Haas:** Well no because section 1 on the original bill becomes effective on December 1, 2008. Once that is effective then it will take precedent over section 2. So now we have an amendment before us that is going to raise the legislative pay to \$140/day beginning December 1, 2008. Do I hear a motion?

**Rep. Kasper:** I move the amendment.

**Rep. Weiler:** I second that.

**Rep. Haas:** Is there any further discussion? If not we will take a roll call vote. All in favor say 'aye' all opposed say 'no'.

**Rep. Wolf:** I move a do pass as amended and re refer to appropriations.

**Rep. Meier:** I second that.

**Rep. Haas:** Is there any further discussion? If not we will have a roll call vote on HB 1106. The do pass as amended and re refer to appropriations motion passes with a vote of 8-4-1. Is there a volunteer to carry this bill?

**Rep. Kasper:** I will.



**FISCAL NOTE**  
**Requested by Legislative Council**  
04/23/2007

Amendment to:           Engrossed  
                              HB 1106

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$273,021		\$315,072	
Appropriations			\$184,985		\$227,036	

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill increases legislators' monthly compensation, daily compensation during legislative sessions and compensation for attending interim meetings.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill increases legislators' compensation by 4 percent for the first year of the biennium and by 3.85 percent for the second year as follows:

Monthly compensation is increased from \$350 to \$364 during the first year of the biennium and to \$378 during the second year. Daily compensation for legislative sessions is increased from \$125 to \$130 during the first year of the biennium and to \$135 during the second year. Legislator pay for attending interim meetings is increased from \$100 to \$104 per day during the first year of the biennium and to \$108 during the second year. Since the emergency clause did not carry, the first year increases become effective August 1, 2007.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The expenditure amounts reflect the estimated cost of the compensation increases described above for the 2007-09 biennium, which total \$250,447 for the Legislative Assembly and \$22,574 for the Legislative Council.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The 2007-09 budget request for the Legislative Assembly includes funding of \$88,036 for a \$5 per day compensation increase for the 2009 legislative session. For the bill, as amended, the amount shown is the additional general fund

appropriation needed to provide for the compensation increases described above for the Legislative Assembly of \$162,411 and for the Legislative Council of \$22,574.

<b>Name:</b>	Jim W. Smith	<b>Agency:</b>	Legislative Council
<b>Phone Number:</b>	328-2916	<b>Date Prepared:</b>	04/24/2007

**FISCAL NOTE**  
**Requested by Legislative Council**  
04/06/2007

Amendment to:           Engrossed  
                              HB 1106

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$275,697		\$315,072	
Appropriations			\$187,661		\$227,036	

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill increases legislators' monthly compensation, daily compensation during legislative sessions and compensation for attending interim meetings.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill increases legislators' compensation by 4 percent for the first year of the biennium and by 3.85 percent for the second year as follows:

Monthly compensation is increased from \$350 to \$364 during the first year of the biennium and to \$378 during the second year. Daily compensation for legislative sessions is increased from \$125 to \$130 during the first year of the biennium and to \$135 during the second year. Legislator pay for attending interim meetings is increased from \$100 to \$104 per day during the first year of the biennium and to \$108 during the second year.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The expenditure amounts reflect the estimated cost of the compensation increases described above for the 2007-09 biennium, which total \$252,572 for the Legislative Assembly and \$23,125 for the Legislative Council.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The 2007-09 budget request for the Legislative Assembly includes funding of \$88,036 for a \$5 per day compensation increase for the 2009 legislative session. For the bill, as amended, the amount shown is the additional general fund appropriation needed to provide for the compensation increases described above for the Legislative Assembly of

\$164,536 and for the Legislative Council of \$23,125.

<b>Name:</b>	Jim W. Smith	<b>Agency:</b>	Legislative Council
<b>Phone Number:</b>	328-2916	<b>Date Prepared:</b>	04/06/2007

**FISCAL NOTE**  
**Requested by Legislative Council**  
02/06/2007

Amendment to: HB 1106

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$379,547		\$379,547	
Appropriations			\$291,510		\$291,510	

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill increases legislators' daily compensation during legislative sessions and the per diem rate for interim meetings.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill increases legislators' daily compensation during legislative sessions by \$15 per day, from \$125 to \$140 per day, effective December 2008 and legislators' interim meeting per diem rate by \$25 per day, from \$100 to \$125 per day effective August 2007.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The expenditure amounts reflect the estimated cost of the compensation increase for the 2009 legislative session of \$264,109 for the Legislative Assembly and the estimated cost of the interim meeting per diem rate increase of \$115,438 for the Legislative Council.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The 2007-09 budget request for the Legislative Assembly includes funding for a \$5 per day compensation increase for the 2009 legislative session. For the bill, as amended, the amount shown is the additional general fund appropriation needed to provide for the \$15 daily compensation increase for the Legislative Assembly of \$176,072 and the additional general fund appropriation needed to provide for the \$25 interim per diem rate increase for the Legislative Council of \$115,438.

<b>Name:</b>	Jim W. Smith	<b>Agency:</b>	Legislative Council
<b>Phone Number:</b>	328-2916	<b>Date Prepared:</b>	02/06/2007

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/02/2007

Bill/Resolution No.: HB 1106

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$81,780		\$81,780	
Appropriations						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill increases legislators' daily compensation during legislative sessions by \$5 per day, from \$125 to \$130 per day, effective August 2007.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill increases legislators' daily compensation during legislative sessions by \$5 per day, from \$125 to \$130 per day, effective August 2007.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The expenditure amounts reflect the estimated cost of the compensation increase for the 2009 legislative session.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The 2007-09 budget request for the Legislative Assembly includes the additional funding needed to provide for this compensation increase.

<b>Name:</b>	Jim W. Smith	<b>Agency:</b>	Legislative Council
<b>Phone Number:</b>	328-2916	<b>Date Prepared:</b>	01/02/2007

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1106

Page 1, line 1, after "54-03-20" insert "and subsection 1 of section 54-35-10"

Page 1, line 3, after "assembly" insert "; and to provide an effective date"

Page 1, line 8, replace "thirty" with "thirty-five"

Page 1, after line 11 insert:

**"SECTION 2. AMENDMENT.** Subsection 1 of section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective December 1, 2008."

Renumber accordingly



Date: 2-1-07  
Roll Call Vote #:

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number HB 1106

Action Taken move amendment

Motion Made By Rep Dahl Seconded By Rep Potter

Representatives	Yes	No	Representatives	Yes	No
Rep. C. B Haas Chairman			Rep. Bill Amerman		
Rep. Bette Grande VC			Rep. Louise Potter		
Rep. Randy Boehning			Rep. Jasper Schneider		
Rep. Stacey Dahl			Rep. Lisa Wolf		
Rep. Glen Froseth					
Rep. Karen Karls					
Rep. Jim Kasper					
Rep. Lisa Meier					
Rep. Dave Weiler					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment See

If the vote is on an amendment, briefly indicate intent:

**House Amendments to HB 1106 (70150.0102) - Government and Veterans Affairs  
Committee 02/01/2007**

Page 1, line 1, after "54-03-20" insert "and subsection 1 of section 54-35-10"

Page 1, line 3, after "assembly" insert "; and to provide an effective date"

Page 1, line 8, replace "thirty" with "forty"

Page 1, after line 11, insert:

**"SECTION 2. AMENDMENT.** Subsection 1 of section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective December 1, 2008."

Renumber accordingly

Date: 2-1-07  
Roll Call Vote #: 1

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."**

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number HB 1106

Action Taken Move Amend

Motion Made By Rep. Kasper Seconded By Rep. Weiler

Representatives	Yes	No	Representatives	Yes	No
Rep. C. B Haas Chairman			Rep. Bill Amerman		
Rep. Bette Grande VC			Rep. Louise Potter		
Rep. Randy Boehning			Rep. Jasper Schneider		
Rep. Stacey Dahl			Rep. Lisa Wolf		
Rep. Glen Froseth					
Rep. Karen Karls					
Rep. Jim Kasper					
Rep. Lisa Meier					
Rep. Dave Weiler					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 2-1-07  
Roll Call Vote #: 1

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."**

House Government and Veterans Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

HB 1106

Action Taken

DO PASS AS AMENDED + REFERRED TO APPROP.

Motion Made By

Rep Wolf

Seconded By

Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Rep. C. B Haas Chairman	<input checked="" type="checkbox"/>		Rep. Bill Amerman		<input checked="" type="checkbox"/>
Rep. Bette Grande VC	<input checked="" type="checkbox"/>		Rep. Louise Potter	<input checked="" type="checkbox"/>	
Rep. Randy Boehning	<input checked="" type="checkbox"/>		Rep. Jasper Schneider		<input checked="" type="checkbox"/>
Rep. Stacey Dahl	<input checked="" type="checkbox"/>		Rep. Lisa Wolf	<input checked="" type="checkbox"/>	
Rep. Glen Froseth		<input checked="" type="checkbox"/>			
Rep. Karen Karls		<input checked="" type="checkbox"/>			
Rep. Jim Kasper	<input checked="" type="checkbox"/>				
Rep. Lisa Meier	<input checked="" type="checkbox"/>				
Rep. Dave Weiler	<input checked="" type="checkbox"/>				

Total (Yes)

8

No

4

Absent

1

Floor Assignment

Rep Kasper

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1106: Government and Veterans Affairs Committee (Rep. Haas, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS,  
4 NAYS, 1 ABSENT AND NOT VOTING). HB 1106 was placed on the Sixth order on  
the calendar.

Page 1, line 1, after "54-03-20" insert "and subsection 1 of section 54-35-10"

Page 1, line 3, after "assembly" insert "; and to provide an effective date"

Page 1, line 8, replace "thirty" with "forty"

Page 1, after line 11, insert:

**"SECTION 2. AMENDMENT.** Subsection 1 of section 54-35-10 of the North  
Dakota Century Code is amended and reenacted as follows:

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

**SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective  
December 1, 2008."

Renumber accordingly

2007 HOUSE APPROPRIATIONS

HB 1106

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1106

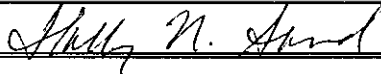
House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: 3243

Committee Clerk Signature



Minutes:

**Chm. Svedjan** opened the hearing on HB 1106 which comes to House Appropriations from Government and Veteran's Affairs.

**Rep. Haas** spoke on HB 1106 which deals with the amount of pay legislators receive per day.

It raises legislative pay per day effective 12/1/08 to \$140 per day from \$125 per day. It also increases interim pay to be the same as what they receive during the session. The interim pay level would not increase to \$140 per day until 12/1/08.

**Rep. Carlson:** When was the last time there was a pay increase?

**Rep. Kempenich:** It will be eight years when this goes into effect.

**Rep. Carlson** motioned a Do Pass as Engrossed. **Rep. Thoreson** seconded the motion.

**Rep. Carlisle** made a substitute motion to make the date on lines 20 and 21 8/1/07. **Rep.**

**Wald** seconded the motion. The motion was withdrawn since changing the date by itself does no good.

**Rep. Thoreson** made a substitute motion to replace "twenty-five" with "forty" on line 16 of the bill. **Rep. Carlson** seconded the motion. The motion failed by a voice vote.

**Allen Knudson, Legislative Council:** Session pay goes to \$140 on 12/1/08. Interim pay stays at \$125 throughout unless it's changed by the next legislature.

**The motion of a Do Pass as Engrossed carried by a roll call vote of 14 ayes, 10 nays, and 0 absent and not voting. Rep. Kasper was designated to carry the bill.**



Date: 2/2/07  
Roll Call Vote #: 149

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1106

House Appropriations Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken No Pass as expressed

Motion Made By Carlson Seconded By Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold		✓
Representative Monson	✓		Representative Gulletson	✓	
Representative Hawken		✓			
Representative Klein	✓				
Representative Martinson		✓			
Representative Carlson	✓		Representative Glassheim		✓
Representative Carlisle		✓	Representative Kroeber		✓
Representative Skarphol	✓		Representative Williams	✓	
Representative Thoreson		✓			
Representative Pollert	✓		Representative Ekstrom		✓
Representative Bellew	✓		Representative Kerzman		✓
Representative Kreidt	✓		Representative Metcalf		✓
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 14 No 10

Absent 0

Floor Assignment Rep. Kasper

If the vote is on an amendment, briefly indicate intent:

*Substitute Motion made  
and withdrawn*

Date: 2/8/07  
Roll Call Vote #: 2

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1106**

House Appropriations Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number *offered*

Action Taken *makes date in lines 20+21 2/11/07*

Motion Made By *Carlisle* Seconded By *Wald*

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Representative Wald			Representative Aarsvold		
Representative Monson			Representative Gulleon		
Representative Hawken					
Representative Klein					
Representative Martinson					
Representative Carlson			Representative Glassheim		
Representative Carlisle			Representative Kroeber		
Representative Skarphol			Representative Williams		
Representative Thoreson					
Representative Pollert			Representative Ekstrom		
Representative Bellew			Representative Kerzman		
Representative Kreidt			Representative Metcalf		
Representative Nelson					
Representative Wieland					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Subst. Motion*

Date: 2/8  
Roll Call Vote #: 3

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1106

House Appropriations Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Line 16 - Section #25 w/11040

Action Taken \_\_\_\_\_

Motion Made By Horsen Seconded By Carlson

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan		✓			
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold		✓
Representative Monson		✓	Representative Gulleon		✓
Representative Hawken	✓				
Representative Klein		✓			
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim		✓
Representative Carlisle	✓		Representative Kroeber		✓
Representative Skarphol		✓	Representative Williams		✓
Representative Thoreson	✓				
Representative Pollert	✓	✓	Representative Ekstrom		✓
Representative Bellew		✓	Representative Kerzman		✓
Representative Kreidt		✓	Representative Metcalf		✓
Representative Nelson	✓				
Representative Wieland		✓			

Total (Yes) 8 No 16 - *failed*  
Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Voice Vote - Can't tell; take Roll Call Vote*

REPORT OF STANDING COMMITTEE (410)  
February 10, 2007 8:47 p.m.

Module No: HR-26-2805  
Carrier: Kasper  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

HB 1106, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)  
recommends **DO PASS** (14 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1106 was placed on the Eleventh order on the calendar.

2007 SENATE APPROPRIATIONS

HB 1106

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1106

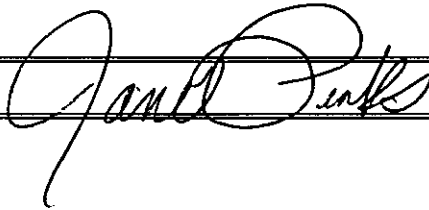
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-06-07

Recorder Job Number: 4560

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on HB 1106 indicating Roxanne Westby would discuss the bill testifying neutrally on the bill.

Roxanne Westby, Legislative Council, introduced HB 1106. The bill comes from the Legislative Compensation Division. She indicated Section 1 increases legislative compensation from \$125 to \$140 daily effective December 1, 2008. Section increases interim pay for legislators from \$100 to \$125, which is effective August 1, 2007.

Senator Holmberg asked what percentage the \$140 is equal to because state employees were given a 4/4 percent increase. The response was at the time the compensation committee met; the original \$5 increase was 4 percent.

Senator Holmberg indicated will have a subcommittee include Senators Holmberg, Christmann, and Seymour.

Senator Christmann questioned if Section 2 is the way the compensation committee recommended it. The response was that Section 2 was added by the House.

Senator Mathern asked if anyone was going to testify as to why the change was made. The response was they were not aware of anyone.

John Gosbee, Mandan, presented written testimony and testified in opposition to HB 1106. He discussed his opposition to the Legislature giving itself a raise. He suggested the possibility of

3-6-08

two amendments, to take away the free health insurance benefits for legislators, or to give every working North Dakota the same health insurance the legislators get.

Ralph Mickey, Gladstone, had written testimony distributed in opposition to HB 1106.

Senator Mathern indicated the second amendment proposal has been around for a long time and he asked Mr. Gosbee if he had gotten any information from PERS as to the costs.

Senator Bowman stated that when people find out what we get paid, they ask why we do it for that kind of money. Our costs are extremely high to represent the people. If you don't want legislators, don't give them any compensation and you won't have anyone representing the public.

Chairman Holmberg responded that we are the only body that can do anything with our compensation and pay. We get a recommendation from the citizens committee. One of the arguments that is always used which has validity is if we as a legislature decided let's eliminate the health insurance, let's hold down the pay increase. How do you reconcile having a citizen legislature when the only people who could serve would be those who could afford to serve which might be a different population then the working poor.

Mr. Gosbee stated that if high pay guarantees a citizen legislature, I guess congress qualifies as that.

Chairman Holmberg asked where North Dakota fits in pay in the 50 states. The response was we are maybe 49 or 50.

Chairman Holmberg indicated the legislature has participated in the health care coverage since 1989.

Senator Grindberg indicated this is his eight session and they have only voted on three pay increases. Why are you here this year, I have not seen you testifying on this issue before.

3-6-07

This makes it a blaanced package so that people will run and this has been supported by both parties. The response was he didn't know it was happening.

Senator Mathern questioned line 9 regarding the Century code that is a tool for us, do you think we should not use that as a tool.

Chairman Holmberg indicated the Legislature has had health insurance since 1971.

Senator Christmann in your statement about how the house snuck this through the last few minutes of the session; I received a lot of messages who objected to this going through at mid section stating it should have been the last bill going through.

Loren Campbell, Bismarck, testified in opposition to HB 1106 indicating it would be a good measure to present this compensation issue to the voters. He indicated we look at you as leaders in the communities, you have success in business, you are looked up to so if you need a raise it should be presented to the voters.

Senator Seymour indicated when you look at the money we are talking about, what city benefits from all the dollars. The response was Bismarck.

Senator Krebsbach pointed out that we have a compensation committee that recommends this.

Senator Mathern you noted the issue of being business leaders. As legislators there is another issue I am concerned about and that is there are not enough people who are working, jobless, and in low paying jobs represented in the legislature. How do we get them here if we don't pay or they can't afford to run? The response was I don't see someone like that that would run.

Chairman Holmberg indicated that no matter what state you are this particular topic is one that each Legislator wrestles with.

Chairman Holmberg closed the hearing on HB 1106.



## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1001, 1006, 1106, 1107, 1175

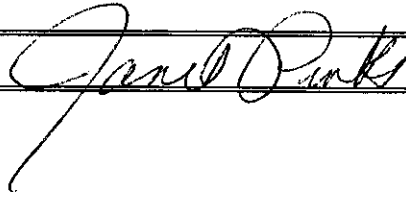
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-19-07

Recorder Job Number: "Click here to type Digital Recorder Job #"

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the combined hearing on HB 1001, 1006, 1107, 1106, 1175 includes appropriations for legislative reimbursement.

Senator Christmann indicated that this includes language to take care of encoil.

The second amendment changes the compensation package in HB 1006.

Senator Seymour distributed amendments for HB 1106 but the money for this is in HB 1001. This will increase daily pay by 4 and 3.85 percent in the second year. There will be no equity increase as the House didn't fund it.

HB 1107 is an increase for private air travel and that is out.

HB 1175 includes extra pay for the legislative council and we will recommend a do not pass.

HB 1006 is the compensation increase.

HB 1107 is the mileage increase.

HB 1106 is to be paid for legislative council.

Senator Seymour distributed the amendments 0203 for HB 1106, explaining the amendment.

Senator Christmann moved a DO NOT PASS on HB 1175, seconded by Senator Fischer. There was

Discussion and a roll call vote was taken resulting in 12 yes, 1 no, 1 absent. Senator Seymour will carry the bill.

3-19-07

HB 1106 amends (0201) the mileage rate which includes all state employees and offices.

Senator Christmann moved a do pass on the amendment 0201, seconded by Senator Fischer. An oral vote was taken resulting in a do pass.

Senator Christmann moved a do pass as amended on HB 1106, Senator Seymour seconded. A roll call vote was taken resulting in 13 yes, 1 no 0 absent. The motion carried and Senator Seymour will carry the bill.

Chairman Holmberg closed the hearing on these bills.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1106


Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 04-05-07

Recorder Job Number: 5781

Committee Clerk Signature



Minutes:

**Chairman Holmberg** opened the hearing on HB 1106 indicating Senator Christmann has amendments to introduce.

**Senator Christmann** indicated since we had to wait for ENCOIL information it allows more time for feedback on HB 1106. The amendment would not change the cost but it would allow a few extra dollars in the holdover. The only change on amendment 0205 is in section 7 that if someone doesn't want the additional salary they would not have to take it. They basically sign up for it at Legislative Council and an affirmative vote on the bill is presumed to be authorization of acceptance of pay. If you vote for it and don't want it you can feel out a form that you don't want it.

**Senator Tallackson** indicated it lowers the pay from \$140 to \$130 right?

**Senator Christmann** indicated the \$140 is the House version and the \$130 for the first year which is a 4 % increase and the 2<sup>nd</sup> year goes up to \$140 which is another 3.85% and you don't have to take it.

**Senator Christmann** moved to reconsider our previous action whereby we adopt these amendments and pass the bill, Senator Seymour seconded. There was no discussion. An oral vote was taken resulting in a do pass.

**Senator Christmann** moved a do pass as amended 0205, Senator Grindberg seconded. Discussion followed.

**Senator Mathern** asked if this is before us because of the opt out portion of it?

**Senator Christmann** indicated it is only the opt out portion. The money is the same as before. The only reason I said it could alter the carry over is because before it presumed everyone took the raise.

**Senator Mathern** if someone does not take the raise it is exactly as it is in statute now. The response was that is correct.

**Senator Grindberg** asked if that is a one time decision if decide not to take it now and three months later you decide to take it you can?

**Chairman Holmberg** indicated there is no statement that says it is irrevocable.

**Senator Christmann** indicated you would continue to receive compensation at that rate until that member files with the Legislative Council a written request.

**Senator Mather** so you can go in and out anytime.

**Senator Krauter** does this meet the constitutionality of ND, this implies bribery. Have you check that constitutionality?

**Senator Christmann** indicated he doesn't see bribery about anything we are just not forcing people to take something that has been offered. No he has not check this out.

**Chairman Holmberg** indicated that everything we do is constitutional. Some of you may have gotten further communication from Mr. Gosbee. He had written two weeks ago saying he wanted a full public hearing and I indicated both of them got an opportunity to testify. He wants us to do other things; eliminate health insurance which we have had since 1971 eliminate health insurance and he wants a vote of the people.

**Senator Mathern** stated he will vote against this. In some ways I would like to vote for it but it bugs me that people vote against and increase and still get the same increase as I. I think this creates problem in that those people who have financial means to say no will have a political edge over those who don't

have the financial means. I wish everyone would take increase but don't think we should pile another problem on top of this.

**Senator Krauter** indicated he read that last sentence and it is pretty much black mail. We passed an affirmative vote as recorded. I think it is pretty clear.

**Senator Bowman** indicated it gives options.

**Senator Seymour** stated it creates a more efficient way of doing it.

**A roll call vote was taken on HB 1106 for a do pass as amended resulting in 10 yes, 3 no and 1 absent. The motion passed. Senator Seymour will carry the bill.**

**Chairman Holmberg** closed the hearing on HB 1106.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1106

Page 1, line 3, after "assembly" insert "; to provide for application"

Page 1, after line 19, insert:

**"SECTION 3. APPLICATION.** A member of the sixtieth legislative assembly will continue to receive compensation at the rate provided in subsection 1 of section 54-03-20 as of the day before the effective date of section 1 of this Act and will continue to receive compensation at the rate provided in subsection 1 of section 54-35-10 as of the day before the effective date of section 2 of this Act until that member files with the legislative council a written request for compensation at the rate provided on the effective date of section 1 or 2, or both, as requested by that member. A member who cast an affirmative vote as recorded on the roll call vote on the final passage of this Act is deemed to have filed the written request for the compensation provided by this Act."

Renumber accordingly

*JS*  
3-23-07  
1 of 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1106

Page 1, line 1, after the first "1" insert "and subdivision a of subsection 7"

Page 1, line 3, remove "and" and after "date" insert "; and to declare an emergency"

Page 1, line 8, replace "forty" with "thirty"

Page 1, after line 11, insert:

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

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

**SECTION 3. AMENDMENT.** Subdivision a of subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 4. AMENDMENT.** Subdivision a of subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

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

Page 1, line 16, replace "twenty-five" with "four"

Page 1, replace lines 20 and 21 with:

**"SECTION 6. AMENDMENT.** Subsection 1 of section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 7. EFFECTIVE DATE.** Sections 1, 3, and 5 of this Act become effective on July 1, 2007, and sections 2, 4, and 6 of this Act become effective on July 1, 2008.

2 of 2

**SECTION 8. EMERGENCY.** Sections 1, 3, and 5 of this Act are declared to be an emergency measure."

Renumber accordingly



0203 amend

Date:  
Roll Call Vote #:

3/26/07

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. ~~1105~~ 1106Senate Appropriations

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

D P as amen 0203

Motion Made By

Seymour

Seconded By

Christmann

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter		✓
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas		✓
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson		✓
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	.	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes)

10

No

3

Absent

1

Floor Assignment

Seymour

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

HB 1106, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1106 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "1" insert "and subdivision a of subsection 7"

Page 1, line 3, remove "and" and after "date" insert "; and to declare an emergency"

Page 1, line 8, replace "forty" with "thirty"

Page 1, after line 11, insert:

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

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

**SECTION 3. AMENDMENT.** Subdivision a of subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 4. AMENDMENT.** Subdivision a of subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

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

Page 1, line 16, replace "twenty-five" with "four"

Page 1, replace lines 20 and 21 with:

**"SECTION 6. AMENDMENT.** Subsection 1 of section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 7. EFFECTIVE DATE.** Sections 1, 3, and 5 of this Act become effective on July 1, 2007, and sections 2, 4, and 6 of this Act become effective on July 1, 2008.

**SECTION 8. EMERGENCY.** Sections 1, 3, and 5 of this Act are declared to be an emergency measure."

Renumber accordingly

JB  
4-5-7  
1042

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1106

In lieu of the amendments to Engrossed House Bill No. 1106 as printed on pages 1015 and 1016 of the Senate Journal, Engrossed House Bill No. 1106 is amended as follows:

Page 1, line 1, after the first "1" insert "and subdivision a of subsection 7"

Page 1, line 3, replace "and" with "to provide for application;" and after "date" insert "; and to declare an emergency"

Page 1, line 8, replace "forty" with "thirty"

Page 1, after line 11, insert:

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

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

**SECTION 3. AMENDMENT.** Subdivision a of subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 4. AMENDMENT.** Subdivision a of subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

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

Page 1, line 16, replace "twenty-five" with "four"

Page 1, replace lines 20 and 21 with:

**"SECTION 6. AMENDMENT.** Subsection 1 of section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

1. The members of the council and the members of any committee of the council are entitled to be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of one hundred ~~four~~ eight dollars per day and must also be paid for expenses incurred in

attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.

2 of 2

**SECTION 7. APPLICATION.** A member of the sixtieth legislative assembly will continue to receive compensation at the rate provided in subsection 1 of section 54-03-20, subdivision a of subsection 7 of section 54-03-20, and subsection 1 of section 54-35-10 as of the day before the effective date of sections 1, 3, and 5 of this Act and will continue to receive compensation at that rate until that member files with the legislative council a written request for compensation at the rate provided on the effective date of any portion of this Act as requested by that member. A member who cast an affirmative vote as recorded on the roll call vote on the final passage of this Act is deemed to have filed the written request for the compensation provided by this Act unless the member files a statement with the legislative council declining the new rate.

**SECTION 8. EFFECTIVE DATE.** Sections 1, 3, and 5 of this Act become effective on July 1, 2007, and sections 2, 4, and 6 of this Act become effective on July 1, 2008.

**SECTION 9. EMERGENCY.** Sections 1, 3, and 5 of this Act are declared to be an emergency measure."

Renumber accordingly

Date: 4/5/07  
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1106

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken DP as Amended

Motion Made By Christmann Seconded By Grindberg

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter		✓
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas		
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern		✓
Senator Randel Christmann	✓		Senator Larry J. Robinson		✓
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 10 No 3

Absent 1

Floor Assignment Seymour

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

HB 1106, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1106 was placed on the Sixth order on the calendar.

In lieu of the amendments to Engrossed House Bill No. 1106 as printed on pages 1015 and 1016 of the Senate Journal, Engrossed House Bill No. 1106 is amended as follows:

Page 1, line 1, after the first "1" insert "and subdivision a of subsection 7"

Page 1, line 3, replace "and" with "to provide for application;" and after "date" insert "; and to declare an emergency"

Page 1, line 8, replace "forty" with "thirty"

Page 1, after line 11, insert:

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

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

**SECTION 3. AMENDMENT.** Subdivision a of subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 4. AMENDMENT.** Subdivision a of subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

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

Page 1, line 16, replace "twenty-five" with "four"

Page 1, replace lines 20 and 21 with:

**"SECTION 6. AMENDMENT.** Subsection 1 of section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

1. The members of the council and the members of any committee of the council are entitled to be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of one hundred ~~four~~ eight dollars per day and must also be paid for expenses incurred in

attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.

**SECTION 7. APPLICATION.** A member of the sixtieth legislative assembly will continue to receive compensation at the rate provided in subsection 1 of section 54-03-20, subdivision a of subsection 7 of section 54-03-20, and subsection 1 of section 54-35-10 as of the day before the effective date of sections 1, 3, and 5 of this Act and will continue to receive compensation at that rate until that member files with the legislative council a written request for compensation at the rate provided on the effective date of any portion of this Act as requested by that member. A member who cast an affirmative vote as recorded on the roll call vote on the final passage of this Act is deemed to have filed the written request for the compensation provided by this Act unless the member files a statement with the legislative council declining the new rate.

**SECTION 8. EFFECTIVE DATE.** Sections 1, 3, and 5 of this Act become effective on July 1, 2007, and sections 2, 4, and 6 of this Act become effective on July 1, 2008.

**SECTION 9. EMERGENCY.** Sections 1, 3, and 5 of this Act are declared to be an emergency measure."

Renumber accordingly



2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

CONFERENCE COMMITTEE

HB 1106

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1106

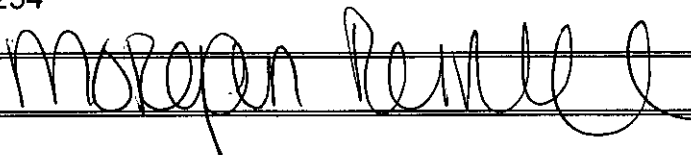
House Government and Veterans Affairs Committee

☒ Check here for Conference Committee

Hearing Date: April 20, 2007

Recorder Job Number: 6234

Committee Clerk Signature



Minutes:

**Rep. Grande:** I would like to accede to the Senate amendments to further amend.

**Rep. Potter:** I second that.

**Rep. Haas:** Is there discussion? We understand exactly what the Senate did and the time lines involved, and the increase in the pay for legislators doesn't get quite to the level of what we had in our bill which was \$140 and this takes it to \$135. We are ok with section 1, 2, and 3 of the first engrossment. We don't have a problem with that. What we would like to do as far as further amending is in section 5 and 6. Simply change on line 14 an amendment would be to change 4 to 30 and on line 22 change 8 to 35. This would mean that legislators would be paid the same daily rate for interim committee work as they get paid doing the legislative session. We would like to further amend the bill. We will vote on this motion in a little bit. Our intent is to change line 14, the underlined 4 would be changed to 30. On line 22 the underlined 8 would be changed to 35. Essentially what it would do is that legislators would be paid the exact same amount during the interim committee work as they would be during the legislative session. The motion is to accede to the Senate amendments which means that we accede to all these amendments. Then we would have to have additional motions to further amend. Is there any

other discussion?

**Sen. Holmberg:** No because then we will talk about the other things.

**Rep. Haas:** Yes I just wanted to explain it so you knew what our intent was. One other item we would like to discuss has to do with HB 1175. This was passed out of the house but was killed in the Senate. Whether or not there would be any receptivity to taking the provisions of that and putting it in on this bill which said that legislators that attended the council meeting in November they would get paid. There was a lot of discussion and support in the house for saying that we think that if the legislators attend that they should also be paid salary for that. With that is there any discussion on the motion?

**Sen. Christmann:** I'm still not sure I understand the motion. Is it for the House to accede to the Senate amendments and make the change?

**Rep. Haas:** No just accede. We will have to have a further motion to make the change.

**Rep. Grande:** What I want to do is make the point that we want further discussion on this. That was my only point.

**Rep. Haas:** Is there any other discussion? If not we will take a roll call vote on the motion. It passes 6-0-0. At this time I am going to open the floor for pre-motion discussion on the other issues.

**Sen. Seymour:** What percentage increase is that which you are offering?

**Rep. Haas:** I'm not sure. When we looked at the legislative history on this, when the legislative pay was increased to \$125 when we look back this section was inadvertently omitted and ignored. From my understanding and talking to the people that were around at that time it was the intent to increase that. The one time legislators did get paid the same amount for the interim work as they did during the session. We are simply trying to get it back to that level. I can't answer that question.

**Sen. Christmann:** It would be 30% the first year. The second part of my question is when the pay is the same for the interim as during the session would a difference on how meal allowances be treated differently?

**Rep. Haas:** I don't know that.

**Sen. Christmann:** With the \$125 we buy our own meals. With the \$100 we get reimbursed with meals.

**Rep. Haas:** I understand what you are saying.

**Rep. Grande:** It is a good point but it is still kind of a wash in the whole thing. You still aren't being paid for the time you are putting in. You are giving up a days pay to come out. A lot of the times you are coming out for a half day meeting. You are missing a lot of time at home on an interim type thing. Here we are keeping things rolling so that the one day out and back is a little more cumbersome and difficult to leave your jobs at that point so I think reimbursement at an equal level can make up for that.

**Sen. Christmann:** I have a couple of things that I don't want to forget in this discussion but regarding what we are talking about now with this interim pay. A couple concerns that I have in doing that is the public perception with the big increase. I understand there are good points. It's not nearly as big of a deal as it looks when it comes out in the paper that we got a 30% increase. That public perception is a concern. Secondly I would worry that we make this switch and get the interim compensation the same as the session compensation. There will probably be an effort for us to pay for our meals out of this. I think getting rid of our meal allowance during the interim would be brought up. Thirdly anytime we do something with compensation needs to be a bipartisan effort. Sen. Seymour has been very supportive and a good partner to work with on this. The Senate was pretty split. I think we start adding to it. If this would pass it

is going to close to a party line vote. Our compensation votes should never be that way. There were a lot of democrats against this.

**Rep. Haas:** This isn't that large of an increase in dollars if you think about it. How many interim committees do you attend? I think I maybe attended six in the last interim on both committees that I served on. If you look at that, it is \$180 dollars difference.

**Sen. Holmberg:** And that is how you would explain it and that is absolutely correct. As your opponent I would explain it using percents saying you raised your pay 30%. That is just how it happens.

**Rep. Haas:** I have never thought of this issue in terms of politics. I don't think it should be brought up that way. I think we have the responsibility to do what is reasonable and prudent and I think this is reasonable and prudent.

**Rep. Grande:** I would hope that this would not be a partisan issue and that it would be come a political thing. We are all out here working. Does the minority party feel that they aren't worth anything? That their time isn't worth putting into interim pay? I guess I just ask. We are all out here working. I assumed you worked as hard as we did and felt like we had earned something. I don't see where there is partisan issue to that.

**Rep. Potter:** There wasn't a party issue in the House. There were some Democrats that voted for it and some that didn't. Just as some Republicans did and some didn't. I didn't see it a partisan issue in the slightest.

**Sen. Seymour:** I just will not vote myself a pay raise and that is the opponent's philosophy. I don't have that philosophy.

**Rep. Haas:** I have heard representatives say that same thing and they haven't voted for a pay raise. Immediately I ask them if they have taken the pay raise. Everyone of them has taken the pay raise. That is some sort of a hypocrisy that I find difficult to accept. I will have to relay to

you on something that happened to me when I went to a forum after the House action before this bill came over to the Senate. There was one person in that forum that attacked Rep. Meier and myself and Sen. Erlacher very vigorously for the pay raise issue. There were about 15-20 people there. I finally said to this person that I'm not going to apologize for the amount of money that I get doing my job as a legislator. I told them that I am usually here at 6:00. I don't leave the capitol until 5:30 or 6. Then there are evening functions, some of them social some not. I usually get back to my place of residence at 8 or 9. That is my schedule. Don't try to portray me as someone who is trying to take money that I don't deserve. I will never apologize for the funds that I get for being a legislator. When that forum was over I think at least six of the other people at the forum came up and said that they don't think we are overpaid. We would never think you are overpaid and they appreciate what we do here. I think sometimes that we are overly sensitive and apologetic for some of the things that we do here for our compensation levels. I can never accept that concept or criticism from anyone. Is there any further discussion?

**Sen. Holmberg:** In 2002 my opponent running against me used this pay raise against me. I've had that used against me.

**Rep. Grande:** One thing we want to remember is the idea that we vote our own pay raises. That is how it works. Nobody else does it for us. We are in charge of that. We don't have a choice any other way. This bill is very easy to explain. This isn't retro. It isn't going to go into effect until later. This isn't like we are voting ourselves some kind of pay raise for what we have already done. This is moving forward for future legislators. For some they won't even see this because they won't be back for another session.

**Sen. Seymour:** There was a question about the difference in taxpayer dollars between the two versions of the bill. They were quite close. One was \$291 and one was \$270.

**Rep. Haas:** Right, the house version was slightly larger. Sen. Christmann and I went over those numbers. The House version in it's original form was slightly higher. I would guess that we won't have a new fiscal note on what we are suggesting here. My estimate would be that the original house version would probably still be slightly higher if we do this amendment.

**Rep. Potter:** I visited briefly before this and we talked about the interim report situation. I think that it is worthwhile for everyone coming for the interim to hear the report to get paid. Whether it be the newly elected legislators or those that have served. If you are giving up your time at work and coming out to listen to these reports then I think it is important for everyone to be here and listen to the reports. I think to expect people to take time off for work this would have to happen. If we consider ourselves to be professional at all you would get paid to do that.

Obviously not everyone is going to be able to come to the interim report time whether they get paid or not. It just seems like a very logical thing to do. I can't imagine the public if we are going to do any kind of increases putting that in to this makes sense to me. Instead of doing this, this time and then dealing with that two years from now so we can have another issue. It just seems that we should put it all in one bundle and be done with it. It seems to me whether it is 4% or not, you have to look at the whole pot of money and how much it is going to cost. I guess it is whether we are going to say this is the right thing to do or not. The total dollars aren't that different. If it was a big sum of money then I would say that but it is so close.

**Rep. Haas:** Is there any more discussion?

**Rep. Grande:** I would still kind of like to know how much we are looking at. Is there a fiscal note that might match up with these amendments?

**Rep. Haas:** There is two things here. We could perhaps request council to draft these. We are talking about two separate issues. One is the payment for interim committee work. Number two is the possibility of having legislators get paid for the council report meeting in November.

**Sen. Holmberg:** There would be a fiscal note for that. It already exists.

**Rep. Grande:** It does exist for HB 1175.

**Rep. Haas:** Right, there would be.

**Sen. Christmann:** The fiscal note for HB 1175 was \$34,500.

**Rep. Haas:** Are we leaving today with the idea that we aren't prepared to make a decision on this at this time.

**Sen. Holmberg:** I am comfortable with what the Senate did at the 4% and 3.8. I focus in on the percentage change and I do not remember the Senate vote on HB 1175.

**Sen. Christmann:** The fiscal note on HB 1175 is \$34,556 but I don't remember the number of the votes.

**Rep. Haas:** We will try to get another fiscal note. We will reschedule for tomorrow morning.



## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1106

House Government and Veterans Affairs Committee

☒ Check here for Conference Committee

Hearing Date: April 21, 2007.

Recorder Job Number: 6244

Committee Clerk Signature

*Morgan Reine*

Minutes:

**Rep. Haas:** We will note that all members of the conference committee are present. Yesterday we left our discussion talking about the .0400 version of the engrossed bill with the Senate amendments. We had agreed on section 1, 2, 3, and 4. We had a motion yesterday where we actually acceded to the Senate amendments. We were talking about the possibility of changing sections 5 and 6 to \$130 in section 5 and \$135 in section 6. Subsequent to that discussion we've had some conversation amongst ourselves in talking about some alternatives.

**Sen. Christmann:** One of the aspects of this is anything we do revolves around what happens in HB 1001 too because it all has to be funded. In recognition of trying to find some middle ground between the House and Senate proposals here, there was some discussion about this main sticking point of the interim pay and getting that started next biennium. The idea kind of was floated that we would follow the Senate provision here and go to 104 on July 1, 2007 and 108 on July 1, 2008 and set it at \$135 from July 1 of 2009 which is where the daily session will be then anyways. If the next legislative session makes changes to the salaries for the next biennium they would do anything off of the \$135. All of those things will have to be addressed in 1001 so that we can get out ahead of them. That is in fact what the proposal is that is

brought forward. In light of that I think we can probably complete our work here and allow 1001 to run its course.

**Rep. Haas:** Are there any comments?

**Rep. Potter:** It seems like a reasonable compromise to me. I would be able to vote in favor of that.

**Rep. Haas:** What this would mean then is that we would not seek to put any additional amendments on this bill since we have already acceded to the Senate amendments. We would simply conclude our work on this bill. There is one other issue that is not really pertinent to this bill in the original form that I think we might want to talk about a little bit. If anything needs to be done on that I think it would be done on 1001.

**Sen. Christmann:** The leader's bill?

**Rep. Haas:** Yes.

**Sen. Christmann:** One of the things that we kind of neglected but I think was our intention when we did 1106 was the \$250 that they needed.

**Rep. Haas:** If you look at what I handed out to you yesterday 54-03-20. That points to the century code. You go to the second page it's section 7 subsection C if you could look at that.

**Sen. Christmann:** Do they get an additional \$250 for their work in organizing things. I think we should do like we are doing on our other salaries during this biennium and increase that by 4% on July 1, 2007. And another 3.85% on July 1, 2008. I have an amendment to that affect to add the money that equals about \$1,500.

**Rep. Haas:** If you are already thinking of that amendment for 1001 the only additional amendment we need is that amendment related to the interim pay committee of \$135 on July 1, 2009.

**Sen. Christmann:** That is correct as far as legislative confrontation. I think there are other amendments.

**Rep. Haas:** But as far as we are concerned on this issue. Do you understand what Sen. Christmann is saying?

**Rep. Grande:** I guess I would like to be clear with the conferees on HB 1001. I realized it's ok on that side of the table but I'm not sure if it is on this side. I guess I'm not comfortable finishing this today.

**Rep. Haas:** If it is alright with you we can conclude our work and I will not sign off on the conference committee report until we are assured that what we are talking about will happen. We can sit on the conference committee report until that takes place.

**Rep. Grande:** I will agree to that.

**Rep. Haas:** Is everyone clear on what we are doing here?

**Rep. Potter:** I believe that what we are talking about are the four leaders?

**Rep. Haas:** The minority and majority leaders in the House and Senate.

**Rep. Potter:** My question is that I'm not aware we have done anything for committee chairs. I don't know. I'm not going to be a chair. They do an awful lot of work for the little bit they get.

**Rep. Haas:** I know but 4% of \$5 is 20 cents. I'm not sure it's worth mumbling with.

**Rep. Potter:** I just wanted to bring it up. I still think that the work that the committee chairs do is a pretty small amount in my book. It's a ton of work.

**Rep. Haas:** Well I appreciate your comment. So everyone is clear on what we are doing? This bill will go on the House floor after we have made the determination that these other areas that we are talking about will be addressed in 1001. That will actually expedite things because we won't have to have legislative council develop an amendment for this bill. 1001 is in the process of being amended anyway. It will work out just fine.

**Sen. Seymour:** Just for your information 1001 meets today.

**Rep. Haas:** We have the motion from yesterday that the house accedes to the Senate amendments. Therefore we don't need any further motions. If there are no additional comments from any committee members we stand adjourned.

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number HB 1106 (, as (re)engrossed):

Date: 4/20/07

Your Conference Committee GVA

**For the Senate:**

**For the House:**

	YES / NO			YES / NO	
Sen. Christmann	X		Rep. Haas	X	
Sen. Holmberg	X		Rep. Grande	X	
Sen. Seymour	X		Rep. Potter	X	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 17A - 179

\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Grande

SECONDED BY: Potter

VOTE COUNT 6 YES 0 NO 0 ABSENT

Revised 4/1/05

2007 TESTIMONY

HB 1106

**Report of the**  
**LEGISLATIVE COMPENSATION COMMISSION**  
**submitted to the**  
**NORTH DAKOTA LEGISLATIVE ASSEMBLY**  
**January 2007**

**Commission Members**

Charles Axtman, Chairman  
Chris Christopherson  
Meyer Kinnoin  
John Mahoney  
Terry Wanzek

**Legislative Council Staff**

John D. Olsrud, Director  
Jay E. Buringrud, Assistant Director  
Jim W. Smith, Legislative Budget Analyst and Auditor  
John Walstad, Code Revisor  
Jeffrey N. Nelson, Assistant Code Revisor  
Allen H. Knudson, Assistant Legislative Budget Analyst and Auditor  
John Bjornson, Counsel  
L. Anita Thomas, Counsel  
Vonette J. Richter, Counsel  
Timothy J. Dawson, Counsel  
Jennifer S. N. Clark, Counsel  
Roxanne Woeste, Senior Fiscal Analyst  
Donald J. Wolf, Senior Fiscal Analyst  
Becky Keller, Fiscal Analyst  
Marilyn Johnson, Research Librarian  
Carla Unrath, Office Manager  
Maryann F. Trauger, Manager, Information Technology Services  
Karen J. Mund, Legislative Administrator  
Mary H. Janusz, Information Technology Education Administrator  
John A. Dvorak, Information Technology LAN Technician  
Deb Gienger, Information Technology Systems Administrator

# LEGISLATIVE COMPENSATION COMMISSION

The Legislative Compensation Commission was originally established by the 1969 Legislative Assembly. Consisting of five members appointed by the Governor, the commission was responsible for determining appropriate levels of expense allowance and compensation to be paid to members of the North Dakota Legislative Assembly. In 1979 after 10 years of existence, the law that created the original Legislative Compensation Commission was repealed.

The Legislative Compensation Commission was recreated by passage of 1983 Senate Bill No. 2360. The bill, codified as North Dakota Century Code (NDCC) Sections 54-03-19.1 and 54-03-19.2, once again established a Legislative Compensation Commission to determine appropriate levels of expense allowance and compensation to be paid to members of the Legislative Assembly.

In 1993 NDCC Section 54-03-19.1 was amended to direct the Legislative Compensation Commission to develop recommendations for a long-term policy on legislative compensation, expense allowance, and insurance benefits. In addition, the 1993 Legislative Assembly amended Section 54-03-19.2 to allow the

commission to file with the Legislative Council a bill incorporating its recommendations.

The membership of the Legislative Compensation Commission has traditionally been bipartisan. The 1995-96 Legislative Compensation Commission recommended a bill to make bipartisan membership a requirement of the commission. The 1997 Legislative Assembly adopted the commission's recommendation and amended NDCC Section 54-03-19.1 to provide that no more than three of the five appointees to the Legislative Compensation Commission can represent the same political party.

Commission members were Charles Axtman (Chairman), Chris Christopherson, Meyer Kinnoin, John Mahoney, and Terry Wanzek. The commission met on July 25, 2006.

## BACKGROUND INFORMATION

### History of Legislative Compensation and Expense Reimbursement Rates

The Legislative Compensation Commission reviewed information on legislative compensation and expense reimbursement rates in effect from 1889 to 2005 summarized as follows:

Year	Compensation for Each Calendar Day During Session	Expense Reimbursement During Session			Expense Reimbursement or Compensation for Each Month During Term of Office	Compensation for Each Day Attending Interim Meetings
		Per Session	For Each Day During Session	For Each Month During Session		
1889	\$5	10 cents per mile				
1945	\$5	\$300				\$5.00
1949	\$5	\$600				\$10.00
1957	\$5	\$1,200 <sup>1</sup>				\$10.00
1965	\$5	\$1,200 <sup>2</sup>			\$35 <sup>2</sup>	\$10.00
1967	\$5		\$25		\$35	\$20.00
1969	\$5		\$35		\$35	\$30.00
1971	\$5		\$40		\$50	\$30.00
1973	\$5		\$50		\$50	\$30.00
1975	\$5		\$60		\$75	\$45.00
1977	\$5		\$60		\$150	\$45.00
1979	\$5		\$70		\$150	\$52.00
1981	\$5		\$85		\$180	\$62.50
1983	\$40 <sup>3</sup>		\$50 <sup>3</sup>		\$180	\$62.50
1985	\$90			\$600 <sup>4</sup>	\$180 <sup>5</sup>	\$62.50
1997	\$111			\$650	\$250	\$62.50
1999	\$111			\$650	\$250	\$75.00
2001	\$125			\$650	\$250	\$100.00
2005	\$125			\$900 <sup>6</sup>	\$350 <sup>6</sup>	\$100.00 <sup>7</sup>

<sup>1</sup>Section 54-03-20 was amended in 1959 to provide that the \$1,200 payment was reimbursement for expenses incurred during the interim and during the session.

<sup>2</sup>Section 54-03-20 was amended in 1965 to provide that the \$1,200 payment was reimbursement for expenses incurred during the session only and to provide for payments of \$35 per month during each legislator's term of office for uncompensated expenses.

<sup>3</sup>Bismarck legislators received \$90 per day during session as compensation and did not receive any amount for daily expense reimbursement.

<sup>4</sup>Section 54-03-20 was amended to provide that legislators receive reimbursement for lodging or mileage at the rates provided for state employees to a maximum of \$600 per month.

<sup>5</sup>House Bill No. 1243 (1985) amended Section 54-03-20 to provide that the monthly amount paid to legislators during the interim was compensation, not reimbursement for expenses.

<sup>6</sup>The 2005 Legislative Assembly increased the maximum lodging expense reimbursement allowed during legislative sessions from \$650 to \$900 per month, effective January 1, 2005, and increased legislators' monthly compensation from \$250 to \$350, effective July 1, 2005.

<sup>7</sup>In addition to the compensation for each day attending interim meetings, legislators are entitled to receive up to \$25 per day for expense reimbursement for meals.



## Current Compensation, Per Diem, and Expense Reimbursement Rates

The Legislative Compensation Commission reviewed information on the current compensation, per diem, and

expense reimbursement rates provided to members of the Legislative Assembly summarized as follows:

<b>Compensation for Regular, Special, or Organizational Sessions</b> Salary (Section 54-03-20)	\$125 per calendar day
<b>Additional compensation (Section 54-03-10)</b>	
Speaker of the House	\$10 per calendar day
House majority leader	\$10 per calendar day
Senate majority leader	\$10 per calendar day
House minority leader	\$10 per calendar day
Senate minority leader	\$10 per calendar day
Chairmen of substantive standing committees	\$5 per calendar day
House assistant majority leader	\$5 per calendar day
Senate assistant majority leader	\$5 per calendar day
House assistant minority leader	\$5 per calendar day
Senate assistant minority leader	\$5 per calendar day
<b>Expense Reimbursement for Regular, Special, or Organizational Sessions</b>	
Lodging expenses (Sections 44-08-04 and 54-03-20)	\$50 plus tax per calendar day up to \$900 per month
Mileage (Sections 54-03-20 and 54-06-09)	Thirty-seven and a half cents per mile for one round trip each calendar week going to and from the meeting of the Legislative Assembly. If travel is by common carrier, reimbursement must be at coach fare and may not exceed 1.5 times the amount the legislator would be entitled to receive as mileage reimbursement for travel by motor vehicle. Legislators who live in districts outside Bismarck are allowed daily round trip mileage reimbursement of 37.5 cents per mile or lodging reimbursement of up to \$50 per night plus any applicable state or local taxes, or a combination of mileage and lodging reimbursement up to a maximum of \$900 per month.
<b>Compensation During Term of Office</b>	
Compensation paid to legislators during their term of office, either monthly or every six months at the legislator's option (Section 54-03-20)	\$350 per month
Additional compensation for majority and minority leaders and Legislative Council chairman (Section 54-03-20)	\$250 per month
<b>Compensation for Interim Meetings</b>	
Compensation for attendance at meetings of the Legislative Council and its committees (Section 54-35-10)	\$100 per day
<b>Additional compensation</b>	
Council chairman (Section 54-35-10)	\$5 per day
Committee chairmen (Section 54-35-10)	\$5 per day
<b>Expense Reimbursement for Interim Meetings</b>	
Meals (Section 44-08-04)	Up to \$25 per day in state; an amount equal to the federal per diem meals rate for out-of-state travel
Lodging (Section 44-08-04)	Actual expenses not to exceed \$50 per day, plus any applicable state or local taxes in state; actual expenses for out-of-state travel
Mileage (Section 54-06-09)	Thirty-seven and a half cents per mile by motor vehicle; 18 cents per mile by motor vehicle 300 miles beyond the state border; 70 cents per mile by private airplane

### Previous Recommendations of the Legislative Compensation Commission

The commission reviewed previous recommendations of the Legislative Compensation Commission. The 1995-96 Legislative Compensation Commission recommended three bills for consideration by the 1997 Legislative Assembly:

1. Senate Bill No. 2051, as passed, included the commission's recommendation that monthly compensation be increased from \$180 to \$250 and the provision that at the legislator's option, this amount could be paid monthly rather than every six months. In addition, this bill was amended to increase the session compensation rate from \$90 to \$111 per day. The effective

- date of the bill was changed to apply retroactively to January 1, 1997.
2. Senate Bill No. 2052, as passed, did not include provisions to allow the Legislative Compensation Commission to set rather than recommend the level of legislative compensation, as were included in the bill recommended by the commission. However, as included in the recommended bill, the statutory references to the amount of compensation provided pursuant to NDCC Section 54-35-10 were changed to the fixed dollar amount of \$62.50 per day so that changes to the amount of interim compensation provided to legislators would not affect members of boards and commissions paid at the same rate. The Legislative Assembly also adopted the

recommended provision that no more than three of the five members of the commission represent the same political party.

3. Senate Bill No. 2053, as passed, included the commission's recommended increase from \$600 to \$650 per month for lodging reimbursement but did not include the recommended increase from \$62.50 to \$90 per day for attending interim meetings.

The 1997-98 Legislative Compensation Commission recommended Senate Bill No. 2055, which provided that legislative compensation for attending interim Legislative Council committee meetings be increased from \$62.50 to \$75 per day. This bill was passed without change by the 1999 Legislative Assembly.

The 1999-2000 Legislative Compensation Commission recommended three bills, all of which were passed by the Legislative Assembly, as follows:

1. Senate Bill No. 2175 amended NDCC Section 54-03-20 to provide that the session compensation rate be increased from \$111 to \$125 per calendar day.
2. Senate Bill No. 2176 amended NDCC Section 54-35-10 to provide that the interim compensation rate be increased from \$75 to \$100 per day for each day spent in attendance at sessions of the Legislative Council and its committees.
3. House Bill No. 1197 amended NDCC Section 54-06-09 to provide that the state mileage reimbursement rate be increased from 25 to 31 cents per mile.

The 2001-02 Legislative Compensation Commission recommended, in its report to the 2003 Legislative Assembly, that legislative compensation and expense reimbursement remain at the current level.

The 2003-04 Legislative Compensation Commission recommended the compensation for regular, special, or organizational sessions; monthly compensation paid to

legislators during their term of office; and compensation for interim meetings remain at the current level. The commission also recommended two bills for consideration by the 2005 Legislative Assembly:

1. Senate Bill No. 2059, as passed, did not increase the maximum lodging expense reimbursement allowed during legislative sessions from \$650 to \$900 per month for licensed lodging establishments and \$750 per month for any other lodging as was recommended by the commission. Instead, the bill was amended to increase the maximum lodging expense reimbursement from \$650 to \$900 per month. The effective date of the bill was changed to apply retroactively to January 1, 2005.
2. Senate Bill No. 2058, as passed, included the commission's recommended increase for the state mileage reimbursement rate from 31 to 37.5 cents per mile.

Although the commission recommended monthly compensation paid to legislators during their term of office remain at the current level, the 2005 Legislative Assembly increased the monthly compensation from \$250 to \$350.

### Legislative Compensation and Reimbursement Survey Results

The Legislative Compensation Commission reviewed a Legislative Council memorandum entitled *Legislative Compensation and Reimbursement Survey Results*. The Legislative Council staff conducted a survey of members of the Legislative Assembly regarding legislative compensation and reimbursement issues. The following is a summary of the legislative compensation and reimbursement issues the members of the Legislative Assembly were asked to respond to and the responses:

Legislative Compensation and Reimbursement Issues	Responses	
Compensation for regular, special, or organizational sessions - The current compensation for regular, special, or organizational sessions is \$125 per calendar day. The compensation was last increased in 2001 from \$111 to \$125 per day.	Increase compensation by \$25 per day, from \$125 to \$150 per day	8
	Increase compensation by 18 percent, or \$22.50 per day, from \$125 to \$147.50 per day	1
	Increase compensation by \$20 per day, from \$125 to \$145 per day	1
	Increase compensation by \$15 per day, from \$125 to \$140 per day	1
	Increase compensation by \$10 per day, from \$125 to \$135 per day	5
	Increase compensation by \$10 per day, from \$125 to \$135 per day, and tie future increases in compensation to state employee raises	2
	Increase compensation by 5 percent, or \$6 per day, from \$125 to \$131 per day	1
	Increase compensation by 2.5 percent, or \$3 per day for each year, from \$125 to \$128 and \$131 per day, respectively	1
	Increase compensation by a modest percentage	3
	Tie increases in compensation to state employee increases	5
	No suggested change	26
	Total	54
	NOTE: One legislator also noted the Legislative Compensation Commission should consider increases to additional compensation paid to committee chairs and leaders.	

Legislative Compensation and Reimbursement Issues	Responses	
Lodging expense reimbursement for regular, special, or organizational sessions - The current lodging expense reimbursement for regular, special, or organizational sessions is \$50 plus tax per calendar day up to \$900 per month. The maximum expense reimbursement allowed was last increased in 2005 from \$650 to \$900.	Limit the maximum amount of reimbursement allowed for an individual rental	1
	Allow legislator to retain any savings resulting from securing lodging below the \$900 maximum expense reimbursement to encourage competitive shopping	1
	Lower the maximum expense reimbursement for private residences to \$600 per month unless a legislator is allowed to stay in the residence for the entire legislative session	1
	Increase the reimbursement rate to cover actual rates charged by most motels	2
	Increase the per day reimbursement rate to \$60 plus tax	1
	No suggested change	48
	Total	54
Mileage expense reimbursement - The current mileage expense reimbursement for regular, special, or organizational sessions and interim meetings is 37.5 cents per mile. The rate was last increased in 2005 from 31 to 37.5 cents per mile. As of January 1, 2006, the federal mileage expense reimbursement rate was 44.5 cents per mile.	Increase reimbursement by 7.5 cents per mile, from 37.5 to 45 cents per mile	1
	Increase reimbursement by 7 cents per mile, from 37.5 to 44.5 cents per mile	12
	Increase reimbursement by 2.5 cents per mile, from 37.5 to 40 cents per mile	2
	Increase the reimbursement	9
	Tie the reimbursement to federal mileage reimbursement rate	17
	Tie the reimbursement to the price of fuel	3
	No suggested change	10
	Total	54
Compensation during term of office - The current compensation paid to legislators during their term of office is \$350 per month. The compensation was last increased in 2005 from \$250 to \$350 per month.	Increase compensation by \$150 per month, from \$350 to \$500 per month	2
	Increase compensation by \$50 or \$100 per month, from \$350 to \$400 or \$450 per month	1
	Increase compensation by \$50 per month, from \$350 to \$400 per month	2
	Increase compensation by \$25 per month, from \$350 to \$375 per month	1
	Increase compensation by a modest percentage	5
	Tie the compensation to inflation or state employee increases	2
	Tie the compensation to the size of the legislative district	1
	Decrease the compensation to \$250 per month and increase the compensation for interim meetings and the mileage expense reimbursement	1
	No suggested change	39
	Total	54
Compensation for interim meetings - The current compensation for attendance at meetings of the Legislative Council and its committees is \$100 per day. The compensation was last increased in 2001 from \$75 to \$100 per day. In addition to the compensation for each day attending interim meetings, legislators are entitled to receive up to \$25 per day for expense reimbursement for meals.	Increase compensation by \$100 per day, from \$100 to \$200 per day	1
	Increase compensation by \$50 per day, from \$100 to \$150 per day	2
	Increase compensation by \$45 per day, from \$100 to \$145 per day	1
	Increase compensation by \$25 per day, from \$100 to \$125 per day	12
	Increase compensation by \$20 per day, from \$100 to \$120 per day	1
	Increase compensation by \$15 to \$25 per day, from \$100 to \$115 to \$125 per day	2
	Increase compensation	1
	Tie increases in compensation to inflation or state employee salary increases	2
	Tie the compensation for interim meetings to compensation for the legislative session	14
	Increase the additional compensation for committee chairmen	1
	No suggested change	17
	Total	54
Other issues - Are there any suggestions for other areas of compensation or reimbursement, such as reimbursement for wireless telephone services?	Provide a reimbursement for wireless telephone service	2
	Provide a reimbursement of \$25 per month for wireless telephone service with the requirement the telephone number be a public number	1
	Provide a reimbursement for high-speed wireless Internet access	1

Legislative Compensation and Reimbursement Issues	Responses	
	Reimburse local legislators for meals	1
	Utilize technology to hold meetings	1
	Provide an allowance for postage, printing, etc.	1
	Start a retirement plan for legislators	1
	Replace legislators' computers	1

### Other Information

The Legislative Compensation Commission reviewed:

- The provisions of NDCC Sections 54-03-19.1 and 54-03-19.2 relating to the duties of the Legislative Compensation Commission.
- A Legislative Council memorandum entitled *Legislative Compensation Increases Compared to Inflation and State Employee Salary Increases - 1981 Through 2006*. The following schedule compares actual calendar year 2006 legislative compensation rates to 1981 rates adjusted annually for inflation and percentage salary increases provided to state employees:

	Actual 2006 Compensation Rates	1981 Compensation Rates Adjusted for Inflation	1981 Compensation Rates Adjusted for Salary Increases Provided to State Employees
Interim daily compensation	\$100	\$138.21	\$123.59
Session daily compensation	\$125	\$199.03	\$177.92
Monthly compensation during term of office	\$350	\$398.11	\$355.90

- Information prepared by the National Conference of State Legislatures regarding legislative compensation levels in other states, including legislative compensation, expense reimbursements, and other benefits provided to legislators in each of the 50 states.

### DISCUSSION AND COMMENTS

The following comments were made by members of the Legislative Compensation Commission:

- A portion of the differential between legislative pay during a legislative session and during the interim is attributable to the fact that during the interim legislators are allowed meal reimbursement of up to \$25 per day in addition to legislative compensation.

- Legislative compensation needs to be at a level that allows all individuals to run for the positions.
- The health insurance benefit provided by the state is a large benefit to members of the Legislative Assembly.
- The commission should consider increasing the compensation for regular, special, or organizational sessions by 4 percent, or \$5 per calendar day, from \$125 to \$130 per calendar day.
- The commission should consider increasing the state mileage reimbursement rate to reflect increased gas prices and other costs.

### RECOMMENDATIONS

The Legislative Compensation Commission recommends:

1. House Bill No. 1106 to amend NDCC Section 54-03-20 to increase the compensation for regular, special, or organizational sessions from \$125 to \$130 per calendar day. The estimated cost of the bill is \$88,000 from the general fund for the 2007-09 biennium. This legislation would be effective August 1, 2007.
2. House Bill No. 1107 to amend NDCC Section 54-06-09 to increase the state mileage reimbursement rate from 37.5 to 42.5 cents per mile. The estimated cost of the bill for the Legislative Assembly and the Legislative Council is a total of approximately \$83,000 from the general fund for the 2007-09 biennium. The statutory change will also impact other agencies that reimburse employees for use of employees' vehicles in lieu of using Department of Transportation Fleet Services vehicles. This legislation would be effective August 1, 2007.
3. The other legislative compensation and reimbursement levels, including compensation during a term of office, compensation for interim meetings, additional compensation for committee chairmen and majority and minority leaders, and lodging expense reimbursement, remain at the current level.

TESTIMONY ON HOUSE BILL 1106  
SENATE APPROPRIATIONS COMMITTEE  
MARCH 7, 2007  
JOHN GOSBEE, MANDAN

CHAIRMAN HOLMBERG AND MEMBERS OF THE SENATE APPROPRIATIONS COMMITTEE, I AM ANOTHER WORKING TAXPAYER ASKING THAT YOU RECOMMEND **DO NOT PASS** ON THIS BILL. OTHERS WILL DISCUSS THE OBVIOUS OBJECTIONS TO THE WHOLE IDEA OF THE LEGISLATURE VOTING ITSELF A PAY RAISE WITHOUT SUBMITTING IT TO THE PEOPLE. I HAVE ALSO FILED WRITTEN TESTIMONY FROM RALPH MUECKE OF GLADSTONE. HE IS OUT MAKING HIS LIVING TODAY AND COULDN'T COME HERE IN PERSON. HE'S GOT TO PAY HIS STATE TAXES SOMEHOW, YOU KNOW.

I'D LIKE THE COMMITTEE TO GIVE THOUGHT TO ANOTHER POINT THAT MAKES THIS SELF-GRANTED PAY RAISE ESPECIALLY HEARTLESS. AS YOU KNOW, THE LEGISLATURE IS ENTITLED TO THE SAME HEALTH INSURANCE THAT STATE WORKERS GENERALLY RECEIVE. NOT EVIDENT FROM THIS BILL IS THE FACT THAT THE LEGISLATURE IS ALREADY GETTING A 19% PAY RAISE. THAT'S BECAUSE THE STATE'S COST FOR THE HEALTH INSURANCE BENEFIT WILL BE \$658 A MONTH THIS SUMMER, UP FROM THE PRESENT \$554 A MONTH.

SO, WITH THE HEALTH INSURANCE, THE LEGISLATURE IS GETTING A 31% PAY RAISE DURING SESSION, AND A 44% PAY RAISE DURING THE INTERIM. DON'T YOU THINK THAT'S A LITTLE EXCESSIVE?

WITH MY WRITTEN TESTIMONY, I'VE INCLUDED A TABLE SHOWING LEGISLATIVE COMPENSATION. AS YOU'LL NOTE, IT WOULD TAKE A FULL TIME JOB PAYING BETWEEN \$95,000 AND \$103,000 A YEAR TO DUPLICATE THE COMPENSATION THE LEGISLATURE GETS.

IF THE COMMITTEE HAS A SENSE OF FAIRNESS, I SUGGEST IT DO ONE OF TWO THINGS -- EITHER ONE WILL MAKE THE LEGISLATURE LIVE A LOT MORE LIKE THE REST OF US IN NORTH DAKOTA DO.

THE FIRST ONE IS TO TAKE AWAY THE LEGISLATORS' FREE HEALTH INSURANCE BENEFITS.

THE SECOND ONE IS TO GIVE EVERY WORKING NORTH DAKOTAN THE SAME HEALTH INSURANCE LEGISLATORS GET NOW. IF THE LEGISLATURE IS BOUND AND DETERMINED TO SPEND THE \$500 MILLION SURPLUS, WHAT BETTER WAY TO DO SO?

I'VE INCLUDED TWO PROPOSED AMENDMENTS THAT WILL ACCOMPLISH THOSE RESULTS.

THANK YOU FOR THIS OPPORTUNITY TO ADDRESS THE COMMITTEE.

WHAT ND LEGISLATORS MAKE EACH SESSION				
Line	Compensation Item	Through June 30, 2007	Starting July 1, 2007	Notes -- Method of calculation and source of data
1	Session pay	14,000	15,680	112 calendar days for organizational and regular session; \$125 per day this session; \$140 per day next session; HB 1106
2	"Compensation"	8,400	8,400	\$350 a month "compensation" NDCC §54-03-20(7)(a)
3	Health Insurance	13,296	15,792	Worth \$554 per month through June 2007; worth \$658 per month starting July 2007. Governor's budget report for state employee compensation.
4	Session lodging and meals	3,600	3,600	\$900 per month; NDCC §54-03-20(2)(a) assumes 4 months per session.
5	Session mileage	1,200	1,200	One round trip per week; assumes 12 weeks. Mileage will be raised for all state workers if HB1107 passes.
6	Interim meetings	3,000	3,750	Pay is \$100 per day through June 2007; becomes \$125 per day in August 2007 under HB 1106; assumes 30 days per interim.
7	Interim lodging and meals	1,500	1,700	Assumes 20 trips per interim. Lodging and meals will be raised for all state workers if SB2246 passes.
8	Interim mileage	1,500	1,800	Assumes 20 trips per interim. Mileage will be raised for all state workers if HB1107 passes.
9	Free Century Code	600	600	Legislators are entitled to free copy of ND Century Code. It costs about \$300 per year for a subscription.
10	Total per biennium	47,096	51,922	
11	Average per year	23,548	25,961	
12	Equivalent Full Time -- legislators work roughly 1/4 of the time over a 2-year cycle; this shows what a full time worker would receive at the same rate	94,192	103,844	

**GENERAL NOTE:** Calculation for mileage is different for each legislator. This chart shows compensation for hypothetical legislator living 100 miles from Capitol. It is 37.5 cents per mile through June; it will be 45 cents per mile if HB1107 passes.

**EXTRA PAY:** Many legislators receive an extra \$5 or \$10 a day -- leaders, interim committee chairmen, etc. This chart shows pay for "regular" legislators.

**PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1106**

(Legislators' Parity With North Dakota's Working Poor)

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "54-35-10", insert ", and subsection 4 of section 54-52.1-01"

Page 1, line 3, after "assembly", insert "and to parity of health insurance benefits for members of the legislative assembly with those of North Dakota's working poor"

Page 1, after line 19, insert:

**"SECTION 3. AMENDMENT.** Subsection 4 of section 54-52.1-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Eligible employee" means every permanent employee who is employed by a governmental unit, as that term is defined in section 54-52-01. "Eligible employee" includes ~~members of the legislative assembly, judges justices~~ of the supreme court, paid members of state or political subdivision boards, commissions, or associations, fulltime employees of political subdivisions, elective state officers as defined by subsection 2 of section 54-06-01, and disabled permanent employees who are receiving compensation from the North Dakota workforce safety and insurance fund. As used in this subsection, "permanent employee" means one whose services are not limited in duration, who is filling an approved and regularly funded position in a governmental unit, and who is employed at least seventeen and one-half hours per week and at least five months each year or for those first employed after August 1, 2003, is employed at least twenty hours per week and at least twenty weeks each year of employment. For purposes of sections 54-52.1-04.1, 54-52.1-04.7, 54- 52.1-04.8, and 54-52.1-11, "eligible employee" includes retired and terminated employees who remain eligible to participate in the uniform group insurance program pursuant to applicable state or federal law."

Renumber accordingly

## TESTIMONY IN OPPOSITION TO HB 1106

Ralph Muecke, Gladstone, ND 58630

March 7, 2007

Evidently we have a tax and spend legislature that is running totally out of control. It's just like turning a bunch of kids loose in a big toy store and letting them take anything they want. It's as if our legislators can't wait to see how fast they can spend the \$500 plus million surplus and then some.

Then to add insult to injury you want to give yourselves a 12% pay increase ... already for next session? Shame! Shame! The amount for health insurance for the legislators alone is staggering. This amount will go from over \$6,500 to almost \$8,000 per year. Very few people can afford to pay that for health insurance. This is especially asinine to a lot of people including me who can't afford health insurance at all. Also part of the raise takes place already this summer for interim meetings? I know of no business where the employees dictate what their employers will pay them. If they did there would be a lot of unemployed starving people.

I for one am getting sick and tired of comparing North Dakota to other states. Just because ND may rank 50th doesn't mean its people are necessarily underpaid. With a rating system as such, somebody has to be number one and somebody number 50, but it doesn't tell the whole story.

You say you are underpaid: compared to whom? Ball players? Enron executives?

There are getting to be a lot of irate people out there concerning this issue and the number is growing. I was approached a by some people a couple of years ago wanting to do an initiated measure for a law to require a majority vote approval of the people before our legislator's could receive a pay raise. Believe me that might happen.

You seem to forget who sent you down here in the first place and what is expected of you. The number of people losing respect for those they elect is increasing. This bill only pours gasoline on the fire. If this passes and there is a referral, you can be assured I will get the largest amount of signatures.

I ask you to give HB 1106 a DO NOT PASS recommendation.



**PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1106**

(Parity of North Dakota's Working Poor with Legislators)

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "54-35-10", insert ", and subsection 4 of section 54-52.1-01"

Page 1, line 3, after "assembly", insert "and to parity of health insurance benefits for North Dakota's working poor with those of the legislative assembly"

Page 1, after line 19, insert:

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4. ~~"Eligible employee" means every permanent employee who is employed by a governmental unit, as that term is defined in section 54-52-01. "Eligible employee" includes members of the legislative assembly, judges of the supreme court, paid members of state or political subdivision boards, commissions, or associations, fulltime employees of political subdivisions, elective state officers as defined by subsection 2 of section 54-06-01, and disabled permanent employees who are receiving compensation from the North Dakota workforce safety and insurance fund. As used in this subsection, "permanent employee" means one whose services are not limited in duration, who is filling an approved and regularly funded position in a governmental unit, and who is employed at least seventeen and one-half hours per week and at least five months each year or for those first employed after August 1, 2003, is employed at least twenty hours per week and at least twenty weeks each year of employment. For purposes of sections 54-52.1-04.1, 54-52.1-04.7, 54-52.1-04.8, and 54-52.1-11, "eligible employee" includes retired and terminated employees who remain eligible to participate in the uniform group insurance program pursuant to applicable state or federal law~~ resident of this state who, in the previous taxable year, paid at least fifty dollars in Federal Insurance Contributions Act taxes."

Renumber accordingly

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

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

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

**Source.** S.L. 1945, ch. 289, § 10; 1949, ch. 323, § 1; R.C. 1943, 1957 Supp., § 54-3510; S.L. 1967, ch. 391, § 1; 1969, ch. 448, § 10; 1969, ch. 449, § 1; 1971, ch. 487, § 4; 1975, ch. 481, § 1; 1979, ch. 536, § 2; 1981, ch. 520, § 2; 1985, ch. 558, § 3; 1999, ch. 465, § 1; 2001, ch. 490, § 1.

**Effective Date.** - The 2001 amendment of this section by section 1 of chapter 490, S.L. 2001 became effective August 1, 2001.

The 1999 amendment of this section by section 1 of chapter 465, S.L. 1999 became effective August 1, 1999.

**54-03-20. Compensation and expense reimbursement of members of the legislative assembly.**

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

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

b. Notwithstanding subdivision a:

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

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

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

b. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed nine hundred dollars per month.

4. The amount to which each legislator is entitled must be paid following the organizational session in December and following each month during a regular or special session.

5. If during a special session, the legislative assembly adjourns for more than three days, a member of the legislative assembly is entitled to receive compensation during those days only while in attendance at a standing committee if the legislator is a member of that committee, a majority or minority leader, or a legislator who is not on that committee but who has the approval of a majority or minority leader to attend.

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

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

b. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.

c. The majority and minority leaders of the house and senate and the chairman of the legislative council, if the chairman is not a majority or minority leader, are each entitled to receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of two hundred fifty dollars per month during the biennium for their execution of public duties.

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

**Source.** S.L. 1945, ch. 72, § 1; 1949, ch. 312, § 1; 1957, ch. 334, § 1; R.C. 1943, 1957 Supp., § 54-0320; S.L. 1959, ch. 368, § 1; 1965, ch. 340, § 1; 1967, ch. 379, § 1; 1969, ch. 426, § 1; 1969, ch. 427, § 5; 1971, ch. 487, § 2; 1973, ch. 409, § 1; 1975, ch. 418, § 2; 1977, ch. 476, § 1; 1979, ch. 536, § 1; 1981, ch. 520, § 1; S.L. 1983, ch. 551, § 1; 1985, ch. 558, § 2; 1987, ch. 620, § 1; 1989, ch. 630, § 2; 1989, ch. 631, § 1; 1991, ch. 566, § 1; 1993, ch. 505, § 3; 1997, ch. 433, § 1; 1997, ch. 434, § 1; 1997, ch. 435, § 1; 1999, ch. 442, § 1; 2001, ch. 26, § 3; 2001, ch. 467, § 1; 2001, ch. 468, § 1; 2003 Sp., ch. 668, § 1; 2005, ch. 15, § 17; 2005, ch. 29, § 10; 2005, ch. 472, § 1.

**Effective Date.** - The 2005 amendment of this section by section 17 of chapter 15, S.L. 2005 became effective July 1, 2005.

The 2005 amendment of this section by section 10 of chapter 29, S.L. 2005 became effective July 1, 2005.

The 2005 amendment of this section by section 1 of chapter 472, S.L. 2005 became effective April 26, 2005, pursuant to an emergency clause in section 3 of chapter 472, S.L. 2005.

The 2003 amendment of this section by section 1 of chapter 668, S.L. 2003, Sp. becomes effective upon its filing with the secretary of state, pursuant to section 2 of chapter 668, S.L. 2003, Sp.

The 2001 amendment of this section by section 3 of chapter 26, S.L. 2001 became effective April 23, 2001, pursuant to an emergency clause in section 4 of chapter 26, S.L. 2001.

The 2001 amendment of this section by section 1 of chapter 467, S.L. 2001 became effective January 30, 2001, pursuant to an emergency clause in section 3 of chapter 467, S.L. 2001.

The 2001 amendment of this section by section 1 of chapter 468, S.L. 2001 is retroactive in application to January 1, 2001, pursuant to section 2 of chapter 468, S.L. 2001.

The 1999 amendment of this section by section 1 of chapter 442, S.L. 1999 became effective August 1, 1999.

**Note.** - Section 54-03-20 was amended 3 times by the 2005 Legislative Assembly. Pursuant to section 1-02-09.1, the section is printed above to harmonize and give effect to the changes made in section 10 of chapter 29, Session Laws 2005, Senate Bill 2001; section 17 of chapter 15, Session Laws 2005, House Bill 1015; and section 1 of chapter 472, Session Laws 2005, Senate Bill 2059.

Section 3 of chapter 668, S.L. 2003, Sp., provides:

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

Section 54-03-20 was amended three times by the 2001 Legislative Assembly. Pursuant to section 1-02-09.1, the section is printed above to harmonize and give effect to the changes made in section 3 of chapter 26, S.L. 2001, section 1 of chapter 467, S.L. 2001, and section 1 of chapter 468, S.L. 2001.

Section 2 of chapter 467, S.L. 2001, provides: **"RETROACTIVE APPLICATION.** Section 1 of this Act [this section] is retroactive in application to December 7, 2000."

**Cross-References.** - Compensation of nursing board members, see § 43-12.1-07.