

PROPOSED AMENDMENTS TO SENATE BILL NO. 2093

Page 1, line 1, after "to" insert "create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to authorizing counties to enter purchasing card agreements; to" and after "reenact" insert "section 11-10-16,"

Page 1, line 3, after "state" insert "and county"

Page 1, line 4, after "expenditures" insert "; and to provide a penalty"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 11-10-16 of the North Dakota Century Code is amended and reenacted as follows:

**11-10-16. Statement to claim mileage.** ~~Before~~ Unless the expense was incurred by the use of a purchasing card, before an allowance for mileage or travel expense may be paid by a county, the ~~person~~ individual for whose travel the claim is made shall file with the county auditor an itemized statement verified by affidavit showing the number of miles traveled, the mode of travel, the days of traveling, the purpose of the travel, and the destination. Before a claim for mileage is allowed or paid, the claimant shall file the statement and affidavit with the board of county commissioners which shall decide whether to allow the claim.

**SECTION 2.** A new section to chapter 11-10 of the North Dakota Century Code is created and enacted as follows:

**Purchasing card authority - Penalty.**

1. A board of county commissioners may approve entering a purchasing card agreement, including participation in a cooperative purchasing contract established by the office of management and budget.
2. A public officer or employee who willfully uses or approves any purchase with a purchasing card which is false or unlawful or otherwise does not comply with any requirement in the contractual agreement is guilty of theft and punishable under chapter 12.1-23.
3. A public officer or employee who willfully uses or approves a payment with a purchasing card which is false or unlawful or not authorized is personally liable for any funds improperly expended.
4. The manager of a purchasing card system or any other individual who has knowledge of an actual or possible violation of this section shall make the information known to the attorney general or the appropriate state's attorney. Upon receipt of a report of an alleged violation, the attorney general or state's attorney shall investigate the alleged violation and, if a violation appears to exist, prosecute the offender or bring a civil suit for the recovery of the funds that may have been improperly paid against the payee and the individual who approved the payment.
5. An officer or employee who approves any payment negligently has the right of subrogation against the payee of the payment if public funds have been improperly paid to the payee."

Renumber accordingly