

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1029

Introduced by

Legislative Council

(Employee Benefits Programs Committee)

1 A BILL for an Act to create and enact four new sections to chapter 54-06 of the North Dakota
2 Century Code, relating to state employee service awards, employer-paid tuition, and
3 employer-paid professional organization membership and service club dues.

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

5 **SECTION 1.** A new section to chapter 54-06 of the North Dakota Century Code is
6 created and enacted as follows:

7 **State employee service awards.** Each state agency, department, or institution may
8 establish rules or policies for employee recognition and service award programs. Executive
9 branch agencies having employees in classified service are subject to rules adopted by North
10 Dakota human resource management services and approved by the state personnel board and
11 the legislative council's administrative rules committee. Any other agency, department, or
12 institution of the executive, legislative, or judicial branch may adopt similar rules or policies to
13 ensure uniformity and consistency in state government. Notwithstanding any other provision of
14 law, each executive branch state agency, department, or institution, except an institution of
15 higher education, having employees who are not in classified service and establishing rules or
16 policies for employee recognition and service award programs shall submit the rules and
17 policies to the office of management and budget for review and comment, and after addressing
18 any comments of the office of management and budget, shall submit the rules and policies to
19 the legislative council's administrative rules committee for approval. Within sixty days after the
20 close of each biennial period, each state agency, department, or institution providing an
21 employee service award under rules approved by the administrative rules committee shall file
22 with the office of management and budget a report indicating the individuals receiving a service
23 award, the amount paid, and a statement of the public purpose or benefit of the expenditures.
24 Within ninety days after the close of each biennial period, the office of management and budget

1 shall submit to the legislative council a report summarizing this information. An expenditure
2 made under this section is deemed to be compensation for services provided to the state and is
3 made for a public purpose and may not be construed as a gift for purposes of section 18 of
4 article X of the Constitution of North Dakota.

5 **SECTION 2.** A new section to chapter 54-06 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Employer-paid tuition.** Each state agency, department, or institution may establish
8 rules or policies to provide employer-paid costs of training or educational courses, including
9 tuition and fees, within budgetary constraints. Executive branch agencies having employees in
10 classified service are subject to rules adopted by North Dakota human resource management
11 services and approved by the state personnel board and the legislative council's administrative
12 rules committee. Any other state agency, department, or institution of the executive, legislative,
13 or judicial branch may adopt rules or policies to ensure uniformity and consistency in state
14 government. Notwithstanding any other provision of law, each executive branch state agency,
15 department, or institution, except an institution of higher education, having employees who are
16 not in classified service and establishing rules or policies for employer-paid costs of training or
17 educational courses, including tuition and fees, shall submit the rules and policies to the office
18 of management and budget for review and comment, and after addressing any comments of
19 the office of management and budget, shall submit the rules and policies to the legislative
20 council's administrative rules committee for approval. Within sixty days after the close of each
21 biennial period, each state agency, department, or institution providing employer-paid costs of
22 training or educational courses, including tuition and fees, under rules approved by the
23 administrative rules committee, shall file with the office of management and budget a report
24 indicating the individuals receiving employer-paid costs of training or educational courses,
25 including tuition and fees; the amount paid; and a statement of the public purpose or benefit of
26 the expenditure. Within ninety days after the close of each biennial period, the office of
27 management and budget shall submit to the legislative council a report summarizing this
28 information. An employee who receives employer-paid tuition reported under this section who
29 leaves employment with that employer within two years of receiving the tuition must repay
30 tuition received under this section on a prorated basis. An expenditure for employer-paid
31 training or educational courses, including tuition and fees, under this section is deemed to be

1 made for a public purpose and may not be construed as a gift for purposes of section 18 of
2 article X of the Constitution of North Dakota.

3 **SECTION 3.** A new section to chapter 54-06 of the North Dakota Century Code is
4 created and enacted as follows:

5 **Employer-paid professional organization membership and service club dues.**

6 Each state agency, department, or institution may pay employee membership dues for
7 professional organizations and membership dues for service clubs when required to do
8 business or if the membership is primarily for the benefit of the state. Within sixty days after the
9 close of each biennial period, each executive branch state agency, department, or institution,
10 except an institution of higher education, providing employer-paid professional organization
11 membership and service club dues shall file with the office of management and budget a report
12 indicating the individuals receiving employer-paid professional organization membership and
13 service club dues, the amount paid, and a statement of the public purpose or benefit of the
14 expenditure. Within ninety days after the close of each biennial period, the office of
15 management and budget shall submit to the legislative council a report summarizing this
16 information. An expenditure made under this section is deemed to be compensation for
17 services provided to the state and is made for a public purpose and may not be construed as a
18 gift for purposes of section 18 of article X of the Constitution of North Dakota.

19 **SECTION 4.** A new section to chapter 54-06 of the North Dakota Century Code is
20 created and enacted as follows:

21 **Expenditure made pursuant to rule or policy.** An expenditure made pursuant to a
22 rule or policy adopted pursuant to sections 1 through 3 of this Act is not a criminal offense.