

Sixty-third  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1309**

Introduced by

Representatives Guggisberg, Karls

Senators Sorvaag, Nelson

1 A BILL for an Act to amend and reenact sections 54-06-32, 54-06-33, and 54-06-34 of the North  
2 Dakota Century Code, relating to state agency reporting requirements for employee service  
3 awards, employer-paid tuition, and employer-paid dues and memberships.

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

5 **SECTION 1. AMENDMENT.** Section 54-06-32 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **54-06-32. State employee service awards.**

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

~~ninety days after the close of each biennial period, the office of management and budget shall submit to the legislative council a report summarizing this information. An expenditure made under this section is deemed to be made for a public purpose and may not be construed as a gift for purposes of section 18 of article X of the Constitution of North Dakota.~~

**SECTION 2. AMENDMENT.** Section 54-06-33 of the North Dakota Century Code is amended and reenacted as follows:

**54-06-33. Employer-paid tuition.**

Each state agency, department, or institution may establish rules or policies to provide employer-paid costs of training or educational courses, including tuition and fees, within budgetary constraints. Executive branch agencies having employees in classified service are subject to rules adopted by North Dakota human resource management services and approved by the state personnel board and the legislative management's administrative rules committee. Any other state agency, department, or institution of the executive, legislative, or judicial branch may adopt rules or policies to ensure uniformity and consistency in state government.

Notwithstanding any other provision of law, each executive branch state agency, department, or institution, except an institution of higher education, having employees who are not in classified service and establishing rules or policies for employer-paid costs of training or educational courses, including tuition and fees, shall submit the rules and policies to the office of management and budget for review and comment, and after addressing any comments of the office of management and budget, shall submit the rules and policies to the legislative management's administrative rules committee for approval. ~~Within sixty days after the close of each biennial period, each state agency, department, or institution providing employer-paid costs of training or educational courses, including tuition and fees, under rules approved by the administrative rules committee, shall file with the office of management and budget a report indicating the individuals receiving employer-paid costs of training or educational courses, including tuition and fees; the amount paid; and a statement of the public purpose or benefit of the expenditure. Within ninety days after the close of each biennial period, the office of management and budget shall submit to the legislative council a report summarizing this information.~~ An employee who receives employer-paid tuition reported under this section who leaves employment with ~~that employer~~the state within two years of receiving the tuition must repay tuition received under this section on a prorated basis. An expenditure for employer-paid

1 training or educational courses, including tuition and fees, under this section is deemed to be  
2 made for a public purpose and may not be construed as a gift for purposes of section 18 of  
3 article X of the Constitution of North Dakota.

4 **SECTION 3. AMENDMENT.** Section 54-06-34 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **54-06-34. Employer-paid professional organization membership and service club**  
7 **dues.**

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