

SENATE BILL NO. 2093

Introduced by

Government and Veterans Affairs Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact subsection 2 of section 44-08-04, sections 44-08-04.4
2 and 44-08-05.1, and subsection 4 of section 54-44.4-11 of the North Dakota Century Code,
3 relating to payment of travel expenses of state officers and employees and purchasing card
4 expenditures.

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

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 44-08-04 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 2. ~~Expenses for~~ For travel within the state ~~must be reimbursed at~~, the following rates
9 for each quarter of any twenty-four-hour period must be used:
- 10 a. First quarter is from six a.m. to twelve noon and the sum must be five dollars.
11 First quarter reimbursement may not be made if travel began after seven a.m.
 - 12 b. Second quarter is from twelve noon to six p.m. and the sum must be seven
13 dollars and fifty cents.
 - 14 c. Third quarter is from six p.m. to twelve midnight and the sum must be twelve
15 dollars and fifty cents.
 - 16 d. Fourth quarter is from twelve midnight to six a.m. and the sum must be the
17 actual lodging expenses not to exceed fifty dollars plus any additional
18 applicable state or local taxes. A political subdivision may reimburse an
19 elective or appointive officer, employee, representative, or agent for actual
20 lodging expenses.

21 **SECTION 2. AMENDMENT.** Section 44-08-04.4 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **44-08-04.4. Prepayment of travel expenses of state officers and employees.** Any
24 travel expense, including airline tickets and registration fees, that must be incurred more than

1 five weeks in advance of approved travel ~~of to meet necessary deadlines or to obtain low rates,~~
2 ~~may be purchased by the state or any elected or appointed officer, employee, representative, or~~
3 ~~agent of this state to meet necessary deadlines or to obtain low rates must be purchased~~
4 ~~prepaid by the state.~~ No state entity may require an officer, employee, representative, or agent
5 of the state to pay these expenses.

6 **SECTION 3. AMENDMENT.** Section 44-08-05.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **44-08-05.1. Payments - Requirements for approval - Penalty - Action for**
9 **violations.** Any public officer or employee who has the power to approve a payment for a
10 department, agency, or institution for travel expenses or any other state expenditure of public
11 funds shall determine before approving the payment:

12 1. That the expenditure for travel or other expenditures were for lawful and official
13 purposes.

14 2. If for employee travel reimbursement, ~~that the travel actually occurred and that the~~
15 sums claimed for travel expenses are actually due the individual who is seeking
16 reimbursement, allowance, or payment.

17 3. If the payment is for expenditure other than travel expense, that the expenditure is
18 lawful and that the payment contains no false claims.

19 For purchases made with the use of a purchasing card ~~authorized under section 54-44.4-11,~~ an
20 employee of the office of management and budget designated by the director of the office of
21 management and budget, on behalf of all agencies, may review and approve payments under
22 this section and make payments pursuant thereto. Any public officer or employee who willfully
23 approves a payment with knowledge it contains false or unlawful claims or that it does not
24 otherwise meet the requirements of this section for approval is guilty of theft and punishable
25 under chapter 12.1-23. Any public officer or employee who, without the use of ordinary care
26 and diligence, negligently approves a payment for a department, agency, or institution
27 containing false or unlawful claims or which does not otherwise meet the requirements of this
28 section for approval is personally liable for any funds improperly expended. The director of the
29 office of management and budget, members of the office of the budget, state auditor, or any
30 other person who has knowledge of an actual or possible violation of this section shall make
31 such information known to the attorney general. The attorney general shall investigate any

1 alleged violation and, if a violation appears to exist, shall prosecute under chapter 12.1-23 or
2 bring a civil suit for the recovery of such funds as may actually have been improperly paid
3 against the payee and officer or employee who approved the payment in violation of the above
4 requirements or shall bring both such criminal action and civil suit. The officer or employee who
5 approves any payment negligently has the right of subrogation against the payee of the
6 payment in the event public funds have been improperly paid to the payee.

7 **SECTION 4. AMENDMENT.** Subsection 4 of section 54-44.4-11 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 4. The director of the office of management and budget may establish and administer,
10 including by contract with a provider, a system of procurement for commodities
11 agencies are authorized to purchase under this section. If the director ~~establishes~~
12 uses a purchasing card system under this subsection, the director may designate
13 which agencies are required to use the purchasing card system for purchasing
14 commodities under this section.