

Sixty-third  
Legislative Assembly  
of North Dakota

## ENGROSSED 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; and to declare an  
4 emergency.

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

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

8 **54-06-32. State employee service awards.**

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

1 ~~the amount paid, and a statement of the public purpose or benefit of the expenditures~~total  
2 amount of service awards paid. Within ninety days after the close of each biennial period, the  
3 office of management and budget shall submit to the legislative council a report summarizing  
4 this information. An expenditure made under this section is deemed to be made for a public  
5 purpose and may not be construed as a gift for purposes of section 18 of article X of the  
6 Constitution of North Dakota.

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

9 **54-06-33. Employer-paid tuition.**

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

1 employee who receives employer-paid tuition reported under this section who leaves  
2 employment with ~~that employer~~the state within two years of receiving the tuition must repay  
3 tuition received under this section on a prorated basis. An expenditure for employer-paid  
4 training or educational courses, including tuition and fees, under this section is deemed to be  
5 made for a public purpose and may not be construed as a gift for purposes of section 18 of  
6 article X of the Constitution of North Dakota.

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

9 **54-06-34. Employer-paid professional organization membership and service club**  
10 **dues.**

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

24 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.