

**FIRST ENGROSSMENT**

Fifty-eighth  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2078**

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 1 of section 44-08-04.2 and sections  
2 44-08-04.5, 44-08-05.1, and 54-06-06 of the North Dakota Century Code, relating to travel  
3 advances, direct payment of lodging expenses, payment approval requirements, and periodic  
4 salary payments for state employees; and to repeal sections 44-08-08 and 54-06-16 of the  
5 North Dakota Century Code, relating to per diem oath and penalty and minimum wage for state  
6 employees.

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

8 **SECTION 1. AMENDMENT.** Subsection 1 of section 44-08-04.2 of the North Dakota  
9 Century Code is amended and reenacted as follows:

10 1. Any state agency shall advance at the request of the agency head for employees  
11 of that agency funds to be used for payment of meal and lodging expenses  
12 incurred while the official or employee is traveling on official business of this state,  
13 provided that such travel must be planned to be in excess of five days per month,  
14 whether or not consecutive, and provided that the funds advanced do not exceed  
15 eighty percent of estimated expenses for the period. Travel ~~advance~~  
16 ~~warrant checks~~ advances must be ~~issued on vouchers signed~~ approved by the  
17 chief executive officer or a designee of the agency involved. Funds advanced for  
18 meals and lodging under this section must be accounted for as required under  
19 section 44-08-04 for travel.

20 **SECTION 2. AMENDMENT.** Section 44-08-04.5 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **44-08-04.5. Prepayment and direct billing of ~~out-of-state~~ lodging expenses of**  
23 **state officers and employees.**

- 1           1.    The office of management and budget shall seek to obtain sales tax exemptions  
2                    for state employee travel lodging expense from all other states and the District of  
3                    Columbia. If available from other states, the office of management and budget  
4                    shall file exemption records, documents, or numbers for use by state agencies.  
5                    Whenever any state agency, board, bureau, or institution makes out-of-state travel  
6                    plans involving a lodging expense, the agency may contact the office of  
7                    management and budget to determine if a sales tax exemption has been obtained  
8                    from the destination state or states. If an exemption has been obtained, and if  
9                    travel plans are sufficiently certain, the agency, board, bureau, or institution may  
10                   obtain the required documentation from the office of management and budget and  
11                   arrange with the out-of-state lodging provider to have the agency prepay the  
12                   lodging expense or to have the lodging expense directly billed to the agency and  
13                   obtain the benefit of the sales tax exemption.
- 14           2.    If a state agency, board, bureau, or institution makes ~~out-of-state~~ travel plans  
15                   involving a lodging expense ~~when the lodging expense may be obtained at a~~  
16                   ~~reduced cost because it is part of a combination of travel related expenses~~  
17                   ~~purchased together~~, the agency, board, bureau, or institution may arrange with the  
18                   lodging provider or travel agency to have the lodging expense prepaid by the  
19                   agency or billed directly to the agency.

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

22           **44-08-05.1. Vouchers Payments - Requirements for approval - Penalty - Action**  
23 **for violations.** Any public officer or employee who has the power to approve a ~~voucher~~  
24 payment for a department, agency, or institution for travel expenses or any other state  
25 expenditure of public funds shall determine before approving ~~such voucher~~ the payment the  
26 following:

- 27           1.    That the expenditure for travel or other expenditures were for lawful and official  
28                   purposes.
- 29           2.    If for ~~travel expense~~ employee travel reimbursement, that the travel actually  
30                   occurred, and that the sums claimed for travel expenses are actually due the  
31                   individual who is seeking reimbursement, allowance, or payment.

1           3. If the ~~voucher~~ payment is for expenditure other than travel expense, that the  
2                   expenditure is lawful and that the ~~voucher~~ payment contains no false claims.  
3 For purchases made with the use of a purchasing card authorized under subsection 8 of  
4 section 54-44.4-02, an employee of the office of management and budget designated by the  
5 director of the office of management and budget, on behalf of all agencies, may review and  
6 approve ~~ouchers~~ payments under this section and make payments pursuant thereto. Any  
7 public officer or employee who willfully approves a ~~voucher~~ payment with knowledge it contains  
8 false or unlawful claims or that it does not otherwise meet the requirements of this section for  
9 approval is guilty of theft and punishable under the provisions of chapter 12.1-23. Any public  
10 officer or employee who, without the use of ordinary care and diligence, negligently approves a  
11 ~~voucher~~ payment for a department, agency, or institution containing false or unlawful claims or  
12 which does not otherwise meet the requirements of this section for approval is personally liable  
13 for any funds improperly expended. The director of the office of management and budget,  
14 members of the office of the budget, state auditor, or any other person who has knowledge of  
15 an actual or possible violation of this section shall make such information known to the attorney  
16 general. The attorney general shall investigate any alleged violations and, if a violation  
17 appears to exist, shall criminally prosecute under chapter 12.1-23 or bring a civil suit for the  
18 recovery of such funds as may actually have been improperly paid against the payee and  
19 officer or employee who approved ~~such voucher~~ the payment in violation of any of the above  
20 requirements or shall bring both such criminal action and civil suit. The officer or employee  
21 who approves any ~~voucher~~ payment negligently has the right of subrogation against the payee  
22 of ~~such voucher~~ the payment in the event public funds have been improperly paid to the payee.

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

25           **54-06-06. Salaries of state officers ~~payable monthly~~ and employees - Periodic**  
26 **payment.** Unless otherwise provided by law, the office of management and budget ~~is directed~~  
27 ~~to shall~~ prepare, ~~and state auditor to sign,~~ warrants for the salaries of ~~the various~~ state officers  
28 ~~and employees not less frequently than~~ monthly as the same become due.

29           **SECTION 5. REPEAL.** Sections 44-08-08 and 54-06-16 of the North Dakota Century  
30 Code are repealed.