

February 8, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2322

Page 1, line 3, replace "to provide for retroactive application" with "to amend and reenact subsection 4 of section 44-08-05.1 of the North Dakota Century Code, relating to the disclosure of a pending investigation"

Page 1, line 10, after "investigation" insert "that was initiated by an executive branch agency"

Page 1, line 15, after "investigation" insert "that was initiated by an executive branch agency"

Page 1, after line 18, insert:

- "3. Payments under this section are limited to an investigation and prosecution involving alleged conduct directly related to the state employee's employment or office. An investigation and prosecution relating to a traffic and motor vehicle offense is not eligible for payment under this section. Payment may not be made if a reasonable possibility exists that subsequent criminal charges could be brought or charges are dismissed or not brought for reasons unrelated to the innocence or guilt of the state employee."

Page 1, replace lines 19 and 20 with:

"SECTION 2. AMENDMENT. Subsection 4 of section 44-08-05.1 of the North Dakota Century Code is amended and reenacted as follows:

4. Any public officer or employee who fraudulently uses a purchasing card or knowingly approves a payment for false or unlawful claims or which does not otherwise meet the requirements of this section for approval may be subject to criminal prosecution under title 12.1. Any public officer or employee who, without the use of ordinary care and diligence, uses a purchasing card or approves a payment for false or unlawful claims or which does not otherwise meet the requirements of this section for approval is personally liable for any funds improperly expended. Any public officer, employee, or any other individual who has knowledge of an actual or possible violation of this section shall make that information known to the attorney general or the appropriate state's attorney. The attorney general or appropriate state's attorney ~~shall~~ may investigate any alleged violation. If there is probable cause to believe that a violation has occurred, the attorney general or appropriate state's attorney shall initiate a criminal prosecution under title 12.1 or a civil suit against the public officer or employee for the recovery of the funds as may actually have been improperly paid, or may initiate a prosecution and a civil suit."

Renumber accordingly