AN ACT to amend and reenact section 34-14-02 of the North Dakota Century Code, relating to the payment of wages by stored value card.

NOTICE:
[A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]
[D> Text within these symbols is deleted <D]

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

[*1] SECTION 1. AMENDMENT. Section 34-14-02 of the North Dakota Century Code is amended and reenacted as follows:

34-14-02. Agreed payday - Direct deposit [A> - STORED VALUE CARD <A]. Every employer shall pay all wages due to employees at least once each
calendar month on regular agreed paydays designated in advance by the
employer [A> . WAGES MUST BE PAID <A> in lawful money of the United States
[D> , <D> ; <A> with checks [A> , AS THAT ITEM IS USED IN CHAPTER 41-
03, DRAWN <A> on banks [A> OR CREDIT UNIONS <A> convenient to the place
of employment [D> , or <D> ; <A> with direct deposit in the financial institution
of the employee's choice [A> ; OR, AT THE ELECTION OF THE EMPLOYEE
WHEN OFFERED BY THE EMPLOYER, BY DELIVERY TO THE EMPLOYEE
OF A STORED VALUE CARD THAT MEETS THE REQUIREMENTS OF THIS
SECTION. A STORED VALUE CARD THAT IS USED BY AN EMPLOYER TO
PAY WAGES MUST BE ISSUED BY A FEDERALLY INSURED BANK OR
CREDIT UNION. THE VALUE OF THE FUNDS UNDERLYING A STORED
VALUE CARD THAT IS USED BY AN EMPLOYER TO PAY WAGES MUST BE
A DEPOSIT THAT IS INSURED BY THE FEDERAL DEPOSIT INSURANCE
CORPORATION OR NATIONAL CREDIT UNION ADMINISTRATION. BEFORE
PAYING WAGES BY DELIVERING A STORED VALUE CARD TO AN
EMPLOYEE, AN EMPLOYER MUST HAVE DEPOSITED WITH THE ISSUER
FUNDS IN AN AMOUNT AT LEAST EQUAL TO THE WAGES DUE FROM THE
EMPLOYER TO EACH EMPLOYEE WhOSE WAGES ARE BEING PAID
THROUGH A STORED VALUE CARD AND ANY ACCOUNT FEES THAT ARE
CHARGED TO THE EMPLOYER BY THE ISSUER <A>.

Approved by the Governor April 14, 2005