

OFFICES AND OFFICERS

CHAPTER 493

HOUSE BILL NO. 1598
(S. F. Hoffner, Black, G. Martin)

NOTICE OF TELEPHONE CONFERENCE CALL MEETINGS

AN ACT to amend and reenact section 44-04-20 of the North Dakota Century Code, relating to notices given for public meetings and telephone conference call meetings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-04-20 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-04-20. Notice of public meetings required - Exceptions - Schedule set by statute, ordinance, or resolution. Unless otherwise provided by law, public notice must be given in advance of all meetings governed by section 44-04-19, including conference call meetings. This notice shall contain the date, time, and location of the meeting and, where practicable, the topics to be considered. However, the lack of an agenda in the notice, or a departure or an addition to the agenda at a meeting, shall not affect the validity of the meeting or the actions taken thereat. In cases where the public body holds regularly scheduled meetings, the schedule of these meetings, including the aforementioned notice information, shall be filed annually in January with the secretary of state for state-level bodies, the city auditor for city-level bodies, and the county auditor for all other public bodies. This schedule shall be furnished to anyone who requests the information. In addition, every public body shall post public notice of each of its meetings at its principal office, if such exists, and at the location of the meeting. The public body's presiding officer shall have the responsibility of assuring that such public notice is given at the same time as such public body's members are notified, and that this notice is available to anyone requesting such information. In the event of emergency or special meetings of a public body, the person calling such a meeting shall notify representatives of the news media, if any, located where the meeting is to be held and which have requested to be so notified of such special or emergency meetings, of the time, place, date, and topics to be considered at the same time as such public body's members are notified.

Where reasonable and practicable, a public body should attempt to set a regular schedule for its meetings by statute, ordinance, or resolution.

The attorney general shall prepare general guidelines to assist public bodies in following the provisions of this section.

Unless otherwise specified by law, resolution, or ordinance, or as decided by the public body, notices required by this section do not have to be published. The provisions of section 12.1-11-06 shall not apply to this section.

Approved March 10, 1983

CHAPTER 494

SENATE BILL NO. 2116
(Committee on State and Federal Government)
(At the request of the Secretary of State)

NOTARY PUBLIC RECORD AND FEE

AN ACT to amend and reenact section 44-06-02 of the North Dakota Century Code, relating to notary commissions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-06-02. Commission - Record - Fee - Notice. The secretary of state shall issue a commission ~~and duplicate thereof~~ to each notary public appointed by the secretary of state. ~~One of such copies which~~ shall be posted by such notary in a conspicuous place in his office. The secretary of state shall collect ~~ten~~ twenty dollars for the issuance of such commission ~~and duplicate~~. Such sum shall be paid into the state treasury and credited to the general fund. The secretary of state shall keep in his office a record of such appointments and the date of the expiration of the same, and shall notify each notary public by mail at least thirty days before the expiration of his term of the date upon which his commission will expire. Such notice shall be addressed to such notary public at his last known place of residence.

Approved March 4, 1983

CHAPTER 495

HOUSE BILL NO. 1429
(Martinson)

STATE TRAVEL ALLOWANCES

AN ACT to amend and reenact sections 15-10-25.1, 44-08-04, 44-08-04.3, 54-06-09, and 54-06-10 of the North Dakota Century Code, relating to state employee travel allowances and moving expenses and the requirement for the elected state officials and presidents of institutions of higher education to receive out-of-state travel authorization.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-25.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-25.1. Out-of-state travel by persons employed by the institutions under the control of the board of higher education. For the purpose of reimbursement for travel expenses incurred, presidents of state institutions of higher learning shall obtain written approval from the board of higher education and the ~~governor~~ prior to any out-of-state travel. For the purpose of reimbursement for travel expenses incurred, written approval for out-of-state travel shall be obtained by other persons employed by the institutions under the control of the board of higher education from their supervisor and the president of the institution before traveling out of state. Written approvals received ~~shall~~ must be attached to the itemized travel voucher submitted to the office of the budget.

* SECTION 2. AMENDMENT. Section 44-08-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-08-04. Expense account - Amount allowed - Verification. Except as provided in section 44-08-04.1, each elective or appointive officer, employee, representative, or agent of this state, or of any of its subdivisions, agencies, bureaus, boards, or commissions, may make claim for meals and lodging while engaged within this state in the discharge of a public duty away from his the claimant's normal working and living residence for all or any part of any quarter of a

* NOTE: Section 44-08-04 was also amended by section 89 of House Bill No. 1058, chapter 82.

day. Claims may also be made for meals which are included as part of a registration fee for a conference, seminar, or other meeting, and for meals attended at the request of and on behalf of the state or any of its subdivisions, agencies, bureaus, boards, or commissions. Such claims shall; however, if a meal is included in a registration fee, the applicable quarter allowance cannot be claimed for that meal. Claims for meals specifically included in a registration fee for a conference, seminar, or other meeting must be allowed even if the city at which such the conference, seminar, or meeting is held or the meal is provided is the claimant's normal working and living residence. Upon approval of such the claim, it shall be paid as an allowance at the following rates for each quarter of any twenty-four-hour period:

1. First quarter shall be from six a.m. to twelve noon and the sum shall not exceed three dollars and fifty cents. No reimbursement may be made if travel began after seven a.m.
2. Second quarter shall be from twelve noon to six p.m. and the sum shall not exceed five dollars.
3. Third quarter shall be from six p.m. to twelve midnight and the sum shall not exceed eight dollars and fifty cents.
4. Fourth quarter shall be from twelve midnight to six a.m. and the sum shall be the actual lodging expenses not to exceed ~~twenty-five~~ thirty dollars.
5. Provided, however, that the preceding four subsections shall not be applicable unless the person concerned has been out of the headquarters or normal place of employment for four hours or overnight.

Verifications of claims shall not be required for the first three quarters listed above and only a lodging receipt shall be required for the fourth quarter.

Such persons engaged in travel outside state boundaries shall receive twenty-three dollars a day for meals and in addition thereto actual lodging expenses. Verification by receipt for such out-of-state travel expense shall be required only for lodging expense claimed.

Those persons engaged in foreign travel shall receive reimbursement for meals at a rate not to exceed two times the regular out-of-state meal allowance. Verification by receipt for such foreign travel expense shall be required only for the lodging expense claimed.

The head of any department, institution, or agency of this state may set a rate for such expenses less than those set forth in this section for any person or persons under his authority.

Verification of any other type of expense not prescribed by this section shall be as prescribed by the office of the budget except no receipt shall be required for taxi or cab fares up to and including the sum of ten dollars. The office of management and budget shall disapprove any claim it ~~shall determine~~ determines to be in error or unlawful or not within the limits of legislative appropriations. The travel expenses of the governor, governor's personal traveling aides, lieutenant governor, judges of the supreme court, district courts, and county courts of increased jurisdiction, and members of the legislative assembly shall not be limited by the expense allowance limitations prescribed by this section.

SECTION 3. AMENDMENT. Section 44-08-04.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-08-04.3. Moving expense - Allowances - Verification. The head of any department, institution, or agency may authorize the payment of moving expenses incurred by a permanent employee who has been employed in that department, institution, or agency not less than one year when that employee is transferred from one city in the state to another for the purpose of assuming a new duty assignment of a permanent nature within that department, institution, or agency. Relocation costs payable ~~will be as follows~~ are:

1. All actual costs of moving personal household goods and furnishings, not to exceed ~~six eleven~~ sixteen thousand pounds [~~2721-55~~ 4989.60 kilograms] net weight.
2. Mileage at the current rate for ~~one personal vehicle to a new duty station.~~ The expenses of transportation to the new residence quarters, limited to one round trip, and actual meal and lodging costs for the employee and spouse, for three days.
3. Actual meals and lodging costs for employee and immediate family, ~~not to exceed three days.~~ The expenses of transportation, lodging, and meals incurred by the employee and the immediate family while enroute to the new duty station.
4. In-state travel expenses for the employee at the new duty station for actual time needed to accomplish the relocation, ~~not to exceed thirty days.~~ The expenses for the employee and immediate family while occupying temporary living quarters within the state, not to exceed thirty days.

Provided, however, that payment of the expenses itemized in subsections 1 through 4 shall not exceed ~~seven hundred fifty five~~ seven hundred fifty thousand dollars. Verification for expenses under subsection 1 shall be a paid receipt from a licensed moving agency, licensed trailer transportation company, trailer rental agent, or other licensed moving company; verification for expenses under

subsection 2 shall be highway mileage between the location sites and meal and lodging receipts; verification for expenses under subsection 3 shall be receipts for meals and lodging plus highway mileage for one motor vehicle between the duty stations; and verification for expenses under subsection 4 shall be according to section 44-08-04. An employee, for the purpose of this section, ~~shall be~~ is one who has served at least one year, including a probationary period, and whose retention is approved after such probationary period.

SECTION 4. AMENDMENT. Section 54-06-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-06-09. Mileage and travel expense of state officers and employees. State officials, whether elective or appointive, and their deputies, assistants, and clerks, or other state employees, entitled by law to be reimbursed for mileage or travel expense, shall be allowed and paid for mileage and travel expense the following amounts:

1. The sum of ~~twenty-five~~ twenty cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle. The sum of thirty cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by private airplane. Mileage by private aircraft shall be computed by actual air mileage when only one state employee or official is traveling; if two or more state employees or officials are traveling by private aircraft, the actual mileage shall be based on the road mileage between the geographical points. Reimbursement for private airplane travel shall be calculated as follows:
 - a. If reimbursement is for one properly authorized and reimbursable passenger, reimbursement shall be paid on a per-mile basis as provided in this subsection.
 - b. If reimbursement is claimed for a chartered private aircraft, reimbursement may not exceed the cost of regular coach fare on a commercial flight, if one is scheduled between the point of departure, point of destination, and return, for each properly authorized and reimbursable passenger on the charter flight; or, where there is no such regularly scheduled commercial flight, the actual cost of the charter.

No reimbursement shall be paid for leased private aircraft. In order to be reimbursed for the chartering of a private aircraft pursuant to subdivision b, the charter agreement must receive prior approval from the director of the office of management and budget who shall take comparable travel costs and the savings of time into account in making his decision. If only one person shall

engage in such travel in a motor vehicle exceeding at any geographical point one hundred fifty miles [241.40 kilometers] beyond the borders of this state, reimbursement shall be limited to eighteen cents per mile [1.61 kilometers] for the out-of-state portion of the travel beyond the first one hundred fifty miles [241.40 kilometers]. When official travel is by motor vehicle or airplane owned by the state or by any department or political subdivision thereof, no allowance shall be made or paid for such mileage.

2. Except as provided in subsection 1, when travel is by rail or certificated air taxi commercial operator or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.
3. Notwithstanding the other provisions of this section, state employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding at least thirty consecutive days, shall be allowed and paid ~~twenty-five~~ twenty cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, and the one hundred fifty mile [241.40 kilometer] restriction imposed by subsection 1 shall not apply.

Before any allowance for any such mileage or travel expenses shall be made, the official, deputy, assistant, clerk, or other employee shall file with the director of the office of management and budget an itemized statement showing the mileage traveled, the hour of departure and return, the days when and how traveled, the purpose thereof, and such other information and documentation as may be prescribed by rule of the office of the budget or specifically requested by such office, verified by his certification. The statement shall be submitted to the office of the budget for approval and shall be paid only when approved by the office of the budget. ~~The head of any department, institution, or agency of this state may, for any person or persons under his authority, set a rate of no less than twenty cents per mile [1.61 kilometers] and no more than twenty-five cents per mile [1.61 kilometers].~~

SECTION 5. AMENDMENT. Section 54-06-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-06-10. Out-of-state travel - Authorization necessary. No expenses for out-of-state travel shall be allowed to any official or head of a department of the state, except to elected state officials and the judicial and legislative departments, and as otherwise provided by law, unless authority therefor first shall be granted in writing by the governor. No expenses for out-of-state travel shall be allowed to any other employee of the state, except as provided in this section, unless authority therefor first shall be granted in writing by the director of the office of management and budget.

Approved April 28, 1983

CHAPTER 496

SENATE BILL NO. 2131
(Committee on Judiciary)
(At the request of the Bank of North Dakota)

FACSIMILE SIGNATURES

AN ACT to amend and reenact section 44-08-13 of the North Dakota Century Code, relating to facsimile signatures.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-08-13 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-08-13. Facsimile signature. Any authorized officer, after filing with the secretary of state or, in the case of officers of any city, county, school district, or other political subdivision, with the clerk of such subdivision, his the officer's manual signature certified by him to under oath, may execute or cause to be executed with a facsimile signature in lieu of his a manual signature:

1. Any public security, provided that at least one signature required or permitted to be placed thereon, or the signature of an authenticating agent or agents designated in writing by the issuer of the security or by the person whose signature is required or permitted to be placed thereon, shall be manually subscribed, but no such manual subscription shall be required as to interest coupons attached to such security.
2. Any instrument of payment.

Upon compliance with sections 44-08-12 through 44-08-14 by the authorized officer, his a facsimile signature has the same legal effect as his a manual signature.

Approved March 17, 1983

CHAPTER 497

SENATE BILL NO. 2139
(Committee on Political Subdivisions)
(At the request of the Attorney General)

LAW OFFICER POWER OUTSIDE OF JURISDICTION

AN ACT to create and enact a new section to chapter 44-08 of the North Dakota Century Code providing for additional powers for peace officers when acting outside the jurisdiction of the law enforcement agency by which they are employed.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Additional powers of peace officers. Peace officers employed by a law enforcement agency within the state shall have the power of a peace officer in the following circumstances:

1. To enforce state laws and rules within the jurisdiction of the law enforcement agency by which they are employed.
2. To assist during the necessary absence from office by the requesting officer.
3. When responding to requests from other law enforcement agencies or officers for aid and assistance. For the purposes of this subsection, such a request from a law enforcement agency or officer means only a request for assistance as to a particular and singular violation or suspicion of violation of law, and do not constitute a continuous request for assistance outside the purview of the jurisdiction of the law enforcement agency by which a peace officer is employed.
4. The powers and duties hereby conferred are supplemental to other powers and duties conferred upon peace officers and do not constitute an obligation beyond the regular course of duty of those officers.

Approved March 23, 1983