

OFFICES AND OFFICERS

CHAPTER 415

HOUSE BILL NO. 1122
(Committee on Judiciary)
(At the request of the Attorney General)

DATE FOR TAKING OFFICE

AN ACT to amend and reenact sections 11-10-05 and 44-01-03 of the North Dakota Century Code, relating to the time county and district officers take office when elected to fill an unexpired term.

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

SECTION 1. AMENDMENT.) Section 11-10-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10-05. WHEN TERMS OF COUNTY OFFICERS COMMENCE - WHEN OFFICERS QUALIFY.) Except as otherwise specifically provided by the laws of this state, the regular term of office of each county officer, when he is elected for a full term, shall commence on the first Monday in January next succeeding his election and each such officer shall qualify and enter upon the discharge of his duties on or before the first Monday in January next succeeding the date of his election or within ten days thereafter. If the office to which an officer is elected was vacant at the time of his election or becomes vacant prior to the date fixed for the commencement of his term, he may qualify and enter upon the duties of his office forthwith even though he was not elected to fill such vacancy. If an officer is elected to fill an unexpired term in an office then held by an appointee, such officer may qualify and enter upon the discharge of the duties of such office at any time after receiving a certificate of election to that office but not later than the first Monday in January next succeeding the date of his election to the unexpired term of office.

SECTION 2. AMENDMENT.) Section 44-01-03 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-01-03. WHEN STATE AND DISTRICT OFFICERS SHALL QUALIFY.) Except when otherwise specially provided, all state and district officers shall qualify on or before the first day of January next succeeding their election, or within ten days thereafter, and on said first day of January or within ten days thereafter, shall enter upon the discharge of the duties of their respective offices,

provided that when a person is elected to fill an unexpired term in a district office then vacant or then held by an appointee, such person may qualify and enter upon the discharge of the duties of such office at any time after receiving a certificate of election to that office but not later than the tenth day of January next succeeding the date of his election to the unexpired term of office.

Approved March 5, 1977

CHAPTER 416

SENATE BILL NO. 2519
(Lashkowitz, Schirado, Sands)

PENALTY FOR OPEN RECORDS VIOLATION

AN ACT to amend and reenact section 44-04-18 of the North Dakota Century Code, relating to a penalty for violating the open records law.

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

SECTION 1. AMENDMENT.) Section 44-04-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-04-18. ACCESS TO PUBLIC RECORDS - PENALTY.)

1. Except as otherwise specifically provided by law, all records of public or governmental bodies, boards, bureaus, commissions or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be public records, open and accessible for inspection during reasonable office hours.
2. Violations of this section shall be punishable as an infraction.

Approved April 20, 1977

CHAPTER 417

SENATE BILL NO. 2334
(Lashkowitz, Schirado, Lodoen, Wright, Mau)

PENALTY FOR OPEN MEETING VIOLATION

AN ACT to amend and reenact section 44-04-19 of the North Dakota Century Code, relating to open governmental meetings, and providing a penalty for violation by governing body members.

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

SECTION 1. AMENDMENT.) Section 44-04-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-04-19. OPEN GOVERNMENTAL MEETINGS.) Except as otherwise specifically provided by law, all meetings of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be open to the public. The governing members of the above bodies, boards, commissions, agencies, or organizations meeting in violation of this section shall be guilty of an infraction for a first offense. A public or governmental body, board, bureau, commission, or agency meets in violation of this section if it refuses any person or persons access to such meeting, unless such refusal, implicitly or explicitly communicated, is due to a lack of physical space in the meeting room for the person or persons seeking access.

Approved March 31, 1977

CHAPTER 418

HOUSE BILL NO. 1493
(Powers)

EXPENSE ALLOWANCE LIMITATIONS

AN ACT to amend and reenact sections 44-08-04 and 54-06-10 of the North Dakota Century Code, relating to persons exempt from in-state travel limitations and the necessity of authorization of out-of-state travel.

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

SECTION 1. AMENDMENT.) Section 44-08-04 of the 1975 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 and shall upon approval of such claim be paid as an allowance for meals and lodging while engaged within this state in the discharge of a public duty away from his normal working and living residence for all or any part of any quarter of a day 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 two dollars and twenty-five cents;
2. Second quarter shall be from twelve noon to six p.m. and the sum shall not exceed two dollars and seventy-five cents;
3. Third quarter shall be from six p.m. to twelve midnight and the sum shall not exceed five dollars;
4. Fourth quarter shall be from twelve midnight to six a.m. and the sum shall be the actual lodging expenses not to exceed sixteen dollars; and
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 six 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 fifteen 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.

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 department of accounts and purchases shall disapprove any claim it shall determine 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 2. 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 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 department of accounts and purchases.

Approved March 12, 1977

CHAPTER 419

HOUSE BILL NO. 1310
(Martinson, A. Hausauer)

STATE EMPLOYEE MOVING EXPENSE ALLOWANCE

AN ACT to create and enact section 44-08-04.3 of the North Dakota Century Code, relating to allowances for moving expenses.

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

SECTION 1.) Section 44-08-04.3 of the North Dakota Century Code is hereby created and enacted 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:

1. All actual costs of moving personal household goods and furnishings, not to exceed six thousand pounds.
2. Mileage at the current rate for one personal vehicle to a new duty station.
3. Actual meals and lodging costs for employee and immediate family, not to exceed three days.
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.

Provided, however, that payment of the expenses itemized in subsections 1 through 4 shall not exceed seven hundred fifty 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; verification for expenses under subsection 3 shall be receipts for meals and lodging; 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 one who has served at least one year, including a probationary period, and whose retention is approved after such probationary period.

Approved April 6, 1977

CHAPTER 420

SENATE BILL NO. 2046
(Legislative Council)
(Interim Committee on Industry, Business & Labor "C")

**PUBLIC EMPLOYEE POLITICAL ACTIVITY
RESTRICTED**

AN ACT prohibiting public employees from engaging in political activities while such employees are on duty or in uniform; to amend and reenact section 39-01-05 of the North Dakota Century Code, relating to allowing state officers and employees to collect expenses while engaged in state activities but disallowing state officers and employees from collecting expenses while engaged in political activities; and to repeal sections 40-44-09, 50-06.1-12, and 54-23-52 of the North Dakota Century Code, relating to prohibiting municipal employees under a local civil service system from engaging in political activities and prohibiting the officers and employees of the department of vocational rehabilitation and the director of institutions' office from engaging in political activities.

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

SECTION 1. POLITICAL ACTIVITIES BY PUBLIC EMPLOYEES PROHIBITED
WHILE ON DUTY - DEFINITION.)

1. No public employee shall engage in political activities while on duty or in uniform. Although nothing in this section shall prevent any such employee from becoming or continuing to be a member or officer of a political club or organization, from attendance at a political meeting, from contributing to or otherwise supporting candidates of his choice, from enjoying entire freedom from all interference in casting his vote or favoring candidates, or from seeking or accepting election or appointment to public office, the governing body of any political subdivision may adopt appropriate ordinances prohibiting public employees from engaging in political activities while such employees are on duty or in uniform.
2. For the purposes of this section, "political activities" means those activities defined by section 39-01-04.

SECTION 2. AMENDMENT.) Section 39-01-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-01-05. EXPENSES NOT TO BE COLLECTED BY STATE OFFICERS OR EMPLOYEES ENGAGED IN POLITICAL ACTIVITY.) No state officer or employee of this state, or of any department, board, bureau, commission, institution, industry, or other agency thereof, who uses or drives any privately owned motor vehicle while engaged in political activity, shall collect or receive, directly or indirectly, from this state, or any department, board, bureau, commission, institution, industry, or other agency thereof, any expense moneys whatsoever for the use or operation of any such motor vehicle on any day on which such political work was done, and no such state officer or public employee shall collect or receive any traveling expense reimbursement from this state, or any department, board, bureau, commission, institution, or other agency thereof for any time spent engaging in any political activity.

SECTION 3. REPEAL.) Sections 40-44-09, 50-06.1-12, and 54-23-52 of the North Dakota Century Code are hereby repealed.

Approved March 12, 1977