

# OFFICES AND OFFICERS

## CHAPTER 362

HOUSE BILL NO. 1270  
(Strinden, Atkinson)

### FEEES FOR TAKING ACKNOWLEDGMENTS AND ADMINISTERING OATHS

AN ACT to amend and reenact section 44-05-03 of the North Dakota Century Code, relating to fees for taking acknowledgments and administering oaths and raising the fee.

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

SECTION 1. AMENDMENT.) Section 44-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-05-03. FEE FOR TAKING ACKNOWLEDGMENT AND ADMINISTERING AN OATH.) Any officer authorized by law to take and certify acknowledgment of a deed or other instrument is entitled to charge and receive not more than one dollar.

Approved February 25, 1973

## CHAPTER 363

HOUSE BILL NO. 1098  
(Committee on Appropriations)  
(At the request of the Highway Department)

## EXPENSE ALLOWANCES FOR STATE EMPLOYEES

AN ACT to create and enact sections 44-08-04.1 and 44-08-04.2 of the North Dakota Century Code, relating to per diem allowance for long term travel status and to travel advances; to amend and reenact sections 44-08-04 and 44-08-05 of the North Dakota Century Code, relating to expenses and allowances for state officials and employees while performing duties away from their normal working and living residence; providing a penalty; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 44-08-04 of the 1971 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 o'clock a.m. to twelve o'clock noon and the sum shall not exceed one dollar and fifty cents;
2. Second quarter shall be from twelve o'clock noon to six o'clock p.m. and the sum shall not exceed two dollars;
3. Third quarter shall be from six o'clock p.m. to twelve o'clock midnight and the sum shall not exceed three dollars and fifty cents;
4. Fourth quarter shall be from twelve o'clock midnight to six o'clock a.m. and the sum shall be the actual lodging expenses not to exceed eleven 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 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 without the state shall not claim a sum in excess of eight dollars a day for meals and in addition there to 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 state auditing board except no receipt shall be required for taxi or cab fares up to and including the sum of five dollars. The state auditing board 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, 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.) Section 44-08-04.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

44-08-04.1. PER DIEM ALLOWANCE FOR LONG TERM TRAVEL.)  
With the approval of the state auditing board, any state agency may adopt a per diem allowance in lieu of expenses as allowed by section 44-08-04 for its officials and employees whose official duties require that they remain on travel status away from their normal working and living residence for extended periods of time. No per diem allowed shall be in excess of the total allowance for meals and lodging as allowed by section 44-08-04. Travel status of one week or less shall not be considered long term or extended travel. Rental receipts shall be used to verify travel status under this section.

SECTION 3.) Section 44-08-04.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

44-08-04.2. TRAVEL ADVANCES.)

1. Any state agency may advance funds to be used by officials or employees of that agency for payment of meal and lodging expenses incurred while the official or employee is traveling on official business outside of this state, provided that such out-of-state travel must be for a period planned to be in excess of five days, and provided that the funds advanced do not exceed twenty-five dollars per day.

Travel advance warrant-checks shall be issued on vouchers signed by the chief executive officer of the agency involved. Funds advanced for meals and lodging under this section shall be accounted for as required under section 44-08-04 for out-of-state travel.

2. As used in this section, and section 44-08-04.1:
  - a. "Official business outside of this state" includes travel to attend training courses, where the training is necessary to satisfy federal program requirements.
  - b. "State agency" means agencies, boards, commissions, bureaus, offices, departments, institutions, and any other state governmental entities, and specifically includes the legislative and judicial branches of state government.

SECTION 4. AMENDMENT.) Section 44-08-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-08-05. UNLAWFUL EXPENSE AND TRAVELING ACCOUNT - PENALTY - CIVIL ACTION.) Any person violating any of the provisions of sections 44-08-03 or 44-08-04 or regulations issued pursuant to section 44-08-04.1 is guilty of a misdemeanor and shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment. In addition to the criminal penalties herein imposed, any person who receives public funds for the discharge of a public duty in excess of the amounts allowed by law shall, thirty days after a demand for a return of such excess amounts has been made by the attorney general, be subject to a civil suit to be brought by the attorney general for the recovery of the amount received in excess of that lawfully allowed.

SECTION 5. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 27, 1973

## CHAPTER 364

SENATE BILL NO. 2360  
(Committee on Appropriations)

REPEAL OF "BUY NORTH DAKOTA PRODUCTS"  
SLOGAN

AN ACT to repeal section 44-08-10 of the North Dakota Century Code,  
relating to public notices and printing.

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

SECTION 1. REPEAL.) Section 44-08-10 of the 1971 Sup-  
plement to the North Dakota Century Code is hereby repealed.

Filed March 6, 1973

Not approved or disapproved by the Governor