

# OFFICES AND OFFICERS

## CHAPTER 415

HOUSE BILL NO. 1199

(Committee on State and Federal Government)

(At the request of the Department of Accounts and Purchases)

### DATE FOR TAKING OFFICE

AN ACT to amend and reenact sections 15-21-01 and 44-01-03 of the North Dakota Century Code, relating to the term of office of the superintendent of public instruction and to the time when state and district officers shall qualify for office.

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

SECTION 1. AMENDMENT.) Section 15-21-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-01. SUPERINTENDENT OF PUBLIC INSTRUCTION - QUALIFICATIONS - TERM OF OFFICE.) There shall be elected by the qualified electors of the state, at the time of choosing members of the legislative assembly, a superintendent of public instruction who shall have attained the age of twenty-five years, who shall have the qualifications of an elector for that office, and who shall be the holder of a teacher's certificate of the highest grade issued in this state. He shall have his office at the seat of government, and his term of office shall be four years.

SECTION 2. AMENDMENT.) Section 44-01-03 of 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.

Approved March 9, 1975

## CHAPTER 416

HOUSE BILL NO. 1317  
(Atkinson, Martinson)

## ELECTIONS TO FILL VACANCIES

AN ACT to amend and reenact section 44-02-08 of the North Dakota Century Code, relating to the appointment and term of persons appointed to fill elective offices.

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

SECTION 1. AMENDMENT.) Section 44-02-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-02-08. APPOINTMENT TO BE MADE IN WRITING - TERM.) Any appointment to fill a vacancy under the provisions of this chapter shall be made in writing, and, except as otherwise expressly provided by law, shall continue in force until the first general election thereafter, when the vacancy will be filled by election, and thereafter until the appointee's successor by election is qualified.

Approved March 17, 1975

## CHAPTER 417

HOUSE BILL NO. 1283  
(Winkjer)

## NOTARY PUBLIC SEALS

AN ACT to amend and reenact sections 44-06-12 and 44-08-06 of the North Dakota Century Code, relating to notary public seal, date of expiration, and seal dimensions.

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

SECTION 1. AMENDMENT.) Section 44-06-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-06-12. NOTARY PUBLIC COMMISSION - DATE OF EXPIRATION.) Every notary public taking an acknowledgment to any instrument, immediately following his signature to the jurat or certificates of acknowledgment, shall legibly print, stamp, or type his name and shall endorse the date of the expiration of such commission. Such endorsement may be written legibly, stamped, or printed upon the instrument either connected to or disconnected from the seal, and shall be substantially in the following form:

My commission expires \_\_\_\_\_, 19\_\_

SECTION 2. AMENDMENT.) Section 44-08-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-08-06. DIMENSIONS OF SEAL OF COURT OR OFFICER.) Upon every seal of a court or officer of this state required or authorized to have a seal, there shall be engraved the words "State of North Dakota" and the name of the court or office in which the seal is to be used. All such seals, except the great seal, shall be either one and five-eighths of an inch in diameter or of a rectangular design, seven-eighths inch vertically by two and five-eighths inches horizontally.

Approved March 12, 1975

## CHAPTER 418

HOUSE BILL NO. 1189

(Committee on State and Federal Government)

(At the request of the Legislative Compensation Commission)

## MILEAGE AND EXPENSE REIMBURSEMENT

AN ACT to amend and reenact sections 44-08-04, 54-03-20, and 54-06-09 of the North Dakota Century Code, relating to the mileage and expense reimbursement for state officers and employees, 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 1973 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 two dollars and twenty-five 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 and seventy-five cents;
3. Third quarter shall be from six o'clock p.m. to twelve o'clock midnight and the sum shall not exceed five dollars;
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 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 state auditing board 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, 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 54-03-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-20. ALLOWANCE FOR LIVING AND OTHER EXPENSES OF MEMBERS OF THE LEGISLATIVE ASSEMBLY.) Each member of the legislative assembly of the state of North Dakota shall be entitled to, and shall receive the sum of sixty dollars a day, as reimbursement for his living expenses, including meals, lodging, uncompensated travel, and other necessary expenses, for each calendar or natural day during the period of any organizational, special, or regular session. The expense allowance shall be paid immediately following the organizational session in December and at the end of each month during a regular or special session.

A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session shall be included as a calendar or natural day during a legislative session for the purpose of calculation of the expense allowance provided by this section.

In addition, each such member shall receive during the term for which he was elected, for uncompensated expenses incurred in the execution of his public duties during the biennium, the sum of seventy-five dollars a month, which sum shall be payable every six months. Provided, however, should a member die or resign from

office during his term, he shall be paid only the allowances provided for in this section for the period for which he was actually a member.

Attendance at any organizational, special, or regular session of the legislative assembly by any member thereof shall be a conclusive presumption of the expenditure of such expense allowances for the purposes set forth in this section and shall be excluded from gross income for income tax purposes. The provisions of this section shall be retroactive to January 1, 1975.

SECTION 3. 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 fifteen cents per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle. The sum of twenty cents per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by private airplane. If only one person shall engage in such travel in a motor vehicle exceeding at any geographical point one hundred fifty miles beyond the borders of this state, reimbursement shall be limited to eleven cents per mile for the out-of-state portion of the travel. 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. 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 fifteen cents per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, and the one hundred fifty mile 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

\*NOTE: Section 54-06-09 was also amended by section 1 of House Bill No. 1094, chapter 467.

shall file with the director of the department of accounts and purchases an itemized statement showing the mileage traveled, 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 twelve cents per mile and no more than fifteen cents per mile.

SECTION 4. 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 April 8, 1975