

# OFFICES AND OFFICERS

## CHAPTER 477

HOUSE BILL NO. 1380  
(Representative Stenehjem)  
(Senator Holmberg)

### NOTICE OF PUBLIC MEETINGS

AN ACT requiring full, adequate, and timely notice of the meetings of all public bodies.

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

SECTION 1. 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. 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 Act.

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

Approved March 19, 1979

## CHAPTER 478

SENATE BILL NO. 2346  
(Senator Holmberg)  
(Representative Stenehjem)

## OPEN VOTING AT PUBLIC MEETINGS

AN ACT requiring open voting at all public meetings.

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

SECTION 1. OPEN VOTING AT PUBLIC MEETINGS REQUIRED - RESULTS RECORDED IN MINUTES.) Unless otherwise specifically provided by law, all votes of whatever kind taken at any public meeting governed by the provisions of section 44-04-19 must be open, public votes, and all nonprocedural votes must be recorded roll call votes, with the votes of each member being made public at the open meeting. The minutes shall show the results of every vote taken at the meeting, and shall show the recorded vote of each member on every recorded roll call vote.

Approved March 10, 1979

## CHAPTER 479

HOUSE BILL NO. 1207

(Committee on State and Federal Government)

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

## EXPENSE AND MILEAGE ALLOWANCES

AN ACT to amend and reenact sections 44-08-04 and 54-06-09 of the North Dakota Century Code, relating to expense accounts and mileage and travel expenses of state officers and employees.

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

SECTION 1. AMENDMENT.) Section 44-08-04 of 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~~ seventy-five cents.
2. Second quarter shall be from twelve noon to six p.m. and the sum shall not exceed ~~two~~ three dollars and seventy-five cents.
3. Third quarter shall be from six p.m. to twelve midnight and the sum shall not exceed ~~five~~ six 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 ~~sixteen~~ twenty 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 outside state boundaries shall receive ~~fifteen~~ eighteen 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 54-06-09 of the 1977 Supplement to 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~~ twenty 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~~ twenty-six 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~~ fourteen 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 ~~fiifteen~~ twenty 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 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~~ fifteen cents per mile and no more than ~~fiifteen~~ twenty cents per mile.

Approved March 3, 1979

## CHAPTER 480

HOUSE BILL NO. 1354  
(Wald)

## DEFENSE OF LAW ENFORCEMENT OFFICERS

AN ACT to amend and reenact section 44-08-11 of the North Dakota Century Code, relating to the defense of law enforcement officers by the state and political subdivisions.

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

SECTION 1. AMENDMENT.) Section 44-08-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-08-11. STATE AND OTHER POLITICAL SUBDIVISIONS TO FURNISH COUNSEL TO DEFEND LAW ENFORCEMENT OFFICERS.) The state or any political subdivision of the state ~~may~~ must furnish legal counsel to defend any law enforcement officer in any action brought against such officer to recover damages arising out of any act of such officer in good faith and in the performance of his official duties.

Approved March 3, 1979