

OFFICES AND OFFICERS

CHAPTER 323

S. B. No. 125
(Ringsak and O'Brien)

PERSONAL INTERESTS IN CONTRACTS BY PUBLIC OFFICERS

AN ACT

To amend and reenact section 15-4902 of the North Dakota Revised Code of 1943, and sections 12-1006 and 40-1305 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to personal interests in contracts by public officers.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 15-4902 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4902. Personal Interest in School District Contracts Prohibited; Exceptions.) No member of the board of education or school board, and no other school officer, in a school district having a population of over 10,000, shall be interested personally, directly or indirectly, in any contract for the building or making of any improvements or repairs to school buildings, or for the erecting of any school building, or for furnishing any materials or supplies for the district, or in any contract requiring the expenditure of school funds except for the purchase of fuel and the procuring of insurance and such supplies as are in daily use. Any violation of the provisions of this section shall be a misdemeanor.

§ 2. **Amendment.**) Section 12-1006 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-1006. Personal Interest in Contract by Public Officer; Punishment; Exception.) Every public officer authorized to sell or lease any property, or make any contract in his official capacity, who contrary to law voluntarily becomes interested individually in such sale, lease, or contract, directly or indirectly, is guilty of a misdemeanor. Provided, however, that contracts of purchase or employment, by a township, a municipality having a population of not more than ten thousand, according to the last official census, a school district or a park district, may be entered into with an officer of such township,

municipality, school district, or park district, if such contracts are unanimously approved by the other members of the governing body of the township, municipality, school district, or park district and declared, by a finding unanimously adopted by such other members and entered in the official minutes of the governing body, to be necessary for the reason that the services or property obtained is not otherwise available at equal cost.

§ 3. Amendment.) Section 40-1305 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-1305. Officers Not To Be Interested in Contracts or Work of Municipality.) Except as otherwise provided by law, no municipal officer, in a municipality having a population of 10,000 or more according to the last federal decennial census, shall be directly or indirectly interested in:

1. Any contract, work, or business of the municipality;
2. The sale of any article the expense, price, or consideration of which is paid from the municipal treasury or by any assessment levied by any act or ordinance; or
3. The purchase of any real estate or other property belonging to the municipality or which shall be sold for taxes or assessments or by virtue of any process issued in any suit brought by the municipality.

Approved March 10, 1959.

CHAPTER 324

H. B. No. 627
(Stockman)

EXPENSES OF CERTAIN STATE OFFICERS

AN ACT

To amend and reenact section 44-0804 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to expenses of certain state officers.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 44-0804 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

44-0804. Expense Account: Amount Allowed.) No elective officer other than the governor and members of the legislature,

nor any appointive officer, employee, representative, or agent of this state, or of any of its subdivisions, agencies, bureaus, boards, or commissions, shall make claim upon any public fund for any sum in excess of ten dollars for any one day for actual expenses of meals and lodging while engaged in the discharge of a public duty and while upon a public expense account within the state, or in excess of six dollars for any one day for meals, and in addition thereto actual lodging expense, while so engaged without this state. In no event shall any such elective or appointive officer, employee, representative, or agent make claim upon such public expense account for an amount in excess of that actually paid for expenses while engaged in the public service.

Approved March 11, 1959.

CHAPTER 325

H. B. No. 767
(Saugstad and Johnston)

MILEAGE OF STATE AND TOWNSHIP OFFICIALS

AN ACT

To amend and reenact sections 54-0609, 58-0602, and 58-0701 of the 1957 Supplement to the North Dakota Revised Code of 1943 and section 23-1410 of the North Dakota Revised Code of 1943, relating to the mileage to be paid to state and township officials.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 54-0609 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-0609. 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 eight and one-half cents per mile for each mile actually and necessarily traveled within this state in the performance of official duty when such travel is by motor vehicle or by private airplane, but when any such motor vehicle or airplane is 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 other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.

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 state auditor an itemized statement showing the mileage traveled, the days when and how traveled and the purpose thereof, verified by his affidavit. The statement shall be submitted to the state auditing board for approval and shall be paid only when approved by said board.

§ 2. Amendment.) Section 58-0602 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0602. Compensation of Supervisors.) A township supervisor shall receive as compensation for his services six dollars a day for each day necessarily devoted to the work of his office, but his compensation shall not exceed one hundred dollars in any one year. He shall receive as reimbursement for expenses eight and one-half cents per mile for each mile actually and necessarily traveled in the performance of his duties.

§ 3. Amendment.) Section 58-0701 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0701. Compensation and Fees of Clerk.) The township clerk shall receive as compensation for his services six dollars a day for each day necessarily devoted to the work of his office. He shall receive as reimbursement for expenses eight and one-half cents per mile for each mile actually and necessarily traveled in the performance of his duties. He shall be paid fees and not per diem for the following services:

1. For serving notices of election upon township officers, twenty-five cents each;
2. For filing any papers required to be filed in his office, ten cents each;
3. For posting notices required by law, twenty-five cents each;
4. For recording any order, instrument, or writing authorized by law, ten cents for each one hundred words; and
5. For copying any record or instrument on file in his office and certifying the same, ten cents for each one hundred words to be paid by the person applying for the same.

§ 4. Amendment.) Section 23-1410 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1410. Salary and Compensation.) The salary of the district health officer shall be fixed by the district board of health. Such compensation shall not be reduced during the term for which he is appointed. The district board of health shall determine the compensation of such technical and clerical help as may be allowed by the district board of health to the district full-time health officer, and the district board of health also shall determine the amount of mileage to be paid for the necessary travel of the district full-time health officer and his assistants, not to exceed eight and one-half cents a mile.

Approved March 17, 1959.