

# OFFICES AND OFFICERS

## CHAPTER 451

HOUSE BILL NO. 1117  
 (Committee on State and Federal Government)  
 (At the request of the Secretary of State)

### NOTARIAL SEAL, OATH, AND BOND DEPOSIT

AN ACT to amend and reenact section 44-06-04 of the North Dakota Century Code, relating to filing of notary oath in the secretary of state's office and clerk of the district court offices.

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

SECTION 1. AMENDMENT. Section 44-06-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-06-04. FILING OF OATH, BOND, AND IMPRESSION OF NOTARIAL SEAL. Each notary public, before entering upon the duties of such office, shall provide himself with an official seal bearing his name and shall

1. ~~Deposit~~ deposit a legible impression of such seal, together with his oath and bond, in the office of the secretary of state, and

2. ~~File his commission for record in the office of the clerk of the district court of the county of which he is a resident and deposit with such clerk an impression of his seal together with his official signature. The clerk shall record such information in a book to be kept for that purpose, and the person complying with the provisions of this subsection is a notary public during the time the commission is in force.~~

Approved March 2, 1981

## CHAPTER 452

HOUSE BILL NO. 1507  
(A. Olson, Reed)

## FEES CHARGED BY NOTARIES PUBLIC

AN ACT to amend and reenact section 44-06-14 of the North Dakota Century Code, relating to fees charged by notaries public.

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

SECTION 1. AMENDMENT. Section 44-06-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-06-14. FEES TO BE CHARGED BY NOTARIES PUBLIC. A notary public is entitled to charge and receive the following fees:

1. For each protest, fifty cents.
2. For recording the same, twenty-five cents.
3. For each notice of protest completed and served, twenty-five cents and postage for mailing the notice.
4. For taking affidavit and seal, ~~twenty-five~~ one dollar and fifty cents.
5. For administering an oath or affirmation, ten cents.
6. For taking a deposition, each ten words, one and one-half cents.
7. For each certificate and seal, ~~twenty-five~~ one dollar and fifty cents.
8. For taking proof of acknowledgment, ~~twenty-five~~ one dollar and fifty cents.

Approved March 3, 1981

## CHAPTER 453

SENATE BILL NO. 2073  
(Legislative Council)  
(Interim Judiciary "C" Committee)

## OFFICE OF COMMISSIONER OF DEEDS

AN ACT to repeal chapter 44-07 of the North Dakota Century Code, relating to the appointment of a commissioner of deeds, stating the powers, duties and terms of office, requiring seal and bond, and providing compensation for services.

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

SECTION 1. REPEAL. Chapter 44-07 of the North Dakota Century Code is hereby repealed.

Approved March 11, 1981

## CHAPTER 454

HOUSE BILL NO. 1545  
(Nicholas)

## FOREIGN TRAVEL REIMBURSEMENT

AN ACT to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to reimbursement to state officers and employees for travel expenses.

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

\* SECTION 1. AMENDMENT. Section 44-08-04 of the 1979 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 seventy-five cents.
2. Second quarter shall be from twelve noon to six p.m. and the sum shall not exceed three dollars and seventy-five cents.
3. Third quarter shall be from six p.m. to twelve midnight and the sum shall not exceed 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 twenty dollars.
5. Provided, however, that the preceding four subsections shall not be applicable unless the person concerned has

\* NOTE: Section 44-08-04 was also amended by section 1 of House Bill No. 1184, chapter 455.

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 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.

Those persons engaged in foreign travel shall receive reimbursement for meals at a rate not to exceed two times the regular out-of-state meal allowance. Verification by receipt for such foreign travel expense shall be required only for the 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.

Approved March 26, 1981

## CHAPTER 455

HOUSE BILL NO. 1184  
(Committee on State and Federal Government)  
(At the request of the Department of Accounts and Purchases)

## EXPENSE ACCOUNT AND TRAVEL ALLOWANCE

AN ACT to amend and reenact sections 44-08-04, 44-08-04.2, 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 1979 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. Claims may also be made for meals which are included as part of a registration fee for a conference, seminar, or other meeting, and for meals attended at the request of and on behalf of the state or any of its subdivisions, agencies, bureaus, boards, or commissions. Such claims shall be allowed even if the city at which such meeting is held or meal is provided is the claimant's normal working and living residence. Upon approval of such claim, it shall be paid as an allowance 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--seventy-five cents~~ three dollars and fifty cents. No reimbursement may be made if travel began after seven a.m.
2. Second quarter shall be from twelve noon to six p.m. and the sum shall not exceed ~~three~~ five dollars and ~~seventy-five cents~~.

\* NOTE: Section 44-08-04 was also amended by section 1 of House Bill No. 1545, chapter 454.

3. Third quarter shall be from six p.m. to twelve midnight and the sum shall not exceed ~~six~~ eight 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 ~~twenty~~ twenty-five 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~~ four 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 ~~eighteen~~ twenty-three 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 44-08-04.2 of the North Dakota Century Code is hereby amended and reenacted 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. 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 in this state, provided that such in-state travel must be for a period planned to be in excess of five days, and provided that the funds advanced do not exceed eighty percent of estimated expenses for the period. 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.
3. 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 3. AMENDMENT. Section 54-06-09 of the 1979 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 ~~twenty~~ twenty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle. The sum of ~~twenty-six~~ thirty cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by private airplane. Mileage by private aircraft shall be computed by actual air mileage when only one state employee or official is traveling; if two or more state employees or officials are traveling by private aircraft, the actual mileage shall be based on the road mileage between the geographical points. Reimbursement for private airplane travel shall be calculated as follows:

- a. If reimbursement is for one properly authorized and reimbursable passenger, reimbursement shall be paid on a per-mile basis as provided in this subsection.
- b. If reimbursement is claimed for a chartered private aircraft, reimbursement may not exceed the cost of regular coach fare on a commercial flight, if one is scheduled between the point of departure, point of destination, and return, for each properly authorized and reimbursable passenger on the charter flight; or, where there is no such regularly scheduled commercial flight, the actual cost of the charter.

No reimbursement shall be paid for leased private aircraft. In order to be reimbursed for the chartering of a private aircraft pursuant to subdivision b of this subsection, the charter agreement must receive prior approval from the director of the department of accounts and purchases who shall take comparable travel costs and the savings of time into account in making his decision. If only one person shall engage in such travel in a motor vehicle exceeding at any geographical point one hundred fifty miles [241.40 kilometers] beyond the borders of this state, reimbursement shall be limited to ~~fourteen~~ eighteen cents per mile [1.61 kilometers] for the out-of-state portion of the travel beyond the first one hundred fifty miles [241.40 kilometers]. 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 Except as provided in subsection 1, 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 ~~twenty~~ twenty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, and the one hundred fifty mile [241.40 kilometer] 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 hour of departure and return, 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 ~~fifteen~~ twenty cents per mile [1.61 kilometers] and no more than ~~twenty~~ twenty-five cents per mile [1.61 kilometers].

Approved March 31, 1981