

**OPINION
56-138**

July 9, 1956 (OPINION)

OFFICES AND OFFICERS

RE: County Welfare - Expenses

We have received your letter of July 9, 1956, requesting an opinion as to whether chapter 111 of the 1955 Session Laws is applicable to county officials other than county commissioners.

Your question arises from the following state of facts: The board of county commissioners of Cass County allowed vouchers submitted by the county welfare board workers for meals while attending a welfare board conference held in Fargo, the home city of these employees.

While chapter 111 of the 1955 Session Laws seems to apply exclusively to county commissioners, we feel that section 44-0804 of the 1953 Supplement applies in this case. Section 44-0804 reads as follows:

"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 excess of four dollars for any one day for meals, and in addition thereto actual lodging expenses not to exceed four dollars per day while engaged in the discharge of a public duty and while 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 while engaged in the public service."

This office has always assumed that the above law prohibits the charging of meals or lodging while on duty in the town or city where the employee resides, and applies only when away from home. If such charges can be made during a convention there is no reason why an employee could not charge meals at any other time if consumed and paid for in the home town or city of the employee, and the same applies to lodging.

This may appear to be a minor matter, but we believe the Legislature intended to prohibit by the passage of section 44-0804.

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Attorney General