

**OPINION  
59-12**

April 4, 1959 (OPINION)

AGRICULTURE

RE: County Agent - Mileage and Expenses

This is in reply to your request for an official interpretation of the house bills mentioned below and the questions relative thereto.

House Bill 631 which provides an increase in mileage for all county officials, whether elective or appointive, etc.:

Question 1 - Do County Agents come under this Bill?

Question 2 - Assuming they do, what is the official date of the approval of the bill or what date can they start increasing their mileage rate?

Question 3 - What relationship from the County Agent standpoint if any is there between House Bill 631 and House Bill 767, which also is a mileage bill?

House Bill 627 which provides an increase from \$8.00 to \$10.00 per day expense account:

Question 1 - Are County Agents included in this Bill?"

As to Question 1, the county agent while generally considered a county official, nevertheless does not come within the provisions of House Bill 631. This house bill amends section 11-1015 of the 1957 Supplement to the North Dakota Revised Code of 1943, which relates to mileage allowances for county officials, but contains the provisions: "Unless otherwise provided by the laws of this state, . . . ."

Section 4-0810 of the 1957 Supplement to the North Dakota Revised Code of 1943 pertaining to county agents contains this provisions: ". . . . Where charges are made for transportation expenses they shall not exceed the amount provided by section 54-0609. . . ."

We have no information whether or not section 4-0810 was amended at the last legislature and unless we perform a diligent search we will not know if said section was amended until the laws are published. We must therefore assume that this section is in full force and effect. In direct response to your Question No. 1, we must state that county agents do not come under House Bill 631.

Section 54-0609 of the 1957 Supplement to the North Dakota Revised Code of 1943 was amended by House Bill 767 which now allows mileage at the rate of 8 ¢ per mile where travel is made by privately owned

conveyance on official business, etc. This bill is not an emergency, and therefore will not go into effect until July 1, 1959. In direct response to your Question No. 2, the increase in mileage rate will go into effect on July 1, 1959.

In response to Question No. 3, we wish to advise that the county agent comes under House Bill 767 which amends section 54-0609.

As to your question pertaining to House Bill 627, we wish to advise that county agents come within the provisions of said bill. This bill amends section 44-0804 of the 1957 Supplement to the North Dakota Revised Code of 1943 which limits the allowance for actual expense for meals and lodging to \$10.00 for any one day. This bill does not contain an emergency clause and therefore does not become law until July 1, 1959.

As a matter of information, House Bill 631 contains the emergency clause and was approved March 17, 1959, which is the date it went into effect but it does not apply to the county agent.

LESLIE R. BURGUM

Attorney General