

**OPINION
59-228**

July 30, 1959 (OPINION)

OFFICES AND OFFICERS

RE: Mileage and Expenses - Association Meeting

This is in reply to your letter in which you state that the North Dakota Treasurers Association will hold its annual meeting in Bismarck in the near future. You then ask would the county treasurers who belong to the association be entitled to mileage and expenses? If so, what mileage may they collect when travel is by car, and what is the amount they may collect for room, lodging and sustenance?

Section 11-1015 as amended by chapter 122 of the 1959 Session Laws provides that county officials may receive when travel is by motor vehicle ten cents per mile "for each mile actually and necessarily traveled in the performance of official duties."

Section 44-0804 as amended by chapter 324 of the 1959 Session Laws provides that:

No elective officer nor any appointive officer of this state, or any of its subdivisions 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. . . . In no event shall any such elective or appointive officer make claim in excess of that actually paid for expenses while engaged in the public service."

Much depends on the status of the County Treasurers Association. We are assuming that such association is an organization to bring about and provide a better understanding and functioning of the treasurer's office in the county. As such, we assume that the county will directly benefit from such association. Thus when the county treasurer attends such annual meeting with approval of the county commissioners, it is considered in performance of official duties and in public service.

On the basis of such assumption the treasurer may receive ten cents per mile when travel is by car. He may also be reimbursed for his actual lodging and sustenance but not to exceed ten dollars per day.

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Attorney General