

**N.D.A.G. Letter to Jorgenson (Sep. 19, 1985)**

September 19, 1985

Mr. Lewis C. Jorgenson  
Ramsey County State's Attorney  
P.O. Box 1001  
Devils Lake, ND 58301

Dear Mr. Jorgenson:

Thank you for your letter of September 5, 1985, in which you requested an Attorney General's Opinion as to whether mileage payments to county officials in excess of the amounts provided for in N.D.C.C. § 54-06-09 are permissible under N.D.C.C. § 11-10-15.

N.D.C.C. § 11-10-15, as amended by the 49th Legislative Assembly of North Dakota, provides as follows:

11-10-15. MILEAGE OF OFFICIALS AND EMPLOYEES. Unless otherwise provided by the laws of this state, every county official, whether elective or appointive, every deputy of a county official, and any county employee entitled by law to travel or mileage expense, is entitled to mileage expenses of at least the amount allowed state officers and employees under section 54-06-09 for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duties.

The amendment to N.D.C.C. § 11-10-15 allows the mileage expenses paid to county officials and employees to be at least the amount paid to state officers and employees. The legislative history relating to this amendment makes it clear that counties have the discretion to set the mileage expenses paid to county officials and employees higher than mileage expenses paid to state officers and employees.

Sincerely,

Nicholas J. Spaeth

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