

**HOUSE BILL NO. 1197**

Introduced by

Appropriations Committee

(At the request of the Legislative Compensation Commission)

1 A BILL for an Act to amend and reenact section 54-06-09 of the North Dakota Century Code,  
2 relating to mileage and travel expense reimbursement for state officials and employees.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-06-09 of the 1999 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **54-06-09. Mileage and travel expense of state officers and employees.**

7 1. State officials, whether elective or appointive, and their deputies, assistants, and  
8 clerks, or other state employees, entitled by law to be reimbursed for mileage or  
9 travel expense, must be allowed and paid for mileage and travel expense the  
10 following amounts:

11 a. The sum of ~~twenty-five~~ thirty-one cents per mile [1.61 kilometers] for each  
12 mile [1.61 kilometers] actually and necessarily traveled in the performance of  
13 official duty when the travel is by motor vehicle or twenty-seven cents per mile  
14 [1.61 kilometers] if the travel is by truck, the use of which is required by the  
15 employing entity. The sum of thirty-five cents per mile [1.61 kilometers] for  
16 each mile [1.61 kilometers] actually and necessarily traveled in the  
17 performance of official duty when the travel is by private airplane. Mileage by  
18 private aircraft must be computed by actual air mileage when only one state  
19 employee or official is traveling; if two or more state employees or officials are  
20 traveling by private aircraft, the actual mileage must be based on the road  
21 mileage between the geographical points. Reimbursement for private  
22 airplane travel must be calculated as follows:

- 1                   (1)    If reimbursement is for one properly authorized and reimbursable  
2                                   passenger, reimbursement must be paid on a per-mile basis as  
3                                   provided in this subsection.
- 4                   (2)    If reimbursement is claimed for a chartered private aircraft,  
5                                   reimbursement may not exceed the cost of regular coach fare on a  
6                                   commercial flight, if one is scheduled between the point of departure,  
7                                   point of destination, and return, for each properly authorized and  
8                                   reimbursable passenger on the charter flight; or, where there is no such  
9                                   regularly scheduled commercial flight, the actual cost of the charter.
- 10                b.    Except as provided in subdivision a, when travel is by rail or certificated air  
11                                   taxi commercial operator or other common carrier, including regularly  
12                                   scheduled flights by airlines, the amount actually and necessarily expended  
13                                   therefor in the performance of official duties.
- 14                2.    No reimbursement may be paid for leased private aircraft, except for leased or  
15                                   rented private aircraft from a recognized fixed base aviation operator who is in the  
16                                   business of leasing and renting private aircraft and is located on an airport open for  
17                                   public use.
- 18                3.    If only one person engages in such travel in a motor vehicle exceeding at any  
19                                   geographical point one hundred fifty miles [241.40 kilometers] beyond the borders  
20                                   of this state, reimbursement is limited to eighteen cents per mile [1.61 kilometers]  
21                                   for the out-of-state portion of the travel beyond the first one hundred fifty miles  
22                                   [241.40 kilometers].
- 23                4.    An official, deputy, assistant, clerk, or other employee, when required to travel by  
24                                   motor vehicle or truck in the performance of official duty, shall use a state-owned  
25                                   vehicle whenever possible unless exempted under section 24-02-03.3. When  
26                                   official travel is by motor vehicle or airplane owned by the state or by any  
27                                   department or political subdivision of the state, no allowance may be made or paid  
28                                   for such mileage, except that governmental entities may share expenses when  
29                                   officials or employees of those entities travel in the same motor vehicle or aircraft.
- 30                5.    Notwithstanding the other provisions of this section, state employees permanently  
31                                   located outside the state or on assignments outside the state for an indefinite

- 1 period of time, exceeding at least thirty consecutive days, must be allowed and  
2 paid ~~twenty-five~~ thirty-one cents per mile [1.61 kilometers] for each mile [1.61  
3 kilometers] actually and necessarily traveled in the performance of official duty  
4 when such travel is by motor vehicle, and the one-hundred-fifty-mile  
5 [241.40-kilometer] restriction imposed by subsection 3 does not apply.
- 6 6. Before any allowance for any such mileage or travel expenses may be made, the  
7 official, deputy, assistant, clerk, or other employee shall file with the employee's  
8 department, institution, board, commission, or agency an itemized statement  
9 showing the mileage traveled, the hour of departure and return, the days when and  
10 how traveled, the purpose thereof, and such other information and documentation  
11 as may be prescribed by rule of the employee's department, institution, board,  
12 commission, or agency. The statement must be submitted to the employee's  
13 department, institution, board, commission, or agency for approval and must be  
14 paid only when approved by the employee's department, institution, board,  
15 commission, or agency.