

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED 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; and to
3 declare an emergency.

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

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

7 **54-06-09. Mileage and travel expense of state officers and employees.**

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

12 a. The sum of ~~twenty-five~~ thirty-one cents per mile [1.61 kilometers] for each
13 mile [1.61 kilometers] actually and necessarily traveled in the performance of
14 official duty when the travel is by motor vehicle or twenty-seven cents per mile
15 [1.61 kilometers] if the travel is by truck, the use of which is required by the
16 employing entity. The sum of ~~thirty-five~~ seventy cents per mile [1.61
17 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in
18 the performance of official duty when the travel is by private airplane.

19 Mileage by private aircraft must be computed by actual air mileage when only
20 one state employee or official is traveling; if two or more state employees or
21 officials are traveling by private aircraft, the actual mileage must be based on
22 the road mileage between the geographical points. Reimbursement for
23 private 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 three hundred fifty miles~~ ~~[241.40 482.80 kilometers]~~
20 beyond the borders of this state, reimbursement is limited to eighteen cents per
21 mile [1.61 kilometers] for ~~the out-of-state portion of the travel beyond the first one~~
22 ~~hundred fifty miles~~ ~~[241.40 kilometers]~~ driven in excess of six hundred miles
23 [965.60 kilometers] of round trip out-of-state travel.
- 24 4. An official, deputy, assistant, clerk, or other employee, when required to travel by
25 motor vehicle or truck in the performance of official duty, shall use a state-owned
26 vehicle whenever possible unless exempted under section 24-02-03.3. When
27 official travel is by motor vehicle or airplane owned by the state or by any
28 department or political subdivision of the state, no allowance may be made or paid
29 for such mileage, except that governmental entities may share expenses when
30 officials or employees of those entities travel in the same motor vehicle or aircraft.

- 1 5. Notwithstanding the other provisions of this section, state employees permanently
2 located outside the state or on assignments outside the state for an indefinite
3 period of time, exceeding at least thirty consecutive days, must be allowed and
4 paid ~~twenty-five~~ thirty-one cents per mile [1.61 kilometers] for each mile [1.61
5 kilometers] actually and necessarily traveled in the performance of official duty
6 when such travel is by motor vehicle, and the ~~one-hundred-fifty-mile~~
7 ~~[241.40-kilometer]~~ three-hundred-mile [482.80-kilometer] restriction imposed by
8 subsection 3 does not apply.
- 9 6. Before any allowance for any such mileage or travel expenses may be made, the
10 official, deputy, assistant, clerk, or other employee shall file with the employee's
11 department, institution, board, commission, or agency an itemized statement
12 showing the mileage traveled, the hour of departure and return, the days when and
13 how traveled, the purpose thereof, and such other information and documentation
14 as may be prescribed by rule of the employee's department, institution, board,
15 commission, or agency. The statement must be submitted to the employee's
16 department, institution, board, commission, or agency for approval and must be
17 paid only when approved by the employee's department, institution, board,
18 commission, or agency.

19 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.