

Introduced by

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 North Dakota Century Code is
5 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 ~~thirty-one~~ thirty-seven and one-half cents per mile [1.61
12 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in
13 the performance of official duty when the travel is by motor vehicle or
14 twenty-seven cents per mile [1.61 kilometers] if the travel is by truck, the use
15 of which is required by the employing entity. The sum of seventy cents per
16 mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily
17 traveled in the performance of official duty when the travel is by private
18 airplane. Mileage by private aircraft must be computed by actual air mileage
19 when only one state employee or official is traveling; if two or more state
20 employees or officials are traveling by private aircraft, the actual mileage must
21 be based on the road mileage between the geographical points.
22 Reimbursement for 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 three hundred miles [482.80 kilometers] beyond the borders of
20 this state, reimbursement is limited to eighteen cents per mile [1.61 kilometers] for
21 miles driven in excess of six hundred miles [965.60 kilometers] of round trip
22 out-of-state travel.
- 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. However,
26 an agency, institution, department, board, bureau, or commission may allow use of
27 an official's, deputy's, or employee's personal motor vehicle in circumstances
28 authorized by the official, deputy, or the employee's supervisor. If personal motor
29 vehicle use is authorized under this subsection, the agency may also allow mileage
30 reimbursement at a rate less than that otherwise provided in this section. When
31 official travel is by motor vehicle or airplane owned by the state or by any

- 1 department or political subdivision of the state, no allowance may be made or paid
2 for such mileage, except that governmental entities may share expenses when
3 officials or employees of those entities travel in the same motor vehicle or aircraft.
- 4 5. Notwithstanding the other provisions of this section, state employees permanently
5 located outside the state or on assignments outside the state for an indefinite
6 period of time, exceeding at least thirty consecutive days, must be allowed and
7 paid ~~thirty-one~~ thirty-seven and one-half cents per mile [1.61 kilometers] for each
8 mile [1.61 kilometers] actually and necessarily traveled in the performance of
9 official duty when such travel is by motor vehicle, and the three-hundred-mile
10 [482.80-kilometer] restriction imposed by subsection 3 does not apply.
- 11 6. Before any allowance for any such mileage or travel expenses may be made, the
12 official, deputy, assistant, clerk, or other employee shall file with the employee's
13 department, institution, board, commission, or agency an itemized statement
14 showing the mileage traveled, the hour of departure and return, the days when and
15 how traveled, the purpose thereof, and such other information and documentation
16 as may be prescribed by rule of the employee's department, institution, board,
17 commission, or agency. The statement must be submitted to the employee's
18 department, institution, board, commission, or agency for approval and must be
19 paid only when approved by the employee's department, institution, board,
20 commission, or agency.