

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 cents per mile [1.61 kilometers] for  
17 each mile [1.61 kilometers] actually and necessarily traveled in the  
18 performance of official duty when the travel is by private airplane. Mileage by  
19 private aircraft must be computed by actual air mileage when only one state  
20 employee or official is traveling; if two or more state employees or officials are  
21 traveling by private aircraft, the actual mileage must be based on the road  
22 mileage between the geographical points. Reimbursement for private  
23 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.