

1 *House* BILL NO. *532*
 2 INTRODUCED BY *Frank Lukken* *Fable R Baeth*
 3 *Hubert Doy*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE TRAVEL
 5 ALLOWANCE OF AUTHORIZED PERSONS USING PRIVATE PLANES;
 6 AMENDING SECTIONS 59-801 AND 59-802, R.C.M. 1947."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 59-801, R.C.M. 1947, is amended to
 10 read as follows:

11 "59-801. Mileage of all officers. (1) Automobiles:
 12 Members of the legislative assembly, state officers,
 13 township officers, jurors, witnesses, county agents, and all
 14 other persons, except sheriffs, who may be entitled to
 15 mileage, when using their own automobiles ~~or--airplanes~~ in
 16 the performance of official duties, ~~shall-be~~ are entitled to
 17 collect mileage for the distance actually traveled by
 18 ~~automobile,--and--for--the---shortest---regularly---traveled~~
 19 ~~automobile--route--when-travel-is-by-private-plane~~ at a rate
 20 of twelve cents (12¢) per statute mile, and no more unless
 21 otherwise specifically provided by law; provided, however,
 22 that nothing herein contained shall be construed as
 23 affecting the validity of section 43-310.

24 ~~(2)--where--the--individual--is--authorized--to--operate--a~~
 25 ~~privately-owned-vehicle-even-though-a-state-owned-vehicle-is~~

1 ~~available,--a--rate--of--nine--cents--(9¢)--per--mile--shall--be--paid.~~
 2 ~~(3)--Where--a--privately--owned--vehicle--is--used--because--a~~
 3 ~~state--owned--or--leased--vehicle--is--not--available--for--use--or--it~~
 4 ~~is--in--the--best--interest--of--the--state--that--a--privately--owned~~
 5 ~~vehicle--be--used,--twelve--cents--(12¢)--per--mile--shall--be--paid.~~
 6 (2) Private plane: Members of the legislature, state
 7 officers, township officers, jurors, witnesses, county
 8 agents and all other persons, except sheriffs, who may be
 9 entitled to mileage, when using their own airplanes, in the
 10 performance of official duties, are entitled to collect
 11 mileage for the distance actually traveled at a rate of
 12 twenty-five cents (25¢) per statute mile, and no more unless
 13 specifically provided by law. This section does not affect
 14 the validity of section 43-310."

15 Section 2. Section 59-802, R.C.M. 1947, is amended to
 16 read as follows:

17 "59-802. Mileage of all officers--liability of
 18 approving board for exceeding authorized amount. Whenever it
 19 shall be necessary for any state or county officer or
 20 employee to use his own automobile or airplane in the
 21 performance of any official duty where traveling expense is
 22 allowed by law, such officer or employee, except sheriffs,
 23 shall receive twelve cents (12¢) per statute mile for each
 24 mile necessarily traveled by automobile and ~~twelve-cents~~
 25 ~~(12¢)~~ twenty-five cents (25¢) per statute mile by--the

1 ~~shortest--regularly-traveled-automobile-route-when-travel-is~~
2 by private plane, and no more unless otherwise specifically
3 provided by law and the members of any lawful approving
4 board shall be liable upon their official bonds, for any
5 claim which they may allow in excess of such amount;
6 provided, however, that nothing herein contained shall be
7 construed as affecting the validity of section 43-310. It is
8 necessary for an individual to use his own vehicle where it
9 has been determined that a state vehicle is not available
10 for use or that it is in the best interest of the state that
11 a privately owned vehicle be used."

-End-

Approved by Committee
on State Administration

HOUSE BILL NO. 532

INTRODUCED BY MERCER, LOCKREM, FAGG,

R. BAETH, HUBING, DAY

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE TRAVEL
ALLOWANCE OF AUTHORIZED PERSONS USING PRIVATE PLANES;
AMENDING SECTIONS 59-801 AND 59-802, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 59-301, R.C.M. 1947, is amended to
read as follows:

"59-801. Mileage of all officers. (1) Automobiles:
Members of the legislative assembly, state officers,
township officers, jurors, witnesses, county agents, and all
other persons, except sheriffs, who may be entitled to
mileage, when using their own automobiles ~~or--airplanes~~ in
the performance of official duties, ~~shall-be~~ are entitled to
collect mileage for the distance actually traveled ~~by~~
~~automobile~~ BY AUTOMOBILE, ~~and--for--the--shortest--regularly~~
~~traveled-automobile-route-when-travel-is-by-private-plane~~ at
a--rate--of-twelve-cents-(12¢)-per-statute-mile, and no more
unless otherwise specifically provided by law; provided,
however, that nothing herein contained shall be construed as
affecting the validity of section 43-310.

~~(2)--Where--the--individual--is--authorized--to--operate--a~~

SECOND READING
SECOND PRINTING 4/11/75

~~privately-owned-vehicle-even-though-a-state-owned-vehicle-is~~
~~available,-a-rate-of-nine-cents-(9¢)-per-mile-shall-be-paid-~~
~~(3)-Where-a-privately-owned-vehicle-is-used--because--a~~
~~state-owned-or-leased-vehicle-is-not-available-for-use-or-it~~
~~is--in-the-best-interest-of-the-state-that-a-privately-owned~~
~~vehicle-be-used,-twelve-cents-(12¢)-per-mile-shall-be--paid-~~

(2) WHERE THE INDIVIDUAL IS AUTHORIZED TO OPERATE A
PRIVATELY OWNED VEHICLE EVEN THOUGH A STATE OWNED VEHICLE IS
AVAILABLE, A RATE OF NINE CENTS (9¢) PER MILE SHALL BE PAID.

(3) WHERE A PRIVATELY OWNED VEHICLE IS USED BECAUSE A
STATE OWNED OR LEASED VEHICLE IS NOT AVAILABLE FOR USE OR IT
IS IN THE BEST INTEREST OF THE STATE THAT A PRIVATELY OWNED
VEHICLE BE USED, TWELVE CENTS (12¢) PER MILE SHALL BE PAID.

~~(2)(4) Private plane: Members of the legislature,~~
~~state officers, township officers, jurors, witnesses, county~~
~~agents and all other persons, except sheriffs, who may be~~
~~entitled to mileage, when using their own airplanes, in the~~
~~performance of official duties, are entitled to collect~~
~~mileage for the distance actually traveled at a rate of~~
~~twenty-five-cents-(25¢) TWENTY CENTS (20¢) per statute mile,~~
~~and no more unless specifically provided by law. This~~
~~section does not affect the validity of section 43-310."~~

Section 2. Section 59-802, R.C.M. 1947, is amended to
read as follows:

"59-802. Mileage of all officers--liability of

1 approving board for exceeding authorized amount. Whenever it
 2 shall be necessary for any state or county officer or
 3 employee to use his own automobile or airplane in the
 4 performance of any official duty where traveling expense is
 5 allowed by law, such officer or employee, except sheriffs,
 6 shall receive twelve cents (12¢) per statute mile for each
 7 mile necessarily traveled by automobile and ~~twelve--cents~~
 8 ~~{12¢} twenty-five-cents-{25¢}~~ TWENTY CENTS (20¢) per statute
 9 ~~mile by--the--shortest--regularly-traveled-automobile-route~~
 10 ~~when--travel--is~~ by private plane, and no more unless
 11 otherwise specifically provided by law and the members of
 12 any lawful approving board shall be liable upon their
 13 official bonds, for any claim which they may allow in excess
 14 of such amount; provided, however, that nothing herein
 15 contained shall be construed as affecting the validity of
 16 section 43-310. It is necessary for an individual to use his
 17 own vehicle where it has been determined that a state
 18 vehicle is not available for use or that it is in the best
 19 interest of the state that a privately owned vehicle be
 20 used."

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE TRAVEL
ALLOWANCE OF AUTHORIZED PERSONS USING PRIVATE PLANES;
AMENDING SECTIONS 59-801 AND 59-802, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 59-801, R.C.M. 1947, is amended to
read as follows:

"59-801. Mileage of all officers. (1) Automobiles:
Members of the legislative assembly, state officers,
township officers, jurors, witnesses, county agents, and all
other persons, except sheriffs, who may be entitled to
mileage, when using their own automobiles ~~or airplanes~~ in
the performance of official duties, ~~shall be~~ are entitled to
collect mileage for the distance actually traveled by
~~automobile BY AUTOMOBILE and for the shortest regularly~~
~~traveled automobile route when travel is by private plane at~~
~~a rate of twelve cents (12¢) per statute mile,~~ and no more
unless otherwise specifically provided by law; provided,
however, that nothing herein contained shall be construed as
affecting the validity of section 43-310.

~~(2) Where the individual is authorized to operate a~~

~~privately-owned-vehicle-even-though-a-state-owned-vehicle-is
available, a rate of nine cents (9¢) per mile shall be paid.~~

~~(3) Where a privately-owned-vehicle is used because a
state-owned-or-leased-vehicle-is-not-available-for-use-or-it
is--in-the-best-interest-of-the-state-that-a-privately-owned
vehicle-be-used, twelve cents (12¢) per mile shall be paid.~~

(2) WHERE THE INDIVIDUAL IS AUTHORIZED TO OPERATE A
PRIVATELY OWNED VEHICLE EVEN THOUGH A STATE OWNED VEHICLE IS
AVAILABLE, A RATE OF NINE CENTS (9¢) PER MILE SHALL BE PAID.

(3) WHERE A PRIVATELY OWNED VEHICLE IS USED BECAUSE A
STATE OWNED OR LEASED VEHICLE IS NOT AVAILABLE FOR USE OR IT
IS IN THE BEST INTEREST OF THE STATE THAT A PRIVATELY OWNED
VEHICLE BE USED, TWELVE CENTS (12¢) PER MILE SHALL BE PAID.

(2)(4) Private plane: Members of the legislature,
state officers, township officers, jurors, witnesses, county
agents and all other persons, except sheriffs, who may be
entitled to mileage, when using their own airplanes, in the
performance of official duties, are entitled to collect
mileage for the distance actually traveled at a rate of
~~twenty-five cents (25¢)~~ TWENTY CENTS (20¢) per statute mile,
and no more unless specifically provided by law. This
section does not affect the validity of section 43-310."

Section 2. Section 59-802, R.C.M. 1947, is amended to
read as follows:

"59-802. Mileage of all officers--liability of

THIRD READING

SECOND PRINTING

4/4/75

1 approving board for exceeding authorized amount. Whenever it
2 shall be necessary for any state or county officer or
3 employee to use his own automobile or airplane in the
4 performance of any official duty where traveling expense is
5 allowed by law, such officer or employee, except sheriffs,
6 shall receive twelve cents (12¢) per statute mile for each
7 mile necessarily traveled by automobile and ~~twelve--cents~~
8 ~~(12¢) twenty-five cents--(25¢)~~ TWENTY CENTS (20¢) per statute
9 mile by--the--shortest--regularly--traveled--automobile--route
10 when--travel--is by private plane, and no more unless
11 otherwise specifically provided by law and the members of
12 any lawful approving board shall be liable upon their
13 official bonds, for any claim which they may allow in excess
14 of such amount; provided, however, that nothing herein
15 contained shall be construed as affecting the validity of
16 section 43-310. It is necessary for an individual to use his
17 own vehicle where it has been determined that a state
18 vehicle is not available for use or that it is in the best
19 interest of the state that a privately owned vehicle be
20 used."

~~End~~

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Section 1. Section 59-801, R.C.M. 1947, is amended to read as follows:

"59-801. Mileage of all officers. (1) Automobiles: Members of the legislative assembly, state officers, township officers, jurors, witnesses, county agents, and all other persons, except sheriffs, who may be entitled to mileage, when using their own automobiles ~~or airplanes~~ in the performance of official duties, ~~shall be~~ are entitled to collect mileage for the distance actually traveled by ~~automobile,--and--for--the---shortest---regularly---traveled automobile--route--when--travel--is--by--private--plane~~ at a rate of twelve cents (12¢) per statute mile, and no more unless otherwise specifically provided by law; provided, however, that nothing herein contained shall be construed as affecting the validity of section 43-310.

~~(2)--Where--the--individual--is--authorized--to--operate--a~~

~~privately-owned-vehicle-even-though-a-state-owned-vehicle-is available,a-rate-of-nine-cents-(9¢)-per-mile-shall-be-paid.~~

~~(3)-Where-a-privately-owned-vehicle-is-used--because--a state-owned-or-leased-vehicle-is-not-availabile-for-use-or-it is--in-the-best-interest-of-the-state-that-a-privately-owned vehicle-be-used,twelve-cents-(12¢)-per-mile-shall-be-paid.~~

(2) Private plane: Members of the legislature, state officers, township officers, jurors, witnesses, county agents and all other persons, except sheriffs, who may be entitled to mileage, when using their own airplanes, in the performance of official duties, are entitled to collect mileage for the distance actually traveled at a rate of ~~twenty-five-cents-(25¢)~~ TWENTY CENTS (20¢) per statute mile, and no more unless specifically provided by law. This section does not affect the validity of section 43-310."

Section 2. Section 59-802, R.C.M. 1947, is amended to read as follows:

"59-802. Mileage of all officers--liability of approving board for exceeding authorized amount. Whenever it shall be necessary for any state or county officer or employee to use his own automobile or airplane in the performance of any official duty where traveling expense is allowed by law, such officer or employee, except sheriffs, shall receive twelve cents (12¢) per statute mile for each mile necessarily traveled by automobile and ~~twelve-cents~~

1 ~~{12¢} twenty-five-cents-{25¢}~~ TWENTY CENTS (20¢) per statute
2 mile ~~by-the-shortest--regularly--traveled--automobile--route~~
3 ~~when--travel--is~~ by private plane, and no more unless
4 otherwise specifically provided by law and the members of
5 any lawful approving board shall be liable upon their
6 official bonds, for any claim which they may allow in excess
7 of such amount; provided, however, that nothing herein
8 contained shall be construed as affecting the validity of
9 section 43-310. It is necessary for an individual to use his
10 own vehicle where it has been determined that a state
11 vehicle is not available for use or that it is in the best
12 interest of the state that a privately owned vehicle be
13 used."

-End-