1 Sente BILL NO. 375
2 INTRODUCED BY McBalle by Request

A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE THE MILEAGE ALLOTMENT FOR PUBLIC OFFICIALS USING PRIVATELY OWNED VEHICLES TO A RATE EQUAL TO THE MILEAGE ALLOTMENT ALLOWED APPELLATE AND TRIAL COURT JUSTICES BY THE MONTANA SUPREME COURT: AMENDING SECTION 59-801+ 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:

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 automobiles or airplanes in the performance of official duties, shall be 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, 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 government owned or leased vehicle is available, a rate of three cents (3g) less per mile than the mileage rate allowed by the United States internal revenue service for the next preceding year shall be paid the supreme court for appellate and trial court indies.

(3) Where a privately owned vehicle is used because a government owned or leased vehicle is not available for use or it is in the best interest of the governmental entity that a privately owned vehicle be used, a rate equal to the mileage allotment allowed by—the—United—States—internal revenue—service—for—the next-preceding-year—shall—be-paid for—the-first—one-thousand-(1v000)—miles—and—three—cents (3g)—per-mile-less-for-all-miles—thereafter—traveled—within a given—calendar—month appellate and trial court—judges—by the Montana supreme court.

(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 cents (202) per statute mile, and no more unless specifically provided by law. This section does not affect the validity of section 43-310.

- 1 (5) The department of administration shall prescribe
- 2 rules necessary to effectively administer this section for
- 3 state government.\*

-End-

### STATE OF MONTANA

REQUEST	NΩ	246-77
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#### FISCAL NOTE

Form	$RD_{\tau}$	15

In compliance with a written request received January 26 , 19 77 , there is hereby submitted a Fiscal Note
for Senate Bill 275 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 275 proposes to raise the mileage allotment for public officials using privately owned vehicles to a rate equal to the mileage allotment allowed appellate and trial court justices by the Montana Supreme Court.

#### ASSUMPTIONS:

- 1. That SBAS expenditure identification coding is materially correct in FY 76 for codes 2401 and 2411 (In-State and Out-of-State personal car mileage); and that the ratio of personal car miles to total travel costs for the state is approximately equal to that of the university system.
- 2. That the number of miles driven by state employees during FY 76 at 12¢ a mile approximately equal those driven at 15¢/mile, and therefore, the average per mile cost to the state was and will be 13.5¢ a mile.
- 3. That there will be a shift from use of personal vehicles to use of motor pool vehicles because of departmental regulations. Present motor pool charges are 11.3¢ per mile in a compact auto.
- 4. Current mileage rates will not change from the 1977 rates.

#### FISCAL IMPACT:

	<u>FY 78</u>	FY 79
Mileage cost under current law	\$2,000,000	\$2,000,000
Mileage cost under proposed law	2,600,000	2,600,000
Increased cost of proposed legislation	\$ 600,000	\$ 600,000

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2 -1 - >7

45th Legislature SB 0275/02 SB 0275/02

# Approved by Committee on State Administration

1	SENATE BILL NO. 275
2	INTRODUCED BY MCCALLUM
3	BY REQUEST
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE REVISE AND
6	LIMIT THE MILEAGE ALLOTMENT FOR PUBLIC OFFICIALS USING
7	PRIVATELY OWNED VEHICLES TO-1 PATE - EQUAL - TO- THE - HILEAGE
8	ALLOTHERT ALLOWED - APPELLATE - AND TRIAL COURT JUSTICES - BY-THE
9	MONTANA SUPREME COURT; AMENDING SECTION 59-801, R.C. M.
10	1947."
11	
12	BE IT PHACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 59-801, R.C.M. 1947, is amended to
14	read as follows:
15	"59-801. Mileage of all officers. (1) Automobiles:
16	Members of the legislature, state officers, teraship
17	officers AND EMPLOYEES, jurors, witnesses, county agents,
18	and all other persons, except cheriffs, who may be entitled
19	to mileage, when using their own automobiles or airplanes in
20	the performance of official duties, shall be ARE entitled to
21	collect mileage PAID FROM PUBLIC FUNDS for the distance
22	actually traveled by automobile, and for the shortest
23	regularly traveled automobile route when travel is by
24	private plane, and no more unless otherwise specifically
25	provided by law; provided, however, that nothing herein

- t contained shall be construed as affecting the validity of section 43-310.
- 4 a privately owned vehicle even though a government owned or
  5 leased vehicle is available, <u>SUCH OPERATION OF A PRIVATELY</u>
  6 OWNED VEHICLE IS UNNECESSARY AND a rate of three cents (3%)
  7 5 cents less per mile than the mileage rate allowed by the
  8 United States internal revenue service for the next
  9 preceding year shall be paid the supreme court for appellate
  10 and trial sourt indeed THE UNITED STATES INTERNAL REVENUE
  11 SERVICE FOR THE NEXT PRECEDING YEAR SHALL BE PAID.
  - (3) Where a privately owned vehicle is used because a government owned or leased vehicle is not available for use or it BECAUSE SUCH USE is in the best interest of the governmental entity that a privately owned vehicle be used, a rate equal to the mileage allotment allowed by the United States internal revenue service for the next preceding year shall be paid for the first one thousand (1,000) miles and three cents (36) per mile less for all miles thereafter traveled within a given calendar month appellate and trial court indees by the Mediana suppress court by THE UNITED STATES INTERNAL REVENUE SERVICE FOR THE PRECEDING YEAR SHALL BE PAID FOR THE FIRST 1,000 EILES AND 3 CENTS PER NILE LESS FOR ALL HILES THEREAFTER TRAVELED WITHIN A GIVEN CALENDAR MENTH AND IS HEREBY DEEMED TO REPRESENT NECESSARY MILEAGE

1 COSTS.

- 2 (4) Private plane: Members of the legislature, state 3 officers, township officers, jurors, witnesses, county 4 agents and all other persons, except sheriffs, who may be entitled to mileage, when using their own airplanes, in the 5 performance of official duties, are entitled to collect 6 mileage for the distance actually traveled at a rate of twenty cents (20#) per statute mile, and no more unless specifically provided by law. This section does not affect 9 10 the validity of section 43-310.
- 11 (5) The department of administration shall prescribe 12 rules necessary to effectively administer this section for 13 state government.\*

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45th Legislature SB 0275/02 SB 0275/02

SENATE BILL NO. 275 1 INTRODUCED BY MCCALLUM 2 BY REQUEST 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE REVISE AND 5 LIMIT THE MILEAGE ALLOTHENT FOR PUBLIC OFFICIALS USING 6 PRIVATELY OWNED VEHICLES TO-A-RATE-BOULL-TO-THE-BILBAGE 7 ALLOTHENT -- ALLOWED APPELLATE AND TRIAL COURT JUSTICES BY THE А MONTANA SHARRE COURT: AMENDING SECTION 59-801, R.C.M. 9 1947." 10 11 BE IT PHACTED BY THE LEGISLATURE OF THE STATE OF HOWTANA: 12 Section 1. Section 59-801, R.C.M. 1947, is amended to 13 read as follows: 14 #59-801. Mileage of all officers. (1) Automobiles: 15 Members of the legislature, state officers, township 16 officers AND\_PMPLOYEES, jurors, witnesses, county agents, 17 and all other persons, except-cheriffs, who may be entitled 18 to mileage, when using their own automobiles or airplanes in 19 the performance of official duties, shall be ARR entitled to 20 collect mileage PAID PROM PUBLIC FUNDS for the distance 21

actually traveled by automobile, and for the shortest

regularly traveled automobile route when travel is by

private plane, and no more unless otherwise specifically

provided by law: provided, however, that nothing herein

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- 4 a privately owned vehicle even though a government owned or
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  6 OWNED VEHICLE IS UNNECESSARY AND a rate of three cents (3s)
  7 5 cents less per mile than the mileage rate allowed by the
  8 United States internal revenue service for the next
  9 preceding year shall be paid the supreme court for appellate
  10 and trial court indeed THE UNITED STATES INTERNAL REVENUE
  11 SERVICE FOR THE NEXT PRECEDING YEAR SHALL BE PAID.
- 12 (3) Where a priwately owned vehicle is used because a 13 government owned or leased vehicle is not available for use 14 or it BECAUSE SUCH USE is in the best interest of the 15 governmental entity that a privately owned vehicle be used, 16 a rate equal to the mileage allotment allowed by the United States -- internal revenue-service for the next-preceding year 17 shall be paid for the first one thousand (1,000) -- miles -- and 18 three-cents-(3#)- per-wile-less for all-wiles-thereafter 19 traveled-within-a-given-calendar-month appellate-and-trial 20 21 court judges by the Mostana suprese court BY THE UNITED 22 STATES INTERNAL REVENUE SERVICE FOR THE PRECEDING YEAR SHALL 23 BE PAID FOR THE FIRST 1,000 MILES AND 3 CENTS PER MILE LESS 24 FOR ALL SILES THEREAFTER TRAVELED WITHIN A GIVEN CALENDAR 25 MONTH AND IS HEREPT DEEMED TO REPRESENT NECESSARY MILEAGE

-2-

1 COSTS.

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(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 cents (20%) per statute mile, and no more unless specifically provided by law. This section does not affect the validity of section 43-310.

11 (5) The department of administration shall prescribe 12 rules necessary to effectively administer this section for 13 state government."

-End-