

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*Senate* BILL NO. *275*  
INTRODUCED BY *McCallum 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:

"59-801. Mileage of all officers. (1) Automobiles: 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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

privately owned vehicle even though a government owned or leased vehicle is available, a rate of three cents (3¢) 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 judges.

(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 (1,000) miles and three cents (3¢) 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 (20¢) 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 NO. 246-77

FISCAL NOTE

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

*Richard L. Dwyer*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-1-77

Approved by Committee  
on State Administration

SENATE BILL NO. 275  
INTRODUCED BY McCALLUM  
BY REQUEST

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~RAISE~~ REVISE AND  
LIMIT 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:

"59-801. Mileage of all officers. (1) Automobiles:  
members of the legislature, state officers, ~~township~~  
~~officers AND EMPLOYEES~~, 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 PAID FROM PUBLIC FUNDS 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~~ WHEN the individual is authorized to operate  
a privately owned vehicle even though a government owned or  
leased vehicle is available, SUCH OPERATION OF A PRIVATELY  
OWNED VEHICLE IS UNNECESSARY AND a rate of ~~three cents--(3¢)~~  
5 cents less per mile than the mileage rate allowed by the  
~~United States internal revenue service for the next~~  
~~preceding year shall be paid~~ THE UNITED STATES INTERNAL REVENUE  
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--(3¢) per mile less for all miles thereafter~~  
~~traveled within a given calendar month~~ appellate and trial  
court judges by the Montana supreme court BY THE UNITED  
STATES INTERNAL REVENUE SERVICE FOR THE PRECEDING YEAR SHALL  
BE PAID FOR THE FIRST 1,000 MILES AND 3 CENTS PER MILE LESS  
FOR ALL MILES THEREAFTER TRAVELED WITHIN A GIVEN CALENDAR  
MONTH 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  
5 entitled to mileage, when using their own airplanes, in the  
6 performance of official duties, are entitled to collect  
7 mileage for the distance actually traveled at a rate of  
8 twenty cents (20¢) per statute mile, and no more unless  
9 specifically provided by law. This section does not affect  
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."

-End-

SENATE BILL NO. 275  
INTRODUCED BY MCCALLUM  
BY REQUEST

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~RAISE~~ REVISE AND  
LIMIT 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:

"59-801. Mileage of all officers. (1) Automobiles:  
Members of the legislature, state officers, ~~township~~  
~~officers~~ AND EMPLOYEES, 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 PAID FROM PUBLIC FUNDS 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~~ WHEN the individual is authorized to operate  
a privately owned vehicle even though a government owned or  
leased vehicle is available, SUCH OPERATION OF A PRIVATELY  
OWNED VEHICLE IS UNNECESSARY AND a rate of ~~three cents (3¢)~~  
5 cents 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 judges THE UNITED STATES INTERNAL REVENUE  
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 (3¢) per mile less for all miles thereafter~~  
~~traveled within a given calendar month~~ appellate and trial  
court judges by the Montana supreme court BY THE UNITED  
STATES INTERNAL REVENUE SERVICE FOR THE PRECEDING YEAR SHALL  
BE PAID FOR THE FIRST 1,000 MILES AND 3 CENTS PER MILE LESS  
FOR ALL MILES THEREAFTER TRAVELED WITHIN A GIVEN CALENDAR  
MONTH 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  
5 entitled to mileage, when using their own airplanes, in the  
6 performance of official duties, are entitled to collect  
7 mileage for the distance actually traveled at a rate of  
8 twenty cents (20¢) per statute mile, and no more unless  
9 specifically provided by law. This section does not affect  
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."

-End-