

3T2WZZ-1 04/04/2023 EBO-DHC EBO JT EBO-2023-33
FINANCE AND TAXATION GENERAL FUND SUBSTITUTE TO HB68
OFFERED BY SENATOR CHAMBLISS

1 SUBSTITUTE FOR HB68 AS INTRODUCED

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3 SYNOPSIS:

4 Existing law provides for a uniform per diem,
5 which is a standard expense daily allowance payable to
6 individuals for their non-transportation expenses
7 incurred when traveling within the state on official
8 business.

9 This bill would allow the option for a person
10 traveling inside the State of Alabama in the service of
11 the state or any of its departments, institutions,
12 boards, bureaus, commissions, councils, committees, or
13 other like agencies to be provided the uniform per diem
14 or to be reimbursed for their actual out-of-pocket
15 expenses when traveling within the state on official
16 business.

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19 A BILL

20 TO BE ENTITLED

21 AN ACT

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23 Relating to state employee travel expenses; to amend
24 Sections 36-7-20 and 36-7-21, Code of Alabama, to provide that
25 a person traveling inside the State of Alabama in the service
26 of the state or any of its departments, institutions, boards,
27 bureaus, commissions, councils, committees, or other like
28 agencies to be provided the uniform per diem or to be

29 reimbursed for their actual out-of-pocket expenses when
30 traveling within the state on official business.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

32 Section 1. Section 36-7-20, Code of Alabama of 1975, is amended
33 to read as follows:

34 "§36-7-20

35 (a) Except as otherwise provided in Section 36-7-21,
36 the amount allowable to a person traveling inside the State of
37 Alabama in the service of the state or any of its departments,
38 institutions, boards, bureaus, commissions, councils,
39 committees, or other like agencies for expenses other than
40 transportation may be fixed by the Governor at not less than
41 seventy-five dollars (\$75) per day, and this amount shall be
42 uniform in operation as to all persons traveling within the
43 state on official business under this section; provided, no
44 person shall be entitled to reimbursement under both this
45 section and under section 36-7-21 for any travel segment.

46 (b) No travel allowance shall be paid for a trip of
47 less than six hours' duration. For travel which does not
48 require an overnight stay, the traveler shall be paid a meal
49 allowance of 15 percent of the regular per diem rate for a
50 trip of from six to 12 hours' duration, and for travel in
51 excess of 12 hours' duration, the traveler shall be paid one
52 meal allowance and one-fourth of the per diem allowance.

53 (c) The per diem allowance shall not be paid to an
54 employee stationed at the same place in the state for a period
55 in excess of two consecutive months. After two consecutive
56 months the amount of the allowance shall be reduced to 75

57 percent of the regular per diem rate per day. ~~Notwithstanding~~
58 ~~the foregoing, this section shall not apply to officers and~~
59 ~~employees of the State of Alabama when they incur expenses~~
60 ~~representing the State of Alabama in the encouragement and~~
61 ~~promotion of trade or industrial development. On those~~
62 ~~occasions, when the representation is properly approved, those~~
63 ~~persons shall be reimbursed for the actual expenses incurred~~
64 ~~and paid by them if the representation is approved in advance~~
65 ~~in writing by the Governor or by the Director of Finance when~~
66 ~~so designated by the Governor.~~

67 (d) This section shall not apply to examiners or other
68 persons designated by the Commissioner of Insurance to examine
69 or cause to be examined the domestic insurance corporations
70 qualified in this state when the expense incurred by those
71 persons shall be paid by, collected, or received from the
72 corporations examined under Section 27-2-25.

73 (e) This section shall be optional with the employing
74 agency in those instances where the employee is required to
75 attend training sessions, schools, seminars, or other like
76 group functions at a facility when it would serve the best
77 interests of both the state and the employee, or in those
78 instances when the employee is assigned to assist in
79 suppressing on-going natural disaster situations, or other
80 emergencies. In those cases, the cost of meals and per diem
81 may be paid as set forth herein or by the employing agency of
82 the state directly to the contract facility furnishing the
83 service, but the costs of these services shall not exceed the
84 amount allowable to the individual employee for in-state

85 travel.

86 (f) For purposes of applying this section to members of
87 the Legislature, each of the following shall apply:

88 (1) The presiding officer of the house to which the
89 member belongs shall determine if the travel is in the service
90 of the state.

91 (2) In connection with the same travel, members of the
92 Legislature shall receive per diem under this section except
93 in either of the following instances:

94 a. For attendance on special or regular session days or
95 committee meeting days of the Legislature when otherwise
96 compensated pursuant to law.

97 b. For attendance on interim committee meeting days of
98 the Legislature when otherwise compensated pursuant to law.

99 (3) Travel means a departure from the place of residence of the
100 member of the Legislature."

101 Section 2. Section 36-7-21, Code of Alabama of 1975, is
102 amended to read as follows:

103 "§36-7-21

104 (a) As an alternative to reimbursement provided under
105 section 36-7-20(a), persons ~~Persons~~ traveling in the service
106 of the state or any of its departments, institutions, boards,
107 bureaus, commissions, councils, committees, or other agencies,
108 ~~outside the State of Alabama, or within the State of Alabama~~
109 ~~for purposes of attending or assisting in hosting a~~
110 ~~convention, conference, seminar, or other meeting of a state,~~
111 ~~regional, or national organization of which the state or~~
112 ~~individual is a dues-paying member that is held within the~~

113 ~~state, upon approval as provided in this section, shall~~ may
114 be allowed all of their actual and necessary expenses in
115 addition to the actual expenses for transportation; provided,
116 no person shall be entitled to reimbursement under both this
117 section and under section 36-7-21 for any travel segment.

118 In-state travel authorized under this section is subject to
119 the same documentation requirements as out-of-state travel.

120 (b) Except as provided in subsections (c), (d), (e),
121 and (f), any travel for which a traveler intends to seek
122 reimbursement from the state under this section shall be fully
123 authorized in writing by the head of the traveler's agency
124 prior to the traveler's departure. The written authorization
125 shall contain the agency head's certification that the
126 traveler's estimated reimbursable travel expenses have been
127 reviewed and approved by the agency head as being necessary.

128 ~~In the case of in-state travel under this section, the~~
129 ~~agency head shall also certify all of the following in the~~
130 ~~written authorization:~~

131 ~~(1) That the person is traveling in service of the~~
132 ~~state for the purpose of attending or assisting in hosting a~~
133 ~~convention, conference, seminar, or other meeting of a state,~~
134 ~~regional, or national organization.~~

135 ~~(2) That the State of Alabama or person traveling is a~~
136 ~~dues-paying member of the state, regional, or national~~
137 ~~organization and has documentation of membership on file.~~

138 Any travel by an agency head for which the agency head
139 intends to seek reimbursement under this section shall be
140 fully authorized in writing by the Governor prior to the

141 agency head's departure. The Finance Director may establish
142 policies and procedures for assisting agency heads in
143 determining whether travel under this subsection should be
144 authorized and will be reimbursable.

145 (c) With respect to the Legislative Department, members
146 of the Legislature, subordinate officers and employees of the
147 Legislature, the directors and employees of the Legislature,
148 the directors and employees of the Legislative Services
149 Agency, and Examiners of Public Accounts, travel shall be
150 authorized in writing by the President of the Senate, for the
151 President of the Senate and members of the Senate, by the
152 Speaker of the House, for the Speaker of the House and members
153 of the House of Representatives, by the Secretary of the
154 Senate or the Clerk of the House for subordinate officers and
155 employees of the Legislature, and by the directors for the
156 directors and employees of the legislative departments.

157 (d) With respect to the Judicial Department and the
158 officers and employees thereof, travel shall be authorized in
159 writing by the Chief Justice.

160 (e) Persons representing institutions of higher
161 learning shall receive authority for such travel from the
162 presidents of the institution. Institutions of higher
163 education may elect to prepay travel expenses for persons
164 traveling in the service of the state.

165 (f) Persons representing the state Department of
166 Agriculture and Industries shall receive authorization for
167 such travel from the Commissioner of Agriculture and
168 Industries.

169 (g) This section shall not apply to examiners or other
170 persons designated by the Commissioner of Insurance to examine
171 or cause to be examined insurance corporations qualified or
172 attempting to qualify in this state when the expense incurred
173 by the examiner shall be paid by or collected or received from
174 insurers or persons examined under Section 27-2-25."

175 Section 3. This act shall become effective on the first
176 day of the third month following its passage and approval by
177 the Governor, or its otherwise becoming law.