

## HB68 ENROLLED



1     O7ZIMM-2  
2     By Representative Shedd  
3     RFD: Ways and Means General Fund  
4     First Read: 07-Mar-23  
5     2023 Regular Session



## HB68 Enrolled

Enrolled, An Act,

Relating to state employee travel expenses; to amend Sections 36-7-20 and 36-7-21, Code of Alabama, to provide that a person traveling inside the State of Alabama in the service of the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies to be provided the uniform per diem or to be reimbursed for their actual out-of-pocket expenses when traveling within the state on official business.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§36-7-20

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

(b) No travel allowance shall be paid for a trip of less than six hours' duration. For travel which does not



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29 require an overnight stay, the traveler shall be paid a meal  
30 allowance of 15 percent of the regular per diem rate for a  
31 trip of from six to 12 hours' duration, and for travel in  
32 excess of 12 hours' duration, the traveler shall be paid one  
33 meal allowance and one-fourth of the per diem allowance.

34 (c) The per diem allowance shall not be paid to an  
35 employee stationed at the same place in the state for a period  
36 in excess of two consecutive months. After two consecutive  
37 months the amount of the allowance shall be reduced to 75  
38 percent of the regular per diem rate per day. ~~Notwithstanding~~  
39 ~~the foregoing, this section shall not apply to officers and~~  
40 ~~employees of the State of Alabama when they incur expenses~~  
41 ~~representing the State of Alabama in the encouragement and~~  
42 ~~promotion of trade or industrial development. On those~~  
43 ~~occasions, when the representation is properly approved, those~~  
44 ~~persons shall be reimbursed for the actual expenses incurred~~  
45 ~~and paid by them if the representation is approved in advance~~  
46 ~~in writing by the Governor or by the Director of Finance when~~  
47 ~~so designated by the Governor.~~

48 (d) This section shall not apply to examiners or other  
49 persons designated by the Commissioner of Insurance to examine  
50 or cause to be examined the domestic insurance corporations  
51 qualified in this state when the expense incurred by those  
52 persons shall be paid by, collected, or received from the  
53 corporations examined under Section 27-2-25.

54 (e) This section shall be optional with the employing  
55 agency in those instances where the employee is required to  
56 attend training sessions, schools, seminars, or other like



group functions at a facility when it would serve the best interests of both the state and the employee, or in those instances when the employee is assigned to assist in suppressing on-going natural disaster situations, or other emergencies. In those cases, the cost of meals and per diem may be paid as set forth herein or by the employing agency of the state directly to the contract facility furnishing the service, but the costs of these services shall not exceed the amount allowable to the individual employee for in-state travel.

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

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

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

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

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

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

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

"§36-7-21



85           (a) As an alternative to reimbursement provided under  
86 section 36-7-20(a), persons ~~Persons~~ traveling in the service  
87 of the state or any of its departments, institutions, boards,  
88 bureaus, commissions, councils, committees, or other agencies,  
89 ~~outside the State of Alabama, or within the State of Alabama~~  
90 ~~for purposes of attending or assisting in hosting a~~  
91 ~~convention, conference, seminar, or other meeting of a state,~~  
92 ~~regional, or national organization of which the state or~~  
93 ~~individual is a dues-paying member that is held within the~~  
94 ~~state,~~ upon approval as provided in this section, shall may  
95 be allowed all of their actual and necessary expenses in  
96 addition to the actual expenses for transportation; provided,  
97 no person shall be entitled to reimbursement under both this  
98 section and under section 36-7-21 for any travel segment.

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

101           (b) Except as provided in subsections (c), (d), (e),  
102 and (f), any travel for which a traveler intends to seek  
103 reimbursement from the state under this section shall be fully  
104 authorized in writing by the head of the traveler's agency  
105 prior to the traveler's departure. The written authorization  
106 shall contain the agency head's certification that the  
107 traveler's estimated reimbursable travel expenses have been  
108 reviewed and approved by the agency head as being necessary.

109           ~~In the case of in-state travel under this section, the~~  
110 ~~agency head shall also certify all of the following in the~~  
111 ~~written authorization:~~

112           ~~(1) That the person is traveling in service of the~~



~~state for the purpose of attending or assisting in hosting a convention, conference, seminar, or other meeting of a state, regional, or national organization.~~

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

Any travel by an agency head for which the agency head intends to seek reimbursement under this section shall be fully authorized in writing by the Governor prior to the agency head's departure. The Finance Director may establish policies and procedures for assisting agency heads in determining whether travel under this subsection should be authorized and will be reimbursable.

(c) With respect to the Legislative Department, members of the Legislature, subordinate officers and employees of the Legislature, the directors and employees of the Legislature, the directors and employees of the Legislative Services Agency, and Examiners of Public Accounts, travel shall be authorized in writing by the President of the Senate, for the President of the Senate and members of the Senate, by the Speaker of the House, for the Speaker of the House and members of the House of Representatives, by the Secretary of the Senate or the Clerk of the House for subordinate officers and employees of the Legislature, and by the directors for the directors and employees of the legislative departments.

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



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141           (e) Persons representing institutions of higher  
142 learning shall receive authority for such travel from the  
143 presidents of the institution. Institutions of higher  
144 education may elect to prepay travel expenses for persons  
145 traveling in the service of the state.

146           (f) Persons representing the state Department of  
147 Agriculture and Industries shall receive authorization for  
148 such travel from the Commissioner of Agriculture and  
149 Industries.

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

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



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and  
was passed by the House 04-Apr-23.

John Treadwell  
Clerk

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Senate **18-May-23**

Passed

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House **24-May-23**

Concurred in  
Senate Amendment