

HB68 ENROLLED



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



1 Enrolled, An Act,

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§36-7-20

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

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



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



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

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

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

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

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

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

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

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

84 "§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.

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



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

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

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

126 (c) With respect to the Legislative Department, members
127 of the Legislature, subordinate officers and employees of the
128 Legislature, the directors and employees of the Legislature,
129 the directors and employees of the Legislative Services
130 Agency, and Examiners of Public Accounts, travel shall be
131 authorized in writing by the President of the Senate, for the
132 President of the Senate and members of the Senate, by the
133 Speaker of the House, for the Speaker of the House and members
134 of the House of Representatives, by the Secretary of the
135 Senate or the Clerk of the House for subordinate officers and
136 employees of the Legislature, and by the directors for the
137 directors and employees of the legislative departments.

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



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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162 Speaker of the House of Representatives

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167 President and Presiding Officer of the Senate

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170 House of Representatives

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

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175 John Treadwell

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Clerk

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181 Senate	<u>18-May-23</u>	Passed
182		
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184 House	<u>24-May-23</u>	Concurred in 185 Senate Amendment
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