

CHAPTER 293

GOVERNMENT - STATE

SENATE BILL 06-173

BY SENATOR(S) Entz, Isgar, Evans, and Taylor;
also REPRESENTATIVE(S) Marshall, Borodkin, Coleman, Curry, Hoppe, Stafford, and Todd.

AN ACT**CONCERNING MILEAGE ALLOWANCES FOR STATE OFFICERS AND EMPLOYEES.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 2-2-307 (5), Colorado Revised Statutes, is amended to read:

2-2-307. Compensation of members - reimbursement of expenses.

(5) Members of the general assembly shall be entitled to reimbursement for all actual and necessary travel expenses incurred for vehicle travel ~~within the member's district~~ while attending to legislative business, which expenses are not otherwise paid or reimbursed under any other provision of this part 3. Mileage rates shall not exceed those authorized for the executive department.

SECTION 2. 24-9-104 (2), Colorado Revised Statutes, is amended to read:

24-9-104. Mileage allowances - repeal. (2) (a) (I) On and after July 1, 1999, BUT BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, state officers and employees shall be allowed mileage fees of twenty-eight cents per mile for each mile actually and necessarily traveled while on official state business and, when authorized to be utilized and necessary for official state business, thirty-two cents per mile for four-wheel-drive vehicles and forty cents per nautical mile for privately owned aircraft.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JANUARY 1, 2007.

(b) (I) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, BUT BEFORE JANUARY 1, 2007, STATE OFFICERS AND EMPLOYEES SHALL BE ALLOWED A MILEAGE ALLOWANCE FOR EACH MILE ACTUALLY AND NECESSARILY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

TRAVELED WHILE ON OFFICIAL STATE BUSINESS CALCULATED AT SEVENTY-FIVE PERCENT OF THE PREVAILING INTERNAL REVENUE SERVICE MILEAGE REIMBURSEMENT RATE TO THE NEAREST CENT, AND, WHEN AUTHORIZED TO BE UTILIZED AND NECESSARY FOR OFFICIAL STATE BUSINESS, EIGHTY PERCENT OF THE PREVAILING INTERNAL REVENUE SERVICE MILEAGE REIMBURSEMENT RATE TO THE NEAREST CENT FOR FOUR-WHEEL-DRIVE VEHICLES AND FORTY CENTS PER NAUTICAL MILE FOR PRIVATELY OWNED AIRCRAFT.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1, 2008.

(c) (I) COMMENCING JANUARY 1, 2007, BUT BEFORE JANUARY 1, 2008, STATE OFFICERS AND EMPLOYEES SHALL BE ALLOWED A MILEAGE ALLOWANCE FOR EACH MILE ACTUALLY AND NECESSARILY TRAVELED WHILE ON OFFICIAL STATE BUSINESS CALCULATED AT EIGHTY PERCENT OF THE PREVAILING INTERNAL REVENUE SERVICE MILEAGE REIMBURSEMENT RATE TO THE NEAREST CENT, AND, WHEN AUTHORIZED TO BE UTILIZED AND NECESSARY FOR OFFICIAL STATE BUSINESS, EIGHTY-FIVE PERCENT OF THE PREVAILING INTERNAL REVENUE SERVICE MILEAGE REIMBURSEMENT RATE TO THE NEAREST CENT FOR FOUR-WHEEL-DRIVE VEHICLES AND FORTY CENTS PER NAUTICAL MILE FOR PRIVATELY OWNED AIRCRAFT.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JANUARY 1, 2009.

(d) ON AND AFTER JANUARY 1, 2008, STATE OFFICERS AND EMPLOYEES SHALL BE ALLOWED A MILEAGE ALLOWANCE FOR EACH MILE ACTUALLY AND NECESSARILY TRAVELED WHILE ON OFFICIAL STATE BUSINESS CALCULATED AT NINETY PERCENT OF THE PREVAILING INTERNAL REVENUE SERVICE MILEAGE REIMBURSEMENT RATE TO THE NEAREST CENT, AND, WHEN AUTHORIZED TO BE UTILIZED AND NECESSARY FOR OFFICIAL STATE BUSINESS, NINETY-FIVE PERCENT OF THE PREVAILING INTERNAL REVENUE SERVICE MILEAGE REIMBURSEMENT RATE TO THE NEAREST CENT FOR FOUR-WHEEL-DRIVE VEHICLES AND FORTY CENTS PER NAUTICAL MILE FOR PRIVATELY OWNED AIRCRAFT.

(e) FOR PURPOSES OF THIS SECTION, "FOUR-WHEEL-DRIVE VEHICLES" MEANS SPORT UTILITY VEHICLES AND PICK-UP TRUCKS WITH A FOUR-WHEEL-DRIVE TRANSMISSION SYSTEM. "FOUR-WHEEL-DRIVE VEHICLES" SHALL NOT INCLUDE STANDARD VEHICLES WITH ALL-WHEEL-DRIVE CAPABILITY.

(f) (I) NOTWITHSTANDING PARAGRAPHS (a), (b), AND (c) OF THIS SUBSECTION (2), STATE OFFICERS AND EMPLOYEES SHALL BE PAID THE MILEAGE FEES PROVIDED FOR IN THIS SUBSECTION (2) FROM THE EXISTING RESOURCES OF THEIR DEPARTMENT OR AGENCY. A DEPARTMENT OR AGENCY SHALL NOT SUBMIT A REQUEST FOR A SUPPLEMENTAL APPROPRIATION FOR THIS PURPOSE UNLESS THE REQUEST IS BASED ON AN EMERGENCY.

(II) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A DEPARTMENT OR AGENCY ATTEMPT TO FIRST REALIZE SAVINGS BY REDUCING THE MILES DRIVEN OR ESTABLISHING HIGHER EFFICIENCIES, OR BOTH, AND USE THE SAVINGS FOR THE PURPOSE OF MEETING THE INCREASED MILEAGE ALLOWANCE SPECIFIED IN PARAGRAPHS (a), (b), AND (c) OF THIS SUBSECTION (2).

(III) IN THE EVENT THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH

(e) ARE NOT ACHIEVED, EACH DEPARTMENT OR AGENCY SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE BY SEPTEMBER 1, 2006, SEPTEMBER 1, 2007, AND SEPTEMBER 1, 2008, A PLAN REGARDING THE IMPLEMENTATION OF PARAGRAPHS (a), (b), AND (c) OF THIS SUBSECTION (2) WITHIN THE EXISTING RESOURCES OF THEIR DEPARTMENT OR AGENCY, INCLUDING ANY EFFICIENCIES, REDUCED TRAVEL, AND REQUESTS FOR TRANSFERS WITHIN THE EXISTING APPROVED APPROPRIATIONS.

(IV) THIS PARAGRAPH (f) IS REPEALED, EFFECTIVE JANUARY 1, 2009.

SECTION 3. Applicability. This act shall apply to mileage allowances requested by state officers and employees on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 2006