

HOUSE BILL No. 2551

AN ACT concerning the secretary of administration; relating to reimbursement rates for mileage and travel subsistence; amending K.S.A. 75-3201, 75-3203, 75-3203a, 75-3207 and 75-3207a and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 75-3201 is hereby amended to read as follows: 75-3201. (a) When the duty assignment of any state ~~official~~ *officer* or employee requires ~~that he or she~~ travel to points beyond ~~his or her~~ *such officer's or employee's* official station or regular domicile ~~he or she~~ *such officer or employee* shall be entitled, upon complying with the provisions of this act and the rules and regulations promulgated hereunder, to an allowance for subsistence and reimbursement for transportation, and other travel expenses incurred ~~by him or her~~ while in such travel status as provided in this act. Such officer or employee shall present claims ~~therefor~~ *for travel* at least once each month to the appropriate department or ~~official, and, such officer.~~ *The* claims shall show dates of travel, points visited, times of departure and arrival, and purpose of travel.

(b) When mileage allowances for the use of a privately owned automobile are claimed, the points between which ~~said~~ *the* mileage accrued, the necessity and purpose ~~therefor, license number and owner of the automobile so used, and of the travel~~ and the rate per mile, shall be shown on the claim: ~~Provided,~~ No claim for mileage shall be allowed ~~when such mileage accrues for mileage accrued~~ when using a vehicle owned by the state of Kansas.

(c) *Unless the secretary of administration, by rule and regulation, provides for limited exceptions under circumstances in which payment of a per diem or subsistence allowance is in the best interest of the state,* no per diem or subsistence allowances shall be paid to any state ~~official~~ *officer* or employee when ~~such~~ *these* expenses are incurred in the city ~~or town wherein in which~~ the residence or official station of ~~such official~~ *the officer* or employee is located.

(d) Nothing in this section shall be construed as applying to the members of the state legislature and other officials as enumerated in K.S.A. ~~75-3214~~ 75-3216, and amendments thereto.

Sec. 2. K.S.A. 75-3203 is hereby amended to read as follows: 75-3203. (a) Except as otherwise provided in this section, wherever in the statutes of the state of Kansas any mileage is allowed to any public official of the state or any ~~of the municipal subdivisions~~ *political subdivision* thereof, or to witnesses, jurors or other persons, the rate thereof shall be in the applicable amount fixed and established by the secretary of administration ~~by rules and regulations adopted~~ under K.S.A. 75-3203a, and amendments thereto, for each mile actually and necessarily traveled, by way of the most direct route by privately owned conveyance for official purposes, ~~and.~~

(b) No mileage in excess of ~~such~~ *that* amount for each mile actually and necessarily traveled, regardless of the number of passengers, shall be paid or taxed as costs in any case.

(c) The governing body of any county, city or school district may prescribe a rate different from that provided for in this section as to officers and employees of such county, city or school district. If a different rate is not prescribed by the governing body of a county, city or school district, the rate established by the secretary of administration shall be the rate applicable to officers and employees of such county, city or school district. Only one mileage allowance at the rate fixed by the secretary per mile or the rate prescribed by the governing body of a county, city or school district for officers and employees of such county, city or school district is authorized for the use of a privately owned conveyance in official travel and no claim shall be presented for mileage traveled as a passenger in a privately owned conveyance in which the mileage allowance is claimed by the owner or operator.

(d) Privately owned conveyances shall include, but not be limited to automobiles, ~~limousines, station wagons, airplanes, airbuses, and helicopters~~ *but shall not be deemed to* ~~motorcycles and aircraft.~~ *Privately owned conveyances shall not* include any conveyances offered publicly for temporary and occasional hire on a trip basis by a traveler including those normally intended to be operated by the traveler if their use has been authorized under appropriate statutes or rules and regulations governing official travel.

(e) The rate prescribed by *under* this act shall be construed to cover all costs related to the use of privately owned conveyances including but not limited to gas, oil, tires, repairs, insurance, license fees and depreciation costs. Parking charges, turnpike tolls and bridge tolls may be allowed in addition to the mileage allowance provided herein.

(f) This act shall not be construed to repeal any provision of any existing statute as to the method of computing mileage, but shall relate solely to the amount to be charged as mileage.

(g) The secretary of administration ~~shall~~ *may* adopt rules and regulations as provided in K.S.A. 75-3706, and amendments thereto ~~to govern official travel, relating to official travel by privately owned conveyance.~~

~~(h)~~ (h) Notwithstanding anything in this section, exceptions to the same may be made in any other statute or in any appropriation act, and all such exceptions heretofore made shall be valid.

Sec. 3. K.S.A. 75-3203a is hereby amended to read as follows: 75-3203a. (a) The secretary of administration ~~shall, at least annually,~~ *may* fix rates of mileage allowance for travel by privately owned conveyances for official purposes and the rates so fixed may be paid to public officials, except as otherwise specifically provided by law. The secretary may fix a different rate of mileage allowance for each of the following privately owned conveyances:

- (1) *Automobiles;*
- (2) *motorcycles, ~~(2);~~*
- (3) *aircraft, ~~(3);~~*
- (4) *vehicles specially equipped for the physically ~~handicapped, and~~*  
~~(4) *disabled; and*~~
- (5) *other privately owned conveyances.*

(b) Each rate of mileage allowance fixed by the secretary shall be fixed only after consideration of actual costs incurred in using ~~private~~ *privately owned* conveyances, the rates allowed by the internal revenue service, increased costs due to *any* energy crisis and the general inflationary situation, and such other matters as the secretary deems pertinent.

(c) The rates of mileage allowance authorized by this section ~~shall be fixed by rules and regulations adopted as provided in K.S.A. 75-3706 and which may be amended from time to time may be revised~~ as conditions require *but shall not exceed the lowest of the following rates:*

- (1) *The rate allowed by the internal revenue service;*
- (2) *the rate used in preparing the governor's budget report under K.S.A. 75-3721, and amendments thereto; or*
- (3) *any revision of the rate described in paragraph (2) as specifically directed in appropriation acts of the legislature.*

(d) Each rate of mileage allowance fixed by the secretary under this section shall be the rate of mileage allowance for official travel by the applicable privately owned conveyance until a different rate is fixed therefor by the secretary under this section. ~~All rules and regulations adopted by the secretary under this section shall continue to be effective until amended, revoked or nullified pursuant to law.~~

Sec. 4. K.S.A. 75-3207 is hereby amended to read as follows: 75-3207. (a) For official travel inside or outside of the state, the subsistence allowance shall be paid at the applicable rate for such travel fixed under K.S.A. 75-3207a, and amendments thereto, while the employee is away from such employee's official station or domicile.

(b) (1) In all cases of official travel inside or outside of the state which is subject to the provisions of this section, where the official traveler leaves the traveler's official station or domicile and returns on the same day without incurring lodging expense, no subsistence allowance will be paid.

(2) No subsistence allowance shall be allowed for expenses incurred within 30 miles of an employee's official station.

(3) *The secretary of administration may provide, by rule and regulation, for limited exceptions to the limitation established in paragraph (1) of this subsection under circumstances in which payment of a subsistence allowance for the official travel is in the best interest of the state.*

(c) No allowances shall be paid to any person for subsistence expense incurred while staying in any place where such person is continuously stationed, except upon written permission granted by the secretary of administration upon written application and subject to rules and regula-

tions adopted by the secretary of administration under K.S.A. 75-3207a, and amendments thereto.

(d) The limitations provided herein shall not apply to cases where the subsistence expenses are advanced by the state by reason of contract of recompensation either expressed, or implied in law or in fact, with any person, group of persons, agency, association, corporation, partnership, or organization of any nature whatsoever, other than the state of Kansas or any municipalities or subdivision thereof.

(e) The phrase "subsistence allowance" as used in this act shall be construed and held to include all charges for meals and lodging, all fees and tips to waiters, hotel porters, bellhops, doormen, maids, ~~television, radios, special air conditioning~~ and dining-room stewards.

(f) Subject to prior approval by the secretary of administration, reduced allowances for subsistence may be paid where considered appropriate by the head of any state agency by reason of the nature of travel, type of business being conducted and frequency of travel. Notice of any such reduced allowances shall be given to the director of accounts and reports.

(g) The secretary of administration ~~shall~~ *may* adopt rules and regulations as provided in K.S.A. 75-3706 ~~covering, and amendments thereto, regarding~~ the manner of payment of allowances for subsistence, non-subsistence and transportation expenses as defined in this act.

(h) Nothing in this section shall apply to the officers and employees specified in K.S.A. 75-3216, and amendments thereto.

Sec. 5. K.S.A. 75-3207a is hereby amended to read as follows: 75-3207a. (a) The secretary of administration shall establish the rates of subsistence allowance for in-state and out-of-state travel for official purposes, including travel to designated high-cost cities. These rates shall be paid to public officers and employees who are subject to the provisions of K.S.A. 75-3207, and amendments thereto, or shall be paid directly to lodging establishments.

(b) The secretary may authorize and prescribe limitations and procedures for payment of such subsistence allowances by separate categories for reimbursement for meal expenses under a daily allowance basis and for reimbursement for lodging expenses under an actual cost incurred basis, or may provide for the direct payment of ~~such~~ lodging expenses to the lodging establishment. Advances for such costs ~~shall~~ also *shall* be at the discretion of the secretary. ~~Such rates, These~~ authorizations, limitations, procedures and other provisions for subsistence allowances ~~shall~~ *may* be established by rules and regulations adopted in the manner prescribed by K.S.A. 75-3706, and amendments thereto.

~~(b)~~ (c) All such rates and *high-cost city* designations shall be fixed only after consideration by the secretary of actual costs incurred in such travel, the rates allowed by the federal internal revenue service, and such other matters as the secretary deems pertinent.

~~(c)~~ (d) The provisions of rules and regulations adopted pursuant to ~~the provisions of~~ this section shall apply to all official travel on and after the effective date of such rules and regulations.

~~(d)~~ (e) Nothing in this section shall apply to the officers and employees specified in K.S.A. 75-3216, and amendments thereto.

~~(e)~~ (f) The rates for lodging expense reimbursement and direct payments established by ~~rules and regulations of~~ the secretary of administration for in-state and out-of-state travel for official purposes by officers and employees who are subject to this section, may be exceeded upon written approval by the agency head, or the agency head's designee who is responsible for approval of travel under K.S.A. 75-3208, and amendments thereto, subject to policies adopted by the officer, board or commission that appointed the agency head. In cases involving the official travel of an individual who is an agency head or an appointive member of a board, commission or similar body that appoints an agency head, no approval to exceed ~~such~~ *the* rates for lodging expenses for that individual shall be required unless the appointing authority of ~~such~~ *that* individual requires ~~such~~ written approval by the appointing authority. In no case shall any lodging expense under this subsection exceed the lesser of either:

(1) The amount equal to the maximum applicable lodging expense authorized by rules and regulations adopted under this section increased by 50%; or

(2) the actual lodging expenses incurred during the official travel.

Sec. 6. K.S.A. 75-3201, 75-3203, 75-3203a, 75-3207 and 75-3207a are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

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\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*