

FISCAL NOTE
 Requested by Legislative Council
 12/22/2014

Revised
 Bill/Resolution No.: SB 2127

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill clarifies language that when a meal is part of a registration fee for a conference or seminar that the meal allowance for that quarter cannot be claimed. This bill has no fiscal impact.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*
- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*
- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: Jeff Larshus

Agency: OMB-Fiscal Management

Telephone: 328-4902

Date Prepared: 12/29/2014

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Requested by Legislative Council
12/22/2014

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- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill has no fiscal impact.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

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- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

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2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2127

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

SB 2127
1/15/2015
Job # 22006

- Subcommittee
 Conference Committee

Committee Clerk Signature

Caree Winings

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact subsection 1 of section 44-08-04 of the North Dakota Century Code, relating to meal reimbursement for travel.

Minutes:

Attachments 1

Chairman Dever: Opened the hearing on SB 2127.

Jeff Larshus, Fiscal Management Division, OMB: Testified to explain and introduce the bill. See Attachment #1.

(2:00) **Chairman Dever:** Do I recall correctly that there was a minor problem with a certain agency where some people made some claims?

Jeff Larshus: You are correct and we did actually meet with them and gave them a little training to reiterate that that is not allowed.

Senator Davison: It appears to me that there is one additional change in the bill; for someone that approves many expense accounts for staff that work within public schools and universities, we have never allowed for someone to claim a meal in the same city that they reside in. It appears to me that that change has been made in this bill.

Jeff Larshus: I think our rationale behind that is if you are requested to be there for the agency, and you cannot go home for a meal, that you would be allowed submit for that claim.

Chairman Dever: Not that it affects my consideration for the bill, but would it then apply to me when I go to legislative committee meetings held during the interim in Bismarck since I reside in Bismarck.

Jeff Larshus: Yes, I think that would fall under that.

Senator Cook: That is a major change.

Chairman Dever: It is.

Senator Flakoll: Maybe we can have legislative council come down and clarify that point for us. That is how I read it.

Chairman Dever: I think we can do that.

Jeff Larshus: I forgot to mention that we did take out where the old language had "conference, seminar, or meeting" and we did take out "the meeting" in our changes. Basically with that change if you go down for a meeting to another agency on behalf of a state agency, you could not claim a meal allowance for that.

Senator Davison: Would there not be a fiscal impact with the change or would it be absorbed in the department?

Jeff Larshus: It would be out of the agencies existing budget/appropriation.

Chairman Dever: Asked if there was any additional testimony and seeing none, closed the hearing on SB 2127.

Senator Cook: I think the question that was raised as far as the Bismarck/Mandan legislators attending interim meeting was answered. I don't think that you would be able to get a meal allowance because it is only for seminars or conferences.

Chairman Dever: Ok, so just so we are clear, that would apply to local legislators wherever the location is.

Senator Cook: The only thing I see changing as far as local legislators is, for example, when the CSG conference is held in Bismarck and we attend it and the conference does not provide a meal, we could expense the meal.

Chairman Dever: I have no desire to claim that meal, but appreciate the sympathy.

Senator Cook: Moved a Do Pass.

Senator Davison: Seconded.

A Roll Call Vote Was Taken: 2 yeas, 4 nays, 1 absent.

Motion was defeated.

Senator Flakoll: Asked for someone from legislative council to come to committee for clarification.

Chairman Dever: Closed the discussion on the bill.

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

SB 2127
1/16/2015
Job # 22061

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened SB 2127 for discussion and reminded the committee the purpose of the bill and what the committee's question was. Commented that he had spoken to legislative council and she said that runs into IRS problems because if they reimbursed us for a meal that it would have to put on the W-2 as compensation. We should have council take a look at it.

Senator Nelson: I was not here for the bill, but when I was reading this at home, I thought it was referring to the CSG conference that was here this summer and it would allow for meals during the conference for anyone who from this area that attended. Maybe I misunderstood.

Senator Flakoll: Essentially those will be taken care of in the registration fees.

Chairman Dever: Yes. I will have legislative council take a look at it and we will go from there. Closed the discussion on SB 2127.

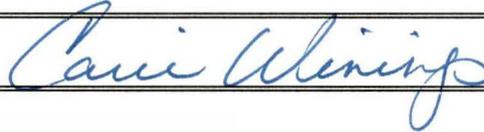
2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2127
2/19/2015
Job # 24110

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened SB 2127 for committee discussion. Reviewed what the bill was about and informed the committee that he visited with Sheila Peterson from OMB and the purpose of the bill was to clarify what is already policy, and she stated that the more they try to clarify it, the muddier it gets and we should just kill the bill.

Senator Poolman: Moved a Do Not Pass.

Senator Davison: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Nelson will carry the bill.

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2127**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Cude Seconded By Davison

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais		✓
Vice Chairman Poolman		✓	Senator Nelson	absent	
Senator Cook	✓				
Senator Davison		✓			
Senator Flakoll		✓			
Motion was Defeated					

Total (Yes) 2 No 4

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2127

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Poolman Seconded By Davison

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Nelson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2127: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2127 was placed on the Eleventh order on the calendar.

2015 TESTIMONY

SB 2127

44-08-04. Expense account Amount allowed Verification.

1. Except as provided in section 44-08-04.1, each elective or appointive officer, employee, representative, or agent of this state, or of any of its subdivisions, agencies, bureaus, boards, or commissions, may make claim for meals and lodging while engaged in the discharge of a public duty away from the claimant's normal working and living residence for all or any part of any quarter of a day. **Claims may also be made for meals that are included as part of a registration fee for a conference, seminar, or other meeting and for meals attended at the request of and on behalf of the state or any of its subdivisions, agencies, bureaus, boards, or commissions; however, if a meal is included in a registration fee, the applicable quarter allowance cannot be claimed for that meal.** Claims for meals specifically included in a registration fee for a conference, seminar, or other meeting must be allowed even if the city at which the conference, seminar, or meeting is held or the meal is provided is the claimant's normal working and living residence. If a higher education athletic team or other organized institution organization group meal is attended at the request of and on behalf of the institution, actual expenses for the entire group, including coaches, trainers, and other employees, may be paid or submitted for payment on a team or group travel expense report; subsection 2 does not apply; and officers and employees are not required to document individual expenses or submit individual travel reimbursement vouchers. Reimbursement is allowed only for overnight travel or other travel, away from the normal place of employment, for four hours or more. Verification of expenses by receipt is required only for lodging expenses.

2. For travel within the state, the following rates for each quarter of any twenty-four-hour period must be used:

a. First quarter is from six a.m. to twelve noon and the sum must be seven dollars. First quarter reimbursement may not be made if travel began after seven a.m.

b. Second quarter is from twelve noon to six p.m. and the sum must be ten dollars and fifty cents.

c. Third quarter is from six p.m. to twelve midnight and the sum must be seventeen dollars and fifty cents.

d. Fourth quarter is from twelve midnight to six a.m. and the sum must be the actual lodging expenses not to exceed an amount established by policy by the director of the office of management and budget plus any additional applicable state or local taxes. The director shall establish a policy to set the lodging reimbursement at an amount equal to ninety percent of the rate established by the United States general services administration for lodging reimbursement in this state. A political subdivision may reimburse an elective or appointive officer, employee, representative, or agent for actual lodging expenses.

3. The allowance for out-of-state meals, within the continental United States, is equal to the per diem meals rate in the city for which a claim is made on that day as established by rule for federal employees by the United States general services administration and must be allocated

twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

4. The allowance for meals in noncontinental United States and overseas nonforeign areas, including Alaska, Hawaii, and Guam, is equal to the per diem meals rate in the city for which a claim is made on that day as established by rule for federal employees established by the United States per diem committee.

5. The allowance for meals outside the United States is equal to the per diem meals rate in the city for which a claim is made on that day as established by rule for federal employees established by the United States department of state.

6. The allowance for lodging outside the state must be the actual lodging expense.

7. A department, institution, or agency of this state may set a rate for travel expenses outside the state less than those set forth in this section. Verification of any other type of expense not prescribed by this section must be as prescribed by the office of the budget except no receipt may be required for taxi or cab fares of ten dollars or less. The office of management and budget shall disapprove any claim it determines to be in error or unlawful or not within the limits of legislative appropriations.

Source. S.L. 1935, ch. 220, 1; 1943, ch. 200, 1; R.C. 1943, 44-0804; S.L. 1949, ch. 293, 1; 1957, ch. 108, 2; 1957 Supp., 44-0804; S.L. 1959, ch. 324, 1; 1965, ch. 304, 2; 1969, ch. 399, 1; 1971, ch. 448, 1; 1973, ch. 363, 1; 1975, ch. 418, 1; 1977, ch. 418, 1; 1979, ch. 479, 1; 1981, ch. 454, 1; 1981, ch. 455, 1; 1983, ch. 82, 89; 1983, ch. 495, 2; 1985, ch. 501, 1; 1987, ch. 542, 1; 1987, ch. 543, 1; 1993, ch. 444, 1; 1995, ch. 426, 1; 1995, ch. 427, 1; 1997, ch. 385, 1; 1999, ch. 402, 1; 2001, ch. 398, 1; 2001, ch. 399, 1; 2005, ch. 382, 1; 2005, ch. 383, 1; 2007, ch. 391, 2; 2007, ch. 390, 1; 2009, ch. 386, 1; 2011, ch. 336, 1; 2011, ch. 335, 1; 2013, ch. 341, 1.

Effective Date. The 2013 amendment of this section by section 1 of chapter 341, S.L. 2013 became effective August 1, 2013.

This bill has no additional fiscal impact on agencies, bureaus, boards or commissions.