

HOUSE BILL NO. 679

INTRODUCED BY M. THIEL, S. KELLY, D. BAUM, N. DURAM

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS ON THE USE OF STATE-OWNED VEHICLES; EXEMPTING CERTAIN EMPLOYEES OF THE DIVISION OF CRIMINAL INVESTIGATION OF THE DEPARTMENT OF JUSTICE FROM RESTRICTIONS ON COMMUTING FROM AN EMPLOYEE'S RESIDENCE TO A WORKSITE; AMENDING SECTION 2-17-425, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-17-425, MCA, is amended to read:

"2-17-425. Limit on use of state vehicle to commute to worksite -- definitions. (1) Except as provided in subsection (2), a state-owned vehicle may not be used by a state agency employee to commute from the employee's residence to the employee's worksite.

(2) (a) The department director may authorize an exception to subsection (1) if the commute from an employee's residence to the employee's worksite is less than 30 miles, the employee is required to be on call for quick response to an emergency that threatens life or property and on-call duty is a specifically identified duty in the employee's position description, and employees in the position have frequently responded to emergency calls in the past 6 months.

(b) Any exception authorized pursuant to subsection (2)(a) and the rationale for the exception must be documented in a memorandum or letter signed by the employee's department director and kept on file with the agency head. A copy of the letter or memorandum must be sent to the governor.

(c) This section does not apply:

- (i) to the psychiatrist employed by the department of corrections and assigned to the Montana state prison;
- (ii) when the vehicle is, in effect, the employee's worksite; or
- (iii) when 24-hour use of a state-owned vehicle is specifically authorized by law for an elected or

1 appointed state official and use of the vehicle is considered part of the official's compensation package; or  
 2 (iv) to an employee of the division of criminal investigation of the department of justice in the  
 3 position of fire marshal or assigned to work as an agent in the areas of narcotics or major crimes who is subject  
 4 to call-outs during nonscheduled hours of employment for the protection of life or property.

5 (3) Using a state-owned vehicle to commute between the employee's residence and a worksite  
 6 that is more than 30 miles from the employee's residence is not permitted under any circumstance unless that  
 7 use is authorized by the employee's department director pursuant to rules adopted under 2-17-424, the  
 8 rationale for the exception is documented in a memorandum or letter signed by the employee's department  
 9 director and kept on file with the agency head, and a copy of the letter or memorandum is sent to the governor.

10 (4) As used in this section, "state agency" or "agency" means any office, board, commission,  
 11 department, or other entity of the executive, judicial, or legislative branch of state government, including the  
 12 university system."

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14 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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