

DEPARTMENT OF PERSONNEL & ADMINISTRATION
Division of Finance and Procurement
OFFICE OF THE STATE CONTROLLER
March 16, 2006

PROPOSED RULES
Adoption of Fiscal Rules

A public hearing was held under the authority of Part 2, Title 24, Article 30, CRS, at 9:00 a.m. on March 3, 2006 in the Colorado Department of Labor and Employment's exam room on the second floor, 633 17th Street, Denver, Colorado, to consider adoption of changes to the State of Colorado Fiscal Rules. After a review of the proposed changes, and comments received at the hearing, the State Controller has adopted the following changes:

**Chapter 1 Rule 1-9 Reporting Theft
or Embezzlement**

Rule 1-9

FRAUD, THEFT AND EMBEZZLEMENT

AUTHORITY:

18-4-401, C.R.S. (Theft)

18-5-102, C.R.S. (Forgery)

18-8-407, C.R.S. (Embezzlement of Public Property)

24-17-101, C.R.S. (State Department Financial Responsibility and Accountability Act)

DEFINITIONS

Fraud includes misstatements arising from fraudulent financial reporting, misstatements arising from intentional misappropriation of assets, and theft or embezzlement of public property.

Misstatements arising from fraudulent financial reporting are intentional misstatements, or omissions of amounts or disclosures in financial statements with the intent to deceive financial statement users.

Misstatements arising from misappropriation of assets involve the theft of an entity's assets where the effect of the theft causes the basic financial statements not to be presented in conformity with accounting principles generally accepted in the United States of America.

RULE:

Departments, agencies, and institutions of higher education have the responsibility for the design and implementation of programs and controls to prevent, deter and detect fraud.

Any suspected fraudulent misstatements of the financial statements should be reported to the State Controller.

Any suspected theft or embezzlement of state funds or assets should be immediately reported to the chief executive officer, or delegate, and the chief financial officer of the state agency or institution of higher education and appropriate action taken. A suspected theft or embezzlement of state funds or assets totaling \$5,000 or more, or such amount as designated by the State Controller for a given agency, per incident shall be reported in writing to the State Controller. Also, the results of any investigation or follow-up including corrective measures implemented to prevent or reduce the likelihood of future occurrences must be reported in writing to the State Controller in a timely manner.

Chapter 5 Rule 5-1 Travel

AUTHORITY:

24-9-104(2), C.R.S. (Mileage Allowance)
24-30-202(20.1), C.R.S. (Travel Advance Limit)
24-30-202(26), C.R.S. (State Controller's Authority)

DEFINITIONS:

Approving Authority - An individual delegated the authority, in writing, by the chief executive officer of the state agency or institution of higher education to approve matters related to official travel.

Commercial Lodging - Any accommodations that are available or offered for use by a traveler for which a rental schedule has been established and payment is required for its use.

CONUS - The 48 continental United States, including the District of Columbia.

Electronic Signature - Any identifier or authentication technique attached to or logically associated with an electronic record that is intended by the person using it to have the same force and effect as a manual signature and that complies with the rules prescribed by the Director of the Department of Personnel & Administration for governmental transactions with state agencies and institutions of higher education. "Electronic signature" includes digital signatures.

Expenses Incurred for the Benefit of the State - Expenses incurred that enable a state employee or a state official to perform their assigned duties or enable a state agency or institution of higher education to carry out the responsibilities required by law.

In-State Travel - Travel within the State of Colorado and to the immediate area outside the State that is a necessary part of an otherwise "in-state" trip.

International Travel - Travel to any destination not considered in-state or out-of-state.

Out-of-State Travel - Travel within CONUS, other than Colorado. Also travel to Alaska and Hawaii.

Political Expenses - Expenses incurred in relation to activities that are primarily designed to further the interests of a candidate, political party, or special interest group.

Reasonable Tips – Tips given to servers for meals are considered reasonable if they are not greater than 20% (twenty-percent) of the total cost of the meal, excluding taxes. The controller of the state agency or institution of higher education has the authority to authorize tips in excess of 20% in rare circumstances where deemed appropriate.

State Travel Card - The travel card provided to state employees through the Statewide Travel Management Program (24-30-1118, C.R.S.).

Transportation - Travel by commercial airline, railroad, bus, taxicab; state-owned, leased, or personally owned automobile or airplane; or any other means of conveyance.

RULE:

Fiscal Rule 5-1 addresses reimbursement to state employees or state officials.

Travel charged to the state, regardless of the funding source, shall be for the benefit of the state and completed using the most economical means available which will satisfactorily accomplish the state's business.

The traveler shall determine those expenses incurred for the benefit of the state and request reimbursement for only those expenses. The approving authority shall review the expenses claimed by the traveler and authorize reimbursement for only those expenses incurred for the benefit of the state. The approving authority may require documentation, e.g., receipts, in addition to documentation prescribed by these rules that is deemed necessary or advisable in order to review expenses and authorize reimbursements.

Required Travel Authorization

- .01 In-state Travel - Prior authorization for in-state travel may be required by the approving authority for all in-state travel.
- .02 Out-of-state Travel - Prior authorization by the chief executive officer, or a delegate, of a state agency or institution of higher education shall be required for all out-of-state travel.
- .03 International Travel - Prior written or electronic authorization by the chief executive officer, or a delegate, of a state agency or institution of higher education and the governor, or a delegate, shall be required for all international travel, except for the Department of Higher Education. Prior written authorization by the executive director of the Colorado Commission on Higher Education shall be required for all international travel by employees within the Department of Higher Education. The executive director of the Colorado Commission on Higher Education, with approval of the State Controller, may delegate the authority to approve international travel to the chief executive officer, or a delegate, of a specific higher education institution.
- .04 Travel at no cost to the state - Prior authorization by the approving authority is required for any official state business travel for which reimbursement is made directly to the state employee by the non-state organization.

Travel Advances

Travel advances, shall be obtained by using the state travel card whenever possible. Travel advances may be requested from the state if the travel advance cannot be obtained from the state travel card. Under no circumstance shall a travel advance be requested from the state in excess of the statutory limit. CRS 24-30-202 (20.1), establishes the maximum authorized amount for a travel advance.

Travel advances requested from the state must be authorized by the approving authority, approved by the chief fiscal officer, or a delegate, of the state agency or institution of higher education, and contain the following statement, signed manually or electronically by the traveler:

"I hereby appoint and constitute the State Controller or delegate my attorney-in-fact for the purpose of receiving all funds due me and reimbursing the State of Colorado there from and may demand and receive any monies or credits payable to me from the State of Colorado to the extent necessary to accomplish said reimbursement."

It shall be the responsibility of the chief fiscal officer, or a delegate, to take steps necessary to assure that each travel advance received from the state is repaid within 60 days after the conclusion of authorized travel.

Travel Reimbursements

Upon completion of travel, a travel reimbursement voucher must be filed timely to obtain reimbursement for approved travel expenses. The travel reimbursement voucher shall contain a statement as to the purpose of the travel.

Lodging, meals, and other reimbursable travel expenses shall only be reimbursed for the period of time necessary for the traveler to accomplish the state business. When a traveler uses an alternate method of transportation, which is authorized by the approving authority, any additional time required to complete the state business shall be charged to approved leave.

If lodging, meals, or transportation expenses are included in conference fees, registration fees, or are otherwise furnished at no additional cost to the traveler, no reimbursement shall be made for these items. If, however, a meal included in a commercial transportation ticket is not adequate, and the traveler incurs an additional meal expense, reimbursement for that meal may be claimed.

When reimbursement for travel expenses is claimed, the travel voucher shall contain the following certification signed manually or electronically by the traveler:

"I certify that the statements in the above schedule are true and just in all respects; that payment of the amounts claimed herein has not and will not be reimbursed to me from any other sources; that travel performed for which reimbursement is claimed was performed by me on State business and that no claims are included for expenses of a personal or political nature or for any other expenses not authorized by the Fiscal Rules; and that I actually incurred or paid the operating expenses of the motor vehicle for which reimbursement is claimed on a mileage basis."

The travel reimbursement voucher shall be endorsed manually or electronically by the approving authority unless the travel has been pre-approved and the reimbursable expenses claimed are within the limits established prior to the trip.

The following rates shall be used for reimbursement of travel expenses:

.01 Lodging

Employees authorized to travel shall be reimbursed the actual cost of reasonable accommodations. Employees may be required to use approved or designated lodging facilities in certain areas to assist the state agency or institution of higher education in controlling travel cost. Reimbursement shall be limited to the cost of commercial lodging. Receipts for lodging shall be obtained and submitted with the travel expense voucher.

.02 Meals

Employees authorized to travel shall be reimbursed for the actual cost of meals, including tax and reasonable tip up to the total per diem rate established by the State Controller in Appendices A, B, and C to this chapter of the state fiscal rules. These rates will closely follow the per diem rates established by the federal government for its employees and be published periodically by the State Controller.

Under no circumstances shall an employee claim more than the established per diem rate. The actual costs of meals (including meal tips) in any day may be reimbursed up to the maximum aggregate per diem amount established for the location and time while traveling. Where adequate meals are included in conference fees, registration fees, or commercial transportation tickets, maximum rates for those meals may not be included in the maximum aggregate daily per diem amount for the location and time while traveling. For example, the costs of meals may be reimbursed up to the total daily per diem rate for a full day of travel (if no meals are furnished), without regard to maximum individual meal rates. If lunch is included in a conference fee for a full day of travel, the actual costs for breakfast and dinner may not exceed the total of the per diem rates for breakfast and dinner. The costs of meals for a partial day of travel, while traveling, over breakfast and lunch (or lunch and dinner) may be reimbursed up to the total per diem rate for breakfast and lunch (or lunch and dinner), without regard to individual maximum meal rates.

Agencies shall inform travelers that meal expense claims may not be based on estimates or approximations. All requests for reimbursement of the actual cost of meals shall be documented by original receipts or copies thereof, except that travelers may be reimbursed for up to a maximum of \$25 per day (including tips) without meal receipts. Reasonable tips for meals may be reimbursed without a receipt showing the amount of the tip.

Travel expenses may be reimbursed before reconciling receipts to the amount claimed, so long as the agency has developed a suitable risk-based approach for post-settlement auditing, which may be on a sample basis.

.03 Transportation

Employees authorized to travel shall be reimbursed only for the cost equivalent of the most cost beneficial method of transportation available, which will satisfactorily accomplish the state business.

If travel includes commercial transportation and the travel tickets were purchased by the state for the traveler, ticket receipts need not be submitted with the travel voucher. If, however, the travel tickets were purchased by the traveler, a receipt shall be submitted with the travel voucher.

Other Reimbursable and Non-Reimbursable Travel Expenses

.01 Reimbursable travel expenses

In addition to lodging, meals, and transportation, the following actual expenses incurred as a necessary part of approved travel may be reimbursed.

- A. Reasonable tips paid by the traveler for bellhops, porters, maids, and ground transportation. Tips paid in conjunction with meals are included in the meal allowance and cannot be claimed separately.
- B. Commercial transportation expenses paid by the traveler. A receipt shall be required for each individual ride in a commercial vehicle, if over \$25.
- C. Camping site fees paid by the traveler for a commercial camp ground or a state or national park. A receipt shall be required if over \$25.
- D. Parking fees paid by the traveler. A receipt shall be required for any single fee over \$25.
- E. Registration fees paid by the traveler. A receipt is required for all registration fees paid.
- F. Rental car costs paid by the traveler. A receipt is required for all rental car expenditures.
- G. Telephone, fax, and other similar charges paid by the traveler for official state business. A receipt shall be required for any single charge over \$25.
- H. Toll road charges paid by the traveler.
- I. Traveler's checks or transaction charges for the use of the state travel card paid by the traveler. A receipt shall be required if the total amount claimed for reimbursement is over \$25.
- J. The actual cost of one personal telephone call per day, not to exceed two dollars for calls originating and ending in the continental US, and twenty dollars for international calls originating overseas and ending in the continental US, while the employee is traveling.

.02 Non-reimbursable travel expenses

The following expenses shall not be reimbursed:

- A. Alcoholic beverages purchased by the traveler.
- B. Entertainment expenses paid by the traveler.
- C. Personal expenses incurred during travel that are primarily for the benefit of the traveler and not directly related to the official purpose of the travel. Examples include the purchase of personal hygiene items, magazines, movie rentals, and other miscellaneous items.
- D. Political expenses paid by the traveler.
- E. Travel insurance expenses paid by the traveler.
 - a. Collision damage waiver/loss damage waiver for rental cars
 - b. Supplemental liability insurance on rental vehicles
 - c. Value premiums on airline tickets
 - d. Trip cancellation insurance

- e. Additional liability for rental cars
- f. Personal accident insurance on rented vehicles
- g. Supplemental life insurance for airline or common carrier travel.

F. The cost of traffic fines and parking tickets.

EXCEPTIONS TO RULE:

.01 Allowances for members of statutory boards or commissions

Board and commission members shall be paid in accordance with the statutory provisions establishing the board or commission. Board members may be reimbursed for actual and necessary expenses incurred in the performance of their duties. These actual and necessary expenditures should be reasonable under the circumstances and the board or commission member should be made aware that public funds are the source of the reimbursement.

Board or commission members may also be reimbursed for childcare services. The chief executive officer, or a delegate, of the state agency or institution of higher education shall determine the need for childcare reimbursement. Reimbursement shall not be made to a family member and receipts shall be furnished with the reimbursement request.

.02 Allowances for state job applicants

In order to obtain the best-qualified individual for a given position in the state it may be necessary to pay interview related travel expenses for job applicants. At the discretion of the chief executive officer, or a delegate, such travel expenses may be reimbursed to the applicant at the per diem rate established by the State Controller for state employees.

.03 Allowances for travel by the Governor of Colorado

In the case of travel by the Governor, security, protocol, ceremonial functions, and overall time demands may require considerations not accorded any other state official or employee. Protocol may often require the spouse to travel with the Governor.

The use of state-owned aircraft, commercial airlines or state-owned automobiles by the Governor shall depend upon time constraints and security needs.

When the Governor allocates travel costs between official state business and personal or political, the allocation shall take into account all the various factors involved in the trip.

.04 Allowances for travel not solely for state business

In some instances the purpose of travel may not be solely for state business. It may be partially for official business and partially for personal or political reasons. In these instances, the individual involved shall make a reasonable allocation of the expenses. Where such an allocation is made, the travel reimbursement request shall contain sufficient documentation to indicate the allocation made and the basis for the allocation.

If a state employee obtains lower rates for lodging or transportation because travel is extended for personal or political reasons, these lower rates shall also apply to the business portion of the trip.

.05 Allowances for travel paid directly by a non-state entity

In limited instances, State officials and employees may be invited to attend committee meetings, seminars, or conferences concerning official state business where their travel expenses are either paid directly by the sponsor or they are reimbursed by the sponsor. In such instances the employee may accept the invitation if the travel has been approved by their approving authority.

.06 Allowances for travel with spouse, relatives, or friends

The state shall not reimburse the cost of an employee's spouse or other person(s) accompanying the state employee on a business trip, unless specifically provided in this fiscal rule. Conversely, the state shall not receive any benefit from a lower travel fare resulting from the state employee's spouse, relative, or friend accompanying the employee on a business trip.

Sufficient documentation of the cost of the official business portion of the trip shall be included with the travel reimbursement voucher.

.07 Allowances for travel wholly within a single day

If travel is wholly within a single day, reimbursement for lunch shall not be allowed. If, however, an employee leaves home on official business prior to 5:00 a.m. and/or remains away from home after 8:00 p.m. and the official business requires the employee to extend the workday, the approving authority may allow a meal allowance for breakfast and/or dinner for the traveler. If breakfast and/or dinner is paid for an employee **while traveling in a single day**, the amount paid is reportable as income on an employee's W-2.

.08 Allowances for travel by leased or privately owned aircraft

A. A state agency or institution of higher education shall not lease an aircraft without the prior written approval of the Aircraft Section of the Colorado State Patrol in the Department of Public Safety, regardless of the source of funds. This includes the lease of any replacement aircraft for those presently operated by the state agency or institution of higher education.

B. A state agency or institution of higher education shall not authorize the use of a privately owned aircraft without the prior written approval from the Office of Risk Management. No reimbursement shall be allowed unless the required prior written approval has been secured.

.09 Allowances for travel by privately owned automobile

Employees shall be allowed mileage fees for each mile actually and necessarily traveled while on official state business. Employees shall normally be reimbursed at the mileage rate designated for two-wheel drive vehicles. Employees shall only be reimbursed at the mileage rate designated for four-wheel drive vehicles when the use of four-wheel drive is necessary because of road, terrain, or adverse weather conditions.

Commuting expenses incurred in traveling between an employee's residence and a primary work location are non-reimbursable employee expenses. However, upon approval of the appointing authority, an employee may be reimbursed for use of a personal automobile when commuting between his/her residence and a temporary work location. Reimbursement shall be for the number of miles between the employee's residence and the temporary work location or the employee's regular work location and the temporary work location, whichever is less.

CRS 24-9-104(2), establishes the mileage rate to be used for reimbursement for official state travel.

.10 Allowances for travelers furnishing their own lodging and meals

When employees who are traveling are furnishing their own lodging and meals, the state agency or institution of higher education may negotiate a special per diem rate for that period of travel. The rate negotiated shall be on a case-by-case basis and under no circumstance shall the negotiated rate exceed the normal per diem rates established by this fiscal rule.

.11 Travel Insurance

Travel insurance may be purchased when it benefits the state if approved in writing by the approving authority.

.12 Receipts

Chief Executive Officers may waive the requirement for a receipt in extenuating circumstances upon approval of a written certification by the traveler that the meal or other cost was incurred and the reason why the receipt was not obtained or available. Further, Chief Executive Officers may establish alternative document requirements for recurring travel into locations, e.g. international travel, or for group travel, where compliance with the receipt requirement is determined to be impractical.

Maximum Allowable Meal Per Diem Rates For CONUS Travel

Effective July 1, 2006

The following tables list the per meal breakdown for the reimbursement rates for meals within CONUS (Appendix A), Alaska, Hawaii and other US possessions (Appendix B), and foreign countries (Appendix C). These meal rates should be used when calculating the amount of potential reimbursement available for part day while traveling. The daily total is the maximum per diem available for full day while traveling without regard to meal allocations.

Authorized Per Meal Reimbursement Rates Within CONUS

Per Diem Rate						
Breakfast	\$8.00	\$9.00	\$10.00	\$11.00	\$12.00	\$13.00
Lunch	\$12.00	\$13.00	\$14.00	\$16.00	\$17.00	\$19.00
Dinner	\$19.00	\$22.00	\$25.00	\$27.00	\$30.00	\$32.00
Daily Total	\$39.00	\$44.00	\$49.00	\$54.00	\$59.00	\$64.00

