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LC 0565/01

H BILL NO. 182 2 INTRODUCED BY BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY 5 THE LAWS PERTAINING TO TRAVEL EXPENSES OF STATE OFFICERS AND Ð. EMPLOYEES: AMENDING SECTIONS 59-538 AND 59-539+ R.C.M. 7 1947." 3 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10

Section 1. Section 59-538. R.C.M. 1947. is amended to 11 read as follows: 12

*59-538. Travel expense of persons in state service. 13 Every elected official, appointed members of boards, 14 commissions, councils, and department directors, and all 15 other state employees shall be reimbursed for the-cost-of 16 17 meals and lodging while away from the person's designated headquarters -traveling-outside--the--employee*s--designated 1.5 travel-day-and-for-more-than-three-(3)-hours; and engaged in 19 official state business in accordance with the following 20 provisions: 21

22 (1) Travel within the state of Montana:

23 (a) The governor shall be authorized actual and 24 necessary expenses not to exceed sixty dollars (\$50) per 25 day.

INTRODUCED BILL

1 (b) All other elected state officials, appointed 2 members of boards, commissions, councils, department directors, and all other state employees shall be authorized 3 the actual cost of lodging not exceeding sixteen dollars 4 (\$16) per day plus two dollars (\$2) for the morning meal, 5 5 three dollars (\$3) for the midday meal, and five dollars 7 (\$5) for the evening meal. All claims for lodging expense reimbursement allowed under this section must be documented 3 9 by an appropriate receipt.

10 (2) Travel out of the state of Montana:

11 (a) The governor shall be authorized actual and 12 necessary travel expenses not to exceed seventy dollars (\$70) per day. 13

14 (b) All other elected state officials, appointed 15 members of boards, commissions, councils, department 16 directors, and all other state employees shall be authorized the actual cost of lodging not exceeding thirty-seven 17 18 dollars (\$37) per day plus three dollars (\$3) for the morning meal, four dollars (\$4) for the midday meal, and six 19 dollars (\$5) for the evening meal. All claims for the 20 21 lodging expanse reimbursement allowed under this subsection 22 must be documented by an appropriate receipt.

23 (3) When other than commercial, non-receiptable lodging facilities are utilized by a state employee while 24 25 conducting official state business in a travel status, the

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HB182

1 amount of seven dollars (\$7) will be authorized for lodging 2 expenses for each day in which travel involves an overnight 3 stay in lieu of the amount authorized in subsection 4 (1) td) (1) td) or (2) td) (b) above. However, when overaight 5 accommodations are provided at the expense of any government 6 entity. no reimbursement may be claimed for lodging. 7 (4) The actual cost of reasonable transportation 8 expenses and other necessary business expenses incurred by a 9 state official or employee while in an official travel 10 status shall be subject to reimbursement. 11 (5) The provisions of this section shall not be 12 construed as affecting the validity of section 43-310. 13 (6) The department of administration shall prescribe 14 rules necessary to effectively administer this section for 15 state government. 16 (7) All commercial air travel shall be by the least 17 expensive class service available." 18 Section 2. Section 59-539; R.C.M. 1947; is amended to 19 read as follows: 20 *59-539. Computation of travel meal allowance. (1) To 21 be eligible for the travel meal allowance provided in 22 section 59-538, an employee must have been in a travel 23 status for more than three (3) continuous hours and-the travel--must-have-commenced-more-than-one-(1)-hour-before-or 24 25 terminated-more-than--one--ti}--hour--after--the--employee1s

normally--assigned--work--shift. If eligible, an employed 1 2 receives: 3 (a) corns the morning meal allowance if in a travel status between the hours of 12:01 a.m. and 10 a.m.; 5 (b) earns the midday meal allowance if in a travel 6 status between the hours of 10:01 a.m. and 3 p.m.; and 7 (c) earns the evening meal allowance if in a travel 8 status between the hours of 3:01 p.m. and 12 midnight. 9 (d) only one of the three meal allowances provided. if 10 the travel was performed_within_the employee's assigned 11 travel shift. 12 (e) a maximum of two meal allowances if the travel 13 begins before or was completed after the employee's assigned travel shift and the travel did not exceed 24 hours. 14 15 (2) For-persons-in-state-service-regularly-assigned-to an-8-symp-to-5-pymp-work-periods-the-only-per-diem-allowance 16 17 may--be--an--amount-not-to-exceed-three-dollars-(\$3)-per-day 18 for-a-midday-medi-when-the-departure-is-at-or-ofter--7-aumu and--the-return-on-the-same-day-is-at-or-prior-to-6-p+m+-For 19 20 persons-in-state-service-regularly-sssigned-to-work--periods 21 other--than--8--awaw-to-5-pwawy-the-employing-department-may 22 establish-a-per-diem-allowance-of-an-dmount--not--to--exceed 23 two-dollars-(\$2)-for-a-morning-meal-and-five-dollars(\$5)-for 24 an--evening--mealy---Bnly--one--of--the-three-f3)-allowances 25 provided-in-subsection-(2)-may-be-claimed--in--any--one--(1)

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2	be-paid-foranyabsencenotexceedingthree{3}hours
3	"Iravel shift" is that period of time beginning hour
4	<u>before and terminating 1 hour after the employee's normally</u>
5	assigned work_shift.
6	(3) The department of administration shall prescribe
7	rules necessary to effectively administer this section for
8	state government."
	-End-

STATE OF MONTANA

REQUEST NO. 632-77

FISCAL NOTE

Form BD-15

In compliance with a written request received _____March_30_____, 19_77____, there is hereby submitted a Fiscal Note for ______House Bill_182______ pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to revise and clarify the laws pertaining to travel expenses of state officers and employees.

ASSUMPTIONS:

- 1. Statewide Budgeting and Accounting System information derived from user agencies is materially correct.
- 2. 40% of in-state lodging currently being reimbursed is charged at or above the \$16 maximum. Due to inflation, that percentage will raise to 60% for the biennium ending 06/30/79.
- 3. The amount the state paid for in-state lodging reimbursements in FY 76 will remain substantially constant in FY 77, and the only effect in FY 78 and FY 79 will be the \$2 maximum increase.
- 4. The effect of the decrease in the Governor's maximums would have minimal financial impact.

FISCAL IMPACT:

The expenditure impact of the passage of this bill on all state agencies, excluding the University System, is estimated to be \$75,375 each year of the 1979 biennium.

The impact cannot be defined as to which fund(s) will be affected; however, a large percentage must be assumed to affect the state's general fund.

LOCAL IMPACT:

Some county and local governments are bound by law to subscribe to the amounts in 59-539. For the state, the \$75,375 effect represents a .9% increase in travel expenditures. County and local governments may experience a similar increase.

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45th Legislature

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Approved by Committee on State Administration

<u>H</u> BILL NO. 182 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY 5 THE LAWS PERTAINING TO TRAVEL EXPENSES OF STATE OFFICERS AND б ENPLOYEES: AMENDING SECTIONS 59-538 AND 59-539, R.C.M. 7 8 1947." 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 59-538, R.C.M. 1947, is amended to 11 12 read as follows: *59-538. Travel expense of persons in state service. 13 Every elected official, appointed members of boards, 14 commissions, councils, and department directors, and all 15 other state employees shall be reimpursed for the-cost-of 16 meals and lodging while away from the person's designated 17 headquarters;-traveling-outside--the--employee*s--designated 18 travel-day-and-for-more-than-three-(3)-hourst and engaged in 19 official state business in accordance with the following 20 21 provisions: (1) Travel within the state of Montana: 22

(a) The governor shall be authorized actual and
 necessary expenses not to exceed sixty dollars (\$60) per
 day.

SECOND READING

1 (b) All other elected state officials, appointed 2 members of boards, commissions, councils, department 3 directors, and all other state employees shall be authorized the actual cost of lodging not exceeding sixteen dollars 4 5 (\$16) per day plus two dollars (\$2) for the morning meal, three dollars (\$3) for the midday meal, and five dollars 6 7 (\$5) for the evening meal. All claims for lodging expense reimbursement allowed under this section must be documented 8 9 by an appropriate receipt.

10 (2) Travel out of the state of Montana:

(a) The governor shall be authorized actual and
 necessary travel expenses not to exceed seventy dollars
 (\$70) per day.

14 (b) All other elected state officials, appointed members of boards, commissions, councils, department 15 16 directors, and all other state employees shall be authorized 17 the actual cost of lodging not exceeding thirty-seven 18 dollars (\$37) per day plus three dollars (\$3) for the 19 morning meal, four dollars (\$4) for the midday meal, and six 20 dollars (\$5) for the evening meal. All claims for the 21 lodging expense reimbursement allowed under this subsection 22 must be documented by an appropriate receipt.

23 (3) When other than commercial, non-receiptable
24 lodging facilities are utilized by a state employee while
25 conducting official state business in a travel status, the

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1 amount of seven dollars (\$7) will be authorized for lodging 2 expenses for each day in which travel involves an overnight 3 stay in lieu of the amount authorized in subsection 4 (1)(d)(b) or (2)(d)(b) above. <u>However</u>, when <u>dvarnight</u> 5 <u>accommodations are provided at the expense of any government</u> 6 entity, no reimbursement may be claimed for lodging.

7 (4) The actual cost of reasonable transportation
8 expenses and other necessary business expenses incurred by a
9 state official or employee while in an official travel
10 status shall be subject to reimbursement.

11 (5) The provisions of this section shall not be 12 construed as affecting the validity of section 43-310.

13 (6) The department of administration shall prescribe
 14 rules necessary to effectively administer this section for
 15 state government.

16 (7) All commercial air travel shall be by the least
17 expensive class service available."

18 Section 2. Section 59-539, R.C.M. 1947, is amended to 19 read as follows:

20 "59-539. Computation of travel meal allowance. (1) To 21 be eligible for the travel meal allowance provided in 22 section 59-538, an employee must have been in a travel 23 status for more than three (3) continuous hours and-the 24 travel-must-have-commenced-more-then-one-(t)-hour-before-or 25 terminated-more-than-one-(t)-hour-sfter-the-employee*s

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	-End-

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H BILL ND. 182 INTRODUCED BY ____ 2 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY THE LAWS PERTAINING TO TRAVEL EXPENSES OF STATE OFFICERS AND 6 EMPLOYEES: AMENDING SECTIONS 59-538 AND 59-539. R.C.M. 7

1947.* 8

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- 15 (2) For-persons-in-state-service-regularly-assigned-to

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- 17 May--be--an--amount-not-to-exceed-three-dollars-1931-per-day
- for-a-midday-meal-when-the-departure-is-at-or-after--7--awmw 18
- 19 and--the-return-on-the-same-day-is-at-or-prior-to-6-prms-For
- 20 persons-in-state-service-redularly-assigned-to-work-periods
- 21 other--than--8--exev-to-5-pymyy-the-employing-department-may
- 22 establish-a-per-diem-allowance-of-an-amount--not--to--exceed
- 23 two-dollars-[\$2]-for-a-morning-meal-and-five-dollars(\$5)-for
- 24 sn--evening--mealw---8nly--one--of--the-three-(3)-allowances
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-End-

March 16, 1977

Senate Committee on State Administration

Taht House Bill No. 182 be amended as follows:

l. Amend page 1, section 1, line 24.
Following: "exceed"
Strike: "sixty dollars (\$60)"
Insert: "\$40"

2. Amend page 2, section 1, lines 4 and 5.
Following: "exceeding"
Strike: "sixteen dollars (\$16)"
Insert: "\$18"

3. Amend page 2, section 1, lines 12 and 13.
Following: "exceed"
Strike: "seventy dollars (\$70)"
Insert: "\$50"

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1 HOUSE BILL NO. 182
TATAGGUERD BY MELGY
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REFERENCE BILL

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(a) The governor shall be authorized actual and
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FINAL PRINTING ADOPTED BY HOUSE OF REPRESENTATIVES AND SENATE

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amount of seven dollars (\$7) will be authorized for lodging

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normally-assigned-work--shift. If eligible, an employee 1 receives: 2 (a) earns the morning meal allowance if in a travel 3 4 status between the hours of 12:01 a.m. and 10 a.m.; (b) earns the midday meal allowance if in a travel 5 status between the hours of 10:01 a.m. and 3 p.m.; and 6 7 (c) earns the evening meal allowance if in a travel status between the hours of 3:01 p.m. and 12 midnight. 8 9 (d) only one of the three meal allowances provided, if 10 the travel was performed within the employee's assigned 11 travel_shift. (e) a maximum of two meal allowances if the travel 12 13 begins before or was completed after the employee's assigned 14 travel shift and the travel did not exceed 24 hours. (2) For-persons-in-state-service-regularly-assigned-to 15 16 on-8-avmu-to-5-pumu-work-periody-the-only-per-diem-allowance may-be-an-amount-not-to-exceed-three-dollars--(\$3)--per--day 17 18 for--a--midday-meal-when-the-departure-is-at-or-after-7-awmw and-the-return-on-the-same-day-is-at-or-prior-to-6-peme--For 19 persons--in-state-service-requiarly-assigned-to-work-periods 20 other-then-8-exempt-to-5-press-the--employing--department--may 21 22 establish--a--per--diem-allowance-of-an-amount-not-to-exceed two-dollars-(\$2)-for-a-morning-meal-and-five-dollars(\$5)-for 23 24 an-evening-mealy--Only--one--of--the--three--f3j--allowances

25 provided--in--subsection--(2)--may-be-cloimed-in-sny-one-(1)

-4-

-3-

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1	daywIn-no-case-shall-any-per-diem-or-allowancewhatsoever
2	bepaidforanyabsencenotexceedingthree-t3}-hours
3	"Iravel shift" is that period of time beginning 1 hour
4	before and terminating 1 hour after the employee's normally
5	assigned work shift.
6	(3) The department of administration shall prescribe
7	rules necessary to effectively administer this section for

8 state government."

-End-