

1 H BILL NO. 182  
 2 INTRODUCED BY Ally  
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY  
 6 THE LAWS PERTAINING TO TRAVEL EXPENSES OF STATE OFFICERS AND  
 7 EMPLOYEES; AMENDING SECTIONS 59-538 AND 59-539, R.C.M.  
 8 1947."  
 9

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

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

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

- 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 (\$60) per  
 25 day.

- 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  
 4 the actual cost of lodging not exceeding sixteen dollars  
 5 (\$16) per day plus two dollars (\$2) for the morning meal,  
 6 three dollars (\$3) for the midday meal, and five dollars  
 7 (\$5) for the evening meal. All claims for lodging expense  
 8 reimbursement allowed under this section must be documented  
 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  
 13 (\$70) per day.

- 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  
 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 (\$6) 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

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. However, when overnight  
 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  
 24 ~~travel must have commenced more than one (1) hour before or~~  
 25 ~~terminated more than one (1) hour after the employee's~~

1 ~~normally assigned work shift.~~ If eligible, an employee  
 2 ~~receives:~~

3 (a) earns the morning meal allowance if in a travel  
 4 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~~  
 14 ~~travel shift and the travel did not exceed 24 hours.~~

15 (2) ~~For persons in state service regularly assigned to~~  
 16 ~~an 8 a.m. to 5 p.m. work period, the only per diem allowance~~  
 17 ~~may be an amount not to exceed three dollars (\$3) per day~~  
 18 ~~for a midday meal when the departure is at or after 7 a.m.~~  
 19 ~~and the return on the same day is at or prior to 6 p.m. For~~  
 20 ~~persons in state service regularly assigned to work periods~~  
 21 ~~other than 8 a.m. to 5 p.m., 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 ~~an evening meal. Only one of the three (3) allowances~~  
 25 ~~provided in subsection (2) may be claimed in any one (1)~~

1 ~~days---in-no-case-shall-any-per-diem-or-allowance-whatsoever~~  
2 ~~be-paid-for-any-absence-not-exceeding-three-{3}-hours~~  
3 "Travel 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-

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.

*Richard L. Drayton*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 4-1-77

Approved by Committee  
on State Administration

1 H BILL NO. 182  
2 INTRODUCED BY [Signature]  
3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY  
6 THE LAWS PERTAINING TO TRAVEL EXPENSES OF STATE OFFICERS AND  
7 EMPLOYEES; AMENDING SECTIONS 59-538 AND 59-539, R.C.M.  
8 1947."  
9

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

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

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

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 (\$60) per  
25 day.

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  
4 the actual cost of lodging not exceeding sixteen dollars  
5 (\$16) per day plus two dollars (\$2) for the morning meal,  
6 three dollars (\$3) for the midday meal, and five dollars  
7 (\$5) for the evening meal. All claims for lodging expense  
8 reimbursement allowed under this section must be documented  
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  
13 (\$70) per day.

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  
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 (\$6) 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

HB 182

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)~~(a)~~(b) or (2)~~(a)~~(b) above. However, when overnight  
 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  
 24 travel must have commenced more than one (1) hour before or  
 25 terminated more than one (1) hour after the employee's

1 normally assigned work shift. If eligible, an employee  
 2 receives:

3 (a) earns the morning meal allowance if in a travel  
 4 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  
 14 travel shift and the travel did not exceed 24 hours.

15 (2) ~~For persons in state service regularly assigned to~~  
 16 ~~an 8 a.m. to 5 p.m. work period, the only per diem allowance~~  
 17 ~~may be an amount not to exceed three dollars (\$3) per day~~  
 18 ~~for a midday meal when the departure is at or after 7 a.m.~~  
 19 ~~and the return on the same day is at or prior to 6 p.m. For~~  
 20 ~~persons in state service regularly assigned to work periods~~  
 21 ~~other than 8 a.m. to 5 p.m., 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 ~~an evening meal. Only one of the three (3) allowances~~  
 25 ~~provided in subsection (2) may be claimed in any one (1)~~

1 ~~days---in-no-case-shall-any-per-diem-or-allowance-whatsoever~~  
2 ~~be-paid-for-any-absence-not-exceeding-three-(3)-hours~~  
3 "Travel 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-

1 H BILL NO. 182  
 2 INTRODUCED BY \_\_\_\_\_  
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY  
 6 THE LAWS PERTAINING TO TRAVEL EXPENSES OF STATE OFFICERS AND  
 7 EMPLOYEES; AMENDING SECTIONS 59-538 AND 59-539, R.C.M.  
 8 1947."  
 9

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

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

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

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 (\$60) per  
 25 day.

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  
 4 the actual cost of lodging not exceeding sixteen dollars  
 5 (\$16) per day plus two dollars (\$2) for the morning meal,  
 6 three dollars (\$3) for the midday meal, and five dollars  
 7 (\$5) for the evening meal. All claims for lodging expense  
 8 reimbursement allowed under this section must be documented  
 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  
 13 (\$70) per day.

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  
 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 (\$6) 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

HB 182



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. However, when overnight  
 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  
 24 ~~travel must have commenced more than one (1) hour before or~~  
 25 ~~terminated more than one (1) hour after the employee's~~

1 ~~normally assigned work shift.~~ If eligible, an employee  
 2 ~~receives:~~

3 (a) earns the morning meal allowance if in a travel  
 4 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~~  
 14 ~~travel shift and the travel did not exceed 24 hours.~~

15 (2) ~~For persons in state service regularly assigned to~~  
 16 ~~an 8 a.m. to 5 p.m. work period, the only per diem allowance~~  
 17 ~~may be an amount not to exceed three dollars (\$3) per day~~  
 18 ~~for a midday meal when the departure is at or after 7 a.m.~~  
 19 ~~and the return on the same day is at or prior to 6 p.m. For~~  
 20 ~~persons in state service regularly assigned to work periods~~  
 21 ~~other than 8 a.m. to 5 p.m., 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 ~~an evening meal. Only one of the three (3) allowances~~  
 25 ~~provided in subsection (2) may be claimed in any one (1)~~

1 ~~days. In no case shall any per diem or allowance whatsoever~~  
2 ~~be paid for any absence not exceeding three (3) hours~~  
3 "Travel 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-

March 16, 1977

STANDING COMMITTEE REPORT  
Senate Committee on State Administration

Taht House Bill No. 182 be amended as follows:

1. 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"

1 HOUSE BILL NO. 182  
 2 INTRODUCED BY MELGY  
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY  
 6 THE LAWS PERTAINING TO TRAVEL EXPENSES OF STATE OFFICERS AND  
 7 EMPLOYEES; AMENDING SECTIONS 59-538 AND 59-539, R.C.M.  
 8 1947."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11 Section 1. Section 59-538, R.C.M. 1947, is amended to  
 12 read as follows:

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

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 (\$60)~~ \$40 per  
 25 day.

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  
 4 the actual cost of lodging not exceeding ~~sixteen dollars~~  
 5 ~~(\$16)~~ \$18 per day plus two dollars (\$2) for the morning  
 6 meal, three dollars (\$3) for the midday meal, and five  
 7 dollars (\$5) for the evening meal. All claims for lodging  
 8 expense reimbursement allowed under this section must be  
 9 documented 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~~  
 13 ~~(\$70)~~ \$20 per day.

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  
 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 (\$6) 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

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. However, when overnight  
 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~~  
 24 ~~travel must have commenced more than one (1) hour before or~~  
 25 ~~terminated more than one (1) hour after the employee's~~

1 normally assigned work shift. If eligible, an employee  
 2 receives:

3 (a) earns the morning meal allowance if in a travel  
 4 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  
 14 travel shift and the travel did not exceed 24 hours.

15 (2) ~~For persons in state service regularly assigned to~~  
 16 ~~an 8 a.m. to 5 p.m. work period, the only per diem allowance~~  
 17 ~~may be an amount not to exceed three dollars (\$3) per day~~  
 18 ~~for a midday meal when the departure is at or after 7 a.m.~~  
 19 ~~and the return on the same day is at or prior to 6 p.m. for~~  
 20 ~~persons in state service regularly assigned to work periods~~  
 21 ~~other than 8 a.m. to 5 p.m., 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 ~~an evening meal. Only one of the three (3) allowances~~  
 25 ~~provided in subsection (2) may be claimed in any one (1)~~

1 ~~day--in-no-case-shall-any-per-diem-or-allowance-whosoever~~  
2 ~~be--paid--for--any--absence--not--exceeding--three-(3)-hours~~  
3 "Travel 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-

HOUSE BILL NO. 182

INTRODUCED BY MELOY

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY THE LAWS PERTAINING TO TRAVEL EXPENSES OF STATE OFFICERS AND EMPLOYEES; AMENDING SECTIONS 59-538 AND 59-539, R.C.M. 1947."

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

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

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

(1) Travel within the state of Montana:

(a) The governor shall be authorized actual and necessary expenses not to exceed sixty dollars (\$60) \$40 per day.

(b) All other elected state officials, appointed members of boards, commissions, councils, department directors, and all other state employees shall be authorized the actual cost of lodging not exceeding sixteen dollars (\$16) \$18 per day plus two dollars (\$2) for the morning meal, three dollars (\$3) for the midday meal, and five dollars (\$5) for the evening meal. All claims for lodging expense reimbursement allowed under this section must be documented by an appropriate receipt.

(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) \$50 SEVENTY DOLLARS (\$70) per day.

(b) All other elected state officials, appointed members of boards, commissions, councils, department directors, and all other state employees shall be authorized the actual cost of lodging not exceeding thirty-seven dollars (\$37) per day plus three dollars (\$3) for the morning meal, four dollars (\$4) for the midday meal, and six dollars (\$6) for the evening meal. All claims for the lodging expense reimbursement allowed under this subsection must be documented by an appropriate receipt.

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

FINAL PRINTING

ADOPTED BY HOUSE OF REPRESENTATIVES AND SENATE

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. However, when overnight  
 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  
 24 travel must have commenced more than one (1) hour before or  
 25 terminated more than one (1) hour after the employee's

1 ~~normally assigned work shift.~~ If eligible, an employee  
 2 receives:

3 (a) earns the morning meal allowance if in a travel  
 4 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  
 14 travel shift and the travel did not exceed 24 hours.

15 (2) ~~For persons in state service regularly assigned to~~  
 16 ~~an 8 a.m. to 5 p.m. work period, the only per diem allowance~~  
 17 ~~may be an amount not to exceed three dollars (\$3) per day~~  
 18 ~~for a midday meal when the departure is at or after 7 a.m.~~  
 19 ~~and the return on the same day is at or prior to 6 p.m. For~~  
 20 ~~persons in state service regularly assigned to work periods~~  
 21 ~~other than 8 a.m. to 5 p.m., 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 ~~an evening meal. Only one of the three (3) allowances~~  
 25 ~~provided in subsection (2) may be claimed in any one (1)~~



1 ~~days--in-no-case-shall-any-per-diem-or-allowance--whatsoever~~  
2 ~~be--paid--for--any--absence--not--exceeding--three (3) hours~~  
3 "Travel 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-