HOUSE BILL NO. 139

INTRODUCED BY SIMON

BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE HOUSE

- JANUARY 12, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
- JANUARY 13, 1989 FIRST READING.
- JANUARY 25, 1989 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- JANUARY 26, 1989 PRINTING REPORT.
- JANUARY 28, 1989 SECOND READING, DO PASS.
- JANUARY 30, 1989 ENGROSSING REPORT.
- JANUARY 31, 1989 THIRD READING, PASSED. AYES, 79; NOES, 18.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1989 INT

INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.

FIRST READING.

- MARCH 7, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- MARCH 8, 1989 SECOND READING, CONCURRED IN.
- MARCH 10, 1989 THIRD READING, CONCURRED IN. AYES, 42; NOES, 6.

RETURNED TO HOUSE.

IN THE HOUSE

.

MARCH 11, 1989

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RECEIVED FROM SENATE. SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0507/01

51st Legislature

Hause BILL NO. 139 1 2 INTRODUCED BY 3 BY REQUEST OF THE DEPARTMENT OF COMMERCE 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING REIMBURSEMENT б FOR MEALS, LODGING, AND MISCELLANEOUS EXPENSES OF PERSONS IN STATE SERVICE TRAVELING TO JAPAN AND TAIWAN; USING RATES 7 ESTABLISHED BY THE UNITED STATES DEPARTMENT OF STATE FOR 8 9 TRAVEL TO FOREIGN AREAS; AMENDING SECTION 2-18-501, MCA: AND 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE." 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 2-18-501, MCA, is amended to read: 13 14 *2-18-501. Meals, lodging, and transportation of 15 persons in state service. Every elected official, appointed 16 members of boards, commissions, councils, department 17 directors, and all other state employees shall be reimbursed

18 meals and lodging while away from the person's for 19 designated headquarters and engaged in official state 20 business in accordance with the following provisions:

21 (1) For travel within the state of Montana, the 22 following provisions apply:

23 (a) The governor shall be authorized actual and 24 necessary expenses not to exceed \$55 per day,

25 (b) All other elected state officials, appointed



1 members of boards, commissions, councils, department 2 directors, and all other state employees shall be authorized 3 the actual cost of lodging, not exceeding \$24 per day, and 4 taxes on the allowable cost of lodging, except as provided 5 in subsection (3), plus \$3 for the morning meal, \$3.50 for the midday meal, and \$8 for the evening meal. All claims 6 for lodging expense reimbursement allowed under this section 7 R must be documented by an appropriate receipt.

9 (2) For travel out of the state of Montana, the 10 following provisions apply:

11 (a) The governor shall be authorized the actual cost 12 of lodging in addition to a meal allowance not to exceed \$30 13 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 the actual cost of lodging not exceeding \$50 per day, except 17 as provided in subsection (3), plus \$4 for the morning meal, 18 19 \$6.50 for the midday meal, and \$12 for the evening meal. 20 All claims for the lodging expense reimbursement allowed 21 under this subsection must be documented by an appropriate 22 receipt.

23 (3) All other elected state officials, appointed 24 members of boards, commissioners, councils, department directors, and all other state employees shall be authorized 25

> INTRODUCED BILL HB 139

LC 0507/01

the actual cost of lodging when traveling in the normal
 course of their duties to certain designated areas. The
 department of administration shall designate those areas
 where the actual cost of lodging shall be reimbursed.

5 (4) For travel to Japan and Taiwan, the following
6 provisions apply:

7 (a) All elected state officials, appointed members of 8 boards, commissions, councils, department directors, and all 9 other state employees shall be reimbursed for the cost of 10 meals, lodging, and miscellaneous expenses within the rates 11 established by the department of administration when 12 traveling in the normal course of their duties to designated 13 areas. The department shall use the United States department 14 of state maximum travel per diem allowances for foreign 15 areas in establishing the rates.

(b) All claims for meals, lodging, and miscellaneous
expenses reimbursement allowed under this subsection (4)
must be documented by an appropriate receipt.

19 (4)(5) When other than commercial, nonreceiptable 20 lodging facilities are utilized by a state employee while 21 conducting official state business in a travel status, the 22 amount of \$7 will be authorized for lodging expenses for 23 each day in which travel involves an overnight stay in lieu 24 of the amount authorized in subsection (1)(b) or (2)(b) 25 above. However, when overnight accommodations are provided 1 at the expense of any government entity, no reimbursement 2 may be claimed for lodging.

3 (5)(6) The actual cost of reasonable transportation
4 expenses and other necessary business expenses incurred by a
5 state official or employee while in an official travel
6 status shall be subject to reimbursement.

7 (6)(7) The provisions of this section shall not be
8 construed as affecting the validity of 5-2-301.

9 (7)(8) The department of administration shall
10 prescribe rules necessary to effectively administer this
11 section for state government.

12 (8)(9) All commercial air travel shall be by the least
 13 expensive class service available."

14 <u>NEW SECTION.</u> Section 2. Extension of authority. Any 15 existing authority to make rules on the subject of the 16 provisions of [this act] is extended to the provisions of 17 [this act].

18 NEW SECTION. Section 3. Effective date. [This act] is

19 effective on passage and approval.

-End-

-3-

-4-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for <u>HB139</u>, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB139 would allow reimbursement for meals, lodging and miscellaneous expenses of persons in state service traveling to Japan and Taiwan using rates established by the U.S. Department of State.

ASSUMPTIONS:

- 1. State costs for travel to Japan would increase by about \$27.50 per day using FY88 average U.S. Department of State rates.
- 2. State costs for travel to Taiwan would decrease by about \$79.50 per day using current U.S. Department of State rates.
- 3. The state Department of Commerce projects a slight increase in operating expenses as a result of this bill and the Governor's Office projects a slight decrease.
- 4. There will be no adjustments to budgets during the 1989 Legislative Session as a result of this bill.

RAY /SHACKLEFORD, / BUDGET DIRECTOR DATE OFFICE OF BUDGET AND PROGRAM PLANNING

BRUCE T. SIMON, PRIMARY SPONSOR

Fiscal Note for HB139, as introduced

HIS

APPROVED BY COMMITTEE ON STATE ADMINISTRATION

1	HOUSE BILL NO. 139		
2	INTRODUCED BY SIMON		
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE		
4			
5	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING		
6	PROVISIONS REGARDING TRAVEL EXPENSES FOR PERSONS IN STATE		
7	SERVICE; ALLOWING REIMBURSEMENT FOR MEALS7 AND LODGING7AND		
8	MISCELLANEOUS-EXPENSES OF PERSONS IN STATE SERVICE TRAVELING		
9	TO JAPANANDPAIWAN A FOREIGN COUNTRY; USING RATES		
10	ESTABLISHED BY THE UNITED STATES DEPARTMENT OF STATE FOR		
11	TRAVEL TO FOREIGN AREAS; INCREASING THE REIMBURSEMENT RATE		
12	FOR LODGING AT CERTAIN FACILITIES; AMENDING SECTION		
13	2-18-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."		
14			
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
16	Section 1. Section 2-18-501, MCA, is amended to read:		
17	"2-18-501. Meals, lodging, and transportation of		
18	persons in state service. Every elected official, appointed		
19	members of boards, commissions, councils, department		
20	directors, and all other state employees shall be reimbursed		
21	for meals and lodging while away from the person's		
22	designated headquarters and engaged in official state		
23	business in accordance with the following provisions:		
24	(1) For travel within the state of Montana, the		
25	following provisions apply:		

(a) The governor shall be authorized actual and
 necessary expenses not to exceed \$55 per day.

3 (b) All other elected state officials, appointed members of boards, commissions, councils, department 4 directors, and all other state employees shall be authorized 5 the actual cost of lodging, not exceeding \$24 per day, and б taxes on the allowable cost of lodging, except as provided 7 in subsection (3), plus \$3 for the morning meal, \$3.50 for 8 the midday meal, and \$8 for the evening meal. All claims 9 for lodging expense reimbursement allowed under this section 10 must be documented by an appropriate receipt. 11 (2) For travel out of the state of Montana, the 12

13 following provisions apply:

14 (a) The governor shall be authorized the actual cost
15 of lodging in addition to a meal allowance not to exceed \$30
16 per day.

(b) All other elected state officials, appointed 17 members of boards, commissions, councils, department 18 directors, and all other state employees shall be authorized 19 the actual cost of lodging not exceeding \$50 per day, except 20 21 as provided in subsection (3), plus \$4 for the morning meal, \$6.50 for the midday meal, and \$12 for the evening meal. 22 All claims for the lodging expense reimbursement allowed 23 under this subsection must be documented by an appropriate 24 25 receipt.

Montana Legislative Council

-2-

HB 139

SECOND READING

1 (3) All other elected state officials, appointed 2 members of boards, commissioners, councils, department 3 directors, and all other state employees shall be authorized 4 the actual cost of lodging when traveling in the normal 5 course of their duties to certain designated areas. The 6 department of administration shall designate those areas 7 where the actual cost of lodging shall be reimbursed.

8 (4) For travel to Japan-and-Taiwan A FOREIGN COUNTRY,
 9 the following provisions apply:

10 (a) All elected state officials, appointed members of 11 boards, commissions, councils, department directors, and all 12 other state employees shall MUST be reimbursed for the cost 13 of meals; AND lodging; and miscellaneous expenses within the 14 rates established by the department of administration when 15 traveling in the normal course of their duties to designated areas. The department shall use the United States department 16 17 of state maximum travel per diem allowances for foreign 18 areas in establishing the rates.

(b) All claims for meals, AND lodging, ---and
miscellaneous--expenses reimbursement allowed under this
subsection (4) must be documented by an appropriate receipt.
(4)(5) When other than commercial, nonreceiptable
lodging facilities are utilized by a state employee while
conducting official state business in a travel status, the
amount of \$7 \$12 will be authorized for lodging expenses for

HB 0139/02

each day in which travel involves an overnight stay in lieu
 of the amount authorized in subsection (1)(b) or (2)(b)
 above. However, when overnight accommodations are provided
 at the expense of any government entity, no reimbursement
 may be claimed for lodging.

6 (5)(6) The actual cost of reasonable transportation
7 expenses and other necessary business expenses incurred by a
8 state official or employee while in an official travel
9 status shall be subject to reimbursement.

10 (6)(7) The provisions of this section shall not be 11 construed as affecting the validity of 5-2-301.

12 (7)(8) The department of administration shall
13 prescribe rules necessary to effectively administer this
14 section for state government.

15 (8)(9) All commercial air travel shall be by the least 16 expensive class service available."

17 <u>NEW SECTION.</u> Section 2. Extension of authority. Any 18 existing authority to make rules on the subject of the 19 provisions of [this act] is extended to the provisions of 20 [this act].

<u>NEW SECTION.</u> Section 3. Effective date. [This act] is
 effective on passage and approval.

-End-

1	HOUSE BILL NO. 139	1 (a) The governor shall be authorized actual and
2	INTRODUCED BY SIMON	2 necessary expenses not to exceed \$55 per day.
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE	3 (b) All other elected state officials, appointed
4		4 members of boards, commissions, councils, department
5	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING	5 directors, and all other state employees shall be authorized
6	PROVISIONS REGARDING TRAVEL EXPENSES FOR PERSONS IN STATE	6 the actual cost of lodging, not exceeding \$24 per day, and
7	SERVICE; ALLOWING REIMBURSEMENT FOR MEALST AND LODGINGTAND	7 taxes on the allowable cost of lodging, except as provided
8	MISCELLANEOUS-EXPENSES OF PERSONS IN STATE SERVICE TRAVELING	8 in subsection (3), plus \$3 for the morning meal, \$3.50 For
9	TO JAPANANDPAIWAN A FOREIGN COUNTRY; USING RATES	9 the midday meal, and \$8 for the evening meal. All claims
10	ESTABLISHED BY THE UNITED STATES DEPARTMENT OF STATE FOR	10 for lodging expense reimbursement allowed under this section
11	TRAVEL TO FOREIGN AREAS; INCREASING THE REIMBURSEMENT RATE	11 must be documented by an appropriate receipt.
12	FOR LODGING AT CERTAIN FACILITIES; AMENDING SECTION	12 (2) For travel out of the state of Montana, the
13	2-18-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."	13 following provisions apply:
14		14 (a) The governor shall be authorized the actual cost
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15 of lodging in addition to a meal allowance not to exceed \$30
16	Section 1. Section 2-18-501, MCA, is amended to read:	16 per day.
17	"2-18-501. Meals, lodging, and transportation of	17 (b) All other elected state officials, appointed
18	persons in state service. Every elected official, appointed	18 members of boards, commissions, councils, department
19	members of boards, commissions, councils, department	19 directors, and all other state employees shall be authorized
20	directors, and all other state employees shall be reimbursed	20 the actual cost of lodging not exceeding \$50 per day, except
21	for meals and lodging while away from the person's	21 as provided in subsection (3), plus \$4 for the morning meal,
22	designated headquarters and engaged in official state	22 \$6.50 for the midday meal, and \$12 for the evening meal.
23	business in accordance with the following provisions:	23 All claims for the lodging expense reimbursement allowed
24	(1) For travel within the state of Montana, the	24 under this subsection must be documented by an appropriate
25	following provisions apply:	25 receipt.
	Α.	-2- HB 139

tana Legislative Council

HB 139

THIRD READING

1 (3) All other elected state officials, appointed 2 members of boards, commissioners, councils, department 3 directors, and all other state employees shall be authorized 4 the actual cost of lodging when traveling in the normal 5 course of their duties to certain designated areas. The 6 department of administration shall designate those areas 7 where the actual cost of lodging shall be reimbursed.

8 (4) For travel to Japan-and-Taiwan A FOREIGN COUNTRY,
9 the following provisions apply:

10 (a) All elected state officials, appointed members of boards, commissions, councils, department directors, and all 11 12 other state employees shall MUST be reimbursed for the cost 13 of meals, AND lodging, and miscellaneous expenses within the 14 rates established by the department of administration when 15 traveling in the normal course of their duties to designated areas. The department shall use the United States department 16 17 of state maximum travel per diem allowances for foreign 18 areas in establishing the rates.

(b) All claims for mealsr AND lodgingr---and
miscellaneous--expenses reimbursement allowed under this
subsection (4) must be documented by an appropriate receipt.
(4)(5) When other than commercial, nonreceiptable
lodging facilities are utilized by a state employee while
conducting official state business in a travel status, the

25

each day in which travel involves an overnight stay in lieu
 of the amount authorized in subsection (1)(b) or (2)(b)
 above. However, when overnight accommodations are provided
 at the expense of any government entity, no reimbursement
 may be claimed for lodging.

6 (5)(6) The actual cost of reasonable transportation
7 expenses and other necessary business expenses incurred by a
8 state official or employee while in an official travel
9 status shall be subject to reimbursement.

10 (6)(7) The provisions of this section shall not be 11 construed as affecting the validity of 5-2-301.

12 (7)(8) The department of administration shall
13 prescribe rules necessary to effectively administer this
14 section for state government.

15 (07(9) All commercial air travel shall be by the least 16 expensive class service available."

17 <u>NEW SECTION.</u> Section 2. Extension of authority. Any 18 existing authority to make rules on the subject of the 19 provisions of [this act] is extended to the provisions of 20 [this act].

21 <u>NEW SECTION.</u> Section 3. Effective date. [This act] is
22 effective on passage and approval.

-End-

-3-

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HB 139

HB 139

HB 0139/02

-4-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB139, second reading.

DESCRIPTION OF PROPOSED LEGISLATION:

HB139 would allow reimbursement for meals, lodging and miscellaneous expenses of persons in state service traveling to Japan and Taiwan using rates established by the U.S. Department of State.

ASSUMPTIONS:

- State costs for travel to Japan would increase by about \$27.50 per day using FY88 average U.S. Department of 1. State rates.
- State costs for travel to Taiwan would decrease by about \$79.50 per day using current U.S. Department of 2. State rates.
- 3. The state Department of Commerce projects a slight increase in operating expenses as a result of this bill and the Governor's Office projects a slight decrease.
- There will be no adjustments to budgets during the 1989 Legislative Session as a result of this bill. 4.

ACKLEFORD. BUDGET DIRECTOR DATE OFFICE OF BUDGET AND PROGRAM PLANNING

DATE

T. SIMON. PRIMARY SPONSOR

Fiscal Note for HB139, second reading

1	HOUSE BILL NO. 139
2	INTRODUCED BY SIMON
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING
6	PROVISIONS REGARDING TRAVEL EXPENSES FOR PERSONS IN STATE
7	SERVICE; ALLOWING REINBURSEMENT FOR NEALS7 AND LODGING7AND
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9	TO JAPANANDTAIWAN A FOREIGN COUNTRY; USING RATES
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12	FOR LODGING AT CERTAIN FACILITIES; AMENDING SECTION
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23	business in accordance with the following provisions:
24	(1) For travel within the state of Montana, the
25	following provisions apply:

na Legislative Council

HB 0139/02

(a) The governor shall be authorized actual and
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appointed 3 (b) All other elected state officials, members of boards, commissions, councils, department 4 directors, and all other state employees shall be authorized 5 the actual cost of lodging, not exceeding \$24 per day, and 6 taxes on the allowable cost of lodging, except as provided 7 in subsection (3), plus \$3 for the morning meal, \$3.50 for 8 the midday meal, and \$8 for the evening meal. All claims 9 for lodging expense reimbursement allowed under this section 10 11 must be documented by an appropriate receipt.

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-2-

HB 139

REFERENCE BILL

.HB 139

1 (3) All other elected state officials, appointed 2 members of boards, commissioners, councils, department 3 directors, and all other state employees shall be authorized 4 the actual cost of lodging when traveling in the normal 5 course of their duties to certain designated areas. The 6 department of administration shall designate those areas 7 where the actual cost of lodging shall be reimbursed.

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(b) All claims for meals, 19 AND lodging7---and 20 miscellaneous--expenses reimbursement allowed under this 21 subsection (4) must be documented by an appropriate receipt. 22 (4)(5) When other than commercial, nonreceiptable 23 lodging facilities are utilized by a state employee while 24 conducting official state business in a travel status, the 25 amount of \$7 \$12 will be authorized for lodging expenses for

-3-

each day in which travel involves an overnight stay in lieu 1 of the amount authorized in subsection (1)(b) or (2)(b) 2 above. However, when overnight accommodations are provided 3 at the expense of any government entity, no reimbursement 4 may be claimed for lodging. 5 (5)(6) The actual cost of reasonable transportation 6 expenses and other necessary business expenses incurred by a 7 R state official or employee while in an official travel 9 status shall be subject to reimbursement. (6)(7) The provisions of this section shall not be 10 11 construed as affecting the validity of 5-2-301. 12 department of administration shall (7)(8) The prescribe rules necessary to effectively administer this 13

14 section for state government.

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 16 expensive class service available."

17 <u>NEW SECTION.</u> Section 2. Extension of authority. Any 18 existing authority to make rules on the subject of the 19 provisions of [this act] is extended to the provisions of 20 [this act].

21 <u>NEW SECTION.</u> Section 3. Effective date. [This act] is
 22 effective on passage and approval.

-End-

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HB 139

HB 0139/02