

**Unofficial Draft Copy**

As of: August 29, 2008 (1:36pm)

LCLC02

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act providing for increased reimbursement for lodging and meals for state employees; providing an allowance for legislators while not in session; amending sections 2-18-501, and 5-2-302, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 2-18-501, MCA, is amended to read:

**"2-18-501. Meals, lodging, and transportation of persons in state service.** All elected state officials, appointed members of boards, commissions, or councils, department directors, and all other state employees must be reimbursed for meals and lodging while away from the person's designated headquarters and engaged in official state business in accordance with the following provisions:

(1) Except as provided under subsection (3), for travel within the state of Montana, ~~lodging:~~

(a) Lodging must be authorized at the actual cost of lodging, not exceeding ~~\$35 per day~~ the prescribed maximum federal rate for each day for the location, and taxes on the allowable cost of lodging, except as provided in subsection (3), ~~plus \$5 for the morning meal, \$6 for the midday meal, and \$12 for the~~

~~evening meal.~~ All claims for lodging expense reimbursement allowed under this section must be documented by an appropriate receipt.

(b) Meal reimbursement for each meal may not exceed 72% of the minimum federal rate that is in effect on July 1 at the beginning of each biennium, rounded to the nearest dollar.

(2) Except as provided in subsection (3), for travel outside the state of Montana and within the United States, the following provisions apply:

(a) Lodging must be reimbursed at actual cost, not to exceed the prescribed maximum standard federal rate per each day for the location involved plus taxes on the allowable cost.

(b) Meal reimbursement may not exceed the prescribed maximum standard federal rate per for each meal.

(3) The department shall designate the locations and circumstances under which the governor, other elected state officials, appointed members of boards, commissions, or councils, department directors, and all other state employees may be authorized the actual cost of lodging when the actual cost exceeds the maximum established in subsection (1)(a) or (2)(a).

(4) For travel to a foreign country, the following provisions apply:

(a) All elected state officials, appointed members of boards, commissions, councils, department directors, and all other state employees must be reimbursed for the cost of meals and lodging within the rates established by the department of administration when traveling in the normal course of their

duties to designated areas. The department shall use the United States department of state maximum travel per diem allowances for foreign areas in establishing the rates.

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

(5) When other than commercial, nonreceiptable lodging facilities are used by a state official or employee while conducting official state business in a travel status, ~~the amount of \$12~~ an amount not to exceed 50% of the federal standard rate for each day that is in effect on July 1 at the beginning of each biennium is authorized for lodging expenses for each day in which travel involves an overnight stay in lieu of the amount authorized in subsection (1)(a) or (2)(a). However, when overnight accommodations are provided at the expense of a government entity, reimbursement may not be claimed for lodging.

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

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

(8) The department of administration shall establish policies necessary to effectively administer this section for state government.

(9) All commercial air travel must be by the least expensive class service available."

{Internal References to 2-18-501: (XXXall refs checked)}

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|            |            |              |            |
|------------|------------|--------------|------------|
| 1-12-101   | 2-6-402*   | 2-15-122*    | 2-15-122*  |
| 2-15-124*  | 2-15-124*  | 2-15-1013*   | 2-15-1028* |
| 2-15-1205* | 2-15-1521* | 2-15-1771*   | 2-15-1820* |
| 2-15-1869* | 2-15-1869* | 2-15-2017*   | 2-15-2021* |
| 2-15-2108* | 2-15-2217* | 2-15-3004*   | 2-15-3330* |
| 2-17-803*  | 2-18-502   | 3-1-1004*    | 3-1-1104*  |
| 3-1-1605*  | 3-2-104*   | 3-5-211*     | 3-5-213*   |
| 3-5-215*   | 3-5-602*   | 3-6-203*     | 3-10-203*  |
| 3-10-203*  | 3-10-209*  | 3-10-234*    | 3-11-202*  |
| 3-11-204*  | 3-11-205*  | 3-12-201*    | 5-2-302    |
| 5-5-211*   | 7-5-2146*  | 7-14-1103*   | 7-14-1622* |
| 7-32-2144* | 15-2-102*  | 15-15-101*   | 15-65-101  |
| 15-68-101  | 17-6-610   | 17-7-113*    | 19-20-202* |
| 20-4-132*  | 20-25-212* | 20-31-301*   | 22-1-102*  |
| 22-3-804*  | 23-4-102*  | 27-6-203*    | 27-12-203* |
| 37-1-133*  | 37-43-201* | 37-61-103*   | 39-71-201* |
| 40-5-906*  | 41-5-132*  | 44-1-203*    | 46-30-411* |
| 50-1-211*  | 50-4-810*  | 53-2-304*    | 53-19-304* |
| 67-11-104* | 69-1-111*  | 75-6-212*    | 76-15-313* |
| 76-15-721* | 80-2-202*  | 80-8-108*    | 80-11-203* |
| 80-11-305* | 80-11-404* | 80-11-510*   | 80-11-510* |
| 81-6-312*  | 85-7-1505* | 85-7-1613*   | 87-1-228*  |
| 87-1-403*  | 87-1-503*  | 87-5-505*    | 87-5-604*  |
| 90-1-131*  | 90-1-405*  | 90-3-1005*   | 90-5-202*  |
| 90-7-201*  | 90-9-201*  | 90-15-203* } |            |

**Section 2.** Section 5-2-302, MCA, is amended to read:

**"5-2-302. Compensation and expenses when legislature not in session -- allowance.** (1) When the legislature is not in session, a member of the legislature, while engaged in legislative business with prior authorization of the appropriate funding authority, is entitled to:

- ~~(1)~~(a) a mileage allowance as provided in 2-18-503;
- ~~(2)~~(b) expenses as provided in 2-18-501 and 2-18-502; and
- ~~(3)~~(c) a salary equal to one full day's pay at the rate described in 5-2-301(1) for each 24-hour period of time (from midnight to midnight), or portion of a 24-hour period, spent away from home on authorized legislative business. However, if time spent for business other than authorized legislative business

results in lengthening a legislator's stay away from home into an additional 24-hour period, the legislator may not be compensated for the additional day.

(2) Legislators are entitled to an allowance of \$200 for each month that the legislature is not in session for costs related to serving constituents."

{Internal References to 5-2-302:

|            |           |   |           |    |            |
|------------|-----------|---|-----------|----|------------|
| 2-2-111x   | 2-15-1019 | x | 2-15-1021 | x  | 2-15-1808x |
| 2-15-1820x | 2-17-803  | x | 2-17-1105 | x  | 5-1-104x   |
| 5-2-203 x  | 5-2-203   | x | 5-3-101   | x  | 5-11-305x  |
| 5-11-708 x | 5-12-203  | x | 5-13-203  | x  | 69-1-212x  |
| 75-1-302 x | 75-6-212  | x | 90-1-405  | x} |            |

NEW SECTION. **Section 3.** {standard} **Effective date.** [This act] is effective July 1, 2009.

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