

SENATE BILL NO. 64

INTRODUCED BY P. FLOWERS

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE CALCULATION OF COMPENSATION AND EXPENSES FOR LEGISLATORS WHEN NOT IN SESSION; AMENDING SECTIONS 2-18-502, ~~AND 5-2-302, 5-11-305, AND 5-11-708~~, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 2-18-502, MCA, is amended to read:

**"2-18-502. Computation of meal allowance.** (1) Except as provided in 5-2-302 and subsections (2) and (4) of this section, an employee is eligible for the meal allowance provided in 2-18-501, only if the employee is in a travel status for more than 3 continuous hours during the following hours:

- (a) for the morning meal allowance, between the hours of 12:01 a.m. and 10 a.m.;
- (b) for the midday meal allowance, between the hours of 10:01 a.m. and 3 p.m.; and
- (c) for the evening meal allowance, between the hours of 3:01 p.m. and 12 midnight.

(2) An eligible employee may receive:

(a) only one of the three meal allowances provided, if the travel was performed within the employee's assigned travel shift; or

(b) a maximum of two meal allowances if the travel begins before or was completed after the employee's assigned travel shift and the travel did not exceed 24 hours.

(3) "Travel shift" is that period of time beginning 1 hour before and terminating 1 hour after the employee's normally assigned work shift.

(4) An appointed member of a state board, commission, or council ~~or a member of a legislative subcommittee or select or interim committee~~ is entitled to a midday meal allowance on a day the individual is attending a meeting of the board, commission, or council, ~~or committee~~, regardless of proximity of the meeting place to the individual's residence or headquarters. ~~This subsection does not apply to a member of a legislative~~

committee during a legislative session.

(5) The department of administration shall prescribe policies necessary to effectively administer this section for state government."

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

**"5-2-302. Compensation and expenses when legislature not in session.** When the legislature is not in session, a member of the legislature, while engaged in ~~legislative business~~ authorized interim, interim budget, or administrative committee legislative business or as otherwise provided by law, and with prior authorization of the appropriate funding authority, is entitled to: compensation and expenses as set forth in this section.

(1) A legislator participating remotely is entitled to a salary equal to one full day's pay at the rate described in 5-2-301(1) for each 24-hour period.

(2) A legislator attending a meeting in person is entitled to the following compensation and expenses based on the number of round-trip miles from the legislator's residence to the meeting:

(a) for 100 miles or less:

(i) a salary equal to one full day's pay at the rate described in 5-2-301(1) for each 24-hour period;

(ii) a mileage allowance as provided in 2-18-503; and

(iii) a meal allowance for one midday meal as provided in 2-18-501;

(b) for more than 100 miles and less than 400 miles:

(i) a salary equal to two full days' pay at the rate described in 5-2-301(1);

(ii) a mileage allowance as provided in 2-18-503;

(iii) a meal allowance for two morning meals, two midday meals, and two evening meals as provided in 2-18-501; and

(iv) two nights' lodging reimbursed at the prescribed maximum standard federal rate for each day for the location; or

(c) for 400 miles or more:

(i) a salary equal to three full days' pay at the rate described in 5-2-301(1);

(ii) a mileage allowance as provided in 2-18-503;

(iii) a meal allowance for three morning meals, three midday meals, and three evening meals as provided in 2-18-501; and

(iv) two nights' lodging reimbursed at the prescribed maximum standard federal rate for each day for the location.

~~(2) expenses as provided in 2-18-501 and 2-18-502; and~~

~~(3) 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 on authorized interim, interim budget, or administrative committee legislative business or as otherwise provided by law. However, if~~

(3) For each additional consecutive day of legislative meetings or authorized legislative business, a legislator attending in person is entitled to the following additional compensation and expenses based on the number of round-trip miles from the legislator's residence to the meeting location:

(a) for 100 miles or less:

(i) a salary equal to one full day's pay at the rate described in 5-2-301(1);

(ii) a mileage allowance as provided in 2-18-503; and

(iii) a meal allowance for ~~one morning meal, one midday meal, and one evening meal~~ as provided in 2-18-501; or

(b) for more than 100 miles:

(i) a salary equal to one full day's pay at the rate described in 5-2-301(1);

(ii) a meal allowance for one morning meal, one midday meal, and one evening meal as provided in 2-18-501; and

(iii) an additional night's lodging reimbursed at the prescribed maximum standard federal rate for each day for the location.

(4) If time spent for business other than authorized legislative interim, interim budget, or administrative committee business or business related to 5-11-305 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."

**Section 3.** Section 5-11-305, MCA, is amended to read:

**"5-11-305. Legislative council appointments to interstate, international, and intergovernmental**

**entities.** (1) Unless otherwise provided by law, the legislative council shall appoint legislators to serve as members of appropriate interstate, international, and intergovernmental entities.

(2) The president of the senate, the speaker of the house, the minority leader of the senate, and the minority leader of the house may recommend nominees for the legislative council's consideration in making appointments to interstate, international, and intergovernmental entities.

(3) If the legislative council appoints more than one legislator to participate as a member in an interstate, international, or intergovernmental entity, the number of legislators appointed from the majority party and the minority party must be equal.

(4) If funds are available that the legislative council has the authority to expend, the legislative council, as the appropriate funding authority, may authorize that a legislator appointed as a member to an interstate, international, or intergovernmental entity ~~be compensated,~~ receive a salary as provided in ~~5-2-302 5-2-301(1), for salary~~ and have travel expenses associated with participating in an entity-sponsored activity reimbursed as provided in 2-18-501 through 2-18-503.

(5) If a vacancy occurs in membership to an interstate, international, or intergovernmental entity, appointment to fill the vacancy must be made in the same manner as the original appointment.

(6) The legislative council shall make appointments to any policy committee established by the Pacific Northwest economic region as provided in 5-11-707(2)."

**Section 4.** Section 5-11-708, MCA, is amended to read:

**"5-11-708. Compensation of certain appointees to Pacific Northwest economic region.**

Legislative members appointed to the Pacific Northwest economic region under 5-11-707 are entitled to

~~compensation~~ receive a salary as provided in ~~5-2-302 5-2-301(1) and to have travel expenses reimbursed as~~ provided in 2-18-501 through 2-18-503."

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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