



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill #	HB0317	Title:	Generally revise state employee laws related to travel expenses
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Primary Sponsor:	Marshall, Ron	Status:	As Introduced
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- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: Any attendance at a convention, meeting, or other gathering of state officers or employees that occurs during a fiscal year is assumed to be "official state business" as referred to in 2-15-501, MCA. Therefore, there is no fiscal impact to the state.

FISCAL ANALYSIS

Assumptions:

- HB 317 eliminates the following language from 2-18-512, MCA, allowing a state officer or employee to receive payment from public funds for "...attendance at a convention, meeting, or other gathering that the officer or employee may by virtue of the office or employment find it necessary to attend."
- A "state employee" generally means any temporary, seasonal, or permanent employee of the state.
- A "state officer" means "...all elected officers and directors of the executive branch of state government as defined in 2-15-102, MCA." 2-2-102(12), MCA.
- "Executive branch" referred to in 2-15-102, MCA, and in assumption #3 "means the executive branch of state government referred to in Article III, section 1 and Article VI of the Montana constitution."
- A "public officer" means "...any state officer and any elected officer of a local government." 2-2-102(9)(a), MCA.
- Section 2-18-501, MCA, states that "All elected state officials, appointed members of boards, commissions, and 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." (emphasis added)

7. The Montana Operations Manual travel policy provides requirements for how agencies should conduct travel for “official state business.”
8. Since state agencies are required to follow the state travel policy, it is assumed that all state employee and state officer travel is “official state business.”
9. Further, much of state employee and state official travel is purchased by using the state procurement card (pro-card). Since these expenses are not a payment to an employee or officer, it is assumed that these purchases are unaffected by HB 317.
10. Since travel reimbursements are required for state officers and state employees in other sections of Montana Code Annotated, there is no fiscal impact due to this legislation.

Technical Concerns:

1. The amendment to 2-18-512, MCA, appears to conflict with requirements in 2-15-501, MCA, and potentially other statutes regarding travel reimbursement, particularly those related to boards and commissions of the state.
2. It is assumed the statutory change does not affect travel reimbursement for legislators while attending the legislative session as legislators are not included in the definition of “state officer” and that reimbursement is required under 5-2-301, MCA. It is also assumed that the travel reimbursement for legislators attending legislative interim committees is not affected by HB 317 as legislators are not included in the definition of “state officer” and that reimbursement is required in accordance with 5-2-302, MCA. However, unelected employees of the Legislative Branch appear to be included in the definition of “state employee.”
3. It is assumed that the elected officials in the Judicial Branch would not be affected by HB 317 as they are not included in the definition of “state officer. However, unelected employees of the Judicial Branch appear to be included in the definition of “state employee.”



Sponsor's Initials

2-9-21

Date

KA

Budget Director's Initials

2/8/21

Date