

SENATE BILL 241

Introduced by Blaylock

1/31	Introduced
2/01	Referred to State Administration
2/01	First Reading
2/08	Hearing
2/11	Committee Report--Bill Passed as Amended
2/13	2nd Reading Passed as Amended
2/14	3rd Reading Passed
	Transmitted to House
2/15	First Reading
2/15	Referred to State Administration
3/08	Hearing
3/12	Tabled in Committee

1 *Senate* BILL NO. *241*  
 2 INTRODUCED BY *Stacy/ed*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW  
 5 RELATING TO ELECTED STATE OFFICIALS; PROHIBITING DUAL  
 6 COMPENSATION OF ELECTED STATE OFFICIALS IN CERTAIN  
 7 CIRCUMSTANCES; CLARIFYING THAT MEMBERS OF THE PUBLIC SERVICE  
 8 COMMISSION ARE SUBJECT TO THE LAWS RELATING TO ABSENCES FROM  
 9 THE STATE AND APPOINTMENT OF ACTING OFFICERS; AND AMENDING  
 10 SECTIONS 2-16-112, 2-16-405, AND 10-2-227, MCA."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 2-16-405, MCA, is amended to read:  
 14 "2-16-405. Salaries of certain elected state officials  
 15 -- reporting of other compensation -- reduction of salary.

16 (1) The salaries paid to certain elected officials of the  
 17 state of Montana for fiscal year 1990 and following years  
 18 are:

	Fiscal Year	Following
	1990	June 30, 1990
21 Governor	\$51,713	\$53,006
22 Lieutenant governor	\$37,044	\$37,970
23 Attorney general	\$47,166	\$48,345
24 State auditor	\$34,176	\$35,030

1 Superintendent of public		
2 instruction	\$40,664	\$41,681
3 Public service commission		
4 chairman	\$38,297	\$39,254
5 Public service		
6 commissioners, other		
7 than chairman	\$37,044	\$37,970
8 Secretary of state	\$34,176	\$35,030
9 Clerk of the supreme court	\$33,211	\$34,041

10 (2) The salary of an elected state official who  
 11 performs duties not related to the office to which he was  
 12 elected and for which he receives compensation from any  
 13 other governmental entity must be reduced by the amount of  
 14 compensation so received.

15 (3) An elected state official whose salary is subject  
 16 to reduction under subsection (2) shall report the amount of  
 17 compensation received, within 30 days of its receipt, to the  
 18 state auditor who shall reduce the compensation of the  
 19 official by the amount reported."

20 **Section 2.** Section 2-16-112, MCA, is amended to read:

21 "2-16-112. Absence from the state. ~~No~~ An officer  
 22 mentioned in 2-16-111(1) ~~and no,~~ a member of the public  
 23 service commission, or an officer appointed by the governor  
 24 and confirmed by the senate must ~~may not~~ absent himself from  
 25 the state for more than 60 consecutive days unless upon

1 business of the state or with the consent of the  
2 legislature."

3 **Section 3.** Section 10-2-227, MCA, is amended to read:

4 "10-2-227. Acting officer -- how appointed. The  
5 governor, in the case of district judges and officers  
6 elected from officers of the state ~~at-large~~, and the board  
7 of county commissioners, in the case of members of either  
8 house of the legislature and county, township, or district  
9 officers elected from such county, shall appoint an "acting"  
10 officer to temporarily replace any elected officer,  
11 designated in 10-2-221(2), who enters military service in  
12 the manner set forth in 10-2-221. "Acting" officers so  
13 appointed shall be appointed for a period not to exceed the  
14 unexpired term of the officer whose duties he assumes, and  
15 such appointment shall be subject to the right of the  
16 elected officer to the restoration of his position."

-End-

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

SENATE BILL NO. 241  
INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO ELECTED STATE OFFICIALS; PROHIBITING DUAL COMPENSATION OF CERTAIN ELECTED STATE OFFICIALS IN CERTAIN CIRCUMSTANCES; CLARIFYING THAT MEMBERS OF THE PUBLIC SERVICE COMMISSION ARE SUBJECT TO THE LAWS RELATING TO ABSENCES FROM THE STATE AND APPOINTMENT OF ACTING OFFICERS; AND AMENDING SECTIONS 2-16-112, 2-16-405, AND 10-2-227, MCA."

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

Section 1. Section 2-16-405, MCA, is amended to read:

"2-16-405. Salaries of certain elected state officials -- reporting of other compensation -- reduction of salary.

(1) The salaries paid to certain elected officials of the state of Montana for fiscal year 1990 and following years are:

	Fiscal Year	Following
	1990	June 30, 1990
Governor	\$51,713	\$53,006
Lieutenant governor	\$37,044	\$37,970
Attorney general	\$47,166	\$48,345
State auditor	\$34,176	\$35,030

Superintendent of public instruction	\$40,664	\$41,681
Public service commission chairman	\$38,297	\$39,254
Public service commissioners, other than chairman	\$37,044	\$37,970
Secretary of state	\$34,176	\$35,030
Clerk of the supreme court	\$33,211	\$34,041

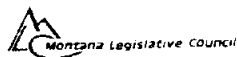
(2) The salary of an elected state official DESCRIBED IN SUBSECTION (1) who performs duties not related to the office to which he was elected and for which he receives compensation from any other governmental entity, INCLUDING A FEDERAL ENTITY, must be reduced by the amount of compensation so received.

(3) An elected state official whose salary is subject to reduction under subsection (2) shall report the amount of compensation received, within 30 days of its receipt, to the state auditor who shall reduce the compensation of the official by the amount reported."

Section 2. Section 2-16-112, MCA, is amended to read:

"2-16-112. Absence from the state. No An officer mentioned in 2-16-111(1) and no, a member of the public service commission, or an officer appointed by the governor and confirmed by the senate must may not absent himself from

SECOND READING



1 the state for more than 60 consecutive days unless upon  
2 business of the state or with the consent of the  
3 legislature."

4 **Section 3.** Section 10-2-227, MCA, is amended to read:

5 "10-2-227. Acting officer -- how appointed. The  
6 governor, in the case of district judges and ~~officers~~  
7 elected from officers of the state ~~at-large~~, and the board  
8 of county commissioners, in the case of members of either  
9 house of the legislature and county, township, or district  
10 officers elected from such county, shall appoint an "acting"  
11 officer to temporarily replace any elected officer,  
12 designated in 10-2-221(2), who enters military service in  
13 the manner set forth in 10-2-221. "Acting" officers so  
14 appointed shall be appointed for a period not to exceed the  
15 unexpired term of the officer whose duties he assumes, and  
16 such appointment shall be subject to the right of the  
17 elected officer to the restoration of his position."

-End-

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10 (2) The salary of an elected state official DESCRIBED  
 11 IN SUBSECTION (1) who performs duties not related to the  
 12 office to which he was elected and for which he receives  
 13 compensation from any other governmental entity, INCLUDING A  
 14 FEDERAL ENTITY, must be reduced by the amount of  
 15 compensation so received. THIS SUBSECTION DOES NOT APPLY TO  
 16 COMPENSATION RECEIVED PURSUANT TO 10-1-604 OR TO  
 17 COMPENSATION RECEIVED OUTSIDE OF THE OFFICIAL'S STATE  
 18 WORKING HOURS.

19 (3) An elected state official whose salary is subject  
 20 to reduction under subsection (2) shall report the amount of  
 21 compensation received, within 30 days of its receipt, to the  
 22 state auditor who shall reduce the compensation of the  
 23 official by the amount reported."

24 Section 2. Section 2-16-112, MCA, is amended to read:

25 "2-16-112. Absence from the state. No An officer

THIRD READING  
 AS AMENDED SB 241

1 mentioned in 2-16-111(1) ~~and no~~, a member of the public  
2 service commission, or an officer appointed by the governor  
3 and confirmed by the senate must may not absent himself from  
4 the state for more than 60 consecutive days unless upon  
5 business of the state or with the consent of the  
6 legislature."

7 **Section 3.** Section 10-2-227, MCA, is amended to read:

8 "10-2-227. Acting officer -- how appointed. The  
9 governor, in the case of district judges and officers  
10 elected from officers of the state at-large, and the board  
11 of county commissioners, in the case of members of either  
12 house of the legislature and county, township, or district  
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18 unexpired term of the officer whose duties he assumes, and  
19 such appointment shall be subject to the right of the  
20 elected officer to the restoration of his position."

-End-