

MINUTES OF THE MEETING
SENATE STATE ADMINISTRATION COMMITTEE
MARCH 4, 1977

The meeting was called to order by Senator Towe, Chairman, at 11:10 a.m. in Room 410 of the Capitol Building. Committee members present were Senators Towe, Story, Brown, Rasmussen, Roskie, Jergeson, Blaylock, and Devine.

The following bills were discussed: HB 57
HB 34
HB 62
HB 54

HOUSE BILL 57

Dick Hargersheimer, Legislative Council, presented the bill for it's sponsor, Representative Marks, District 80. See attachment #1 for the explanation of the bill.

There were no proponents or opponents to the bill.

Senator Blaylock moved HB 57 Be Concurred In. THE MOTION CARRIED UNANIMOUSLY.

HOUSE BILL 34

Joan Mayer, Legislative Council, carried the bill for the sponsor, Representative Bardanouve as it is a recodification bill (see attached #2).

There were no proponents or opponents to the bill.

Senator Blaylock moved HB 34 Be Concurred In. THE MOTION CARRIED UNANIMOUSLY.

HOUSE BILL 62

Joan Mayer, Legislative Council, presented the bill to the committee for the sponsor, Representative Bardanouve as it is a recodification bill. (see attached #1)

PROPONENTS

Art Korn, Secretary-Treasurer of the Montana Firemen's Association, spoke in favor of the bill.

Al Sampson, Montana State Firemen's Association, supported the bill.

Dave Fisher, Montana State Firechief's Association, supported the bill.

There were no further proponents or opponents to the bill.

Senator Story moved to amend page 34, line 22 (see attached committee report); page 35, lines 23 through 25 (see attached committee report);

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and page 36, line 4 (see attached committee report), THE MOTION CARRIED UNANIMOUSLY.

Senator Blaylock moved House Bill 62 Be Concurred In As Amended. THE MOTION CARRIED UNANIMOUSLY.

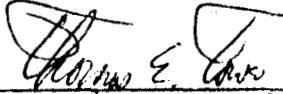
HOUSE BILL 54

John Hollow, Legislative Council, presented the bill to the committee for the sponsor, Representative Marks, District 80, as it is a recodification bill (see attached #1).

There were no proponents or opponents to the bill.

Senator Jergeson moved House Bill 54 Be Not Concurred In. THE MOTION CARRIED WITH SENATORS RASMUSSEN AND STORY VOTING NO.

There being no further business, the meeting adjourned to reconvene March 4 on adjournment of the Senate.



Thomas E. Towe, Chairman

ROLL CALL

State Administration COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3/4/77

BILL

HB 34
34
57
62SENATE, late Administration COMMITTEE

VISITORS' REGISTER

DATE 3/11/11

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOS
R. J. Ellis	Mont. Vol. Firemen's Assoc. ^{HB 34}	HB 62	✓	
Tom Pash	Montana Fire Chiefs Ass.	HB 62	✓	
Ray Stelm	Mont. State Firemen's Assoc. HB 62	HB 62	✓	
Al Sampson	" " " " " HD 62		—	
Tom Korn	Mont. St Vol. Firemen's Assoc.	HB 62	✓	
Henry E. Lohri	Mont. State Vol. Firemen's Assoc.	HB 62	✓	
John Crowley	Clinton Circle Scout			
Visitors Crowley	Visitor Custer High School			
Tom Crowley	Visitor Chinnock High School			
Will Rydell	Visitor Chinnock High School			
Tom Keesh	Visitor Chinnock High			
Tom Koenig	Visitor Chinnock High School			
John Hall	Visitor Chinnock High School			
Christopher Bonner	innocent bystander	HB 62	✓	
Al Johnson	Montana State Firemen	HB 62	✓	
Carl Sengard	Retired Fire Fighting Ass.	HB 62	✓	
Tom Denney	Butte Fire Dept	HB 62	—	
Carrie Jones	Lin. Enterprise			



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DIANA DOWLING
DIRECTOR, LEGAL SERVICES,
CODE COMMISSIONER

ROBERT PERSON
DIRECTOR, RESEARCH

Montana Legislative Council

State Capitol

Helena, 59601

10 January 1977

TO: Representative Joe Brand, Chairman, House State
Administration

From: Dick Hargesheimer, Researcher *OK*

RE: Bill Summaries, HB's 38, 54, 57, 62, 67, 68

HB 38 Game Wardens' Retirement System. This is a re-codification bill; there are no changes of substance.

HB 54 Ballot Issues and Legislative Council. This brief bill requires that the Secretary of State forward to the Legislative Council any ballot issues approved by the voters of the state and so proclaimed by the governor.

HB 57 Expenses and Compensation for Legislators. This bill generally clarifies the laws regulating the pay of legislators during: (1) pre-session caucuses; (2) legislative sessions; (3) the interim. In addition, this bill sets the expenses and salaries of legislators who serve on the Legislative Council, the Legislative Finance Committee, the Environmental Quality Council, the Legislative Audit Committee, and the Consumer Council at the same rate -- namely, the rates set in 43-310.1 (Section 4, page 5, lines 7-24 of HB 57).

During the 1975 legislative session, several bills were introduced regarding the pay and expenses of legislators. Three or four of these bills were rather extensively amended during the session and subsequently enacted: the result was inconsistency and confusion in the law books as to exactly what salary and expenses legislators were entitled to. For example, Chapter 392, Laws of 1975, set a legislator's salary at grade 8, step 1 of a classified state employee -- the bill placed legislators in the state pay plan. But it was not clear whether this meant that legislators would receive the annual salary of a grade 8, step 1 employee or a daily equivalent of that salary only while the legislature was in session. It

Representative Joe Brand
10 January 1977

seemed, however, that the intent was to provide a salary equivalent to the daily rate of a grade 8, step 1 classified employee for each day that the legislature was in session.

HB 57 (Section 3, p. 2, line 25, p. 3, lines 1-25, p. 4, lines 1-25, and p. 5, lines 1-6) sets the salary of a legislator while in session at a rate equivalent to the daily pay of a step 1, grade 8 classified state employee (\$31.62); sets the expenses at \$40.00 per day; and sets a mileage rate at the same rate provided for all other state officers and employees as provided in 59-801 (3¢ less than the mileage rate allowed by the IRS). In this regard, see Attachments A,B,C, and D, to this memorandum).

HB 57 also makes consistent the expenses and salaries of legislators while not in session -- in HB 57 the salary and expenses of legislators who serve on interim committees, select committees, etc. while not in session are tied to section 43-310.1 (Section 4, p. 5, lines 7-24 of HB 57). Section 43-310.1 provides for a mileage allowance as provided in 59-801, expenses as provided in 59-538 and 59-539, and a salary equal to 1/4 the daily rate of a grade 8, step 1 classified employee for every 6 hours (or 1/4 of a 24 hour period) away from home engaged in committee business. Sections 59-801, 59-538, and 59-539 apply to all other state officers and employees (see Attachment E to this memorandum).

The current law regarding the pay and expenses of legislators while not in session is confusing and varies from one committee to another; moreover the present law actually provides two different methods and amounts for pay and expenses. HB 57 is an attempt to rectify this inconsistency and confusion.

In short, HB 57 provides for one standard for salaries and expenses while the legislature is in session and one standard while the legislature is not in session.

HB 57 also repeals sections 43-311 and 43-714 (see Attachment F). Section 43-311, enacted in 1955, provides that the President of the Senate and the Speaker of the House will receive \$25.00 per day in expenses while the legislature is in session -- this is actually \$15.00 less than the expenses received by other members. It appears that the intent of 43-311 was to provide \$5.00 a day extra to the President and Speaker; thus, 43-311 is repealed and \$5.00 extra per day is provided the President and

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Representative Joe Brand
10 January 1977

Speaker in section 43-310 (p. 4, lines 13-15, HB 57).

Section 43-714 is repealed because the same information in it is also now in 43-310.1.

HB 62 Firemens' Retirement System. This is another recodification bill. There are no changes of substance in the bill.

HB 67 Creates Fire Marshall Advisory Council, Raises Tax on Fire Insurance Premiums For Use By Fire Marshall Bureau.

HB 68 Fire Protection of Forests and Agricultural lands.

HB 67 and 68 are the result of a 1975-1977 interim committee study by the Subcommittee on Fire Laws. Bob Person, director of the research division of the Legislative Council, staffed this interim committee. He is preparing a summary of these bills for your perusal.

ATTACHMENT A
The Big Sky Country

RECEIVED

MONTANA STATE SENATE

OFFICE OF THE PRESIDENT

W. GORDON MCOMBER, PRESIDENT
DISTRICT NO. 6
TETON, PONDERA & TOOLY

MONTANA LEGISLATIVE
COUNCIL

RECEIVED JUL 8 1976

July 7, 1976

Mrs. Rose Weber
Executive Secretary
Legislative Council
State Capitol Building
Helena, MT

Dear Mrs. Weber:

This is in answer to your question concerning Legislative intent on wage adjustment for legislators passed by the 1975 session.

Reference made to the state pay plan was for the purpose of arriving at a daily rate of pay to replace the \$20 per day previously paid. There was no intent to place the legislature on a annual salary or to pay the legislature overtime.

I have discussed this with Senator Lynch who made the amendment and with Senators Fasbender and Hazelbaker. They agree that the forgoing statement was the intent of the legislature.

Sincerely,

W. Gordon McComber

Senator Gordon McComber
President of the Senate

cc: Senator Lynch
Senator Fasbender
Senator Hazelbaker

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DIANA DOWDING
DIRECTOR, LEGAL SERVICES
CODE COMMISSIONER
ROBERT PERSON
DIRECTOR, RESEARCH

ATTACHMENT B



Montana Legislative Council
State Capitol
Helena, 59601

July 6, 1976

TO: Montana Salary Commission
 FROM: Dick Hargesheimer, Council Researcher *(MH)*
 RE: Salaries and Compensation of Montana Legislators

The salary and compensation of a Montana legislator is provided for in section 43-310, R.C.M. 1947.

The 1975 Montana Legislature amended section 43-310 to provide that a legislator receive \$40 per day in expenses and a salary equivalent to grade 8, step 1 of a classified state employee. *This change in 43-310 is effective on January 3, 1977.*

There is some question about what the change in 43-310 means in terms of a legislator's total compensation. (A copy of 43-310 is enclosed.) Grade 8, step 1, on the 1976-1977 salary matrix (State Wage and Classification Plan) provides for a salary of \$8,222. How, for instance, is this salary to be computed for a legislator -- hourly, weekly, annually, biennially?

For the purposes of computing a legislator's total compensation, I make the following assumptions. (1) A legislator receives a salary for those days during which the legislature is in session. The salary is based upon the hourly rate of a grade 8, step 1, classified employee, which is \$3.953. The daily salary is \$31.624. The weekly rate (at six days per week) is \$189.744. Assuming 90 legislative working days, a legislator's salary would be \$2,846.16 for the biennium. (2) A legislator receives \$40 per day in expenses for *every* day of a session, including Sundays. Assuming 90 legislative working days and 13 Sundays, a legislator's total expenses paid would be \$4,120 for the biennium. The total compensation then would be \$6,966.16 for the biennium, or \$3,483.08 on an annual basis. This figure assumes a 90-day session every two years.

A comparison of a legislator's compensation before and after January 3, 1977, is outlined below:

	<u>Before</u>	<u>After</u>
Annual	\$3,510	\$3,483.08
Biennial	\$7,020	\$6,966.16

The difference in compensation is accounted for by the fact that the legislature now meets 90 days every two years instead of 60 days every year.

Finally, by placing themselves in the state pay plan (grade 8, step 1), the legislature insured a cost-of-living increase for successive legislators without necessitating further amendments to section 43-310. The matrix on the pay plan provides for cost-of-living adjustments.

RH:ee

Enc.

cc: Rose Weber

ATTACHMENT C

18 Great Falls Tribune Wednesday, March 26, 1975

LEGISLATORS TIED TO STATE PAY PLAN

By Steve Graham

Associated Press Writer

HELENA (P) - Under a proposal offered to the Montana Senate on Tuesday by Senate Majority Leader Neil J. Lynch, state legislators would get the same monthly pay as highway weigh-station operators, draftsmen and prison guards.

Lynch's plan was adopted by the Senate as an amendment to a bill that would increase the salary of state legislators beginning with the 1977 legislature.

Lynch's amendment would tie the salary of legislators to Step One of Grade Eight in the uniform pay plan under consideration for nearly all employes of the state.

Lynch, a Butte Democrat, said that tying legislative pay to the state pay plan would eliminate agonizing over lawmakers' salaries during every session of the legislature. He said use of the state pay plan to determine legislative salaries also would have the advantage of raising the pay of lawmakers automatically in line with inflation.

On Monday, the Senate debated and gave tentative approval to a House-passed bill that would raise to \$25 from \$20 the daily salary of lawmakers during legislative sessions. Also approved was an increase to \$40 from \$36 in the daily expense money allowed legislators while in session.

However, the bill was brought back for further Senate debate Tuesday after Lynch said he wanted to offer amendments to the proposal.