

MINUTES OF THE MEETING
SENATE STATE ADMINISTRATION COMMITTEE
MARCH 12, 1977

The meeting was called to order by Senator Towe, Chairman, at 8:00 a.m. in Room 410 of the Capitol Building. Committee members present were Senators Towe, Rasmussen, Roskie, Story, Jergeson, and Devine. Senators Brown and Blaylock were absent.

The following bills were discussed: HB 436
 HB 566
 HJR 29
 HB 508
 HB 514
 HB 436
 HJR 27

HOUSE BILL 436

Representative Courtney, District 86, sponsor of the bill, stated the bill provides for placement of all party offices in a group on the voting machine ballots only and all non-partisan offices in a group on the voting machine ballots only in a primary election.

PROPONENTS

Jo Ann Woodgerd, Secretary of State's Office, stated her support of the bill.

There being no further proponents and no opponents, the hearing was closed.

HOUSE BILL 566

Representative Vincent, District 78, sponsor of the bill, stated the bill is a Code of Fair Campaign Practices and is a voluntary bill. He reviewed the bill with the committee and stated it had been adopted in 23 states to date.

There were no proponents and no opponents to the bill, and the hearing was closed.

HOUSE JOINT RESOLUTION 29

Representative Harper, District 30, sponsor of the bill, stated the bill asks the Congress and the Secretary of Defense to provide for the conduct of political campaigns on the grounds of Malmstrom Air Force Base.

PROPONENTS

Senators Roskie and Devine wished to be recorded as proponents of the bill.

There being no further proponents and no opponents, the hearing was closed.

HOUSE BILL 508

Representative Kvaalen, District 53, sponsor of the bill, stated the bill abolishes the minimum number of bids required for state construction projects and clarifies the laws related to bid security. He stated in some areas of the state where there is one qualified contractor, phony bids must be submitted to conform to the law.

PROPOSERS

Sonny Hanson stated his support of the bill.

Jack Crosser, Director of the Department of Administration, stated his support of the bill.

There being no further proposers and no opponents to the bill, the hearing was closed.

HOUSE BILL 514

Representative Menahan, District 90, sponsor of the bill, asked Mr. Nachtsheim to present the bill to the committee.

Larry Nachtsheim, PERS, stated the bill allows retired members of a group insurance plan to have their policy premiums deducted from their retirement pay. He stated at present it takes up to three days to process as they are not assigned anywhere. This would assign them for the purposes of simplification of processing.

There were no proposers or opponents to the bill and the hearing was closed.

HOUSE BILL 514

Senator Devine moved House Bill 514 Be Concurred In. THE MOTION CARRIED UNANIMOUSLY.

HOUSE JOINT RESOLUTION 29

Senator Roskie moved House Joint Resolution 29 Be Concurred In. THE MOTION CARRIED UNANIMOUSLY.

HOUSE BILL 566

Senator Jergeson moved House Bill 566 Be Concurred In. THE MOTION FAILED WITH SENATORS DEVINE, ROSKIE, RASMUSSEN, STORY AND BROWN VOTING NO AND SENATORS JERGESTON, TOWE, AND BLAYLOCK VOTING YES.

HOUSE BILL 436

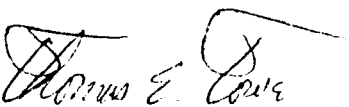
Senator Rasmussen moved House Bill 436 Be Concurred In. THE MOTION CARRIED UNANIMOUSLY.

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March 12, 1977

HOUSE JOINT RESOLUTION 27

Senator Roskie moved House Joint Resolution Be Concurred In. THE MOTION
CARRIED WITH SENATOR BLAYLOCK VOTING NO.

There being no further business, the meeting adjourned to reconvene
March 14.



Thomas E. Towe, Chairman

436
514

SENATE THE ADMINISTRATION COMMITTEE

BILL 436

VISITORS' REGISTER

DATE 3/12/11

NAME

REPRESENTING

BILL #

(check one)
SUPPORT ☐ OPPOSE ☐

Tom Conaway

Dist 86 Butte

436

☒

Jack Crossen

DEPT. OF ADMINISTRATION

508

☒

Gerene Hester

" " "

508

☒

Larry MacLester

PERS

514

☒

Bill Hargan

MONT. TECHNICAL COUNCIL

508

☒

Scott Woodford

Legislative

436

☒

STATE ADMINISTRATION COMMITTEE

Date 3/4/1

[illegible]

STANDING COMMITTEE REPORT

March 12

1977

MR. President

We, your committee on **State Administration**

having had under consideration **House**

Bill No. **514**

Respectfully report as follows: That **House**

Bill No. **514,**

~~DO PASS~~ BE CONCURRED IN

STANDING COMMITTEE REPORT

March 12

MR. President

We, your committee on State Administration

having had under consideration House Joint Resolution 29 Bill No. 29

Respectfully report as follows: That House Joint Resolution Bill No. 29

~~BE PASSED~~ BE CONCURRED IN

STANDING COMMITTEE REPORT

March 12

77

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 436

Respectfully report as follows: That House Bill No. 436

~~DO PASS~~ BE CONCURRED IN

STANDING COMMITTEE REPORT

March 12

1977

MR. President

We, your committee on State Administration

having had under consideration House Joint Resolution Bill No. 27

Respectfully report as follows: That House Joint Resolution Bill No. 27

~~DO NOT~~ BE CONCURRED IN

LEAGUE OF WOMEN VOTERS OF MONTANA

1100 AVENUE B, N.W., GREAT FALLS, MONTANA 59404

HB 217 Interim Legislative Committee - Budget Amendments

The League of Women Voters speaks in opposition to HB 217. We support a legislative system representative of all citizens, and this bill conflicts with that concept.

A decision made by the Montana Supreme Court affirmed that a legislative committee should not have the power that belongs to the entire legislative body. The committee could make a decision in direct opposition to what the Legislature as a whole would decide, or a decision which goes against the opinion of the majority of our citizens. This is not in the best interest of the people of Montana, and, in our opinion, not true representation.

We followed the Finance Committee and the Administrative Code Committee during the interim. We believe the creation of these committees was a step in the right direction. They were not only able to "watchdog", but were able to make the Legislature's views known. We realize the Legislature's concern that it is their responsibility to make sure the Executive Branch moves in the right direction during the interim, especially if we remain in biennial sessions. However, it did seem to us that there was a good working relationship between the oversight committees and the Executive Branch, and we cannot foresee any reasons for that to change. And, when you are again in session, you do have the option of doing away with situations occurring during the interim which you object to - therefore, we urge you to oppose HB 217, and not allow it to go on the ballot.

MONTANA STATE HOUSE OF REPRESENTATIVES

REP. JOSEPH W. BRAND
DISTRICT NO. 28
800 MONTANA AVE.
DEER LODGE, MONTANA 59722
PHONE. 846-1186

SPEAKER PRO TEM

COMMITTEES:
AGRICULTURE, LIVESTOCK AND IRRIGATION
LABOR AND EMPLOYMENT RELATIONS
RULES
STATE ADMINISTRATION, CHAIRMAN

March 9, 1977

TO: Senator Thomas Towe, Chairman
Senate State Administration and Members of the Committee

FROM: Representative Joe Brand

RE: Effect of Proposed Amendments to HB 117

Mr. Chairman and members of the Committee.

Before you is House Bill 117 of which I am the chief sponsor. House Bill 117 is an act to submit to the voters of Montana a constitutional amendment to permit the legislature to create a legislative interim policy committee to control the exercise of quasi-judicial powers by the executive branch.

I'd like to submit some amendments to HB 117 for your consideration. The effect of my proposed amendments is to allow the legislature to establish by joint resolution more than one interim legislative committee to control the exercise of quasi-judicial powers by the executive branch. I believe that their amendments make HB 117 a much stronger and much better bill.

As originally written, HB 117 provides for the creation of only one interim legislative policy committee. My amendments would extend to many more legislators the opportunity to participate on interim committees that oversee the exercise of quasi-judicial powers by the executive branch. My amendments would allow the legislature to draw upon the expertise of all legislators in creating interim committees for the purpose stated in HB 117.

I'd appreciate your favorable consideration of HB 117 and my proposed amendments to it.

Thank you.

26/

June 10, 1964

AMENDMENT TO HOUSE BILL 117

Amend page 2, section 4, lines 14 & 15.

Following: "title"

Strike: ", sections 1, 2, and 3 of this act."

March 9, 1977

PROPOSED AMENDMENTS TO HOUSE BILL NO. 117 FOR CONSIDERATION BY
SENATE STATE ADMINISTRATION AS FOLLOWS:

1. Amend title, page 1, line 7.
Following: "OF"
Strike: "A"
2. Amend title, page 1, line 7.
Following: "INTERIM"
Strike: "POLICY COMMITTEE"
Insert: "COMMITTEES"
3. Amend page 1, section 1, line 17.
Strike: "an"
4. Amend page 1, section 1, line 17.
Following: "legislative"
Strike: "policy committee"
Insert: "committees"
5. Amend page 1, section 1, line 18.
Following: "to"
Strike: "this committee"
Insert: "such committees"
6. Amend page 2, section 4, line 16.
Following: "creation of"
Strike: "an"
7. Amend page 2, section 4, line 16.
Following: "interim"
Strike: "committee"
Insert: "committees"
8. Amend page 2, section 4, line 21.
Following: "creation of"
Strike: "an"
9. Amend page 2, section 4, line 21.
Following: "interim"
Strike: "committee"
Insert: "committees"

HB BILL NO. 117
 INTRODUCED BY Brandt, Monahan, Sully, Kraden
Legis.

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V OF THE MONTANA CONSTITUTION TO ADD A SECTION AUTHORIZING THE CREATION OF ~~LEGISLATIVE INTERIM~~ COMMITTEES ~~LEGISLATIVE INTERIM~~ COMMITTEES CONTROL THE EXERCISE OF QUASI-LEGISLATIVE POWERS BY THE EXECUTIVE BRANCH OF STATE GOVERNMENT WHEN THE LEGISLATURE IS NOT IN SESSION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. There is a new subsection (5) in section 10 of Article V of the Montana constitution that reads as follows:

(5) The legislature may by joint resolution establish ~~interim legislative policy~~ COMMITTEES composed of members from each house and may delegate to ~~such committees~~ such COMMITTEES for the period between regular sessions of the legislature the authority to approve or disapprove:

- (a) the promulgation or amendment of rules by the executive branch of state government or any agency thereof;
- (b) the acceptance and appropriation of moneys to
- (c) the creation of any corporation or
- (d) the creation of any agency including without limitation

THIRD READING

grants from an agency of the federal government;
 (c) the transfer of appropriated moneys from one purpose to another;
 (d) any combination of the foregoing powers or such additional legislative powers as may be delegated to the committee by law.

Section 2. Subsection (5) of section 10 of Article V of the Montana constitution is renumbered (5).

Section 3. Effective date. If approved by the electors, this amendment is effective January 1, 1979.

Section 4. Submission to electors. This amendment shall be submitted to the electors of the state of Montana at the general election to be held November 7, 1978, by printing on the ballot the full title, sections 1, 2, 3 and 4 of this act, and the following:

☐ FOR the creation of ~~an interim committee~~ COMMITTEES of legislators to control the exercise of quasi-legislative powers by the executive branch of state government when the legislature is not in session.

☐ AGAINST the creation of ~~an interim committee~~ COMMITTEES of legislators to control the exercise of quasi-legislative powers by the executive branch of state government when the legislature is not in session.

LEAGUE OF WOMEN VOTERS OF MONTANA

1100 AVENUE B, N.W., GREAT FALLS, MONTANA 59404

HB 117 Legislative Interim Policy Committee 1977

The League of Women Voters of Montana speaks in opposition to HB 117. We support a legislative system representative of all citizens, and this bill conflicts with that concept.

A decision made by the Supreme Court affirmed that a legislative committee should not be delegated the power to control the quasi-legislative powers of the Executive branch during the interim. That power belongs to the entire legislative body. The committee could make a decision in direct opposition to what the legislature as a whole would decide, or a decision which goes against the opinion of the majority of our citizens. This is not in the best interest of the people of Montana, and, in our opinion, not true representation. With single member districts, only a handful of citizens would be represented by the members of the committee - a committee with the tools available to control much of the fate of the state during the interim. Also, we are concerned about the effect this would have on the separation of powers, a much needed part in the running of government.

During the past interim, the League closely followed the Administrative Code Committee and the Finance Committee - the creation of these committees was a step in the right direction. I followed the Code Committee, so I can speak more knowledgably about them. They were not only able to act as a "watchdog" in the rule-making area, with the avenues available to them to keep the agencies aware of what the Legislature expected, but they were able to see problems with the rule-making process, and draft legislation they thought could better the process - however the entire legislature still has the final say, and this is the way it should be.

We realize the Legislature is concerned about keeping the Executive Branch moving in the right direction if we must remain in a biennial session, however, there have been several pieces of legislation introduced this session, plus the oversight committees which would help in giving the Legislature the strength necessary to guide the Executive Branch during the interim.

Therefore, we urge you not to pass HB 117.

Section 43-310

SALARY AND EXPENSES OF A MONTANA LEGISLATOR

43-310. (74) Per diem, mileage and expenses of members. (1) Legislators are entitled to compensation of twenty dollars (\$20) per legislative day during a session of the legislature, and a mileage allowance as provided in section 59-801 for each mile of travel to and from their residences and the place of holding the session, by the shortest regularly traveled automobile route.

(2) Members are also entitled to thirty-three dollars (\$33) per day, seven (7) days a week, during a legislative session, as reimbursement for expenses incurred in attending the session. Expense payments shall stop when the legislature recesses for more than three (3) days and shall resume when the legislature reconvenes.

(3) While going to, attending, and returning from legislative standing committee meetings and necessary committee business authorized by the chairman of the legislative council during the legislative interim, legislators are entitled to

(a) a mileage allowance as provided in section 59-801 for each mile of travel,

(b) actual expenses, and

(c) compensation of twenty dollars (\$20) per day.

(4) Legislators are also entitled to a mileage allowance as provided in section 59-801 for travel to and from their respective pre-session caucus meeting.

History: En. Sec. 220, Pol. C. 1895; re-en. Sec. 77, Rev. C. 1907; amd. Sec. 1, Ch. 66, L. 1909; re-en. Sec. 74, R. C. M. 1921; amd. Sec. 1, Ch. 23, L. 1955; amd. Sec. 1, Ch. 32, L. 1963; amd. Sec. 1, Ch. 180, L. 1965; amd. Sec. 1, Ch. 274, L. 1969; amd. Sec. 1, Ch. 4, L. 1971; amd. Sec. 1, Ch. 72, L. 1973; amd. Sec. 1, Ch. 5, L. 1975; amd. Sec. 2, Ch. 392, L. 1975; amd. Sec. 20, Ch. 439, L. 1975. Cal. Pol. C. Sec. 266.

Chapter 5, Laws of 1975, deleted the provisions that legislators be paid weekly.

Chapter 439, Laws of 1975, substituted "a mileage allowance as provided in sec-

tion 59-801" in subsections (1), (3)(a) and (4) for "twelve cents (12¢) per mile"; and made minor changes in phraseology.

Chapter 392, Laws of 1975, effective January 3, 1977, substitutes "a salary commensurate to that of grade 8, step 1 classified state employee, for the fiscal year during a regular or special session" in subsection (1) for "compensation of twenty dollars (\$20) per legislative day during a session of the legislature"; adds a last sentence to subsection (1) which reads "Legislators may be compensated for one (1) round trip home for each regular and special session, provided, however, that legislators are not entitled to more than one (1) round trip home if a special session is held within seven (7) days of a regular session"; increases the compensation provided for in subsection (2) from \$33 to \$40 per day; and substitutes "forty dollars (\$40) per day expenses" and "a daily salary as provided in section 43-310, R. C. M. 1947" in subdivisions (3)(b) and (3)(c) for "actual expenses" and "compensation of twenty dollars (\$20) per day."

Effective Dates

Section 2 of Ch. 4, L. 1975, provides: "This bill shall be effective from the Second Legislative Assembly sessions thereafter."

Section 2 of Ch. 7, L. 1975, provides: "The rates of per diem and mileage expenses provided for in this act shall be applicable from and after January 1, 1973."

Section 3 of Ch. 72, L. 1973, provides: "This act shall be effective from and after its passage and approval, provided February 27, 1973."

Section 2 of Ch. 5, Laws of 1975, provides: "This act shall be in effect from and after its passage and approval, provided February 11, 1975."

Section 3 of Ch. 392, Laws of 1975, provides: "This act is effective for pre-session caucuses engaged in by members of the 5th Legislature. In all other respects, this act is effective January 3, 1977."

Temporary Provision

Chapter 1, Laws of 1973, prescribes the duties and compensation of officers and employees of the Forty-third and Forty-fourth Legislatures.

ATTACHMENT E

59-801. (4884) Mileage of all officers. (1) **Automobiles:** Members of the legislature, state officers, township officers, jurors, witnesses, county agents, and all other persons, except sheriffs, who may be entitled to mileage, when using their own automobiles in the performance of official duties, are entitled to collect mileage for the distance actually traveled by automobile and no more unless otherwise specifically provided by law; provided, however, that nothing herein contained shall be construed as affecting the validity of section 43-310.

(2) Where the individual is authorized to operate a privately owned vehicle even though a government owned or leased vehicle is available, a rate of three cents (3¢) less per mile than the mileage rate allowed by the United States internal revenue service for the next preceding year shall be paid.

(3) Where a privately owned vehicle is used because a government owned or leased vehicle is not available for use or it is in the best interest

of the governmental entity that a privately owned vehicle be used, a rate equal to the mileage allotment allowed by the United States internal revenue service for the next preceding year shall be paid for the first one thousand (1,000) miles and three cents (3¢) per mile less for all miles thereafter traveled within a given calendar month.

(4) **Private plane:** Members of the legislature, state officers, township officers, jurors, witnesses, county agents and all other persons, except sheriffs, who may be entitled to mileage, when using their own airplanes, in the performance of official duties, are entitled to collect mileage for the distance actually traveled at a rate of twenty cents (20¢) per statute mile, and no more unless specifically provided by law. This section does not affect the validity of section 43-310.

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

History: En. Sec. 4590, Pol. C. 1895; re-en. Sec. 3111, Rev. C. 1907; re-en. Sec. 4884, R. C. M. 1921; amd. Sec. 1, Ch. 16, L. 1933; amd. Sec. 1, Ch. 121, L. 1941; amd. Sec. 1, Ch. 201, L. 1947; amd. Sec. 1, Ch. 93, L. 1949; amd. Sec. 1, Ch. 124, L. 1951; amd. Sec. 1, Ch. 106, L. 1961; amd. Sec. 1, Ch. 123, L. 1963; amd. Sec. 2, Ch. 48, L. 1967; amd. Sec. 1, Ch. 495, L. 1973; amd. Sec. 9, Ch. 355, L. 1974; amd. Sec. 3, Ch. 439, L. 1975; amd. Sec. 1, Ch. 532, L. 1975.

Compiler's Notes

This section was amended twice in 1975, once by Ch. 439 and once by Ch. 532. Neither amendatory act mentioned or included the changes made by the other. Since the amendments do not appear to conflict, the compiler has made a composite section embodying the changes made by both amendments.

Amendments

The 1973 amendment increased the automobile mileage rate from nine cents to twelve cents; and substituted "per mile by the shortest regularly traveled automobile route when travel is by private plane" for "per air mile for the distance actually traveled by airplane."

The 1974 amendment deleted "at a rate

of twelve cents (12¢) per mile" from after "entitled to collect mileage" and before "for the shortest regularly traveled automobile route" in subsection (1); added subsections (2) and (3); and made minor changes in phraseology and style.

Chapter 439, Laws of 1975, substituted the present subsection (2) for "Where the individual is authorized to operate a privately owned vehicle even though a state owned vehicle is available, a rate of nine cents (9¢) per mile shall be paid"; substituted the present subsection (3) for "Where a privately owned vehicle is used because a state owned or leased vehicle is not available for use or it is in the best interest of the state that a privately owned vehicle be used, twelve cents (12¢) per mile shall be paid"; added subsection (5); and made minor changes in phraseology.

Chapter 532, Laws of 1975, inserted "Automobiles" at the beginning of subsection (1); deleted "or airplanes" after "their own automobiles" in subsection (1); deleted "and for the shortest regularly traveled automobile route when travel is by private plane" after "traveled by automobile" in subsection (1); added subsection (4); and made minor changes in phraseology.

50-538. Travel expense of persons in state service. Every elected official, appointed members of boards, commissions, councils, and department directors, and all other state employees shall be reimbursed for the cost of meals and lodging while away from the person's designated headquarters; traveling outside the employee's designated travel day and for more than three (3) hours; and engaged in official state business in accordance with the following provisions:

(1) Travel within the state of Montana:

(a) The governor shall be authorized actual and necessary expenses not to exceed sixty dollars (\$60) per day.

(b) All other elected state officials, appointed members of boards, commissions, councils, department directors, and all other state employees shall be authorized the actual cost of lodging not exceeding sixteen dollars (\$16) per day plus two dollars (\$2) for the morning meal, three dollars (\$3) for the midday meal, and five dollars (\$5) for the evening meal. All claims for lodging expense reimbursement allowed under this section must be documented by an appropriate receipt.

(2) Travel out of the state of Montana:

(a) The governor shall be authorized actual and necessary travel expenses not to exceed seventy dollars (\$70) per day.

(b) All other elected state officials, appointed members of boards, commissions, councils, department directors, and all other state employees shall be authorized the actual cost of lodging not exceeding thirty-seven dollars (\$37) per day plus three dollars (\$3) for the morning meal, four

dollars (\$4) for the midday meal, and six dollars (\$6) for the evening meal. All claims for the lodging expense reimbursement allowed under this subsection must be documented by an appropriate receipt.

(3) When other than commercial, nonreceiptable lodging facilities are utilized by a state employee while conducting official state business in a travel status, the amount of seven dollars (\$7) will be authorized for lodging expenses for each day in which travel involves an overnight stay in lieu of the amount authorized in subsection (1) (d) or (2) (d) above.

(4) 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 shall be subject to reimbursement.

(5) The provisions of this section shall not be construed as affecting the validity of section 43-310.

(6) The department of administration shall prescribe rules necessary to effectively administer this section for state government.

(7) All commercial air travel shall be by the least expensive class service available.

History: En. Sec. 2, Ch. 66, L. 1955; amd. Sec. 1, Ch. 207, L. 1957; amd. Sec. 1, Ch. 108, L. 1961; amd. Sec. 1, Ch. 116, L. 1963; amd. Sec. 1, Ch. 48, L. 1967; amd. Sec. 1, Ch. 273, L. 1969; amd. Sec. 1, Ch. 10, L. 1971; amd. Ch. 295, L. 1971; amd. Sec. 3, Ch. 495, L. 1973; amd. Sec. 22, Ch. 315, L. 1974; amd. Sec. 1, Ch. 439, L. 1975.

Amendments

Chapter 10, Laws of 1971, inserted before the first proviso the exception relating to travel in the District of Columbia.

Chapter 295, Laws of 1971, inserted "the lieutenant governor" near the beginning of the first sentence; deleted a former third proviso excepting elective state officers; added "when engaged in state

service away from Helena, Montana" to the end of the second sentence; inserted "The lieutenant governor, when directed by the governor to engage in state service" at the beginning of the third sentence; and inserted "Helena" at the end of the third sentence.

The 1973 amendment increased the per diem for travel within the state from \$13.50 to \$16.00; and increased the per diem for travel outside the state from \$22.50 to \$25.00.

The 1974 amendment substituted "public service commissioners" for "railroad commissioners" throughout the section.

The 1975 amendment completely rewrote this section. For former versions, see parent volume and prior amendment notes.

59-539. Computation of travel allowance. (1) To be eligible for the travel allowance provided in section 59-538, an employee must have been in a travel status for more than three (3) continuous hours and the travel must have commenced more than one (1) hour before or terminated more than one (1) hour after the employee's normally assigned work shift. If eligible, an employee:

(a) earns the morning meal allowance if in a travel status between the hours of 12:01 a.m. and 10 a.m.;

(b) earns the midday meal allowance if in a travel status between the hours of 10:01 a.m. and 3 p.m.; and

(c) earns the evening meal allowance if in a travel status between the hours of 3:01 p.m. and 12 midnight.

(2) For persons in state service regularly assigned to an 8 a.m. to 5 p.m. work period, the only per diem allowance may be an amount not to exceed three dollars (\$3) per day for a midday meal when the departure is at or after 7 a.m. and the return on the same day is at or prior to 6

p.m. For persons in state service regularly assigned to work periods other than 8 a.m. to 5 p.m., the employing department may establish a per diem allowance of an amount not to exceed two dollars (\$2) for a morning meal and five dollars (\$5) for an evening meal. Only one of the three (3) allowances provided in subsection (2) may be claimed in any one (1) day. In no case shall any per diem or allowance whatsoever be paid for any absence not exceeding three (3) hours.

(3) The department of administration shall prescribe rules necessary to effectively administer this section for state government.

History: En. Sec. 3, Ch. 66, L. 1955; amd. Sec. 4, Ch. 495, L. 1973; amd. Sec. 1, Ch. 213, L. 1974; amd. Sec. 2, Ch. 439, L. 1975.

Amendments

The 1973 amendment increased the allowance per day for mid-day meals from \$1.25 to \$2.00, near the end of the first sentence.

The 1974 amendment inserted "Except as herein provided" at the beginning of the third sentence; deleted a proviso from the third sentence which read "no per diem, excepting an allowance not to exceed two dollars (\$2) per day for moneys actually expended for mid-day meals, shall be allowed when the departure is at or after 8:00 a. m. and the return on the same day is at or prior to 6:00 p. m."; and inserted the fourth and fifth sentences, now the first and second sentences of subsection (2).

The 1975 amendment divided the section into subsections; completely rewrote subsection (1); substituted "allowance may be an amount not to exceed three dollars (\$3) per day for a midday meal" in subsection (2) for "allowance shall be an amount not to exceed two dollars (\$2) per day for moneys actually expended for mid-day meals"; substituted at the end of subsection (2) "exceed two dollars (\$2) for a morning meal and five dollars (\$5) for an evening meal" for "exceed one dollar and fifty cents (\$1.50) for moneys actually expended for morning meals and three dollars and fifty cents (\$3.50) for moneys actually expended for evening meals"; inserted the next to the last sentence of subsection (2); and added subsection (3). For prior text, see parent volume and 1973 and 1974 amendment notes.

ATTACHMENT F

43-311. (75) Per diem and mileage of president of senate and speaker of house. The president of the senate, and the speaker of the house, shall receive the sum of twenty-five dollars (\$25.00) per day during the session of the legislative assembly, and the same mileage as members.

History: En. Sec. 221, Pol. C. 1895; re-en. Sec. 78, Rev. C. 1907; amd. Sec. 2, Ch. 45, L. 1909; re-en. Sec. 75, R. C. M. 1921; amd. Sec. 2, Ch. 23, L. 1955. Cal. Pol. C. Sec. 267.

References

Cited or applied as section 221, Polit-

ical Code, before amendment, in *Wade v. Lewis and Clark County*, 24 M 335, 338, 61 P 879.

Collateral References

Per diem compensation of public officer, 1 ALR 276.

43-714. Expenses. When the legislature is not in session, members of the legislative council, the legislative subcommittees, select and standing committees, while going to, attending, and returning from legislative committee meetings and other necessary committee business authorized by the chairman of the legislative council are entitled to:

- (1) a mileage allowance as allowed by section 59-801,
- (2) actual expenses, as provided for in sections 59-538 and 59-539 and
- (3) compensation as provided by law.

History: En. Sec. 6, Ch. 34, L. 1957; wrote this section. For prior law, see parent volume.
amd. Sec. 6, Ch. 431, L. 1973; amd. Sec. 21, Ch. 439, L. 1975.

Amendments

The 1973 amendment completely re-

The 1975 amendment added the explicit references to the code sections for mileage and expenses in subdivisions (1) and (2).

STANDING COMMITTEE REPORT

March 10 1977

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 57

Respectfully report as follows: That House Bill No. 57

~~DO PASS~~ BE CONCURRED IN

HOUSE MEMBERS

ROBERT L. MARKS
CHAIRMAN

FRANCIS BARDANOUE

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LC 0028

1977 Legislature Code Commissioner Bill - Summary

House

Bill No. 34

TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO TEACHERS' RETIREMENT.

This summary does not include discussion of routine form or grammatical changes.

Section 1. 75-6201. Definitions. In subsection (14), changed "into" to "out of" to correct an apparent error and deleted "derived from money accumulated by employers" as redundant with 75-6207 (3).

Section 2. 75-6205. Powers and duties of retirement board. Eliminated redundancy in subsection (14)(b).

Section 3. 75-6206. Financial administration of moneys. In subsection (3), the internal reference to 75-6207 (5)(b) has been changed to 75-6207 (4) (and in turn to 75-6207 (5) because of renumbering). To correct an error which arose when 75-6207 was amended in 1973. In subsection (4), "his" has been changed to "its" to correct an error; the change should have been made when "state controller" was changed to "dept. of administration" in 1973 - see Allen Smith's version which uses "its".

Section 4. 75-6207. Method of financing. Clarification only.

Section 5. 75-6208. Benefits. Generally rewritten for clarification.

In subsection (2)(d) (now (3)(d)), the internal reference to subsections (3)(a) through (3)(f) have been changed to subsections (3)(a) and (3)(b) for accuracy - subsection (3)(c) is temporary and has been implemented and subsections (3)(e) and (3)(f) are inapplicable.

In subsection (4), "and other benefits" has been added to ensure that the introductory sentence is not misinterpreted to mean that a disability retiree gets only the allowance. Subsection (5)(d), formerly (4)(c) has been changed to be identical with old subsection (2)(f) to correct an oversight subsection (2)(f) was amended in 1973 but subsection (4)(c) was, apparently inadvertently, left unchanged. The unamended version of subsection (4)(c) does not provide for the case in which a disability retiree chooses an optional retirement allowance.

In the introductory sentence of subsection (6) formerly (5), "to" has been changed to "from" to correct an apparent error.

In subsection (7)(b), formerly (6)(b), the internal reference to subsections (2)(a) through (2)(b) has been changed to (2)(a), (b), and (d) (now (3)(a), (b), and (d)) to correct an error and clarify - subsection (2)(c) is temporary and has been implemented, reference to subsection (2)(e) is redundant, the wording of subsection (2)(f) has been added as new subsection (7)(b)(ii) by this bill, and subsections (2)(g) to (2)(h) no longer exist. In the second sentence of subsection (6)(b), "assuming" has been changed to "in the same manner as if" to clarify that the election is not a condition precedent. Finally, the last sentence of subsection (6)(b) has been redesignated as (6)(c) (now (7)(c)) to avoid a misinterpretation that the \$500 benefit does not apply to a beneficiary who chooses a refund rather than an annuity.

Section 6. 75-6209. Active Membership. In subsection (1)(b), "except as provided in 75-6208 (3)(c)" has been added to correct an apparent error.

Section 7. 75-6211. Membership termination. Changed internal reference to 75-6208(5) because subsections of 75-6208 renumbered.

Section 8. 75-6212. Membership application and creditable service. Added a subsection to make list of creditable service more complete and to correct an apparent error of omission. The first paragraph and subsection (1) of 75-6213 were already listed (renumbered subsections (1) and (2)), subsection (2) (now (3)) has been added.

Section 9. 75-6213. Creditable service for out-of-state employment, etc. Grammar and clarification only.

Section 10. 75-6214. Duties of employee. Subsection (4) rewritten to aid recodification - second sentence will become separate section. Internal references to subsections of 75-6207 changed because of renumbering.

Section 11. 75-6217. Penalty for fraud - correction of erroneous payments. Brackets removed from word "system", which was added by publisher.

STANDING COMMITTEE REPORT

March 10 19 77

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 34

Respectfully report as follows: That House Bill No. 34

~~DO PASS~~ BE CONCURRED IN

NAME: ART KORN DATE: 3/4/77

ADDRESS: 1916 SW WASHINGTON ST

PHONE: 723 4691

REPRESENTING WHOM? MONT. STATE VOL FIREMEN'S ASSOC

APPEARING ON WHICH PROPOSAL: H B 62

10 YOU: SUPPORT? AMEND? ☒ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

March 5

19 77

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 62,

Respectfully report as follows: That House Bill No. 62,
third reading bill, be amended as follows:

1. Amend page 34, section 21, line 22.

Following: "the"

Strike: "board"

Insert: "division"

2. Amend page 35, section 21, lines 23 through 25.

Following: "(2)"

Strike: lines 23 through 25 in their entirety

3. Amend page 36, section 21, line 4.

Following: "(5)"

Insert: "if the claim provided for in 11-2024 (2) is completed and filed"

EXPRESS AND AS SO AMENDED, BE CONCURRED IN


Chairman.

STANDING COMMITTEE REPORT

March 19

19 *77*

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 54

Respectfully report as follows: That House Bill No. 54

~~DO PASS~~ BE NOT CONCURRED IN

[Signature]
Chairman.