

HOUSE BILL NO. 5

INTRODUCED BY MANUEL

BY REQUEST OF THE LEGISLATIVE COUNCIL

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on State Administration.
January 9, 1985	Committee recommend bill do pass. Report adopted.
January 10, 1985	Fiscal Note requested. Bill printed and placed on members' desks.
January 12, 1985	Second reading, do pass as amended. Correctly engrossed.
January 14, 1985	Fiscal Note returned. Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 15, 1985	Introduced and referred to Committee on State Administration. January 26, 1985 Committee recommend bill be
	concurrent in. Report adopted.
January 28, 1985	Second reading, concurred in.
January 30, 1985	Third reading, concurred in. Ayes, 47; Noes, 2. Returned to House.

IN THE HOUSE

January 31, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

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6 LEGISLATIVE MEMBERS ARE ENTITLED TO COMPENSATION AND

7 EXPENSES; AMENDING SECTIONS 5-2-301, 5-2-302, AND 5-11-301,

8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 Section 1. Section 5-2-301, MCA, is amended to read:

12 "5-2-301. Compensation and expenses for members while

13 in session. (1) Legislators are entitled to a salary

14 commensurate to that of the daily rate of a grade 8, step 2,

15 classified state employee for those days during which the

16 legislature is in session. The president of the senate and

17 the speaker of the house shall receive an additional \$5 a

18 day in salary for those days during which the legislature is

19 in session.

20 (2) Legislators are entitled to \$45 a day, 7 days a

21 week, during a legislative session, as reimbursement for

22 expenses incurred in attending a session. Expense payments

23 shall stop when the legislature recesses for more than 3

24 days and shall resume when the legislature reconvenes.

25 (3) Legislators are entitled to a mileage allowance as

1 provided in 2-18-503 for each mile of travel;

2 ~~(a)~~ to the place of the holding of the session and to

3 return to their place of residence at the conclusion of the

4 session; ~~and~~

5 ~~(b) -- for -- one -- additional -- round -- trip -- to -- their -- place -- of~~

6 ~~residence during each session.~~

7 (4) In addition to the mileage allowance provided for

8 in subsection (3), legislators are entitled to ~~two~~ three

9 additional round trips to their place of residence during

10 each regular session upon submittal of an appropriate claim

11 for such mileage reimbursement to the office of legislative

12 council.

13 (5) Legislators are not entitled to any additional

14 mileage allowance under subsection (3) ~~(a) or -- (3)(b)~~ for a

15 special session if it is convened within 7 days of a regular

16 session."

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

18 "5-2-302. Compensation and expenses when legislature

19 not in session. When the legislature is not in session,

20 members a member of the ~~legislative -- council; -- legislative~~

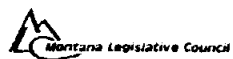
21 ~~subcommittees; --- and --- select --- and --- interim --- committees~~

22 legislature, while engaged in ~~authorized --- committee~~

23 legislative business with prior authorization of the

24 appropriate funding authority, are is entitled to:

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



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1 (2) expenses as provided in 2-18-501 and 2-18-502; and
 2 (3) a salary equal to one full day's pay at the rate
 3 of a classified state employee, described in 5-2-301 for
 4 each 24-hour period of time (from midnight to midnight), or
 5 portion thereof, spent away from home on authorized
 6 committee legislative business. However, if time spent for
 7 business other than authorized committee legislative
 8 business results in lengthening a legislator's stay away
 9 from home into an additional 24-hour period, he may not be
 10 compensated for the additional day."

11 Section 3. Section 5-11-301, MCA, is amended to read:
 12 "5-11-301. Functions of legislative council --
 13 interstate cooperation. It shall be a function of the
 14 legislative council to:

15 (1) carry forward the participation of the state of
 16 Montana as a member of the council of state governments, and
 17 the legislative council is hereby designated as the Montana
 18 commission on interstate cooperation;

19 (2) encourage and assist the government of this state
 20 to develop and maintain friendly contact by correspondence,
 21 by conference, and otherwise with the other states, with the
 22 federal government, and with local units of government;

23 (3) establish such delegations and committees as may
 24 be deemed advisable to confer with similar delegations and
 25 committees from other states concerning problems of mutual

1 interest. The membership of such delegations and committees
 2 may consist of legislators and employees of the state other
 3 than members of the legislative council. Members of such
 4 delegations and committees shall ~~serve without pay, but they~~
 5 may be reimbursed for expenses and compensated as provided
 6 ~~by law in 5-2-302.~~

7 (4) endeavor to advance cooperation between this state
 8 and other units of government whenever it seems advisable to
 9 do so by formulating proposals for interstate compacts and
 10 reciprocal or uniform legislation and by facilitating the
 11 adoption of uniform or reciprocal administrative rules and
 12 regulations, informal cooperation of governmental offices,
 13 personal cooperation among governmental officials and
 14 employees, interchange and clearance of research and
 15 information, and any other suitable process."

16 NEW SECTION. Section 4. Effective date. This act is
 17 effective on passage and approval.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN046-85

Form BD-15

In compliance with a written request received January 10 19 85, there is hereby submitted a Fiscal Note for H.B. 5 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 5 would clarify laws governing payment for compensation and expenses to legislators. The changes would establish clear conformance between statute and long-standing interpretation.

ASSUMPTIONS:

None

EXPENDITURES:

None

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

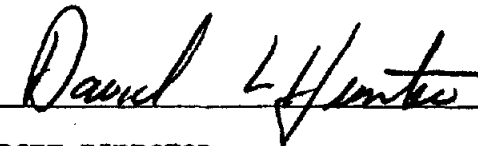
None

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

None

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

None



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 14, 1985

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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12 "5-2-301. Compensation and expenses for members while
13 in session. (1) Legislators are entitled to a salary
14 commensurate to that of the daily rate of a grade 8, step 2,
15 classified state employee for those days during which the
16 legislature is in session. The president of the senate and
17 the speaker of the house shall receive an additional \$5 a
18 day in salary for those days during which the legislature is
19 in session.

20 (2) Legislators are entitled to \$45 a day, 7 days a
21 week, during a legislative session, as reimbursement for
22 expenses incurred in attending a session. Expense payments
23 shall stop when the legislature recesses for more than 3
24 days and shall resume when the legislature reconvenes.

25 (3) Legislators are entitled to a mileage allowance as

1 provided in 2-18-503 for each mile of travel:
2 (a) to the place of the holding of the session and to
3 return to their place of residence at the conclusion of the
4 session; and
5 (b) ~~for one additional round trip to their place of~~
6 ~~residence during each session.~~

7 (4) In addition to the mileage allowance provided for
8 in subsection (3), legislators are entitled to two three
9 additional round trips to their place of residence during
10 each regular session upon submittal of an appropriate claim
11 for such mileage reimbursement to the office of legislative
12 council.

13 (5) Legislators are not entitled to any additional
14 mileage allowance under subsection (3)(a) or (3)(b) for a
15 special session if it is convened within 7 days of a regular
16 session."

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

18 "5-2-302. Compensation and expenses when legislature
19 not in session. When the legislature is not in session,
20 members a member of the legislative ~~council~~; legislative
21 ~~subcommittees~~; ~~and~~ ~~select~~ ~~and~~ ~~interim~~ ~~committees~~
22 legislature, while engaged in authorized ~~committee~~
23 legislative business with prior authorization of the
24 appropriate funding authority, are is entitled to:

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



1 (2) expenses as provided in 2-18-501 and 2-18-502; and
 2 (3) a salary equal to one full day's pay at the rate
 3 of a classified state employee, described in 5-2-301 for
 4 each 24-hour period of time (from midnight to midnight), or
 5 portion thereof, spent away from home on authorized
 6 committee legislative business. However, if time spent for
 7 business other than authorized committee legislative
 8 business results in lengthening a legislator's stay away
 9 from home into an additional 24-hour period, he may not be
 10 compensated for the additional day."

11 Section 3. Section 5-11-301, MCA, is amended to read:

12 "5-11-301. Functions of legislative council --
 13 interstate cooperation. It shall be a function of the
 14 legislative council to:

15 (1) carry forward the participation of the state of
 16 Montana as a member of the council of state governments, and
 17 the legislative council is hereby designated as the Montana
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19 (2) encourage and assist the government of this state
 20 to develop and maintain friendly contact by correspondence,
 21 by conference, and otherwise with the other states, with the
 22 federal government, and with local units of government;

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 24 be deemed advisable to confer with similar delegations and
 25 committees from other states concerning problems of mutual

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 5 may be reimbursed for expenses and compensated as provided
 6 by law in 5-2-302.

7 (4) endeavor to advance cooperation between this state
 8 and other units of government whenever it seems advisable to
 9 do so by formulating proposals for interstate compacts and
 10 reciprocal or uniform legislation and by facilitating the
 11 adoption of uniform or reciprocal administrative rules and
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16 NEW SECTION. Section 4. Effective date. This act is
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7 (4) In addition to the mileage allowance provided for
8 in subsection (3), legislators, UPON SUBMITTAL OF AN
9 APPROPRIATE CLAIM FOR SUCH MILEAGE REIMBURSEMENT TO THE
10 OFFICE OF LEGISLATIVE COUNCIL, are entitled to:

11 (A) two three additional round trips to their place of
12 residence during each regular session ~~upon-submittal-of-an~~
13 ~~appropriate-claim-for--such--mileage--reimbursement--to--the~~
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15 (B) SUCH ADDITIONAL ROUND TRIPS AS ARE AUTHORIZED BY
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