

SENATE BILL NO. 205

INTRODUCED BY CHRISTIAENS, ASAY, GAGE, BERGENE

BY REQUEST OF THE COAL BOARD

IN THE SENATE

January 24, 1985	Introduced and referred to Committee on State Administration.
February 11, 1985	Committee recommend bill do pass. Report adopted.
February 12, 1985	Bill printed and placed on members' desks.
February 13, 1985	Second reading, do pass motion failed. Ayes, 21; Noes, 26.
	Second reading, motion to indefinitely postpone. Motion adopted. Ayes, 32; Noes, 14.
February 14, 1985	On motion, placed on second reading.
February 18, 1985	Second reading, do pass.
February 19, 1985	Considered correctly engrossed.
February 20, 1985	Third reading, passed. Ayes, 37; Noes, 12.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on State Administration.
March 15, 1985	Committee recommend bill be concurred in. Report adopted.

March 19, 1985	Second reading, concurred in. Segregated from Committee of the Whole report.
March 22, 1985	Second reading, concurred in.
March 25, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 25, 1985	Received from House.
March 26, 1985	Sent to enrolling. Reported correctly enrolled.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Senate BILL NO. *205*
INTRODUCED BY *Christopher Bergene*
BY REQUEST OF THE COAL BOARD
Bergene

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE COMPENSATION OF COAL BOARD MEMBERS; AMENDING SECTION 90-6-204, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 90-6-204, MCA, is amended to read:

"90-6-204. Chairman, meetings, compensation, and facilities. (1) The board shall elect a chairman from among its members.

(2) The board shall meet quarterly and may meet at other times as called by the chairman or a majority of the members.

~~(3) Members are entitled to compensation as provided for in 2-15-124(7);~~ Each board member is entitled to be paid \$50 for each day in which he is actually and necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of board duties.

(4) The department of commerce will provide suitable

1 office facilities and the necessary staff for the coal
2 board."

3 NEW SECTION. Section 2. Effective date. This act is
4 effective on passage and approval.

5 NEW SECTION. Section 3. Applicability. This act
6 applies retroactively, within the meaning of 1-2-109, to
7 coal board member activities occurring after June 30, 1984.

-End-



INTRODUCED BILL
SB 205

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 *Senate* BILL NO. *205*
2 INTRODUCED BY *William Bergene*
3 BY REQUEST OF THE COAL BOARD
4 *Bergene*

5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
6 COMPENSATION OF COAL BOARD MEMBERS; AMENDING SECTION
7 90-6-204, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY
8 DATE AND AN IMMEDIATE EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 90-6-204, MCA, is amended to read:
12 "90-6-204. Chairman, meetings, compensation, and
13 facilities. (1) The board shall elect a chairman from among
14 its members.

15 (2) The board shall meet quarterly and may meet at
16 other times as called by the chairman or a majority of the
17 members.

18 (3) ~~Members are entitled to compensation as provided~~
19 ~~for in 2-15-124(7):~~ Each board member is entitled to be paid
20 \$50 for each day in which he is actually and necessarily
21 engaged in the performance of board duties, and he is also
22 entitled to be reimbursed for travel expenses, as provided
23 for in 2-18-501 through 2-18-503, incurred while in the
24 performance of board duties.

25 (4) The department of commerce will provide suitable

1 office facilities and the necessary staff for the coal
2 board."

3 NEW SECTION. Section 2. Effective date. This act is
4 effective on passage and approval.

5 NEW SECTION. Section 3. Applicability. This act
6 applies retroactively, within the meaning of 1-2-109, to
7 coal board member activities occurring after June 30, 1984.

-End-



SECOND READING
SB 205

1 *Senate* BILL NO. *205*
 2 INTRODUCED BY *Christina Amy Sep*
 3 BY REQUEST OF THE COAL BOARD *Bergene*

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
 6 COMPENSATION OF COAL BOARD MEMBERS; AMENDING SECTION
 7 90-6-204, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY
 8 DATE AND AN IMMEDIATE EFFECTIVE DATE."
 9

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

11 Section 1. Section 90-6-204, MCA, is amended to read:
 12 "90-6-204. Chairman, meetings, compensation, and
 13 facilities. (1) The board shall elect a chairman from among
 14 its members.

15 (2) The board shall meet quarterly and may meet at
 16 other times as called by the chairman or a majority of the
 17 members.

18 ~~(3) Members are entitled to compensation as provided~~
 19 ~~for in 2-15-124(7):~~ Each board member is entitled to be paid
 20 \$50 for each day in which he is actually and necessarily
 21 engaged in the performance of board duties, and he is also
 22 entitled to be reimbursed for travel expenses, as provided
 23 for in 2-18-501 through 2-18-503, incurred while in the
 24 performance of board duties.

25 (4) The department of commerce will provide suitable

1 office facilities and the necessary staff for the coal
 2 board."

3 NEW SECTION. Section 2. Effective date. This act is
 4 effective on passage and approval.

5 NEW SECTION. Section 3. Applicability. This act
 6 applies retroactively, within the meaning of 1-2-109, to
 7 coal board member activities occurring after June 30, 1984.

-End-



1 SENATE BILL NO. 205
 2 INTRODUCED BY CHRISTIAENS, ASAY, GAGE, BERGENE
 3 BY REQUEST OF THE COAL BOARD
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
 6 COMPENSATION OF COAL BOARD MEMBERS; AMENDING SECTION
 7 90-6-204, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY
 8 DATE AND AN IMMEDIATE EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 90-6-204, MCA, is amended to read:
 12 "90-6-204. Chairman, meetings, compensation, and
 13 facilities. (1) The board shall elect a chairman from among
 14 its members.
 15 (2) The board shall meet quarterly and may meet at
 16 other times as called by the chairman or a majority of the
 17 members.
 18 (3) ~~Members are entitled to compensation as provided~~
 19 ~~for in 2-15-124(7);~~ Each board member is entitled to be paid
 20 \$50 for each day in which he is actually and necessarily
 21 engaged in the performance of board duties, and he is also
 22 entitled to be reimbursed for travel expenses, as provided
 23 for in 2-18-501 through 2-18-503, incurred while in the
 24 performance of board duties.
 25 (4) The department of commerce will provide suitable

1 office facilities and the necessary staff for the coal
 2 board."

3 NEW SECTION. Section 2. Effective date. This act is
 4 effective on passage and approval.

5 NEW SECTION. Section 3. Applicability. This act
 6 applies retroactively, within the meaning of 1-2-109, to
 7 coal board member activities occurring after June 30, 1984:

-End-

State of Montana
Office of the Governor
Helena, Montana 59620

April 10, 1985

TED SCHWINDEN
GOVERNOR

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

The Honorable John Vincent
Speaker of the House
State Capitol
Helena, MT 59620

Dear Senator Norman and Representative Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto Senate Bill No. 205, "AN ACT CLARIFYING THE COMPENSATION OF COAL BOARD MEMBERS; AMENDING SECTION 90-6-204, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

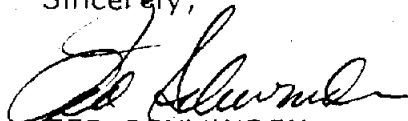
As passed, Senate Bill No. 205 provides that each member of the coal board is entitled to be paid \$50 for each day in which he performs board duties. The effect of this bill is to allow coal board members who are local and state government employees to receive the \$50 whether or not they are receiving their regular pay. The clear result of Senate Bill No. 205 is to allow "double-dipping"!

The provision which applies the act retroactively (section 3) results in allowing public employees to "double-dip" back to June 30, 1984 -- a purpose which makes the whole idea even more unacceptable. When a person accepts a board appointment he understands his responsibilities and knows the amount of compensation to which he'll be entitled. Reaching into the tax-payers' pocket for services rendered in the past is unacceptable public policy.

Without this bill, members of the coal board will receive the same compensation under 2-15-124(7) as members of other state boards. Senate Bill No. 205 is not in the public interest nor does it serve the best interest of public employees.

For the above reasons, I hereby veto Senate Bill No. 205.

Sincerely,


TED SCHWINDEN
Governor

cc: Jim Waltermire