

HOUSE BILL NO. 48

INTRODUCED BY RAMIREZ, VINCENT

IN THE HOUSE

December 30, 1988

Introduced and referred to
Committee on Legislative
Administration.

January 2, 1989

First reading.

On motion by Chief Sponsor,
Representative Vincent added as
sponsor.

January 3, 1989

Committee recommend bill do pass.
Report adopted.

On motion, rules suspended and bill
placed on second reading this day.

Second reading, do pass. Aye, 97;
Noes, 1.

On motion, rules suspended and bill
placed on third reading this day.

Third reading, passed. Ayes, 97;
Noes, 1. Transmitted to Senate.

IN THE SENATE

January 4, 1989

On motion, rules suspended for
introduction of HB 48 this day.

Introduced and referred to
Committee on Legislative
Administration.

Committee recommend bill be
concurred in. Report adopted.

On motion, rules suspended and bill
placed on second reading this day.

Second reading, concurred in.

On motion, rules suspended and bill
placed on third reading this day.

Third reading, concurred in. Ayes,
49; Noes 0.

Returned to House.

IN THE HOUSE

January 5, 1989

Received from Senate. Sent to
enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 48
2 INTRODUCED BY RAMIREZ
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE
5 LEGISLATORS TO SELECT AN ALTERNATIVE METHOD OF REMUNERATION
6 DURING A LEGISLATIVE SESSION; AMENDING SECTIONS 5-2-301 AND
7 5-2-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND
8 A RETROACTIVE APPLICABILITY DATE."
9
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 Except as provided in subsection
14 (7), legislators are entitled to a salary commensurate to
15 that of the daily rate of a grade 8, step 2, classified
16 state employee in effect when the regular session of the
17 legislature in which they serve is convened under 5-2-103
18 for those days during which the legislature is in session.
19 The president of the senate and the speaker of the house
20 shall receive an additional \$5 a day in salary for those
21 days during which the legislature is in session.
22 (2) Legislators may serve for no salary.
23 (3) Legislators are entitled to \$50 a day, 7 days a
24 week, during a legislative session, as reimbursement for
25 expenses incurred in attending a session. Expense payments

1 shall stop when the legislature recesses for more than 3
2 days and shall resume when the legislature reconvenes.
3 (4) Legislators are entitled to a mileage allowance as
4 provided in 2-18-503 for each mile of travel to the place of
5 the holding of the session and to return to their place of
6 residence at the conclusion of the session.
7 (5) In addition to the mileage allowance provided for
8 in subsection (4), legislators, upon submittal of an
9 appropriate claim for such mileage reimbursement to the
10 office of the legislative council, are entitled to:
11 (a) three additional round trips to their place of
12 residence during each regular session; and
13 (b) such additional round trips as are authorized by
14 the legislature during special session.
15 (6) Legislators are not entitled to any additional
16 mileage allowance under subsection (4) for a special session
17 if it is convened within 7 days of a regular session.
18 (7) In lieu of the salary provided for in subsection
19 (1) and the expense allowance provided for in subsection
20 (3), a legislator may receive remuneration for services
21 performed during a legislative session. A legislator
22 choosing to receive remuneration for services performed
23 shall file a request to receive payment under this
24 subsection with the accounting office of the legislative
25 council. A legislator exercising the option to receive

1 remuneration for services performed may not receive more
 2 remuneration than legislators paid pursuant to subsections
 3 (1) and (3). Remuneration for services performed must be
 4 reduced \$50 a day when the legislature recesses for more
 5 than 3 days."

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

7 "5-2-302. Compensation and expenses when legislature
 8 not in session. When the legislature is not in session, a
 9 member of the legislature, while engaged in legislative
 10 business with prior authorization of the appropriate funding
 11 authority, is entitled to:

12 (1) a mileage allowance as provided in 2-18-503;
 13 (2) expenses as provided in 2-18-501 and 2-18-502; and
 14 (3) a salary equal to one full day's pay at the rate
 15 of a classified state employee, described in 5-2-301(1) for
 16 each 24-hour period of time (from midnight to midnight), or
 17 portion thereof, spent away from home on authorized
 18 legislative business. However, if time spent for business
 19 other than authorized legislative business results in
 20 lengthening a legislator's stay away from home into an
 21 additional 24-hour period, he may not be compensated for the
 22 additional day."

23 **Section 3.** Effective date. [This act] is effective on
 24 passage and approval.

25 **Section 4.** Retroactive applicability. [This act]

1 applies retroactively within the meaning of 1-2-109, to
 2 January 1, 1989.

-End-

ON MOTION RULES SUSPENDED,
YELLOW PRINTING DISPENSED

HOUSE BILL NO. 48

INTRODUCED BY RAMIREZ, VINCENT

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE LEGISLATORS TO SELECT AN ALTERNATIVE METHOD OF REMUNERATION DURING A LEGISLATIVE SESSION; AMENDING SECTIONS 5-2-301 AND 5-2-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

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

"5-2-301. Compensation and expenses for members while in session. (1) Legislators Except as provided in subsection (7), legislators are entitled to a salary commensurate to that of the daily rate of a grade 8, step 2, classified state employee in effect when the regular session of the legislature in which they serve is convened under 5-2-103 for those days during which the legislature is in session. The president of the senate and the speaker of the house shall receive an additional \$5 a day in salary for those days during which the legislature is in session.

(2) Legislators may serve for no salary.

(3) Legislators are entitled to \$50 a day, 7 days a week, during a legislative session, as reimbursement for expenses incurred in attending a session. Expense payments

shall stop when the legislature recesses for more than 3 days and shall resume when the legislature reconvenes.

(4) Legislators are entitled to a mileage allowance as provided in 2-18-503 for each mile of travel to the place of the holding of the session and to return to their place of residence at the conclusion of the session.

(5) In addition to the mileage allowance provided for in subsection (4), legislators, upon submittal of an appropriate claim for such mileage reimbursement to the office of the legislative council, are entitled to:

(a) three additional round trips to their place of residence during each regular session; and

(b) such additional round trips as are authorized by the legislature during special session.

(6) Legislators are not entitled to any additional mileage allowance under subsection (4) for a special session if it is convened within 7 days of a regular session.

(7) In lieu of the salary provided for in subsection (1) and the expense allowance provided for in subsection (3), a legislator may receive remuneration for services performed during a legislative session. A legislator choosing to receive remuneration for services performed shall file a request to receive payment under this subsection with the accounting office of the legislative council. A legislator exercising the option to receive

1 remuneration for services performed may not receive more
 2 remuneration than legislators paid pursuant to subsections
 3 (1) and (3). Remuneration for services performed must be
 4 reduced \$50 a day when the legislature recesses for more
 5 than 3 days."

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

7 "5-2-302. Compensation and expenses when legislature
 8 not in session. When the legislature is not in session, a
 9 member of the legislature, while engaged in legislative
 10 business with prior authorization of the appropriate funding
 11 authority, is entitled to:

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

13 (2) expenses as provided in 2-18-501 and 2-18-502; and

14 (3) a salary equal to one full day's pay at the rate
 15 of a classified state employee, described in 5-2-301(1) for
 16 each 24-hour period of time (from midnight to midnight), or
 17 portion thereof, spent away from home on authorized
 18 legislative business. However, if time spent for business
 19 other than authorized legislative business results in
 20 lengthening a legislator's stay away from home into an
 21 additional 24-hour period, he may not be compensated for the
 22 additional day."

23 NEW SECTION. **Section 3.** Effective date. (This act) is
 24 effective on passage and approval.

25 NEW SECTION. **Section 4.** Retroactive applicability.

1 [This act] applies retroactively within the meaning of
 2 1-2-109, to January 1, 1989.

-End-

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

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13 in session. (1) legislators Except as provided in subsection
14 (7), legislators are entitled to a salary commensurate to
15 that of the daily rate of a grade 8, step 2, classified
16 state employee in effect when the regular session of the
17 legislature in which they serve is convened under 5-2-103
18 for those days during which the legislature is in session.
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2 days and shall resume when the legislature reconvenes.

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17 if it is convened within 7 days of a regular session.

18 (7) In lieu of the salary provided for in subsection
19 (1) and the expense allowance provided for in subsection
20 (3), a legislator may receive remuneration for services
21 performed during a legislative session. A legislator
22 choosing to receive remuneration for services performed
23 shall file a request to receive payment under this
24 subsection with the accounting office of the legislative
25 council. A legislator exercising the option to receive



remuneration for services performed may not receive more remuneration than legislators paid pursuant to subsections (1) and (3). Remuneration for services performed must be reduced \$50 a day when the legislature recesses for more than 3 days."

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

"5-2-302. Compensation and expenses when legislature not in session. When the legislature is not in session, a member of the legislature, while engaged in legislative business with prior authorization of the appropriate funding authority, is entitled to:

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

(2) expenses as provided in 2-18-501 and 2-18-502; and

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

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 4. Retroactive applicability.

[This act] applies retroactively within the meaning of 1-2-109, to January 1, 1989.

-End-