

HOUSE BILL 52

Introduced by Rehberg

1/02	Introduced
1/02	Referred to Rules
1/03	Fiscal Note Requested
1/09	Fiscal Note Received
1/11	Fiscal Note Printed
1/12	Revised Fiscal Note Printed
1/31	Hearing
2/03	Referred to Legislative Administration
2/17	Hearing
	Died in Committee

1 HOUSE BILL NO. 52
 2 INTRODUCED BY REHBERG
 3 BY REQUEST OF THE LEGISLATIVE REORGANIZATION
 4 AND IMPROVEMENT COMMISSION
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A LEGISLATIVE
 7 DAY FOR PURPOSES OF ARTICLE V, SECTION 6, OF THE MONTANA
 8 CONSTITUTION; REVISING THE METHOD OF COMPUTING LEGISLATORS'
 9 COMPENSATION BY REMOVING THE COMPUTATION BASED ON A
 10 LEGISLATIVE DAY; GRANTING INCREASED COMPENSATION AND EXPENSE
 11 REIMBURSEMENT TO LEGISLATIVE LEADERSHIP; AMENDING SECTIONS
 12 5-2-301 AND 5-2-302, MCA; AND PROVIDING EFFECTIVE DATES AND
 13 RETROACTIVE APPLICABILITY."
 14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 16 **Section 1.** Legislative day -- journals to reflect. (1)
 17 For purposes of Article V, section 6, of the Montana
 18 constitution, a legislative day is:
 19 (a) a day on which either house of the legislature is
 20 convened in session; or
 21 (b) a day on which any standing committee of either
 22 house of the legislature meets, provided that both houses of
 23 the legislature have convened in session during the calendar
 24 week in which the standing committee meets.
 25 (2) The journal of each house of the legislature must

1 reflect standing committee meetings and the receipt of bills
 2 and messages in the office of the chief clerk of the house
 3 of representatives or of the secretary of the senate on any
 4 legislative day on which neither house of the legislature
 5 convenes in session.

6 **Section 2.** Section 5-2-301, MCA, is amended to read:
 7 "5-2-301. Compensation and expenses for members while
 8 in session. (1) Legislators are entitled to a salary
 9 commensurate to that of six times the daily rate of a grade
 10 8, step 2, classified state employee in effect when the
 11 regular session of the legislature in which they serve is
 12 convened under 5-2-103 for those-days each calendar week
 13 during which the legislature is in session. The president,
 14 the majority leader, and the minority leader of the senate
 15 and the speaker, the majority leader, and the minority
 16 leader of the house shall receive an additional \$5-a-day \$30
 17 a week in salary for those-days each week during which the
 18 legislature is in session.

19 (2) Legislators may serve for no salary.

20 (3) ~~Legislators~~ The president, the majority leader,
 21 and the minority leader of the senate and the speaker, the
 22 majority leader, and the minority leader of the house are
 23 entitled to \$55 a day, 7 days a week, during a legislative
 24 session, as reimbursement for expenses incurred in attending
 25 a session. All other legislators are entitled to \$50 a day,

1 7 days a week, during a legislative session, as
 2 reimbursement for expenses incurred in attending a session.
 3 Expense payments shall stop when the legislature recesses
 4 for more than 3 days and shall resume when the legislature
 5 reconvenes.

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

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

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

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

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

21 **Section 3.** Section 5-2-302, MCA, is amended to read:

22 "5-2-302. Compensation and expenses when legislature
 23 not in session. When the legislature is not in session, a
 24 member of the legislature, while engaged in legislative
 25 business with prior authorization of the appropriate funding

1 authority, is entitled to:

- 2 (1) a mileage allowance as provided in 2-18-503;
- 3 (2) expenses as provided in 2-18-501 and 2-18-502; and
- 4 (3) a salary equal to one full day's pay at the rate
 5 of a grade 8, step 2, classified state employee~~7-described~~
 6 ~~in 5-2-301~~ for each 24-hour period of time (from midnight to
 7 midnight), or portion thereof, spent away from home on
 8 authorized legislative business. However, if time spent for
 9 business other than authorized legislative business results
 10 in lengthening a legislator's stay away from home into an
 11 additional 24-hour period, he may not be compensated for the
 12 additional day."

13 **Section 4.** Codification instruction. [Section 1] is
 14 intended to be codified as an integral part of Title 5,
 15 chapter 2, part 2, and the provisions of Title 5, chapter 2,
 16 apply to [section 1].

17 **Section 5.** Effectives dates -- retroactive
 18 applicability. (1) [Section 1, section 2(3), section 3, and
 19 this section] are effective on passage and approval and
 20 apply retroactively, within the meaning of 1-2-109, to all
 21 occurrences after December 1, 1988.

22 (2) [Section 2(1)] is effective January 1, 1990.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB052, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act defining a legislative day, revising the method of computing legislators' compensation during legislative sessions, and revising the rate of expense reimbursement for House and Senate majority leaders and minority leaders.

ASSUMPTIONS:

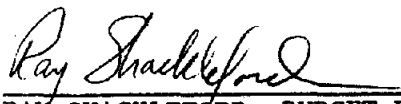
1. The salary per day for legislators is equal to a grade 8, step 2 classified state employee, \$52.13 for FY89 and increase to \$53.70 in FY91.
2. The state's share of employee benefits are approximately 8% of salary.
3. The legislature will be in session for 16 weeks in both FY89 and FY91, taking into account transmittal breaks during both sessions.
4. There will be no special sessions in FY89, FY90, or FY91.
5. Effective on passage and approval and will be retroactively applied back to January 2, 1989.

FISCAL IMPACT:

		<u>FY89</u>			<u>FY91</u>	
General Fund	Current	Proposed		Current	Proposed	
Expenditures:	<u>Law</u>	<u>Law</u>	<u>Difference</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>
Legislator						
Salaries	\$761,022	\$813,600	\$52,578	\$761,022	\$838,032	\$77,010
Legislator						
Expenses	<u>810,000</u>	<u>843,306</u>	<u>33,306</u>	<u>810,000</u>	<u>843,306</u>	<u>33,306</u>
	\$1,571,022	\$1,656,906	\$85,884	\$1,571,022	\$1,681,338	\$110,316

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

If there is a special session after December 31, 1989, a problem may exist under Article V, Section 5 of the Montana Constitution, which precludes a legislature from fixing its own compensation.



RAY SHACKLEFORD, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

1/7/89

DENNIS R. REHBERG, PRIMARY SPONSOR DATE

Fiscal Note for HB052, as introduced

HB 52

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB052, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act defining a legislative day, revising the method of computing legislators' compensation during legislative sessions, and revising the rate of expense reimbursement for House and Senate majority leaders and minority leaders.

ASSUMPTIONS:


1. The salary per day for legislators is equal to a grade 8, step 2 classified state employee, \$52.13 for FY89 and increase to \$53.70 in FY91.
2. The state's share of employee benefits are approximately 8% of salary.
3. The legislature will be in session for 16 weeks in both FY89 and FY91, taking into account transmittal breaks during both sessions.
4. There will be no special sessions in FY89, FY90, or FY91.
5. Effective on passage and approval and will be retroactively applied back to January 2, 1989.

FISCAL IMPACT:

	Current	<u>FY89</u> Proposed		Current	<u>FY91</u> Proposed	
General Fund	Law	Law	Difference	Law	Law	Difference
Expenditures:						
Legislator						
Salaries	\$761,022	\$813,600	\$52,578	\$761,022	\$838,032	\$77,010
Legislator						
Expenses	<u>810,000</u>	<u>813,240</u>	<u>3,240</u>	<u>810,000</u>	<u>813,240</u>	<u>3,240</u>
	\$1,571,022	\$1,626,840	\$55,818	\$1,571,022	\$1,651,272	\$80,250

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

If there is a special session after December 31, 1989, a problem may exist under Article V, Section 5 of the Montana Constitution, which precludes a legislature from fixing its own compensation.


 RAY SHACKLEFORD, BUDGET DIRECTOR
 Office of Budget and Program Planning
 1/12/89
 DATE


 DENNIS R. REHBERG, PRIMARY SPONSOR
 1/12/89
 DATE

Fiscal Note for HB052, as introduced

HB 52
CORRECTED COPY