

HOUSE BILL NO. 373

INTRODUCED BY HANNAH, DRISCOLL, SPAETH, SIMON

IN THE HOUSE

JANUARY 24, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 25, 1989	FIRST READING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 21, 1989	ON MOTION, TAKEN FROM PRINTING AND REREFERRED TO COMMITTEE ON APPROPRIATION
MARCH 14, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 15, 1989	PRINTING REPORT.
MARCH 17, 1989	SECOND READING, DO PASS.
MARCH 18, 1989	ENGROSSING REPORT.
MARCH 20, 1989	THIRD READING, PASSED. AYES, 74; NOES, 21.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 29, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 31, 1989	SECOND READING, CONCURRED IN.
APRIL 3, 1989	THIRD READING, CONCURRED IN.

AYES, 36; NOES, 14.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 3, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 373  
2 INTRODUCED BY Hand Presnell Spaulth Simon  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE ALLOWABLE  
5 NUMBER OF REIMBURSABLE ROUND TRIPS FOR LEGISLATORS TO THEIR  
6 PLACE OF RESIDENCE DURING REGULAR LEGISLATIVE SESSIONS;  
7 AMENDING SECTION 5-2-301, MCA; AND PROVIDING AN IMMEDIATE  
8 EFFECTIVE DATE AND 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 are entitled to a salary  
14 commensurate to that of the daily rate of a grade 8, step 2,  
15 classified state employee in effect when the regular session  
16 of the legislature in which they serve is convened under  
17 5-2-103 for those days during which the legislature is in  
18 session. The president of the senate and the speaker of the  
19 house shall receive an additional \$5 a day in salary for  
20 those days during which the legislature is in session.

21 (2) Legislators may serve for no salary.

22 (3) Legislators are entitled to \$50 a day, 7 days a  
23 week, during a legislative session, as reimbursement for  
24 expenses incurred in attending a session. Expense payments  
25 shall stop when the legislature recesses for more than 3

1 days and shall resume when the legislature reconvenes.

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

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

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

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

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

17 NEW SECTION. **Section 2.** Effective date -- retroactive  
18 applicability. [This act] is effective on passage and  
19 approval and applies retroactively, within the meaning of  
20 1-2-109, to legislative sessions beginning after December  
21 31, 1988.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB373, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act to revise the allowable number of reimbursable round trips for legislators to their place of residence during regular legislative sessions; amending Section 5-2-301, MCA; and providing an immediate effective date and a retroactive applicability date.

ASSUMPTIONS:

1. All 100 representatives and all 50 senators will take the maximum number of reimbursable round trips in the 51st and 52nd sessions.
2. The average mileage for a round trip for representatives is 367 miles in both sessions.
3. The average mileage for a round trip for senators is 383 miles in both sessions.
4. The rate of reimbursement for mileage is 24 cents per mile for both sessions.

FISCAL IMPACT:

	Current	<u>FY90</u> Proposed		Current	<u>FY91</u> Proposed	
<u>Expenditures:</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>
Operating Expenses	\$53,616	\$93,828	\$40,212	\$53,616	\$93,828	\$40,212
<u>Funding:</u> General Fund						

Ray Shackelford 1/31/89  
RAY SHACKLEFORD, BUDGET DIRECTOR DATE  
OFFICE OF BUDGET AND PROGRAM PLANNING

2/23/89  
TOM HANNAH, PRIMARY SPONSOR DATE

Fiscal Note for HB373, as introduced

**HB 373**

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

HOUSE BILL NO. 373

INTRODUCED BY HANNAH, DRISCOLL, SPAETH, SIMON

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE DAILY EXPENSE PAYMENT FOR LEGISLATORS AND THE ALLOWABLE NUMBER OF REIMBURSABLE ROUND TRIPS FOR LEGISLATORS TO THEIR PLACE OF RESIDENCE DURING REGULAR LEGISLATIVE SESSIONS; AMENDING SECTION 5-2-301, MCA; PROVIDING FOR COORDINATION WITH CHAPTER 1, LAWS OF 1989; 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 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~~ A DAILY EXPENSE ALLOWANCE EQUAL TO THE MAXIMUM AMOUNT ALLOWABLE AS A

DEDUCTION UNDER 26 U.S.C. 162(H)(1)(A)(I), AS AMENDED, 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~~ six ~~FIVE~~ 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."

**NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. IF [THIS ACT] IS PASSED AND APPROVED, SECTION 5-2-301(7) AS AMENDED BY CHAPTER 1, LAWS OF 1989, IS AMENDED TO READ:**

"(7) In lieu of the salary provided for in subsection

1 (1) and the expense allowance provided for in subsection  
2 (3), a legislator may receive remuneration for services  
3 performed during a legislative session. A legislator  
4 choosing to receive remuneration for services performed  
5 shall file a request to receive payment under this  
6 subsection with the accounting office of the legislative  
7 council. A legislator exercising the option to receive  
8 remuneration for services performed may not receive more  
9 remuneration than legislators paid pursuant to subsections  
10 (1) and (3). Remuneration for services performed must be  
11 reduced by \$50--a the amount to which a legislator is  
12 entitled as reimbursement for expenses under subsection (3)  
13 for each day when the legislature recesses for more than 3  
14 days."

15 NEW SECTION. **Section 3.** Effective date -- retroactive  
16 applicability. [This act] is effective on passage and  
17 approval and applies retroactively, within the meaning of  
18 1-2-109, to legislative sessions beginning after December  
19 31, 1988.

-End-

HB 0373/03  
RE-REFERRED AND  
APPROVED BY COMMITTEE  
ON APPROPRIATIONS

## AS AMENDED

HOUSE BILL NO. 373

INTRODUCED BY HANNAH, DRISCOLL, SPAETH, SIMON

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE ~~THE--DAILY~~  
~~EXPENSE--PAYMENT-FOR-LEGISLATORS-AND~~ THE ALLOWABLE NUMBER OF  
REIMBURSABLE ROUND TRIPS FOR LEGISLATORS TO THEIR PLACE OF  
RESIDENCE DURING REGULAR LEGISLATIVE SESSIONS; AMENDING  
SECTION 5-2-301, MCA; ~~PROVIDING--FOR--COORDINATION---WITH~~  
~~CHAPTER---17--LAWS--OF--1989;~~ 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 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 ~~A-DAILY~~  
~~EXPENSE-ALLOWANCE-EQUAL-TO-THE-MAXIMUM-AMOUNT-ALLOWABLE-AS-A~~

~~DEDUCTION-UNDER-26-U.S.C.-162(H)(1)(A)(i)-AS-AMENDED \$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~~ six FIVE 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."

~~NEW-SECTION--SECTION-2--COORDINATION-INSTRUCTION--IF~~  
~~{THIS-ACT}-IS-PASSED-AND-APPROVED--SECTION--5-2-301(7)--AS~~  
~~AMENDED-BY-CHAPTER-17-LAWS-OF-1989--IS-AMENDED-TO-READ:~~

~~"(7)--In-lieu-of-the-salary-provided-for-in-subsection~~

1   ~~{1}-and-the-expense-allowance--provided--for--in--subsection~~  
 2   ~~{3},--a--legislator--may--receive--remuneration-for-services~~  
 3   ~~performed--during--a--legislative--session.---A---legislator~~  
 4   ~~choosing--to--receive--remuneration--for--services-performed~~  
 5   ~~shall--file--a--request--to--receive--payment---under---this~~  
 6   ~~subsection--with--the--accounting--office-of-the-legislative~~  
 7   ~~council.---A--legislator--exercising--the--option--to--receive~~  
 8   ~~remuneration--for--services--performed--may-not-receive-more~~  
 9   ~~remuneration-than-legislators-paid-pursuant--to--subsections~~  
 10   ~~{1}--and--{3}.---Remuneration-for-services-performed-must-be~~  
 11   ~~reduced-by \$50--a   ~~the--amount--to--which--a--legislator--is~~~~  
 12   ~~entitled--as-reimbursement-for-expenses-under-subsection-{3}~~  
 13   ~~for-each day when the-legislature-recesses-for-more--than--3~~  
 14   ~~days."~~

15    NEW SECTION.   **Section 2.**   Effective date -- retroactive  
 16   applicability. [This act] is effective on passage and  
 17   approval and applies retroactively, within the meaning of  
 18   1-2-109, to legislative sessions beginning after December  
 19   31, 1988.

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~~"(7)--In-lieu-of-the-salary-provided-for-in-subsection~~



1    ~~{1}--and--the--expense--allowance--provided--for--in--subsection~~  
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 17    approval and applies retroactively, within the meaning of  
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 19    31, 1988.

-End-

State of Montana  
Office of the Governor  
Helena, Montana 59620  
406-444-3111

STAN STEPHENS  
GOVERNOR

April 14, 1989

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

The Honorable Jack Galt  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Representative Vincent and Senator Galt:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto the adoption of House Bill 373, "AN ACT TO REVISE THE-DAILY-EXPENSE PAYMENT-FOR-LEGISLATORS-AND THE ALLOWABLE NUMBER OF REIMBURSABLE ROUND TRIPS FOR LEGISLATORS TO THEIR PLACE OF RESIDENCE DURING REGULAR LEGISLATIVE SESSIONS; AMENDING SECTION 5-2-301, MCA; PROVIDING--FOR--COORDINATION--WITH--CHAPTER--17--LAWS-OF-1989; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE DATE." for the following reasons.

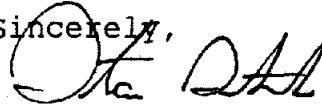
House Bill 373, if enacted, would permit reimbursement for legislators traveling to and from their residences by an additional two trips. The projected additional cost of these trips and the fiscal impact amounts to approximately \$54,000. The legislation is also retroactive to the present legislative session.

I am very much aware of the personal sacrifices required of all elected officials that serve state and local governments. My experience, both as a legislator and as Governor, reminds us about this dilemma. Recently, I vetoed a bill that would increase reimbursed meals for employee in-state travel because of the state's continued financial condition. I exercise this veto, again with considerable thought and concern about its effect on appropriate representation in Helena of your constituents.

The Honorable John Vincent  
The Honorable Jack Galt  
April 14, 1989  
Page Two

I am, however, also daily aware of the fiscal constraints that face our state, lack of long-term revenue solutions and projected increased government spending. I cannot permit increased government spending without a compelling public interest to do so.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stan Stephens", written over the word "Sincerely,".

STAN STEPHENS  
Governor