

HOUSE BILL 249

Introduced by Molnar, et al.

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| 1/19 | Introduced |
| 1/19 | Referred to Education & Cultural Resources |
| 1/19 | First Reading |
| 1/19 | Fiscal Note Requested |
| 1/21 | Rereferred to State Administration |
| 1/25 | Fiscal Note Received |
| 1/28 | Fiscal Note Printed |
| 2/05 | Hearing |
| 2/25 | Missed Transmittal Deadline |

Wm E Boharski

House BILL NO. 249

INTRODUCED BY

DR. J. H. ...
Felant ...
 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MEMBERS OF
 THE LEGISLATURE WHO ARE EMPLOYEES OF THE STATE OR ANY LOCAL
 GOVERNMENT ENTITY, SCHOOL DISTRICT, OR SPECIAL TAXING
 DISTRICT FROM RECEIVING COMPENSATION FROM THE MEMBER'S
 PUBLIC EMPLOYER FOR EMPLOYMENT DURING THE MEMBER'S
 LEGISLATIVE SERVICE; AND AMENDING SECTIONS 5-2-301 AND
 5-2-302, MCA."

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 -- other payment of public employees prohibited.

(1) Except as provided in subsection (7), legislators are
 entitled to a salary commensurate to that of the daily rate
 of an entry grade 8 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 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.

(8) (a) A member of the legislature receiving payment pursuant to this section who is an employee of the state or a county, city, town, school district, special taxing district, or other public entity supported by a tax may not, except as provided in this subsection (8), receive compensation of any kind from the member's public employer for the period of public employment occurring during the member's legislative service.

(b) Subsection (8)(a) applies only to employees whose contract of employment is agreed to or renewed following [the effective date of this act].

(c) For the purposes of this section, "compensation" includes a salary, hourly wage, retirement contribution, insurance contribution, and reimbursement for expenses but does not include annual or other leave allowed to be taken by the member's public employer or compensation paid for services performed before the member's legislative service."

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

"5-2-302. Compensation and expenses when legislature not in session -- other payment of public employees prohibited. (1) 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) a mileage allowance as provided in 2-18-503;

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

~~(3)~~(c) 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 of the period, 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 the legislator may not be compensated for the additional day.

(2) (a) A member of the legislature receiving payment pursuant to this section who is an employee of the state or a county, city, town, school district, special taxing district, or other public entity supported by a tax may not, except as provided in this subsection (2), receive compensation of any kind from the member's public employer

1 for the period of public employment occurring during the
2 member's legislative service.

3 (b) Subsection (2)(a) applies only to employees whose
4 contract of employment is agreed to or renewed following
5 [the effective date of this act].

6 (c) For purposes of this section, "compensation"
7 includes a salary, hourly wage, retirement contribution,
8 insurance contribution, and reimbursement for expenses but
9 does not include annual or other leave allowed to be taken
10 by the member's public employer or compensation paid for
11 services performed before the member's legislative service."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0249, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill prohibiting members of the legislature who are employees of the state or any local government entity, school district, or special taxing district from receiving compensation from the member's public employer for employment during the member's legislative service.

ASSUMPTIONS:

1. Legislators who are otherwise public employees currently are in leave without pay status during the legislative session. This bill would allow legislator/public employees to receive compensation for annual leave or compensatory time during the legislative session. However, it is assumed that this will not result in additional expenses for public entities because the entity is liable for payment of any accrued leave for which the employee would be eligible to receive compensation.
2. Legislators who are otherwise public employees currently receive no compensation for legislative business that occurs while the legislature is not in session, unless it is in the form of annual leave or compensatory time off.

FISCAL IMPACT:

None.

David Lewis 1-25-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

BRAD MOLNAR, PRIMARY SPONSOR DATE

Fiscal Note for HB0249, as introduced

HB 249