

HOUSE BILL 85

Introduced by Molnar

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| 12/09 | Introduced |
| 12/09 | Referred to State Administration |
| 12/09 | First Reading |
| 12/09 | Fiscal Note Requested |
| 12/10 | Fiscal Note Received |
| 12/10 | Fiscal Note Printed |
| 12/13 | Hearing |
| 12/15 | Tabled in Committee |
| 12/17 | Motion Failed to take from Committee and Place on 2d Reading |

1 House BILL NO. 85
2 INTRODUCED BY Brad Mohr
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MEMBERS OF
5 THE LEGISLATURE WHO ARE EMPLOYEES OF THE STATE OR ANY LOCAL
6 GOVERNMENT ENTITY, SCHOOL DISTRICT, OR SPECIAL TAXING
7 DISTRICT FROM RECEIVING COMPENSATION FROM THE MEMBER'S
8 PUBLIC EMPLOYER FOR EMPLOYMENT DURING THE MEMBER'S
9 LEGISLATIVE SERVICE; AMENDING SECTIONS 5-2-301 AND 5-2-302,
10 MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY
11 DATE."
12

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

14 **Section 1.** Section 5-2-301, MCA, is amended to read:
15 "5-2-301. Compensation and expenses for members while
16 in session -- other payment of public employees prohibited.
17 (1) Except as provided in subsection (7), legislators are
18 entitled to a salary commensurate to that of the daily rate
19 of an entry grade 8 classified state employee in effect when
20 the regular session of the legislature in which they serve
21 is convened under 5-2-103 for those days during which the
22 legislature is in session. The president of the senate and
23 the speaker of the house shall receive an additional \$5 a
24 day in salary for those days during which the legislature is
25 in session.

1 (2) Legislators may serve for no salary.
2 (3) Legislators are entitled to \$50 a day, 7 days a
3 week, during a legislative session, as reimbursement for
4 expenses incurred in attending a session. Expense payments
5 ~~shall~~ stop when the legislature recesses for more than 3
6 days and ~~shall~~ resume when the legislature reconvenes.
7 (4) Legislators are entitled to a mileage allowance as
8 provided in 2-18-503 for each mile of travel to the place of
9 the holding of the session and to return to their place of
10 residence at the conclusion of the session.
11 (5) In addition to the mileage allowance provided for
12 in subsection (4), legislators, upon submittal of an
13 appropriate claim for such mileage reimbursement to the
14 office of the legislative council, are entitled to:
15 (a) three additional round trips to their place of
16 residence during each regular session; and
17 (b) ~~such~~ additional round trips as are authorized by
18 the legislature during special session.
19 (6) Legislators are not entitled to any additional
20 mileage allowance under subsection (4) for a special session
21 if it is convened within 7 days of a regular session.
22 (7) In lieu of the salary provided for in subsection
23 (1) and the expense allowance provided for in subsection
24 (3), a legislator may receive remuneration for services
25 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 who receives payment pursuant to this section and 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 subsection (8)(b), 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) does not apply to employees whose contract of employment is agreed to or renewed prior to [the effective date of this act].

(c) For the purpose of this subsection (8), "compensation" includes a salary or hourly wage and reimbursement for expenses but does not include annual or other leave allowed to be taken by the member 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 who receives payment pursuant to this section and 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 subsection (2)(b), receive

1 compensation of any kind from the member's public employer
2 for the period of public employment occurring during the
3 member's legislative service.

4 (b) Subsection (2)(a) does not apply to employees whose
5 contract of employment is agreed to or renewed prior to [the
6 effective date of this act].

7 (c) For the purpose of this subsection (2),
8 "compensation" includes a salary or hourly wage and
9 reimbursement for expenses but does not include annual or
10 other leave allowed to be taken by the member or
11 compensation paid for services performed before the member's
12 legislative service."

13 **NEW SECTION. Section 3.** Effective date --
14 applicability. [This act] is effective July 1, 1994, and
15 applies to contracts entered into or renewed on or after
16 July 1, 1994.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0085, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: 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

ASSUMPTIONS:

1. Compensation, as defined in the bill, does not include payment for annual or other leave allowed to be taken by the member, or payment for services performed before the member's legislative service.

FISCAL IMPACT:

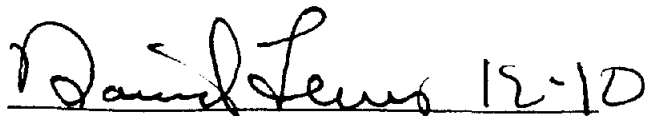
None within the Legislative Council or the legislature.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The effect cannot be reasonably estimated.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

None for the Legislative Council or the legislature.

 12-10

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning



BRAD MOLNAR, PRIMARY SPONSOR DATE
Fiscal Note for HB0085, as introduced

HB 85