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SENATE BILL NO. 279
 INTRODUCED BY Linda Nelson, Brett Ketyberg, John Brun

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING LEGISLATORS LIMITED REIMBURSEMENT FOR EXPENSES INCURRED BY LEGISLATORS AS A RESULT OF CONDUCTING LEGISLATIVE BUSINESS BY TELEPHONE WITH PERSONNEL OF STATE GOVERNMENT AGENCIES; CLARIFYING COMPENSATION TO MEMBERS OF THE DISTRICTING AND APPORTIONMENT COMMISSION, A MEMBER-ELECT OF THE LEGISLATURE, A LEGISLATIVE MEMBER OF CERTAIN DELEGATIONS AND COMMITTEES, AND MEMBERS OF THE ENVIRONMENTAL QUALITY COUNCIL; AMENDING SECTIONS 5-1-104, 5-2-203, 5-2-302, 5-11-301, AND 75-1-302, MCA; AND PROVIDING CONTINGENT EFFECTIVE DATES."

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

Section 1. Section 5-1-104, MCA, is amended to read:

"5-1-104. Compensation and expenses. Commissioners are entitled to the same compensation and expenses as provided to members of the legislature in 5-2-302(2) while attending commission meetings or carrying out the official duties of the commission."

Section 2. Section 5-2-203, MCA, is amended to read:

"5-2-203. Compensation and expenses. (1) Members of the legislature attending the pre-session caucus are entitled to receive compensation and expenses as provided in 5-2-302.

(2) While engaged in pre-session business, ~~members~~ a member or member-elect who is nominated to serve as ~~officers~~ an officer of the legislature and ~~members of the committees~~ a member or member-elect who serves on or is appointed to a committee named in 5-2-202 ~~are~~ is entitled to receive compensation and expenses as provided in 5-2-302."

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

"5-2-302. Compensation and expenses when legislature not in session. ~~When~~ (1) (a) For each month when the legislature is not in session, a member of the legislature, is entitled to a maximum of \$25 a month, except as provided in subsection (1)(b), as reimbursement for telephone expenses incurred as a

1 result of conducting legislative business with personnel of state government agencies if the legislator makes
 2 a claim for the reimbursement as provided in subsection (1)(c).

3 (b) If a legislator claims less than \$25 in reimbursement in any month, the difference between the
 4 amount claimed and \$25 may be claimed in any future month during the legislator's term of office.
 5 However, a legislator may not be reimbursed more than \$300 in any 12-month period.

6 (c) A claim made pursuant to subsection (1)(a) must be on a form provided by the legislative
 7 council and accompanied by the original or a copy of documentation, such as a monthly telephone bill, that
 8 clearly indicates the items for which reimbursement is being claimed.

9 (2) A legislator, while engaged in legislative business with prior authorization of the appropriate
 10 funding authority, is also entitled to:

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

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

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

18
 19 **Section 4.** Section 5-11-301, MCA, is amended to read:

20 **"5-11-301. Functions of legislative council -- interstate cooperation.** It ~~shall be~~ is a function of the
 21 legislative council to:

22 (1) carry forward the participation of the state of Montana as a member of the council of state
 23 governments, and the legislative council is ~~hereby~~ designated as the Montana commission on interstate
 24 cooperation;

25 (2) encourage and assist the government of this state to develop and maintain friendly contact by
 26 correspondence, by conference, and otherwise with the other states, with the federal government, and with
 27 local units of government;

28 (3) establish ~~such~~ delegations and committees ~~as may be deemed~~ that are considered advisable
 29 to confer with similar delegations and committees from other states concerning problems of mutual interest.

30 The membership of ~~such~~ these delegations and committees may consist of legislators and employees of

1 the state other than members of the legislative council. ~~Members~~ A legislator who is a member of such
 2 ~~delegations and committees shall~~ a delegation or committee described in this subsection must be
 3 reimbursed and compensated as provided in 5-2-302.

4 (4) endeavor to advance cooperation between this state and other units of government whenever
 5 it seems advisable to do so by formulating proposals for interstate compacts and reciprocal or uniform
 6 legislation and by facilitating the adoption of uniform or reciprocal administrative rules and regulations,
 7 informal cooperation of governmental offices, personal cooperation among governmental officials and
 8 employees, interchange and clearance of research and information, and any other suitable process;

9 (5) make appointments to any policy committee established by the Pacific Northwest economic
 10 region as provided in 5-11-703(2)."

11

12 **Section 5.** Section 75-1-302, MCA, is amended to read:

13 "**75-1-302. Meetings -- compensation.** The council may determine the time and place of its
 14 meetings but shall meet at least once each quarter. Each member of the council is entitled to receive
 15 compensation and expenses as provided in 5-2-302(2). Members who are full-time salaried officers or
 16 employees of this state may not be compensated for their service as members but ~~shall~~ must be reimbursed
 17 for their expenses."

18

19 **NEW SECTION. Section 6. Contingent effective dates.** (1) If funds are specifically appropriated
 20 for the purposes of [this act] during the 54th legislative session, [this act] is effective July 1, 1995.

21 (2) If funds are not specifically appropriated for the purposes of [this act] during the 54th legislative
 22 session, [this act] is effective July 1, 1997.

23

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0279, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing legislators limited reimbursement for expenses incurred as a result of conducting legislative business by telephone with personnel of state government agencies; clarifying compensation to members of the districting and apportionment commission, a member-elect of the legislature, a legislative member of certain delegations and committees, and members of the environmental quality council.

ASSUMPTIONS:


1. The Legislature will meet during January, February, March and April in the odd-numbered years only.
2. There will be no special sessions.
3. Each legislator will claim about \$12.50 per month for each month when the Legislature is not in session ($\$12.50 \times 150 \times 12 = \$22,500$ in even-numbered years and $\$12.50 \times 150 \times 8 = \$15,000$ in odd-numbered years) as reimbursement for telephone expenses while conducting legislative business.

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
Operating Expenses	22,000	15,000
<u>Funding:</u>		
General Fund (01)	22,000	15,000

TECHNICAL NOTES:

There are no funds appropriated to cover the reimbursable telephone expenses of legislators. If no funds are appropriated during the 54th Legislature, reimbursements will not be available until the 1999 biennium.


 2-3-95
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/4/95
LINDA NELSON, PRIMARY SPONSOR DATE

Fiscal Note for SB0279, as introduced

SB 279

APPROVED BY COM ON
STATE ADMINISTRATION

1 INTRODUCTION BY SENATE BILL NO 279 

2 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING LEGISLATORS LIMITED REIMBURSEMENT FOR
3 EXPENSES INCURRED BY LEGISLATORS AS A RESULT OF CONDUCTING LEGISLATIVE BUSINESS BY
4 TELEPHONE WITH PERSONNEL OF STATE GOVERNMENT AGENCIES; CLARIFYING COMPENSATION TO
5 MEMBERS OF THE DISTRICTING AND APPORTIONMENT COMMISSION, A MEMBER-ELECT OF THE
6 LEGISLATURE, A LEGISLATIVE MEMBER OF CERTAIN DELEGATIONS AND COMMITTEES, AND MEMBERS
7 OF THE ENVIRONMENTAL QUALITY COUNCIL; AMENDING SECTIONS 5-1-104, 5-2-203, 5-2-302,
8 5-11-301, AND 75-1-302, MCA; AND PROVIDING CONTINGENT EFFECTIVE DATES."
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 **Section 1.** Section 5-1-104, MCA, is amended to read:

15 "5-1-104. **Compensation and expenses.** Commissioners are entitled to the same compensation
16 and expenses as provided to members of the legislature in 5-2-302(2) while attending commission meetings
17 or carrying out the official duties of the commission."
18

19 **Section 2.** Section 5-2-203, MCA, is amended to read:

20 "5-2-203. **Compensation and expenses.** (1) Members of the legislature attending the pre-session
21 caucus are entitled to receive compensation and expenses as provided in 5-2-302.

22 (2) While engaged in pre-session business, ~~members~~ a member or member-elect who is nominated
23 to serve as an officer of the legislature and members of the committees a member or member-elect
24 who serves on or is appointed to a committee named in 5-2-202 ~~are~~ is entitled to receive compensation
25 and expenses as provided in 5-2-302."
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27 **Section 3.** Section 5-2-302, MCA, is amended to read:

28 "5-2-302. **Compensation and expenses when legislature not in session.** ~~When~~ (1) (a) For each
29 month when the legislature is not in session, a member of the legislature, is entitled to a maximum of \$25
30 a month, except as provided in subsection (1)(b), as reimbursement for telephone expenses incurred as a



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1 result of conducting legislative business with personnel of state government agencies if the legislator makes
2 a claim for the reimbursement as provided in subsection (1)(c).

3 (b) If a legislator claims less than \$25 in reimbursement in any month, the difference between the
4 amount claimed and \$25 may be claimed in any future month during the legislator's term of office.
5 However, a legislator may not be reimbursed more than \$300 in any 12-month period.

6 (c) A claim made pursuant to subsection (1)(a) must be on a form provided by the legislative
7 council and accompanied by the original or a copy of documentation, such as a monthly telephone bill, that
8 clearly indicates the items for which reimbursement is being claimed.

9 (2) A legislator, while engaged in legislative business with prior authorization of the appropriate
10 funding authority, is also entitled to:

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

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

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

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19 **Section 4.** Section 5-11-301, MCA, is amended to read:

20 **"5-11-301. Functions of legislative council -- interstate cooperation.** It ~~shall be~~ is a function of the
21 legislative council to:

22 (1) carry forward the participation of the state of Montana as a member of the council of state
23 governments, and the legislative council is ~~hereby~~ designated as the Montana commission on interstate
24 cooperation;

25 (2) encourage and assist the government of this state to develop and maintain friendly contact by
26 correspondence, by conference, and otherwise with the other states, with the federal government, and with
27 local units of government;

28 (3) establish ~~such~~ delegations and committees ~~as may be deemed~~ that are considered advisable
29 to confer with similar delegations and committees from other states concerning problems of mutual interest.
30 The membership of ~~such~~ these delegations and committees may consist of legislators and employees of

1 the state other than members of the legislative council. ~~Members~~ A legislator who is a member of such
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4 (4) endeavor to advance cooperation between this state and other units of government whenever
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 6 legislation and by facilitating the adoption of uniform or reciprocal administrative rules and regulations,
 7 informal cooperation of governmental offices, personal cooperation among governmental officials and
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9 (5) make appointments to any policy committee established by the Pacific Northwest economic
 10 region as provided in 5-11-703(2)."

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 12 **Section 5.** Section 75-1-302, MCA, is amended to read:

13 **"75-1-302. Meetings -- compensation.** The council may determine the time and place of its
 14 meetings but shall meet at least once each quarter. Each member of the council is entitled to receive
 15 compensation and expenses as provided in 5-2-302(2). Members who are full-time salaried officers or
 16 employees of this state may not be compensated for their service as members but ~~shall~~ must be reimbursed
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 19 **NEW SECTION. Section 6. Contingent effective dates.** (1) If funds are specifically appropriated
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