

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act revising the method of calculating legislator pay to be consistent with the method for setting compensation of executive branch officials and supreme court justices; amending sections 5-2-301 and 5-2-302, MCA; and providing an 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) Prior to June 30 of each even-numbered year, the department of administration shall conduct a salary survey of legislators for the states of North Dakota, South Dakota, Wyoming, and Idaho. In determining the average daily rate for the other states' legislators, the department shall:

(a) include the daily rate for Montana legislators;

(b) include a daily rate from the other four states and if a daily rate is not calculated, base a salary on the number of days allowed in a state for any session or the average of the last two sessions, including a biennial session or both of the annual sessions within a biennium, in order to calculate a daily rate;
and

(c) [LC Option] include the amount of the primary stipend in

5-2-204(1).

(2) If the average five-state daily rate is greater than the daily rate for legislators in Montana, then beginning July 1 of the year following the year in which the survey is conducted, the average daily rate is the new daily rate for Montana legislators.

(3) Legislators are entitled to a salary commensurate to that of the daily rate ~~for an employee earning \$10.33 an hour~~ as provided in subsection (2), 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 ~~hourly~~ daily rate must be adjusted ~~by any statutorily required pay increase~~ as provided in subsection (2). The president of the senate and the speaker of the house must receive an additional \$5 a day in salary for those days during which the legislature is in session.

~~(2)(4)~~ Legislators may serve for no salary.

~~(3)(5)~~ Subject to subsection ~~(4)(6)~~, legislators are entitled to a daily allowance, 7 days a week, during a legislative session, as reimbursement for expenses incurred in attending a session. Expense payments must stop when the legislature recesses for more than 3 days and resume when the legislature reconvenes.

~~(4)(6)~~ After November 15, and prior to December 15 of each even-numbered year, the department of administration shall conduct a survey of the allowance for daily expenses of legislators for the states of North Dakota, South Dakota, Wyoming, and Idaho. The department shall include the average

daily expense allowance for Montana legislators in determining the average daily rate for legislators. The department shall include only states with specific daily allowances in the calculation of the average. If the average daily rate is greater than the daily rate for legislators in Montana, legislators are entitled to a new daily rate for those days during which the legislature is in session. The new daily rate is the daily rate for the prior legislative session, increased by the percentage rate increase as determined by the survey, a cost-of-living increase to reflect inflation that is calculated pursuant to 2-15-122(5)(a), or 5%, whichever is less. The expense allowance is effective when the next regular session of the legislature in which the legislators serve is convened under 5-2-103.

~~(5)(7)~~ 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.

~~(6)(8)~~ In addition to the mileage allowance provided for in subsection ~~(5)(7)~~, legislators, upon submittal of an appropriate claim for mileage reimbursement to the legislative services division, are entitled to:

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

(b) additional round trips as authorized by the legislature during special session.

~~(7)(8)~~ Legislators are not entitled to any additional mileage allowance under subsection ~~(5)(7)~~ for a special session

if it is convened within 7 days of a regular session."

{Internal References to 5-2-301:

2-15-212 x 2-17-803 (x - fixes problem) 2-18-501 x 2-18-503x
5-2-302 a 5-3-101x}

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

"5-2-302. Compensation and expenses when legislature not in session. 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 mileage allowance as provided in 2-18-503;
(2) expenses as provided in 2-18-501 and 2-18-502; and
(3) a salary equal to one full day's pay at the rate described in 5-2-301~~(1)~~(3) for each 24-hour period of time (from midnight to midnight), or portion of a 24-hour period, spent on authorized interim or administrative committee legislative business or as otherwise provided by law. However, if time spent for business other than authorized legislative interim or administrative committee business or business related to 5-11-305 results in lengthening a legislator's stay away from home into an additional 24-hour period, the legislator may not be compensated for the additional day."

{Internal References to 5-2-302:

2-2-111x 2-15-1019 x 2-15-1021 x 2-15-1808x
2-15-1820 x 2-17-803 x 5-1-104 x 5-2-203x
5-2-203 x 5-3-101 x 5-11-305 x 5-11-708x
5-12-203 x 5-13-203 x 53-6-1316 x 69-1-212x
75-1-302 x 75-6-212 x 90-1-405x}

NEW SECTION. Section 3. {standard} Applicability. [This act] applies to compensation for legislators who will serve in the 2021 legislative session.

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