

**Unofficial Draft Copy**

As of: August 10, 2016 (11:00am)

LCLC02

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act revising legislator compensation amount and method of calculation; amending section 5-2-301, MCA; and providing an effective 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) (a) Legislators are entitled to a salary commensurate to that of the daily rate for an employee earning ~~\$10.33~~ \$18.69 an hour 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 rate must be adjusted by any statutorily required pay increase.~~

(b) After November 15, and prior to December 15 of each even-numbered year, the department of administration shall determine the inflationary wage adjustment in Montana based on the Consumer Price Index for Urban Consumers (CPI-U) for the most recent available 24 months. The inflationary wage adjustment must be applied to the hourly salary legislators are receiving and legislators are entitled to the new daily rate for those days during which the legislature is in session. The hourly wage increase is effective when the next regular session of the

legislature in which the legislators serve is convened under 5-2-103.

(c) 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) Legislators may serve for no salary.

(3) Subject to subsection (4), 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) 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) 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) In addition to the mileage allowance provided for in subsection (5), 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) Legislators are not entitled to any additional mileage allowance under subsection (5) 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 ? 2-18-501x 2-18-503 x  
5-2-302 x 5-3-101x 50-4-810 x }

**Section 2.** Section 5-2-301, MCA, is amended to read:

**"5-2-301. Compensation and expenses for members while in session.** (1) (a) Legislators According to the schedule in subsection (1)(b), legislators are entitled to a an hourly salary commensurate to that of the daily rate for an employee earning \$10.33 an hour calculated by dividing the state average weekly wage, as defined in 39-51-2201, by 40 hours for the fiscal year

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 rate must be adjusted by any statutorily required pay increase.~~ 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.

(1) (b) (i) For the 2019 session, legislators will be paid an additional amount equal to one-third the difference between the 2017 legislator salary and an hourly rate based on the fiscal year 2019 state average weekly wage.

(ii) For the 2021 session, legislators will be paid an additional amount equal to two-thirds the difference between the 2017 legislator salary and an hourly rate based on the fiscal year 2021 state average weekly wage.

(iii) For the 2023 session and each session after the 2023 session, legislators will be paid as provided in subsection (1) (a).

(2) Legislators may serve for no salary.

(3) Subject to subsection (4), 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) 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) 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) In addition to the mileage allowance provided for in subsection (5), legislators, upon submittal of an appropriate claim for mileage reimbursement to the legislative services division, are entitled to:

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{*Internal References to 5-2-301:*

2-15-212 x    2-17-803 ?    2-18-501 x    2-18-503 x  
5-2-302 x    5-3-101 x    50-4-810x }

NEW SECTION.    **Section 3. {standard} Effective date.** [This act] is effective July 1, 2017.

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