

Montana Code Annotated 2023

TITLE 5. LEGISLATIVE BRANCH

CHAPTER 2. LEGISLATURE -- COMPOSITION AND ORGANIZATION

Part 2. Organization

Legislative Constituent Services Allowance, Stipend, And Reimbursement

5-2-204. Legislative constituent services allowance, stipend, and reimbursement. (1) Each legislator is entitled to an allowance or stipend of \$3,000 in a biennium for providing constituent services and authorized activities related to serving in the legislature. A legislator shall elect between receiving an allowance or a stipend before receiving a payment under either method. If a legislator elects to receive an allowance, the legislator shall apply for reimbursement to the legislative services division by submitting written documentation. The allowance amount may be used for the following authorized activities that are not otherwise reimbursed:

- (a) mileage and lodging at rates provided for in **2-18-501** and **2-18-503** for authorized activities;
 - (b) meals at rates provided for in **2-18-501** and **2-18-502** when a legislator is in a travel status for authorized activities;
 - (c) communication and information technology expenses, including internet charges, computer hardware and software, postage for authorized activities, and preparation, printing, and postage costs related to educational material as provided in subsection (7); and
 - (d) education-related expenses related to attending meetings for interstate and intrastate organizations that provide opportunities for legislators to participate in policy and civic educational activities. Education-related expenses under this subsection (1)(d) include transportation, meals, and lodging at rates provided for in subsections (1)(a) and (1)(b) and for registration costs.
- (2) The following activities are prohibited from reimbursement and may not be paid for from the stipend:
- (a) except as provided in subsection (7), expenses related to election communications or electioneering communications, as those terms are defined in **13-1-101**;
 - (b) contributions, expenditures, or other expenses related to participation in a political committee, as the terms "contribution", "expenditure", and "political committee" are defined in **13-1-101**;
 - (c) costs for all or any portion of an event, meeting, fundraiser, or gathering at which contributions, as defined in **13-1-101**, will be solicited or received by any person;
 - (d) any direct travel, lodging, meals, entertainment, or other expenses related to the sponsorship of an event, meeting, fundraiser, or gathering at which contributions, as defined in **13-1-110**, will be solicited or received by any person;
 - (e) any direct or indirect expenditure to support or oppose a candidate or ballot issue; and
 - (f) entertainment.

(3) Subject to subsections (5) and (6), legislators are allowed an additional reimbursement of up to the amount provided for in subsection (4) in a biennium for otherwise unreimbursed expenses related to the legislator's expenses for authorized activities provided in subsections (1)(a) and (1)(b).

(4) The amount authorized under subsection (3) is:

(a) \$1,000 if the legislator's district is at least 100 square miles but less than 1,000 square miles;

(b) \$2,000 if the legislator's district is at least 1,000 square miles but less than 5,000 square miles;

(c) \$3,000 if the legislator's district is at least 5,000 square miles but less than 7,500 square miles; or

(d) \$4,000 if the legislator's district is 7,500 square miles or more.

(5) For expenses authorized under subsection (3), a legislator shall apply for reimbursement to the legislative services division by submitting written documentation that satisfies applicable requirements of Title 2, chapter 18, part 5.

(6) Legislators may not be reimbursed for expenses paid from a constituent services account provided for in **13-37-402**.

(7) Authorized activities include the preparation, printing, and postage costs related to distribution of educational material to constituents. The distribution of educational material in whole or in part to constituents in a legislator's district based on the available funding provided in this section is not considered election communications or electioneering communications, as those terms are defined in **13-1-101**, if the education material does not encourage the support of or opposition to a candidate or ballot issue.

(8) If a legislator resigns during a legislator's term, any amount unexpended must remain with the legislative services division. A legislator appointed to fill a vacancy during a term may receive an amount prorated over the 24-month term.

(9) Any violation of this section is subject to the provisions in **2-2-135** and is subject to enforcement by the ethics committee in the appropriate chamber.

History: En. Sec. 1, Ch. 452, L. 2015; amd. Sec. 2, Ch. 30, L. 2023.