

1 SENATE BILL NO. 80

2 INTRODUCED BY S. SALES

3 BY REQUEST OF THE LEGISLATIVE COUNCIL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE METHOD OF CALCULATING LEGISLATOR PAY
6 TO BE CONSISTENT WITH THE METHOD FOR SETTING COMPENSATION OF EXECUTIVE BRANCH
7 OFFICIALS AND SUPREME COURT JUSTICES; AMENDING SECTIONS 5-2-301 AND 5-2-302, MCA; AND
8 PROVIDING AN APPLICABILITY DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 5-2-301, MCA, is amended to read:

13 **"5-2-301. Compensation and expenses for members while in session.** (1) Prior to June 30 of each
14 even-numbered year, the department of administration shall conduct a salary survey of legislators for the states
15 of North Dakota, South Dakota, Wyoming, and Idaho. In determining the average daily pay for legislators, the
16 department shall include:

17 (a) the daily rate for Montana legislators; and

18 (b) the average daily pay provided during each other state's legislative session.

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

22 (3) Legislators are entitled to a salary commensurate to that of the daily rate for an employee earning
23 ~~\$10.33 an hour~~ as provided for in subsection (2) when the regular session of the legislature in which they serve
24 is convened under 5-2-103 for those days during which the legislature is in session. The ~~hourly~~ daily rate must
25 be adjusted by any statutorily required pay increase as provided for in subsection (2). The president of the senate
26 and the speaker of the house must receive an additional \$5 a day in salary for those days during which the
27 legislature is in session.

28 ~~(2)~~(4) Legislators may serve for no salary.

29 ~~(3)~~(5) Subject to subsection ~~(4)~~ (6), legislators are entitled to a daily allowance, 7 days a week, during
30 a legislative session, as reimbursement for expenses incurred in attending a session. Expense payments must

1 stop when the legislature recesses for more than 3 days and resume when the legislature reconvenes.

2 ~~(4)~~(6) After November 15, and prior to December 15 of each even-numbered year, the department of
3 administration shall conduct a survey of the allowance for daily expenses of legislators for the states of North
4 Dakota, South Dakota, Wyoming, and Idaho. The department shall include the average daily expense allowance
5 for Montana legislators in determining the average daily rate for legislators. The department shall include only
6 states with specific daily allowances in the calculation of the average. If the average daily rate is greater than the
7 daily rate for legislators in Montana, legislators are entitled to a new daily rate for those days during which the
8 legislature is in session. The new daily rate is the daily rate for the prior legislative session, increased by the
9 percentage rate increase as determined by the survey, a cost-of-living increase to reflect inflation that is
10 calculated pursuant to 2-15-122(5)(a), or 5%, whichever is less. The expense allowance is effective when the next
11 regular session of the legislature in which the legislators serve is convened under 5-2-103.

12 ~~(5)~~(7) Legislators are entitled to a mileage allowance as provided in 2-18-503 for each mile of travel to
13 the place of the holding of the session and to return to their place of residence at the conclusion of the session.

14 ~~(6)~~(8) In addition to the mileage allowance provided for in subsection ~~(5)~~ (7), legislators, upon submittal
15 of an appropriate claim for mileage reimbursement to the legislative services division, are entitled to:

- 16 (a) three additional round trips to their place of residence during each regular session; and
- 17 (b) additional round trips as authorized by the legislature during special session.

18 ~~(7)~~(9) Legislators are not entitled to any additional mileage allowance under subsection ~~(5)~~ (7) for a
19 special session if it is convened within 7 days of a regular session."

20

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

22 **"5-2-302. Compensation and expenses when legislature not in session.** When the legislature is not
23 in session, a member of the legislature, while engaged in legislative business with prior authorization of the
24 appropriate funding authority, is entitled to:

- 25 (1) a mileage allowance as provided in 2-18-503;
- 26 (2) expenses as provided in 2-18-501 and 2-18-502; and
- 27 (3) a salary equal to one full day's pay at the rate described in 5-2-301~~(4)~~(3) for each 24-hour period of
28 time (from midnight to midnight), or portion of a 24-hour period, spent on authorized interim or administrative
29 committee legislative business or as otherwise provided by law. However, if time spent for business other than
30 authorized legislative interim or administrative committee business or business related to 5-11-305 results in

1 lengthening a legislator's stay away from home into an additional 24-hour period, the legislator may not be
2 compensated for the additional day."

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4 NEW SECTION. **Section 3. Applicability.** [This act] applies to compensation for legislators who will
5 serve in or after the 2021 legislative session.

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