1	HOUSE BILL NO. 28
2	INTRODUCED BY R. KNUDSEN
3	BY REQUEST OF THE LEGISLATIVE COUNCIL
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5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LEGISLATOR EXPENSE REIMBURSEMENTS;
6	PROVIDING FOR LEGISLATOR PER DIEM PAYMENTS EQUAL TO THE AMOUNT RECEIVED BY
7	FEDERAL EMPLOYEES; AMENDING SECTION 5-2-301, MCA; AND PROVIDING AN IMMEDIATE
8	EFFECTIVE DATE AND AN A RETROACTIVE APPLICABILITY DATE."
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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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) Legislators are entitled
14	to a salary commensurate to that of the daily rate for an employee earning \$10.33 an hour when the regular
15	session of the legislature in which they serve is convened under 5-2-103 for those days during which the
16	legislature is in session. The hourly rate must be adjusted by any statutorily required pay increase. The
17	president of the senate and the speaker of the house must receive an additional \$5 a day in salary for those
18	days during which the legislature is in session.
19	(2) Legislators may serve for no salary.
20	(3) Subject to subsection (4), legislators Legislators are entitled to a daily allowance, 7 days a
21	week, during a legislative session, as reimbursement for lodging, breakfast, lunch, dinner, and incidental
22	expenses incurred in attending a session. The amount of the daily allowance is equal to the amount an
23	employee of the executive branch of the federal government is generally entitled to receive as per diem for
24	lodging, breakfast, lunch, dinner, and incidental expenses while away from home in the city of Helena but
25	serving in the United States. Expense payments must stop when the legislature recesses for more than 3 days
26	and resume when the legislature reconvenes.
27	(4) After November 15, and prior to December 15 of each even-numbered year, the department of
28	administration shall conduct a survey of the allowance for daily expenses of legislators for the states of North



1 Dakota, South Dakota, Wyoming, and Idaho. The department shall include the average daily expense 2 allowance for Montana legislators in determining the average daily rate for legislators. The department shall 3 include only states with specific daily allowances in the calculation of the average. If the average daily rate is 4 greater than the daily rate for legislators in Montana, legislators are entitled to a new daily rate for those days 5 during which the legislature is in session. The new daily rate is the daily rate for the prior legislative session, 6 increased by the percentage rate increase as determined by the survey, a cost-of-living increase to reflect 7 inflation that is calculated pursuant to 2-15-122 (5)(a), or 5%, whichever is less. The expense allowance is 8 effective when the next regular session of the legislature in which the legislators serve is convened under 5-2-9 103. 10 Legislators are entitled to a mileage allowance as provided in 2-18-503 for each mile of travel <del>(5)</del>(4) 11 to the place of the holding of the session and to return to their place of residence at the conclusion of the 12 session. 13 In addition to the mileage allowance provided for in subsection (5) (4), legislators, upon-on <del>(6)</del>(5) 14 submittal of an appropriate claim for mileage reimbursement to the legislative services division, are entitled to: 15 (a) three additional round trips to their place of residence during each regular session; and 16 (b) additional round trips as authorized by the legislature during special session. 17 Legislators are not entitled to any additional mileage allowance under subsection (5)(4) for a <del>(7)</del>(6) 18 special session if it is convened within 7 days of a regular session. 19 The department of administration shall work with the legislative services division to offer <del>(8)</del>(7) 20 options to legislators to receive their session salary provided for in subsection (1) over the 2-year legislative 21 term or a portion of the term. The options must be offered to all legislators in order to assist legislators to 22 manage their income over the term. The per diem allowance and mileage as provided in this section, salary 23 during a special session as provided in 5-3-101, and the salary during the interim as provided for in 5-2-302 24 may not be affected." 25 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval. 26

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NEW SECTION. SECTION 3. RETROACTIVE APPLICABILITY. [THIS ACT] APPLIES RETROACTIVELY, WITHIN



1	THE MEANING OF 1-2-109, TO REIMBURSEMENTS FOR DAILY ALLOWANCES MADE ON OR AFTER JANUARY 2, 2023.
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3	NEW SECTION. Section 3. — Applicability. [This act] applies to reimbursements for daily allowances
4	on or after [the effective date of this act].
5	- END -