

1 **** BILL NO. ****
2 INTRODUCED BY ****
3 BY REQUEST OF THE ****
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LEGISLATIVE CONSTITUENT SERVICES
6 ALLOWANCE; PROVIDING ENFORCEMENT BY THE ETHICS COMMITTEES; REVISING THE NAME OF
7 THE PROGRAM; REVISING METHOD BY WHICH LEGISLATORS RECEIVE ALLOWANCE; SPECIFYING
8 ACTIVITIES FOR WHICH ALLOWANCE IS AUTHORIZED AND PROHIBITED; AMENDING SECTIONS 2-2-
9 111, 5-2-204, AND 5-2-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12

13 **Section 1.** Section 2-2-111, MCA, is amended to read:

14 **"2-2-111. Rules of conduct for legislators.** Proof of commission of any act enumerated in this
15 section is proof that the legislator committing the act has breached the legislator's public duty. A legislator may
16 not:

- 17 (1) accept a fee, contingent fee, or any other compensation, except the official compensation
18 provided by statute, for promoting or opposing the passage of legislation;
- 19 (2) seek other employment for the legislator or solicit a contract for the legislator's services by the use
20 of the office; ~~or~~
- 21 (3) accept a fee or other compensation, except as provided for in 5-2-302, from a Montana state
22 agency or a political subdivision of the state of Montana for speaking to the agency or political subdivision; or
23 (4) use the funds provided for in 5-2-204 for any activity that is prohibited."

24
25 **Section 2.** Section 5-2-204, MCA, is amended to read:

26 **"5-2-204. ~~Constituent Legislative constituent~~ services ~~stipend allowance~~ and reimbursement.**

- 27 (1) Each legislator is entitled to a stipend allowance of \$3,000 in a biennium for providing constituent
28 services, ~~which include but are not limited to unreimbursed expenses for mileage, per diem, or lodging as well~~

1 ~~as communication and information technology, such as expenses for telecommunications or internet, computer~~
2 ~~hardware and software, postage, and education-related expenses to represent constituents and authorized~~
3 ~~activities related to serving in the legislature. The amount may be used for the following authorized activities~~
4 ~~that are otherwise unreimbursed:~~

5 ~~(a) mileage and lodging at rates provided for in 2-18-501 and 2-18-503 for authorized activities;~~
6 ~~(b) meals at rates provided for in 2-18-501 and 2-18-502 when a legislator is in a travel status for~~
7 ~~authorized activities that require an overnight stay;~~

8 ~~(c) communication and information technology expenses, including internet charges, computer~~
9 ~~hardware and software, and postage for authorized activities; and~~

10 ~~(d) education-related expenses related to attending meetings for interstate and intrastate organizations~~
11 ~~that provide opportunities for legislators to participate in policy and civic educational activities. Education-~~
12 ~~related expenses under this subsection (1)(d) include transportation, meals, and lodging at rates provided for in~~
13 ~~subsection (1)(a) and (b) and for registration costs.~~

14 ~~(2) The following activities are prohibited from reimbursement:~~

15 ~~(a) expenses related to election communications or electioneering communications, as those terms are~~
16 ~~18 defined in 13-1-101;~~

17 ~~(b) contributions, expenditures, or other expenses related to participation in a political committee, as~~
18 ~~the terms "contribution", "expenditure", and "political committee" are defined in 13-1-101;~~

19 ~~(c) costs for all or any portion of an event, meeting, fundraiser, or gathering at which contributions, as~~
20 ~~defined in 13-1-101, will be solicited or received by any person;~~

21 ~~(d) any direct travel, lodging, meals, entertainment, or other expenses related to the sponsorship of an~~
22 ~~event, meeting, fundraiser, or gathering at which contributions, as defined in 13-1-110, will be solicited or~~
23 ~~received by any person;~~

24 ~~(e) any direct or indirect expenditure to support or oppose a candidate or ballot issue; and~~
25 ~~(f) entertainment.~~

26 ~~(2)(3)~~ Subject to subsections ~~(4) and (5) and (6)~~, legislators are allowed additional reimbursement of
27 up to the amount provided for in subsection ~~(3)(4)~~ in a biennium for otherwise unreimbursed expenses related
28 to the legislator's expenses for ~~mileage, meals, or lodging at rates provided for in 2-18-501 through 2-18-503~~

1 ~~incurred for providing constituent services~~ authorized activities provided in subsection (1) (a) and (b).

2 ~~(3)(4)~~ The amount authorized under subsection ~~(2)(3)~~ is:

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

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

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

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

7 ~~(4)(5)~~ For expenses authorized under ~~subsection-subsections (2) and (3)~~, a legislator shall apply for
8 reimbursement to the legislative services division by submitting written documentation that satisfies applicable
9 requirements of Title 2, chapter 18, part 5.

10 ~~(5)(6)~~ Legislators may not be reimbursed for expenses paid from a constituent services account
11 provided for in 13-37-402.

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

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

17
18 **Section 3.** Section 5-2-205, MCA, is amended to read:

19 **"5-2-205. Authority for standing committees to meet during interim.** (1) Except as provided in 5-
20 2-202[, 5-12-501 through 5-12-504,] and ~~subsection-subsections (2) and (3)~~ of this section, a standing
21 committee of the legislature, as provided for in legislative rules, may not meet during the interim between
22 regular legislative sessions.

23 (2) Upon approval of the president of the senate or the speaker of the house of representatives, a
24 standing committee may meet before a special session, as provided in 5-3-101, or during a special session.

25 (3) An ethics committee provided for in 2-2-135 may meet at any time during the session or the interim
26 to enforce the rules of conduct or legislative rule. (Bracketed language terminates December 31, 2025--sec. 12,
27 Ch. 525, L. 2021.)"

