

Amendments to Senate Joint Resolution No. 1  
1st Reading Copy

Requested by Senator Jill Cohenour

For the Senate Rules Committee

Prepared by Jaret Coles  
December 6, 2020 (2:30PM)

1. Page 1.

**Following:** line 12

**Insert:** "

**CHAPTER 1**

**1-10. Legislator reimbursement during the 67th legislative session.** (1) Legislators are entitled to a salary at the hourly rate authorized by 5-2-301, MCA. The hourly rate is fixed and not intended to be increased by the 67th Legislature because Article V, section 5, of the Montana Constitution provides that no Legislature may fix its own compensation. However, current law does not anticipate legislative business to occur when the House of Representatives and the Senate do not meet during the legislative session, or the significant fixed costs and expenses legislators will incur for housing and transportation on days when the House of Representatives and the Senate are in recess because of the COVID-19 pandemic. Subject to appropriation, the Legislature finds that providing for compensation and expense reimbursements when the Legislature is conducting legislative business and responding to the pandemic is not prohibited under the Montana Constitution because the continuity of government provisions provide that the Legislature may enact laws to ensure the continuity of government during a period of emergency without regard for other provisions of the Constitution.

(2) Subject to available appropriations, in addition to receiving compensation while the House of Representatives or the Senate meets as provided in 5-2-301, MCA, legislators are entitled to a salary at the same rate of pay for those days during which the legislator is engaged in legislative business. The President of the Senate and the Speaker of the House are entitled to the additional \$5 a day in salary provided for in 5-2-301 for days while engaged in legislative business.

(3) Subject to available appropriations, in addition to receiving expense payments while the House of Representatives or the Senate meets as provided in 5-2-301, MCA, and for 3 days after recess, legislators are entitled to reimbursement for

expenses at the same reimbursement rate until the legislature adjourns sine die.

(4) A legislator may serve for no salary or may decline to accept the salary and expense allowance provided for in this section based on the legislator's individual facts and circumstances by notifying the Legislative Services Division.

(5) This section expires on the date the 67th Legislature adjourns sine die.

(6) For the purposes of this section, the term "legislative business" means the presence of the individual was formally recorded at a meeting of a committee of the Legislature on a day when both the house of representatives and the senate did not meet."

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