

**Amendment - 1st Reading-white - Requested by: Jedediah Hinkle - (H) Legislative Administration**

- 2023  
68th Legislature 2023

Drafter: Jaret Coles, 406-444-4022

HB0150.001.001

1 HOUSE BILL NO. 150  
2 INTRODUCED BY K. ABBOTT  
3 BY REQUEST OF THE LEGISLATIVE COUNCIL  
4  
5 A BILL FOR AN ACT ENTITLED: "REVISING LEGISLATIVE CONSTITUENT SERVICES ALLOWANCE  
6 LAWS; PROVIDING FOR ENFORCEMENT BY THE ETHICS COMMITTEES DURING AND BETWEEN  
7 SESSIONS; REVISING THE NAME OF THE PROGRAM; REVISING METHOD BY WHICH LEGISLATORS  
8 RECEIVE ALLOWANCE; SPECIFYING ACTIVITIES FOR WHICH THE ALLOWANCE IS AUTHORIZED AND  
9 PROHIBITED; AMENDING SECTIONS 2-2-111, 5-2-204, AND 5-2-205, MCA; AND PROVIDING AN  
10 IMMEDIATE EFFECTIVE DATE."  
11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

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

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

27 **"5-2-204. ~~Constituent services stipend~~ Legislative constituent services allowance, stipend, and**

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1 **reimbursement.** (1) Each legislator is entitled to ~~a~~an allowance or stipend of \$3,000 in a biennium for  
2 providing constituent services, ~~which include but are not limited to unreimbursed expenses for mileage, per~~  
3 ~~diem, or lodging as well as communication and information technology, such as expenses for~~  
4 ~~telecommunications or internet, computer hardware and software, postage, and education related expenses to~~  
5 ~~represent constituents~~ and authorized activities related to serving in the legislature. A legislator shall elect  
6 between receiving an allowance or a stipend before receiving a payment under either method. If a legislator  
7 elects to receive an allowance, the legislator shall apply for reimbursement to the legislative services division by  
8 submitting written documentation. The allowance amount may be used for the following authorized activities  
9 that are not otherwise reimbursed:

10 (a) mileage and lodging at rates provided for in 2-18-501 and 2-18-503 for authorized activities;  
11 (b) meals at rates provided for in 2-18-501 and 2-18-502 when a legislator is in a travel status for  
12 authorized activities;

13 (c) communication and information technology expenses, including internet charges, computer  
14 hardware and software, and postage for authorized activities, and preparation, printing, and postage costs  
15 related to educational material as provided in subsection (7); and

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

20 (2) The following activities are prohibited from reimbursement and may not be paid for from the  
21 stipend:

22 (a) except as provided in subsection (7), expenses related to election communications or  
23 electioneering communications, as those terms are defined in 13-1-101;

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

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

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

4            (e) any direct or indirect expenditure to support or oppose a candidate or ballot issue; and

5            (f) entertainment.

6            ~~(2)(3)~~ Subject to subsections ~~(4) and (5)~~ and ~~(6)~~, legislators are allowed an additional reimbursement  
7 of up to the amount provided for in subsection ~~(3)(4)~~ in a biennium for otherwise unreimbursed expenses  
8 related to the legislator's expenses for mileage, meals, or lodging at rates provided for in 2-18-501 through 2-  
9 18-503 incurred for providing constituent services authorized activities provided in subsections (1)(a) and (1)(b).

10           ~~(3)(4)~~ The amount authorized under subsection ~~(2)-(3)~~ is:

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

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

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

14 or

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

16           ~~(4)(5)~~ For expenses authorized under subsection ~~(2) (3)~~, a legislator shall apply for reimbursement to  
17 the legislative services division by submitting written documentation that satisfies applicable requirements of  
18 Title 2, chapter 18, part 5.

19           ~~(5)(6)~~ Legislators may not be reimbursed for expenses paid from a constituent services account  
20 provided for in 13-37-402.

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

26           ~~(7)(8)~~ If a legislator resigns during a legislator's term, any amount unexpended must remain with the  
27 legislative services division. A legislator appointed to fill a vacancy during a term may receive an amount

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1 prorated over the 24-month term.

2 ~~(8)(9)~~ Any violation of this section is subject to the provisions in 2-2-135 and is subject to enforcement  
3 by the ethics committee in the appropriate chamber."

4

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

6 **"5-2-205. Authority for standing committees to meet during interim.** (1) Except as provided in 5-  
7 2-202[, 5-12-501 through 5-12-504,] and ~~subsection-subsections~~ (2) and (3) of this section, a standing  
8 committee of the legislature, as provided for in legislative rules, may not meet during the interim between  
9 regular legislative sessions.

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

12 (3) An ethics committee provided for in 2-2-135 may meet at any time during the session or the  
13 interim. (Bracketed language terminates December 31, 2025--sec. 12, Ch. 525, L. 2021.)"

14

15 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

16

- END -