

# What do other Legislatures do?



**OPPORTUNITIES FOR IMPROVEMENT  
LEGISLATIVE COUNCIL  
OCTOBER 23, 2013**

# First, about us: Montana Legislature



- **Biennial Sessions:** Art. V, § 6
- **Not more than 90 days:** Art. V, § 6
- **Citizen “part-time” legislators:**
  - Title 5, section 2, part 2, MCA
- **Term-limited:** Art. IV, § 8
- **Salary:** \$82.64 per legislative day. Commensurate to a daily rate of a state employee earning \$10.33 an hour, adjusted by any statutorily required pay increase\* (from last session). 5-2-301, MCA. Add'l compensation of \$5/day for Senator President and Speaker of the House.
- **Per diem:** \$109.78 per day paid 7 days a week during a legislative session unless the Legislature recesses for more than 3 days. Rate recalculated each session as prescribed in 5-2-301, MCA. **Mileage:** Rate provided in statute, 2-18-503, MCA, currently \$.555/mile. Legislator is allowed 4 round trips for session.
- **Health Insurance:** employer contribution of up to \$733/month toward state plan or personal coverage
- **Public Retirement Systems:** Option to participate in public retirement systems for entire 2-year term. Employee and employer contribution required whenever salary is paid. 5-2-304, MCA.

\*future agenda topic

# There are only 4 states with Biennial Sessions



- Montana
- Nevada
- North Dakota
- Texas
- States that recently switched to Annual Sessions:
  - ✦ Oregon 2011
  - ✦ Arkansas 2009
  - ✦ Kentucky 2001
  - ✦ New Hampshire 1985
  - ✦ Washington 1981

# More about other Biennial States: Nevada



- 63 members (Const. max @ 75)
- 120 day calendar (Const. amendment 1998)
- First Monday in February through first week in June (Feb 4 – June 3, 2013)
- Citizen Legislature
- Term-limits: current or former Assembly or Senate member may not seek election to a house in which he or she has served for 12 years or more (adopted in 1996, first session fully implemented was 2008).
- Interim: permanent and interim study committees that hold public hearings, direct research, and deliberate on proposed legislation

# Nevada Legislative Orientation



- Phase I Orientation (Intro to LB, benefits, tools) – November 28, 29, and 30 to be held in Carson City
- Phase II Issue Briefs (4 policy topics) – December 6 and December 13 to be video conferenced among Carson City, Elko, and Las Vegas
- Phase III Academy (Legislature, bills, how a bill becomes a law, mock sessions, budget) – January 14, 15, 16, and 17 to be held in Carson City
- Additional day for New Legislators (Jan. 24)
- Also Mid-session, End of Session, Interim Committee Training

# Nevada Legislator Compensation



- Legislators are paid a salary for the first 60 days of a regular session and for up to 20 days of a special session. \$146.29/day (2013). \$900 for Speaker, President, majority and minority leaders.
- Legislators receive a per diem allowance (\$152/day), which is intended to cover the legislator's lodging, meals, and incidental expenses and is equal to the federal rate for the Carson City area. This per diem amount is paid each day that the Legislature is in session.
- Insurance benefits optional at legislator's expense.
- Legislators are also entitled to allowances for communications, postage, stationery, and travel. Phone: \$2,800 allowance.
- When the Legislature is not in session, each Senator and Assembly member is entitled to receive a salary and the per diem allowance and travel expenses provided by law for each day of attendance at a conference, training session, meeting, seminar, or other gathering at which the legislator officially represents the State of Nevada or its Legislature.
- Mandatory participation in retirement system, legislator may withdraw.

## More about other Biennial States: North Dakota



- 141 members
- 80-day calendar: organizational session is December 3-6, 2012 (in statute). Regular session January 8 to May 4, 2013 (set by legislative management).
- Citizen legislature
- Term-limits: None
- Interim: over 25 committees

# North Dakota Legislator Compensation



- **\$157/day during legislative sessions (Calendar day) and for attending interim committee meetings. Add'l compensation for Speaker and House and Senate majority and minority leaders of \$15/day during session and \$298/month during term of office, asst. leaders \$10/day during session**
- **Session lodging reimbursement up to \$1,351/month (8/1/2011-Vouchered)**
- **Health benefits, term life are state-paid; add'l insurance optional at legislator's expense**
- **Phone allowance for Legislative Council members or interim committee chairs**



## More about other Biennial States: Texas



- **House: 150 members. Senate: 31 members**
- **Regular Sessions begin at noon on the second Tuesday in January of odd numbered years and can last no more than 140 days, ending during the last week of May or the first week of June.**
- **Considered “hybrid” legislature by NCSL between professional and citizen (higher salary, allowances, and more staff)**
- **Term-limits: None**

# Texas Legislator Compensation



- Members of the Legislature receive a salary of \$600 per month (\$7,200/year), unless a greater amount is recommended by the Texas Ethics Commission and approved by the voters of this State in which case the salary is that amount.
- Each member shall also receive a per diem (\$150/day) set by the Texas Ethics Commission for each day during each Regular and Special Session of the Legislature.
- In addition to the per diem the Members of each House shall be entitled to mileage at the same rate as prescribed by law for employees of the State of Texas.
- Approved allowance for staff salaries, supplies, stationery, postage, district office rental, telephone expense, etc. Senate and House allocations are not the same. Health benefits state-paid, add'l insurance optional at legislators expense.
- Optional participation in Employee Retirement System

# Other “Citizen” Legislatures



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**Table 1. Red, White and Blue Legislatures**

Red	Red Light	White		Blue Light	Blue
California	Illinois	Alabama	Missouri	Georgia	Montana
Michigan	Florida	Alaska	Nebraska	Idaho	New Hampshire
New York	Ohio	Arizona	North Carolina	Indiana	North Dakota
Pennsylvania	Massachusetts	Arkansas	Oklahoma	Kansas	South Dakota
	New Jersey	Colorado	Oregon	Maine	Utah
	Wisconsin	Connecticut	South Carolina	Mississippi	Wyoming
		Delaware	Tennessee	Nevada	
		Hawaii	Texas	New Mexico	
		Iowa	Virginia	Rhode Island	
		Kentucky	Washington	Vermont	
		Louisiana		West Virginia	
		Maryland			
		Minnesota			

Source: NCSL, 2008

**Table 2. Average Job Time, Compensation and Staff Size by Category of Legislature**

Category of Legislature	Time on the Job (1)	Compensation (2)	Staff per Member (3)
Red	80%	\$68,599	3.9
White	70%	\$35,326	3.1
Blue	54%	\$15,984	1.2

**Notes:**

1. Estimated proportion of a full-time job spent on legislative work including time in session, constituent service, interim committee work, and election campaigns.
2. Estimated average annual compensation of legislators including salary, per diem, and any other unvouchered expense payments.
3. Ratio of total legislative staff to number of legislators. This includes central legislative staff offices, so it is not a measure of how many staff work directly for each legislator.

Source: NCSL, 2008

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# Regarding Annual Sessions: Oregon



- Oregon is the most recent state to change to Annual Sessions (Measure 71, 2010)
- Through legislatively-referred constitutional amendment passed in Feb. 2010 special session (majority vote to place on ballot).
- Changed the number of times the Oregon Legislative met from every two years to every year. 160-day session in odd-numbered year, 35-day session in even-numbered year. Allows 5-day extensions by 2/3 vote.
- Called self into special sessions in 2008 and 2010 to “try on” annual sessions.
- Odd-year sessions had lasted about 6 months, but longer in 2003 and 2005. Voters rejected proposal in 1990. 2005 proposal died in House. 2006 commission proposal never made the ballot.
- In 2005 created Public Commission on the Oregon Legislature: 4 legislators and 26 members of the public who met 9 times.

# Regarding Nevada Study



- “Structure and Operations of the Nevada Legislature” included in packets. Considerable information about Oregon study and from NCSL on topics similar to Council’s inquiry.
- 2013 Legislative Counsel Bureau Study – studied other legislatures, including Oregon, and recommended a public commission like Oregon’s (legislators and non-legislators) to further study Nevada Legislature, including compensation and interim committee structure. (Passed Senate Committee – no further action before legislature adjourned.)
- 2013 Adopted resolution to place annual sessions on ballot – required to pass legislature a 2<sup>nd</sup> time in 2015 before being placed on ballot.

# Work product



- Based on the work plan, the following work product will be compiled with information about other legislatures (primarily “citizen”), options for consideration, and any recommendations by the Legislative Council:
  - Session structure/ calendar
    - ✦ scheduled start
    - ✦ length of session (days or weeks)
    - ✦ weekly schedule of committee meetings and floor sessions
    - ✦ yearly schedule
    - ✦ use of interim or standing committees between sessions
    - ✦ hours devoted to budget hearings/ joint or chamber process
    - ✦ target sine die date and how often achieved
  - Staffing and budget for constituent services
    - ✦ leadership staff
    - ✦ legislator staff
    - ✦ Budget – mail, mileage, phone or data, etc.
  - Orientation and Training
  - Other suggestions?