

## HISTORY OF LEGISLATOR SALARY RATES

### Salary:

- Prior to 2009 Session – Salary based on 5-2-301, MCA, defined as “commensurate to that of the **daily rate of an entry grade 10 classified state employee** in effect when the regular session of the legislature in which they serve is convened...”
- Beginning with 2009 Session - HB13, passed during the 2007 session, reflected the executive branch implementation of a broadband pay plan and revised 5-2-301, MCA, related to legislator salary. Legislator salary was established as “commensurate to that of the **daily rate for an employee earning \$10.33 an hour** when the regular session of the legislature in which they serve is convened...” The salary must be adjusted by any statutorily required pay increase. The statute revision was effective 7/1/07 and first applied to the 61<sup>st</sup> Legislature convening in January 2009. (Verified with Legal Director 7/20/07)
- Beginning with 2017 Session – SB 418, passed during the 2015 session, raised state employee salaries by 50 cents an hour in January of 2016 and January of 2017. This salary adjustment for legislators will take effect for the 2017 Session, making the salary \$11.33 /hour.

**NOTE: When the hourly rate remains unchanged in statute, legislative staff will manually have to calculate and apply cumulative changes which apply to the rate since statute requires an adjustment for any statutory pay increase. Remember, a statutory increase which takes effect *after* a Legislature convenes in regular session is not applied until the *next* Legislature convenes (Art. 5, sec. 5, Montana Constitution).**

January **1999** \$59.672/day (\$7.459/hr, \$59.672/day, \$15,515/annualized)  
January **2001** \$71.832/day (\$8.979/hr, \$71.832/day, \$18,676/annualized)  
January **2003** \$76.80/day (\$9.60/hr, \$76.80/day, \$19,968/annualized)  
January **2005** \$76.80/day (\$9.60/hr, \$76.80/day, \$19,968/annualized)  
January **2007** \$82.665/day (\$10.333/hr, \$82.665/day, \$21,493/annualized)  
January **2009** \$82.64/day (\$10.33/hr, \$82.64/day, \$21,486/annualized)  
January **2011** \$82.64/day (\$10.33/hr, \$82.64/day, \$21,486/annualized)  
January **2013** \$82.64/day (\$10.33/hr, \$82.64/day, \$21,486/annualized)  
January **2015** \$82.64/day (\$10.33/hr, \$82.64/day, \$21,486/annualized)  
January **2017** \$90.64/day (\$11.33/hr, \$90.64/day, \$23,566/annualized)

FYI – the additional \$5/day during session for President of the Senate and Speaker of the House was enacted by Chapter 103, Laws of 1977.

## HISTORY OF LEGISLATOR SESSION PER DIEM RATES

Statute provides a formula for calculation of the session per diem rate in 5-2-301(4), MCA (see text box). Documentation of the calculation of the per diem rate each biennium is filed in the appropriate feed bill file.

### Per Diem:

|      |          |
|------|----------|
| 1997 | \$70.00  |
| 1999 | \$75.00  |
| 2001 | \$87.25  |
| 2003 | \$90.31  |
| 2005 | \$94.05  |
| 2007 | \$98.75  |
| 2009 | \$103.69 |
| 2011 | \$105.31 |
| 2013 | \$109.78 |
| 2015 | \$112.85 |

Based on a biennial survey of the per diem allowance for legislators from North Dakota, South Dakota, Wyoming, and Idaho (and including Montana), the Department of Administration shall determine the average daily rate for legislators. If the average daily rate is greater than the daily rate for legislators in Montana, legislators are entitled to a new daily rate for those days during which the legislature is in session. The daily rate for the prior legislative session may be increased by the percentage rate determined by the survey, a cost-of-living increase to reflect inflation, or 5%, whichever is less. The expense allowance is effective when the next regular session of the legislature in which the legislators serve is convened under 5-2-103.

### **Interim per diem rates**

Statute provides that when the legislature is not in session, legislators engaged in legislative business with prior authorization are entitled to:

- (1) a mileage allowance as provided in 2-18-503 (0.575 cents/mile);
- (2) expenses as provided in 2-18-501 and 2-18-502 (meals @ \$23.00/day (max instate) and lodging @ \$96.23/night; and
- (3) a salary equal to a full day's pay at the rate in 5-2-301(1) (see above).

### **Constituent services stipend and reimbursement**

The 2015 Legislature passed SB 283 (Ch. 452). Effective **July 1, 2017**, the law provides for:

(1) Each legislator is entitled to a stipend of \$3,000 in a biennium for providing constituent services, which include but are not limited to unreimbursed expenses for mileage, per diem, or lodging as well as communication and information technology, such as expenses for telecommunications or internet, computer hardware and software, postage, and education-related expenses to represent constituents.

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

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

- (a) \$1,000 if the legislator's district is at least 100 square miles but less than 1,000 square miles;
- (b) \$2,000 if the legislator's district is at least 1,000 square miles but less than 5,000 square miles;
- (c) \$3,000 if the legislator's district is at least 5,000 square miles but less than 7,500 square miles; or
- (d) \$4,000 if the legislator's district is 7,500 square miles or more.

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

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

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