

## 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)
- For 2017 - 2019 Sessions – SB 418 (L. 2015), raised state employee salaries by 50 cents an hour in January of 2016 and January of 2017, making the salary \$11.33 /hour. SB 294 (L. 2017), raised state employee salaries by 1% in February of 2018 and 1% in February of 2019, making the salary \$11.56 /hour.
- For 2021 Session - HB 175 (L. 2019) raised pay for state employees that included a 0.50 cent increase beginning the first pay period including January 1 for each year of the biennium, making the salary \$12.56/hour.
- For 2023 Session – HB 13 (L. 2021) raised pay for state employees that included a 0.55 cent increase beginning the first pay period including November 5, 2022, making the salary \$13.11/hour for Legislators starting January 2, 2023.

**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)  
January **2019** \$92.46/day (\$11.56/hr, \$92.46/day, \$24,045/annualized)  
January **2021** \$100.46/day (\$12.56/hr, \$100.46/day, \$26,125/annualized)  
January **2023** \$104.86/day (\$13.11/hr, \$104.86/day, \$27,264/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
2017	\$114.39
2019	\$120.11
2021	\$126.12
2023	\$171.00*

Based on a biennial survey of the per diem allowance for legislators from North Dakota, South Dakota, Wyoming, and Idaho (and including Montana), the Dept 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.

*\*2023 Per Diem Rate finalized – HB 28 (68<sup>th</sup> Legislature).*

### **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 (0.655 cents/mile;
- (2) expenses as provided in 2-18-501 and 2-18-502 (meals @ \$30.50/day (max instate) and lodging @ \$98/night, plus tax - Helena rate \$107/night), plus tax; 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**

### **Background**

The 68th Legislature has passed HB 150 which amends 5-2-204, MCA. 5-2-204, MCA, provides for a stipend for legislators and/or allows reimbursement of constituent services expenses not paid from a constituent services account or otherwise reimbursed. The statute provides a primary \$3,000 stipend or allowance for each legislator and a secondary amount of between \$1,000 and \$4,000 depending on the square mileage of a legislator's district, for districts over 100 square miles.

This gives legislators the option to choose how the primary \$3,000 is distributed.

1. “Stipend” which is taxed:
2. “Allowance” which may have less tax liability to the Legislator

### **Secondary Amount**

- The law specifies that legislators must apply for reimbursement to the Legislative Services Division by submitting written documentation that satisfies applicable requirements of 2-18-5, MCA which apply to meals, lodging, and transportation for otherwise unreimbursed expenses related to the legislator’s expenses incurred for providing constituent services. The secondary amount is a variable amount that is determined by square mileage of district. Please click [Constituent Services Secondary Reimbursement Amount by District](#) to see if your district is eligible for a secondary amount (and applicable amount).