



Legislative Council

64th Montana Legislature

SENATE MEMBERS

DEBBY BARRETT--Vice Chair
EDWARD BUTTREY
ROBYN DRISCOLL
TOM FACEY
BOB KEENAN
JON SESSO

HOUSE MEMBERS

CHUCK HUNTER--Chair
BRYCE BENNETT
SETH BERGLEE
STEPHANIE HESS
AUSTIN KNUDSEN
MARGARET (MARGIE) MACDONALD

COMMITTEE STAFF

SUSAN FOX, Executive Director
TODD EVERTS, Legal Division Director
FONG HOM, Secretary

January 12, 2016

To: Legislative Council Members
From: Susan B. Fox, Executive Director
Re: Legislator Compensation

At the November meeting, the Council decided to continue to look into legislator compensation and asked for examples of bills from the 2015 session. There were only two bills that directly addressed legislator compensation and neither passed.

House Bill No. 30 proposed providing a reimbursement to legislators during a legislative session for family day-care expenses. HB 30 was tabled in House State Administration. It carried a fiscal cost of approximately \$26,000 for a session, assuming an average of 10 legislators submitted claims at a rate of \$29.13 a day. That rate was calculated by the Department of Public Health and Human Services as the statewide average rate pursuant to 52-2-713, MCA.

LC 2125 proposed numerous changes to statutes regarding the legislature. The sections that related to legislator compensation were:

- Section 1 amending 5-2-301, MCA, compensation and expenses for members while in session. The bill proposed a weekly salary for weeks of 5 days or more based on the median salary of the blue collar pay plan of the executive branch (in 2014, the average blue collar pay plan base annual salary was \$42,474, or \$20.42 an hour. This is slightly less than the average state employee annual salary of \$44,080.)
- Section 2 amending 5-2-303, MCA, allowing legislators to participate in child care and medical flexible spending accounts. This is not available to legislators without a year-round regular salary from which a bi-weekly deduction may be made.
- Section 5 amending 19-3-412, MCA, requiring all new legislators who previously had not been in a state retirement plan to join the defined contribution plan instead of the currently allowed defined benefit plan.

Because the bill was not introduced, a fiscal note was never calculated. The bill, in previous drafts, had also previously contemplated an interim stipend which eventually passed in SB 283. This bill will be discussed by the Legislative Council at the February 2016 meeting.

Other than HB 530, introduced in 2013, the last bill to change legislator salary was introduced in 2009, providing for an interim stipend (HB 145) and did not pass.