



MEMORANDUM

Prepared for: House Special Committee on
Modernizing the People's Legislature
Date: March 10, 2021
By: Melissa Leoni and Leslie Porter,
Analysts
Re: Legislative Pay

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

The House Special Committee on Modernizing the People's Legislature has scheduled and informational meeting and public hearing on the topic of Legislative Pay. The Committee's co-chairs have asked for information about legislative pay, both in Oregon and nationwide and previous efforts to set legislator pay in Oregon.

SUMMARY

The National Conference on State Legislatures (NCSL) collects data each year from all 50 states about legislative compensation, which includes annual salaries, mileage, and per diem rates. The data from 2019 show that base salaries range from no salary in New Mexico to over \$114,000 a year in California, while mileage rates range from no mileage reimbursement in Massachusetts to 58 cents per mile in South Carolina.¹ Finally, per diem rates vary, as some states have different rates for overnight stays versus no overnight stays, while others offer a flat rate.

In Oregon, ORS 171.072 sets legislator pay at an annual salary that equals one step below the maximum step of the Salary Range 1 in the Management Service Compensation Plan in the Oregon executive department, which is currently \$32,832 per year.

While legislator compensation in Oregon is currently set by statute, the Public Officials Compensation Commission, created in 1983, once had the job of recommending salaries for many of the state's elected officials. Over the years the commission became inactive, and it was removed from statute in 2017.

OREGON PUBLIC OFFICIALS COMPENSATION COMMISSION

In 2007, the Legislative Assembly reactivated the Public Official Compensation Commission and broadened its authority based on a recommendation from the Public Commission on the Oregon Legislature.² The Commission had 11 members and was directed to recommend salary amounts for:

- Governor, Secretary of State, Treasurer, Attorney General, Superintendent of Public Instruction, and the Commissioner of Labor and Industries;

¹ National Conference of State Legislatures, *2019 Legislator Compensation*, <https://www.ncsl.org/research/about-state-legislatures/2019-legislator-compensation.aspx> (last visited on March 9, 2021).

² Public Officials Compensation Commission, *Report and Recommendations*, November 2008, <https://www.oregon.gov/das/HR/Documents/2008%20Final%20Recommendations.pdf> (last visited March 10, 2021).

- members of the Legislative Assembly, including the majority and minority leadership positions; and
- Chief Justice and Judges of the Supreme Court; Chief Judge and Judges of the Court of Appeals; and Judges of the Tax Court and Circuit Courts.³

Membership

Originally elected officials appointed all Commission members. Beginning in 2008, the law called for Commissioners to be appointed in the following manner:

- two members appointed by the Governor;
- one member appointed by the Chief Justice of the Supreme Court;
- one member appointed by the President of the Senate;
- one member appointed by the Speaker of the House of Representatives; and
- six members appointed by the Secretary of State, chosen by lot from voter registration records, from each Congressional district and one statewide.⁴

Salary Recommendation Process

The Commission was required to meet on or before September 1 and to complete a report by November 10 of each even-numbered year to review and establish the salary recommendations. The Commission law then required the Governor to include the Commission's recommended salaries in the Governor's recommended budget, and for the Legislative Assembly to consider those salary recommendations in adopting the state's budget.

The Commission was tasked with considering the following criteria in establishing its salary recommendations:

- comparable positions in neighboring states;
- qualifications and skills necessary for each office;
- level of responsibility implicit in each office;
- cost of living;
- total compensation of the positions, including benefits other than salary;
- budget limitations; and
- any other factors the Commission considered to be reasonable, appropriate, and in the public interest.⁵

TYPES OF LEGISLATOR COMPENSATION

Base Salaries

According to a study conducted by NCSL in 2019, 49 states pay legislative salaries and offer them based on different calculations. For example, some states offer annual salaries, while others offer monthly, weekly, or daily amounts, which, in some cases,

³ *Id.*

⁴ *Id.*

⁵ *Id.*

depend on whether a legislature is in session.⁶ Below is information from the 2019 study.

- 18 states have legislative base salaries under \$20,000. New Mexico is the lowest, having no salary, followed by New Hampshire, at \$100 per year.
- 13 states have base salaries between \$20,000 and \$40,000.
- 10 states have base salaries between \$40,000 and \$60,000.
- 9 states have base salaries over \$60,000. The highest are California, at over \$114,000 per year, and New York, at \$110,000 per year.

Mileage

Mileage rates range from no mileage reimbursement in Massachusetts to 58 cents per mile in South Carolina. Most states offer 57.5 cents per mile, with varying requirements. Despite Massachusetts not offering mileage reimbursement, legislators receive stipends that can be used for mileage expenses.

Per Diem

Forty-two states offer per diem rates, while eight do not. Per diem rates are based on several factors, dependent on the state. For the states that do not offer per diem, other methods of compensation may be offered, such as a stipend that can be used for such expenses.

Table 1 illustrates the methods of compensation for all 50 states from data collected by the National Conference of State Legislatures for 2019.

Table 1: 2019 Legislative Salaries and Per Diem by State⁷

State	Base Salary	Mileage (cents per mile)	Per Diem
Alabama	\$49,861/year.	57.5/mile.	For overnight stays: \$85/day. For two or more days with overnight stays: \$100/day.
Alaska	\$50,400/year.	57.5/mile.	\$287/day.
Arizona	\$24,000/year.	57.5/mile.	For legislators residing within Maricopa County: \$35/day for the first 120 days of regular and special sessions and \$10/day for all following days. For legislators residing outside of Maricopa County: \$60/day for the first 120 days of regular and special sessions and \$20/day for all following days. <i>Set by statute.</i>

⁶National Conference of State Legislatures, *2019 Legislator Compensation*, <https://www.ncsl.org/research/about-state-legislatures/2019-legislator-compensation.aspx> (last visited on March 9, 2021).

⁷ *Id.*

State	Base Salary	Mileage (cents per mile)	Per Diem
Arkansas	\$42,428/year.	57.5/mile.	For legislators residing within 50 miles of the capitol: \$55/day. For legislators residing more than 50 miles from the capitol: \$151/day.
California	\$114,877/year.	53/mile.	\$206/day.
Colorado	\$40,242/year for legislators whose terms commence in or after January 2019; \$30,000/year for those whose terms began before January 2019.	52/mile.	For legislators residing within 50 miles of the capitol: \$45/day. For legislators living more than 50 miles from the capitol: \$219/day. <i>Set by the legislature. Vouchered.</i>
Connecticut	\$28,000/year.	57.5/mile.	No per diem is paid.
Delaware	\$47,291/year.	40/mile.	No per diem is paid.
Florida	\$29,697/year.	44.5/mile.	\$152/day for up to 50 days for senators and up to 60 days for representatives. <i>Vouchered.</i>
Georgia	\$17,342/year.	57.5/mile. <i>Tied to federal rate.</i>	\$173/day. <i>Set by the Legislative Services Committee. Unvouchered.</i>
Hawaii	\$62,604/year.	57.5/mile.	For legislators who do not reside on Oahu: \$225/day. For legislators living on Oahu during the mandatory five-day recess only: \$10/day.
Idaho	\$18,415/year.	57.5/mile.	For legislators residing within 50 miles of the capitol: \$71/day. For legislators residing more than 50 miles from the capitol: \$139/day.
Illinois	\$69,464/year.	57.5/mile.	\$151/day.
Indiana	\$27,204/year.	57.5/mile. <i>Tied to federal rate.</i>	\$184/day. <i>Unvouchered.</i>
Iowa	\$25,000/year.	39/mile.	\$169/day. <i>Unvouchered.</i>
Kansas	\$88.66/calendar day.	57.5/mile. <i>One round trip per week.</i>	\$151/day.
Kentucky	\$188/day.	57.5/mile. <i>Tied to federal rate.</i>	\$166/day.
Louisiana	\$16,800/year.	57.5/mile. <i>Tied to federal rate.</i>	\$161/day. <i>Tied to federal rate. Unvouchered.</i>

State	Base Salary	Mileage (cents per mile)	Per Diem
Maine	\$14,862 for the first regular session. \$10,582 for the second regular session.	44/mile.	\$38/day for lodging (or mileage and tolls up to \$38/day in lieu of lodging). \$32/day for meals. <i>Set by statute.</i>
Maryland	\$50,330/year.	57.5/mile. <i>Legislators receive \$750/year as taxable income for in-district travel, but they may decline the allowance.</i>	\$109/day for lodging. \$56/day for meals.
Massachusetts	\$66,256/year.	No mileage reimbursement. <i>Legislators residing within 50 miles of the statehouse receive an office expense stipend of \$16,248 that can be used for travel expenses. Legislators residing more than 50 miles from the state house receive \$21,664.</i>	No per diem is paid. <i>Legislators residing within 50 miles of the statehouse receive an office expense stipend of \$16,248 that can be used for travel expenses. Legislators residing more than 50 miles from the statehouse receive \$21,664.</i>
Michigan	\$71,685/year.	57.5/mile.	No per diem is paid. <i>Legislators receive an expense allowance of \$10,800/year for session and interim. Set by the compensation commission. Vouchered.</i>
Minnesota	\$46,500/year.	57.5/mile. <i>One round trip per week. Tied to federal rate.</i>	For senators: \$86/day. For representatives: \$66/day.
Mississippi	\$23,500/year.	57.5/mile.	\$151/day. <i>Tied to federal rate. Unvouchered.</i>
Missouri	\$35,915/year.	43/mile.	\$121/day. <i>Tied to federal rate. Unvouchered.</i>
Montana	\$92.46/legislative day.	57.5/mile. <i>Tied to federal rate.</i>	\$120.11/day.
Nebraska	\$12,000/year.	57.5/mile. <i>Tied to federal rate.</i>	For legislators residing within 50 miles of the capitol: \$55/day. For legislators residing more than 50 miles from the capitol: \$151/day.
Nevada	\$164.69/calendar day up to 60 days. Senators who are not up for reelection until 2022 receive \$159.89/calendar day.	57.5/mile. <i>Tied to federal rate.</i>	\$151/day.

State	Base Salary	Mileage (cents per mile)	Per Diem
New Hampshire	\$100/year.	57.5/mile. <i>Tied to federal rate. Legislators can instead choose the state mileage reimbursement option, which is 38/mile for the first 45 miles, and 19/mile thereafter. With this alternative method, the reimbursement is taxed as income, and legislators do not need to drive their personal vehicle.</i>	No per diem is paid.
New Jersey	\$49,000/year.	No mileage reimbursement.	No per diem is paid.
New Mexico	\$0/year.	57.5/mile. <i>Tied to federal rate.</i>	\$192/day. <i>Tied to federal rate. Vouchered.</i>
New York	\$110,000/year.	57.5/mile. <i>Tied to federal rate.</i>	For non-overnight travel: \$61/day. For overnight stays: \$176/day.
North Carolina	\$13,951/year.	29/mile. <i>One round trip per week.</i>	\$104/day. <i>Set by statute. Unvouchered.</i>
North Dakota	\$505/month until July 1, 2020. \$515/month after July 1, 2020.	57.5/mile. <i>Tied to federal rate.</i>	\$181/day until July 1, 2020. \$186/day after July 1, 2020.
Ohio	\$65,528/year.	52/mile. <i>Only for legislators living outside Franklin County.</i>	No per diem is paid.
Oklahoma	\$35,021/year.	57.5/mile. <i>Tied to federal rate.</i>	\$166/day. <i>Tied to federal rate. Unvouchered.</i>
Oregon	\$31,200/year.	57.5/mile.	\$151/day.
Pennsylvania	\$90,335/year.	57.5/mile.	\$178/day.
Rhode Island	\$15,959/year.	57.5/mile.	No per diem is paid.
South Carolina	\$10,400/year.	58/mile. <i>Tied to federal rate.</i>	\$140/day.
South Dakota	\$11,892/year.	One trip is paid at 5/mile, and the remaining are paid at 42/mile. <i>One round trip per week.</i>	\$151/day. <i>Legislative days only. Unvouchered.</i>
Tennessee	\$24,316/year.	47/mile.	For legislators residing within 50 miles of the capitol: \$61/day. For legislators residing more than 50 miles from the capitol: \$284/day. <i>Tied to federal rate. Unvouchered.</i>
Texas	\$7,200/year.	50/mile. \$1.21/mile for single, twin and turbo engine airplanes. <i>Set by general appropriations bill.</i>	\$221/day. <i>Set by ethics commission. Unvouchered.</i>
Utah	\$285/legislative day.	57/mile.	N/A

State	Base Salary	Mileage (cents per mile)	Per Diem
Vermont	\$742.92/week during session.	57.5/mile. <i>Tied to federal rate.</i>	\$132/day for lodging. \$66/day for meals.
Virginia	\$18,000/year for senators. \$17,640/year for delegates.	57.5/mile.	\$210/day.
Washington	\$52,766/year. Increases to \$56,881 on July 1, 2020.	57.5/mile.	\$120/day.
West Virginia	\$20,000/year.	48.5/mile.	\$131/day. <i>Set by compensation commission. Unvouchered.</i>
Wisconsin	\$52,999/year.	51/mile. <i>One round trip per week.</i>	\$115/day for senators. \$162 (with overnight) or \$81/day (no overnight) for representatives. <i>Per diem can be claimed up to 90 days per year.</i>
Wyoming	\$150/day.	57.5/mile.	\$109/day. <i>Set by legislature. Vouchered.</i>

Source: National Conference of State Legislatures