

Alaska State Legislature

Legislative Affairs Agency

Office of the Executive Director

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MEMORANDUM

TO: Rep. David Guttenberg
Chair, Legislative Council

FROM: Jessica Geary 
Executive Director

DATE: September 13, 2018

SUBJECT: Legislative Council Travel & Per Diem Policy

Per AS 24.10.130 Legislative Council sets the travel and per diem policy. Currently, session per diem is paid at the federal rate, which is set by the Department of Defense and fluctuates due to changes in season and cost of living increases. During the 30th Legislature, the per diem rate increased by 23% from \$213 to \$275 per day.

On September 1, 2018, the daily rate increased again to \$302, which would be in effect for the 31st Legislature. As many of you are aware, Legislative Council set per diem at a flat rate of \$275 for the Second Session of the 30th Legislature only, so if Council takes no action prior to the 31st Legislature, the rate will be \$302 per day. The FY19 budget is based on a session per diem rate of \$275.

I propose setting a flat per diem rate of \$263 per day for all legislative sessions (regular, extended, and special). The rate is based on the average of the three most recent federal rates. I further propose changing the Travel and Per Diem Policy to reflect the approved flat rate and to add language regarding the Alaska State Officers Compensation Commission (ASOCC) recommendation of January 9, 2018, and the Legislature's ability to change the statute to overrule the recommendation. This ambiguous language follows the intent of the ASOCC recommendation, while also adding flexibility so that the Policy doesn't need to be further amended if the Legislature changes course.

I am happy to answer questions from members.

Attachment: Proposed Travel and Per Diem Policy Change

LEGISLATIVE COUNCIL TRAVEL AND PER DIEM POLICY

[Approved February 4, 2010 (effective January 19, 2010)]

Approved September 21, 2018 (effective January 15, 2019)

Under AS 24.10.130, the Alaska Legislative Council establishes the following travel and per diem policy for Legislators and Legislative employees:

I. Session Per Diem

Legislators, except those whose place of permanent residence is within 50 miles of the Capitol or the meeting site of a special session, are entitled to a daily per diem [AT THE FEDERAL] **paid at a flat rate of \$263** during a legislative session. Legislators who permanently reside within 50 miles of the Capitol or the meeting site of a special session **may** receive [75% OF THE FEDERAL SESSION] **a** per diem rate for each day of a legislative session **in accordance with AS 39.23.540 (d)**.

Legislative staff are not entitled to a daily per diem during a regular legislative session in the Capital City.

Legislators are reimbursed for travel, per diem, or actual expenses as follows and in accordance with guidelines established by the presiding officers or authorizers of the travel.

II. Travel Per Diem or Reimbursement

When a Legislator is away from Juneau on legislative business during the legislative session, the Legislator is entitled to receive reimbursement for transportation, lodging, and incidental expenses. They are not entitled to a meal allowance. The reimbursement is in addition to session per diem.

A Legislator or Legislative employee on legislative business is entitled to receive travel per diem or meal allowances and reimbursement for other actual expenses in accordance with guidelines established by the presiding officers or the authorizer of the travel.

Legislative staff members are not entitled to reimbursement for travel and travel per diem for lodging and meal expenses to attend a special session of the Legislature unless specifically authorized by the appropriate authority. Approval is not automatic and may vary between special sessions depending on considerations such as the length and subject matter of the special session, and the number of legislative staff needed.

A Legislator or Legislative employee who is entitled to travel per diem shall be paid:

- (1) at the federal rate while on legislative business;
 - (a) during the interim in a place that is not the Legislator's or Legislative employee's place of permanent residence;
 - (b) during the session in a place that is neither the Capital City nor the Legislator's or Legislative employee's place of permanent residence, except that employees based in a location other than the Capital City during a session may receive per diem in the Capital City; and,

- (c) Per diem and meal allowances are calculated for (a) & (b) as follows:

Overnight Travel

Legislators or Legislative employees are entitled to receive the federal per diem rate when traveling overnight. On the day of departure or return, Legislators or Legislative employees are entitled to a prorated meal allowance based on the hour of departure or return to their home. The authorizer of the travel may authorize payment of actual hotel costs plus meal allowance;

Same Day Travel

Legislators and Legislative employees are not entitled to a meal allowance for travel away from home for the day.

A Legislator or Legislative employee must request travel per diem or reimbursement for actual expenses by submitting a claim to the Legislative Affairs Agency within 60 days after returning from the trip.

III. Reimbursement for Actual Expenses

If the Legislator or Legislative employee expects to request reimbursement for expenses in lieu of travel per diem, the authorizer of the travel or their designee, as appropriate, must approve the reimbursement.

A Legislator or Legislative employee seeking reimbursement for actual expenses is entitled to a meal allowance.

Reimbursement for other itemized expenses may exceed the applicable travel per diem amount.

A Legislator or Legislative employee who is requesting reimbursement for actual expenses shall submit:

- (1) Receipts for lodging on letterhead invoice, showing the rate for single occupancy;
- (2) Receipts for incidental transportation expenses if the charge for the item was more than \$15;
- (3) A statement of expenses for incidental transportation for which the charge was less than \$15 per item;
- (4) An itemized statement, initialed by the Legislator or Legislative employee, for business phone calls;
- (5) A statement of the date and time the travel began and ended to be used in computing meal allowances; and

- (6) If a statement or receipt required under (1)-(4) is not available, a written explanation of the failure to present the statement or receipt.

IV. Reimbursement for Mileage

Mileage will be reimbursed at the federal mileage reimbursement rate.