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Official Business

Alaska State Legislature

House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

STATE AFFAIRS COMMITTEE

HOUSE BILL 220

FILE CONTENTS

1. HB 220: AN ACT RELATING TO LEGISLATIVE PER DIEM; AND PROVIDING FOR AN EFFECTIVE DATE
2. MEMORANDUM FROM REPRESENTATIVE FRAN ULMER TO SENATOR DON BENNETT, DATED FEBRUARY 17, 1987, AND ATTACHMENTS
3. MEMORANDUM FROM TERESA CRAMER TO REPRESENTATIVE FRAN ULMER, DATED APRIL 14, 1987

FISCAL NOTE

- A. LEGISLATIVE AFFAIRS AGENCY, LEGISLATIVE COUNCIL, LEGISLATIVE LEADERSHIP, SESSION EXPENSES: \$119.2 IN FY 88

HOUSE COMMITTEE REPORT

(7)

Date referred: 3/27/87

FURTHER REFERRALS: Finance

DATE: 4-15-87

The State Affairs Committee has considered HB 220

"An Act relating to legislative per diem; and providing for an effective date."

RECOMMENDS:

- replace with CS HB 220 (SA) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: 4/16/87 letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Pat Boucher WITH LTR OF INTENT
ON USE OF TELECOMMUNICATION

Scott M...

Alan ...

SIGNING OTHER RECOMMENDATIONS:

David Douley NO REC

Larry Martin No Rec

[Signature]
Chairman's signature

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

2

HOUSE BILL NO. 220

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to legislative per diem; and provid-

7

ing for an effective date."

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

* Section 1. AS 24.10.105(b) is amended to read:

10

(b) A legislator is entitled to receive per diem at the short-

11

term rate

12

(1) for the 10 days before, the 10 days after and each day

13

of [DURING] a legislative session if the legislator is not living in

14

the legislator's place of permanent residence during the session;

15

[AND]

16

(2) during the period of time not included in (1) of this

17

subsection, while on committee business [or other] legislative business

18

in a place that is not the legislator's place of permanent residence;

19

and

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(3) during the 10 days before and the 10 days after a

21

legislative session while engaged in committee business [or other

22

legislative business] in a place that is not the legislator's place of

23

permanent residence if the legislator is living in the legislator's

24

place of permanent residence during the session.

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* Sec. 2. AS 24.10.105(c) is amended to read:

26

(c) A legislator is entitled to receive per diem at the long-

27

term rate

28

(1) for the 10 days before, the 10 days after, and each day

29

of [DURING] a legislative session if the legislator is living in the

Restriet below + AS 24.10.105

1 legislator's place of permanent residence during the session unless
2 the legislator received per diem at the short-term rate under (b)(3)
3 of this section for that day; and

4 (2) during the period of time not included in (1) of this
5 subsection, while engaged in committee business or other legislative
6 business at the legislator's place of permanent residence.

7 * Sec. 3. AS 24.10.105 is amended by adding a new subsection to read:

8 (e) In addition to receiving per diem under (b) or (c) of this
9 section, a legislator is entitled to reimbursement for actual expenses
10 for transportation, food, and lodging when away from Juneau on legis-
11 lative business during the legislative session if the trip is author-
12 ized by the president of the senate or the speaker of the house of
13 representatives, as appropriate. However, a legislator may not re-
14 ceive reimbursement for an item that is greater than \$10 unless the
15 legislator presents a receipt for the expense or, if the receipt is
16 unavailable, a written explanation for the failure to present the
17 receipt.

18 * Sec. 4 This Act takes effect immediately under AS 01.10.070(c).



Official Business

Alaska State Legislature

House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

STATE AFFAIRS COMMITTEE

LETTER OF INTENT

HOUSE BILL 220

APRIL 16, 1987

Committee Substitute for House Bill 220 (State Affairs) makes modifications to legislative per diem. It is the intent of the House State Affairs Committee that interim per diem expenses be kept to a minimum through the use of teleconference committee hearings. AS 44.62.310(a) allows for meetings of committees by teleconference and for a roll call vote during such meetings.

A handwritten signature in cursive script that reads "Fran Ulmer".

Fran Ulmer, Chair
House State Affairs Committee

Original sponsor: Rules/Legislative Council

Handwritten notes on the left margin: "Katie Kessie" and "Katie Kessie" written vertically.

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 220 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to legislative per diem; and provid-
7 ing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 24.10.105(b) is amended to read:

10 (b) A legislator is entitled to receive per diem at the short-
11 term rate

12 (1) during a legislative session if the legislator is not
13 living in the legislator's place of permanent residence during the
14 session; and

15 (2) during the period of time not included in (1) of this
16 subsection, while on committee business [OR OTHER LEGISLATIVE BUSI-
17 NESS] in a place that is not the legislator's place of permanent
18 residence.

Handwritten notes on the left margin: "Duo" and "committee" written vertically.

19 * Sec. 2. AS 24.10.105(c) is amended to read:

20 (c) A legislator is entitled to receive per diem at the long-
21 term rate

22 (1) during a legislative session if the legislator is
23 living in the legislator's place of permanent residence during the
24 session unless the legislator received per diem at the short-term rate
25 under (f) of this section for that day; and

26 (2) during the period of time not included in (1) of this
27 subsection, while engaged in committee business [OR OTHER LEGISLATIVE
28 BUSINESS] at the legislator's place of permanent residence.

29 * Sec. 3. AS 24.10.105 is amended by adding new subsections to read:

1 (e) In addition to receiving per diem under (b) or (c) of this
2 section, a legislator is entitled to reimbursement for actual expenses
3 for transportation, food, and lodging when away from Juneau on legis-
4 lative business during the legislative session if the trip is author-
5 ized by the president of the senate or the speaker of the house of
6 representatives, as appropriate. However, a legislator may not re-
7 ceive reimbursement for an item that is greater than \$10 unless the
8 legislator presents a receipt for the expense or, if the receipt is
9 unavailable, a written explanation for the failure to present the
10 receipt.

11 (f) A legislator who is not living in the legislator's place of
12 permanent residence during the session is entitled to per diem at the
13 short-term rate during the five days before and the five days after
14 the legislative session for the days that the legislator is

15 (1) traveling between Juneau and the legislator's place of
16 permanent residence; or

17 (2) setting up or concluding household arrangements for the
18 legislative session.

19 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).
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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

3
POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

April 14, 1987

SUBJECT: Legislative per diem (HB 220)
TO: Representative Fran Ulmer
Chair, House State Affairs Committee
FROM: Teresa B. Cramer *JBC*
Legislative Counsel

You have requested language to permit legislators to claim per diem before a legislative session for time spent in getting to Juneau and establishing a household here. I was not clear about whether you also wanted to include language permitting legislators with children to claim per diem at times when legislators without children would not be entitled to make a claim.

The following new subsection would take the place of references to per diem during the 10 days before a legislative session (or the 10 days after, should the committee decide to include per diem for that time) now found throughout sections 1 and 2 of the bill. The material in triple brackets is optional. The committee can also, of course, add or delete material, depending on the policy you wish to implement.

* Sec. 3. AS 24.10.105 is amended by adding a new subsection to read:

(f) A legislator who is not living in the legislator's place of permanent residence during the session ((and who has a child or children living with the legislator during the session)) is entitled to per diem at the short-term rate during the 10 days before ((and the 10 days after)) the legislative session for the days that the legislator is

(1) traveling between Juneau and the legislator's place of permanent residence;

Representative Ulmer
Page 2
April 14, 1987

(2) setting up or concluding household arrangements for the legislative session; or

((((3) staying in Juneau to provide for the care or education of the legislator's child or children.)))

If I may be of further assistance, please advise.

TC:mkr
m11/015

A

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE HOUSE

REQUEST: _____

Bill Version : HB 220
Publish Date : 3/27/87

Revision Date: _____

Agency Affected: Legislative Affairs Agency

Title: An Act relating to legislative per diem;
and providing for an effective date.

BRU: Legislative Council

Sponsor: Rules Committee by Request

Legislative Leadership

Requestor: House State Affairs Committee

Components: Session Expenses

Legislative Leadership

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL	47.1	119.2	119.2	119.2	119.2	119.2
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	47.1	119.2	119.2	119.2	119.2	119.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	47.1	119.2	119.2	119.2	119.2	119.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) See Page 2

Section 1(b) & (c) would cost \$47.1 for FY 87 and \$94.2 for FY 88. These amounts are for the 10 days' per diem before a session and the 10 days' per diem after a session.

10 days x \$80 x 57 = \$45,600

\$47,100 x 2 = \$94,200

10 days x \$50 x 3 = 1,500

= \$47,100

Prepared by: Pamela A. Stoops, Manager *Pamela Stoops* Phone: 465-3850

Division: Administrative Services Date: 4/10/87

Approved by: Warren W. Endicott, Executive Director *Warren W. Endicott* Date: 4/10/87

Agency: Legislative Affairs Agency

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 220

Section 3's estimated additional cost for actual expenses for transportation, food and lodging is \$25.0.

STATE OF ALASKA



REPRESENTATIVE
FRAN ULMER

HOUSE OF REPRESENTATIVES

P.O. Box V
JUNEAU, ALASKA 99811
(907) 465-4947

M E M O R A N D U M

February 17, 1987

TO: Senator Don Bennett, Chair
Per Diem Subcommittee of Legislative Council
Senator Mitch Abood, Member

FROM: Representative Fran Ulmer

SUBJECT: Per Diem Policy

At the Legislative Council meeting last week, I reported that the Subcommittee did not have an opportunity to meet and that Senator Bennett's proposal was in the packet. The Council decided not to discuss the proposal until the Committee meets and reports its recommendation to the Council, in person.

After the Council meeting, I discussed the legal and administrative limitations on the per diem policy question. In response to my questions, I received the attached memos.

I look forward to discussing this issue with you both soon. I am ready to meet with you at your convenience.

Attachments

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 13, 1987

TO: THE HONORABLE FRAN ULMER
CHAIRMAN, HOUSE STATE AFFAIRS COMMITTEE

FROM: Pamela A. Stoops, Manager
Administrative Services

SUBJECT: Legislative Per Diem Policy

Per your request, attached is a proposed legislator per diem policy for the Legislative Council Subcommittee on Per Diem Policy.

This policy would be the easiest and most cost effective administratively for our accounting section. It also does not conflict with the statutes.

Two alternatives to the policy could be:

1. A more conservative per diem policy during session. Replace section B to state:

"B. While on state travel status approved by the President of the Senate or the Speaker of the House outside the capital city during a legislative session, a legislator is also entitled to receive per diem at the following rates:

1. Short-term rate (\$80 a day or regional variations) while on committee or other legislative business in a place that is not the legislator's place of permanent residence minus the second meal allowance (-\$31 a day).
2. Long-term rate (\$50 or \$55 a day depending on regional variations) while on committee or other legislative business at the legislator's place of permanent residence minus the second meal allowance (-\$31 a day).

As an example: An Anchorage legislator during session taking a one-day trip to Fairbanks would receive \$80 a day for session; \$90 a day for Fairbanks, minus \$31 meal allowance = \$139 total for one day."

Memorandum to: The Honorable Fran Ulmer
February 13, 1987
Page 2

2. A higher per diem policy both for session and interim on a trip-by-trip basis. Add a Section "C" to session and interim policy:

"C. Higher Per Diem Allowances

In addition, a legislator may request approval of the Speaker of the House or the President of the Senate to pay a higher allowance (consisting of actual hotel cost plus a meal allowance) on a trip-by-trip basis whenever the circumstances of travel are such that the established per diem is not adequate to obtain lodging and meals. Higher allowances will not be authorized for Anchorage, Fairbanks, and Juneau.

Actual hotel cost means it is for a single occupancy rate."

An example of how often the Department of Administration has used the higher per diem allowance in the last year is out of a total of 1,100 employees, four (4) trips have been authorized at the higher allowance. The higher per diem allowance (lodging and meal allowance) is how we paid legislators when the per diem statute was repealed in 1983. The higher per diem allowance is shown in the State Administrative Manual but is rarely used in the Executive branch.

Tam Cook, Director of Legal Services, has reviewed the attached proposed legislator per diem policy.

PAS:mm

Attachment - Proposed Legislative Per Diem Policy

PROPOSED LEGISLATOR PER DIEM POLICY

SESSION PER DIEM

Alaska State Legislators are entitled to per diem rates allowed for a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable. These regulations are adopted by the Commissioner of Administration and are uniform for all officials and employees, and all agencies and departments.

- A. During a legislative session a legislator is entitled to receive per diem at the short-term rate (\$80 a day) if Juneau is not the legislator's place of permanent residence.

During a legislative session a legislator is entitled to receive per diem at the Long-term rate (\$60 a day) if Juneau is the legislator's place of permanent residence.

- B. While on state travel status approved by the President of the Senate or the Speaker of the House outside the capital city during a legislative session a legislator is also entitled to receive per diem at the following rates:
1. Short-term rate (\$80 a day or regional variations) while on committee or other legislative business in a place that is not the legislator's place of permanent residence.
 2. Long-term rate (\$50 or \$55 a day depending on regional variations) while on committee or other legislative business at the legislator's place of permanent residence.

INTERIM PER DIEM

A legislator is entitled to receive per diem while on committee business or other legislative business during the interim if he/she has the approval of the Speaker of the House or the President of the Senate. Funding sources for payment of interim per diem will be determined by the Speaker of the House or the President of the Senate. The following rates apply:

- A. Short-term rate (\$80 a day or regional variations) while on committee business or other legislative business in a place that is not the legislator's place

of permanent residence.

- B. Long-term rate (\$50 or \$55 a day depending on regional variations) while on approved committee business or other legislative business at the legislator's place of permanent residence.

RECEIVED FEB 12 1987

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3814

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 12, 1987

SUBJECT: Legislative per diem
TO: Representative Fran Ulmer
FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

You have asked whether it would be consistent with the statute for the Legislative Council to adopt a policy applicable to legislators which substitutes the payment of actual expenses or some other sum for the payment of the state rates of per diem. AS 24.10.105 provides:

(a) A member of the legislature is entitled to receive per diem at the same rate allowed for a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable.

(b) A legislator is entitled to receive per diem at the short-term rate

(1) during a legislative session if the legislator is not living in the legislator's place of permanent residence during the session; and

(2) while on committee business or other legislative business in a place that is not the legislator's place of permanent residence.

(c) A legislator is entitled to receive per diem at the long-term rate

(1) during a legislative session if the legislator is living in the legislator's place of permanent residence during the session; and

(2) while engaged in committee business or other legislative business at the legislator's place of permanent residence.

(d) In this section

(1) "long-term rate" means the long-term per diem rate for a state employee established in regulations adopted by the commissioner of administration under AS 39.20.160;

(2) "short-term rate" means the short-term per diem rate for a state employee established in regulations adopted by the commissioner of administration under AS 39.20.160.

The statute specifically ties the rates of per diem to the state rates and provides that a legislator is entitled to receive per diem in two situations: while the legislature is in session and when the legislator is engaged in committee or other legislative business. It is my conclusion that the Legislative Council could not properly adopt a policy that alters this statute by substituting some other sum in situations where the statutory rates of per diem apply. Such a change could be accomplished by amending the statute.

You have also asked whether it would be appropriate for the Legislative Council to adopt a policy that establishes a method of authorization for payment of per diem when the basis of the payment is committee or other legislative business. Since the notion of committee or other legislative business is so indefinite, in my opinion this would be a legitimate exercise of administrative authority needed to verify that the payment of per diem in those situations is proper. It would greatly aid the legislative fiscal officer responsible for issuing per diem vouchers in complying with AS 24.10.120 which requires "the basis for approval for payment" of all vouchers.

TBC:mkr
m8/123

LEGISLATIVE REIMBURSEMENT HISTORY

Per diem payments to Legislators during the session have been processed in three ways:

Procedure #1

Legislators not living in their place of permanent residence during a session were paid the short term per diem rate. Legislators living in their place of permanent residence during a session were paid the long term rate. Legislators were paid the appropriate rate for which they qualified. Once a month per diem certifications were turned into the Legislative Affairs Agency and per diem payments were adjusted based on the community in which a Legislator overnights. Legislators received one per diem rate per day. Legislators did not claim any per diem for any day spent on personal business.

EXAMPLE: Anchorage Legislator

<u>March</u> 31 days		
ELIGIBLE RATE IN JUNEAU		
31 days @ \$80	=	\$ 2,480
ACTUAL CERTIFICATION		
25 days in Juneau @ \$80	=	\$ 2,000
4 days in Anchorage @ \$50	=	200
2 days personal business	=	<u>0</u>
		\$ 2,200
		<u>-2,200</u>
		280

The per diem payment for the month of March would be adjusted and \$2,200 would be paid to the Legislator.

EXAMPLE: Juneau Legislator

<u>March</u> 31 days		
ELIGIBLE RATE IN JUNEAU		
31 DAYS @ \$60	=	\$ 1,860
ACTUAL CERTIFICATION		
26 days in Juneau @ \$60	=	\$ 1,560
5 days in Anchorage @ \$80	=	<u>400</u>
		\$ 1,960
		<u>-1,960</u>
		-100

The per diem payment for the month of March would be adjusted and \$1,960 would be paid to the Legislator.

Procedure #2

Legislators were paid per diem on a biweekly basis. Adjustments for travel out of Juneau were made once each month upon receipt of per diem certifications. In calculating per diem for Legislators, the Session Per Diem Certification was compared with the daily attendance chart. Legislators were paid under the assumption that they were automatically entitled to per diem each day of the session and adjustments were only necessary when additional per diem was claimed.

Out-of-Juneau Legislators:

In Juneau - Number of days x short-term Juneau rate

In community of permanent residence - Number of days x long-term rate plus number of days x short-term Juneau rate minus the meal allowance.

In community other than place of permanent residence - Number of days x short-term rate of community in which the Legislator visited plus number of days x short-term Juneau rate minus the meal allowance.

Juneau Legislators:

In Juneau - Number of days x long-term rate

In other communities - Number of days x short-term rate of community visited plus number of days at long term rate.

EXAMPLE: Anchorage Legislator

March 31 days

ELIGIBLE RATE IN JUNEAU

31 days @ \$80

= \$ 2,480

ACTUAL CERTIFICATION

27 days in Juneau @ \$80

= \$ 2,160

3 days in Anchorage

3x50=150

+3x80=240

390-93=

297

1 day in Fairbanks

1x90= 90

+1x80= 80

170-31=

139

\$ 2,596

-2,596

-116

The per diem payment for the month of March would be adjusted and \$2,596 would be paid to the Legislator.

Procedure #3

Legislators were paid per diem during the session at the appropriate rate which applied for Juneau. Legislators not residing in their place of permanent residence were paid at the short-term rate for Juneau. Juneau Legislators were paid at the long-term rate.

Legislators filled out session certification forms for the session. Any additional per diem compensation paid to legislators was paid from travel documents. Legislators did not receive additional per diem when returning to their community of permanent residence. If Legislators travelled to a place other than their community of permanent residence they received the short-term rate for that community minus the meal allowance.

Procedure #2 and Procedure #3 differ only in the amount reimbursed when a Legislator returned to their home community during a session. Procedure #2 allows an additional amount be paid for this travel. The computation used in procedure #2 to figure per diem for Legislators overnighing in a community other than their city of residence results in the same amount allowed under Procedure #3 (Short-term rate minus the meal allowance.)

Expense reimbursements to Legislators during a session were paid in the following manner.

When Legislators enacted the pay raise and eliminated the provision which permitted them to receive per diem, the Legislative Council adopted a travel reimbursement policy which allowed Legislators to be reimbursed expenses (attached.) Legislators travelling to any community other than their community of permanent residence were reimbursed according to this policy. Legislators returning to their community of permanent residence during a session were not reimbursed for any expenses beyond transportation cost.

LEGISLATIVE AFFAIRS AGENCY

TRAVEL REIMBURSEMENT POLICY

The following new travel reimbursement policy was ratified by the Legislative Council on January 19, 1984:

Legislators traveling on official legislative business may claim and be reimbursed for actual hotel and travel expenses incurred while in travel status away from their home station. Legislators in Juneau during the session are not considered to be in travel status.

In support of this new policy, the following guidelines have been established:

Lodging: Required on letterhead invoice; rate should be for single occupancy.

Meals: No receipts required. The following meal allowances will be paid for actual time in travel status.

Breakfast-----	\$ 6.00
Lunch-----	\$ 9.00
Dinner-----	\$ 16.00

Transportation: (Taxi, limousine, airplane, etc.) Receipts are required for items over \$10; for expenses under \$10 no receipt is required. State of Alaska TR's may be used to purchase airline tickets or for car rentals.

*Telephone calls and Other Incidental Costs: No reimbursement will be made, however business telephone calls will be reimbursed on an individual basis on an itemized billing if initialed by a legislator.

* Revised by Legislative Council 11/04/85

LAA/Admin Svcs
Accounting
11/4/85