

**Legislative Council Meeting  
June 26, 2009**

**DISCUSSION OF GUIDELINES FOR EVALUATING LEGISLATOR SALARY AND EXPENSE CLAIMS FOR REASONABLENESS**

Committee Action Item: Adopt new guideline for reasonableness of claims for legislator salary and expenses

**Current Guidelines**

Currently, Legislative Services Division financial staff members use the following guidelines to determine if a legislator's claim is reasonable and falls within the context of authorized legislative business:

- (1) Overnight lodging is reasonable when a legislator would be required to leave home earlier than 6:30 a.m. or arrive home later than 9:30 p.m. in order to have attended all of the meeting or have conducted all of the legislative business authorized. To compute whether this would be required, an average travel speed (overall including incidental stops) of 50 miles an hour is used.
- (2) A member is considered necessarily away from home on the day of a meeting or other authorized legislative activity and on any other day when travel qualified under (1) above is required.
- (3) A meal falling within reasonable travel times may be claimed.

Mitigating factors or special circumstances are considered in determining reasonableness. Such factors may include inclement weather, a legislator's individual health issue, variables related to flying instead of driving, and schedule conflicts which require a member to choose a more expensive mode of travel in order to participate in the legislative activity.

**EXAMPLE OF HOW THE GUIDELINES ARE APPLIED**

Assume an interim committee meeting, held in Helena, begins at 9:00 a.m. and ends at 5:00 p.m. A legislator travels 200 miles to Helena the day before the meeting. The legislator claims 400 round-trip miles and one night's lodging, and returns home in the evening following the meeting. The legislator is paid for mileage and the reasonableness guideline is applied to other expenses.

**1. LODGING (item one of the guidelines)**

200 miles (one-way mileage) divided by 50 miles per hour = 4 hours travel each way.

The legislator would have to leave home before 6:30 a.m. to be at the meeting on time (the meeting started at 9:00 a.m. and travel time is 4 hours). Result: payment for lodging the night before the meeting is reasonable.

The legislator would arrive home before 9:30 p.m. (the meeting ended at 5:00 p.m. and travel time is 4 hours). Result: payment for lodging the night following the meeting would not be reasonable.

**2. SALARY (item two of the guidelines)**

The legislator is entitled to claim two days salary: one for the day preceding the meeting (since lodging for that night is determined to be reasonable) and one for the day of the meeting.

**3. MEALS (item three of the guidelines)**

The legislator is entitled to be paid for dinner the night before the meeting (since lodging for that night is determined to be reasonable) and all three meals the day of the meeting.

## **New Guidelines**

Proposed clarification for consideration by the Legislative Council

- (1) Overnight lodging is reasonable when a legislator would be required to leave home earlier than 6:30 a.m. or arrive home later than ~~9:30~~ 8:30 p.m. in order to have attended all of the meeting or have conducted all of the legislative business authorized.

To compute whether this would be required, an average travel speed (overall including incidental stops) of 50 miles an hour is used. The one-half hour immediately preceding and immediately following a meeting or legislative activity is an in-town travel shift and considered to be part of the total meeting schedule for the purposes of the reasonableness computation.

- (2) A member is considered necessarily away from home on the day of a meeting or other authorized legislative activity and on any other day when travel qualified under (1) above is required.
- (3) Subject to statute, ~~A~~ a meal falling within reasonable travel times may be claimed.

~~Mitigating factors or s~~Special circumstances are considered in determining reasonableness. Such ~~factors~~ circumstances may include inclement weather, a legislator's ~~individual health issue~~, variables related to flying instead of driving, and schedule conflicts which require a member to choose a more expensive mode of travel in order to participate in the legislative activity. Special circumstances should be clearly presented on the claim form.

Options: The Legislative Council may wish to consider an alternate deadline or time frame.

### **EXAMPLE OF HOW THE REVISED GUIDELINES WOULD BE APPLIED**

Use the same example as before. Where the process of applying the guideline is different, or the result is different, the text is printed in color.

#### 1. LODGING (item one of the guidelines)

200 miles (one-way mileage) divided by 50 miles per hour = 4 hours travel each way.

The legislator would have to leave home before 6:30 a.m. to be at the meeting on time (9:00 a.m. meeting less 1/2 hour in-town travel shift, less 4 hours travel time). Result: payment for lodging the night before the meeting is reasonable.

The legislator would not arrive home before 8:30 p.m. (the meeting ended at 5:00 p.m. plus 1/2 hour in-town travel shift, plus travel time of 4 hours). Result: payment for lodging the night following the meeting would be reasonable if claimed by the legislator.

#### 2. SALARY (item two of the guidelines)

The legislator is entitled to claim one day of salary for the day preceding the meeting (since lodging for that night is determined to be reasonable) and one day for the day of the meeting. In addition, if the legislator did stay overnight following the meeting, he would be entitled to claim a third day of salary since the second night's lodging would be considered reasonable.

#### 3. MEALS (item three of the guidelines)

Based on statutory definition, the legislator is entitled to be paid for dinner the night before the meeting since he was in a travel status for more than 3 hours prior to midnight. In addition, the legislator continued in a travel status until reaching home and would be entitled to meals during that period.