

Out-of-State Legislator Travel Policies

Policies concerning processes for legislators inevitably varies from state to state. State policies on out-of-state travel for legislators are no different. The purpose of this memorandum is to provide a brief description of how the six states surrounding South Dakota handle out-of-state travel for their legislators. Specifically, this memorandum looks to address the process and procedures used by each state.

North Dakota

North Dakota requires their legislators to fill out and submit a travel request form prior to travel.¹ North Dakota has a two-step approval process. First, the travel request must be approved by the legislator's party leader. Second, if the party leader approves the travel request the request is then sent to the Legislative Management Chair for approval.

Minnesota

Out-of-state travel for Minnesota Legislators is handled the respective bodies of the Legislature. Each body is responsible for setting its own policies and procedures for legislator out-of-state travel. Attached is a copy of the respective policies.

Minnesota House of Representatives

The policies regarding travel are established by resolutions of the House Rules and Legislative Administration Committee.² Currently, all out-of-state travel must be approved in advance by the "affected budgetary authority"³ as well as the Speaker of the House.

Minnesota Senate⁴

Senators must submit a travel request form 30 days before the planed travel.⁵ The travel must be directly related to the Senator's committee assignment. If the Senator belongs to more than one committee, it is the Chair of the committee most related to the nature of requested travel that would grant approval.⁶ The request is then submitted to the Chair of the Senate Rules and Administration Committee for final approval.

Wyoming⁷

Legislators are able to attend two educational meetings, during the interim, without prior approval. Any travel in addition to the two educational meetings requires approval by the presiding officer of the legislator's house. Out-of-state travel for a non-education meeting requires prior approval by Wyoming's Management Council.

¹ A copy of the current ND travel request form is on page 4 of this memorandum.

² The Minnesota House of Representative's current Expense Reimbursement Resolution is attached beginning on page 5, however, the language concerning out-of-state travel can be found on page 7 lines 14-16.

³ The contact person with the Minnesota House was not able to be reached for follow up to clarify what was meant by "affected budgetary authority". The chart on page 3 denotes this with an *.

⁴ The Minnesota Senate's current Transportation Policy is attached beginning on page 10.

⁵ Requests submitted earlier than 30 days are preferred in order to take advantage of applicable flight and conference registration discounts.

⁶ If the Senator seeking approval is the Chair, of the committee that is to give approval, a vote of that committee is substituted for approval of the Chair.

⁷ The portion of Wyoming's Legislative Handbook that covers the current Out-of-State Travel Policy begins on page 13 of this memo.

Nebraska

Nebraska's policy for out-of-state travel for legislators is an internal policy.⁸ All travel including out-of-state travel must be submitted and approved by the Chairperson of the Executive Board prior to travel.

Iowa

Out-of-state travel for Iowa Legislators is handled the respective bodies of the Legislature. Each body is responsible for setting its own policies and procedures for legislator out-of-state travel.

Iowa House⁹

Out-of-State travel is required to be approved by leadership. Leadership that approves out-of-state travel depends on the representative's party. Approval of either the Speaker of the House or the Minority Leader is required.

Iowa Senate

Any Senators wishing to travel out-of-state require prior approval. Members of the Minority Party require approval from the Minority Leader, the Majority Leader and the President of the Senate. Members of the Majority Party require approval from the Majority Leader and the President of the Senate. Each Senator is limited to one out-of-state trip per year.

Montana

Out-of-state travel is authorized by leadership. The Speaker, the Senate President, and each Minority Leader get to authorize travel for their respective caucus. Leadership is able to select two legislators per caucus for each year of the biennium to attend NCSL, CSG and PNWER.

⁸ Nebraska's Travel Policy for out-of-state travel is attached on page 11 of this memo.

⁹ This is the current policy, however, staff believed that with a new Speaker of the House this policy would change although there was no indication of how it would change.

State	Committee Chair	Party Leader(s)	Governing Committee Chair	Presiding Officer of the Body	Other
ND		X	X		
MN House				X	X*
MN Senate	X		X		
WY				X	X
NE			X		
IA House Majority			X		
Minority		X			
IA Senate Majority		X		X	
Minority		X X		X	
MT Majority				X	
Minority		X			
SD			X		

North Dakota's Travel Request Form

**LEGISLATIVE MANAGEMENT
OUT-OF-STATE TRAVEL REQUEST FORM**

Legislator _____

Meeting/Conference _____

Location _____ Date(s) _____

Are any expenses reimbursed by others? Yes No Amount \$ _____

If yes: Organization _____

Costs to be reimbursed _____

Check each type of reimbursement you will be requesting from the Legislative Council:

- Meals (only meals not provided)
- Lodging
- Airline, luggage fees, and taxi/shuttle
- Mileage (limited to airfare cost)
- Registration fees
- Per Diem (# of days _____)
- Other (explain) _____

I hereby request authorization for out-of-state travel:

Signature _____ Date _____

Have you received the consent of your leader for this meeting? Yes No
(NOTE: Consent by phone or e-mail is sufficient.

Leader Signature _____

.....

Approval Granted _____ Request Denied _____

Reimbursement Limits (if any) _____

Senator Ray Holmberg Date _____
Chairman
Legislative Management

5/22/13

Minnesota House of Representatives Resolution

2015-R3

1 COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

2

3

Resolution on Expense Reimbursement

4

5 BE IT RESOLVED, by the Committee on Rules and Legislative Administration, that the
6 House Controller is authorized and directed to prepare and issue warrants in payment of living
7 expenses to each member of the House each calendar day of the sessions of the 89th Legislature.

8 PROVIDED FURTHER, that each member of the House whose home is over 50 miles
9 from the Capitol, as measured by the shortest of the more commonly traveled routes may be
10 reimbursed up to \$1,500 per month for the member's actual lodging expenses of the 89th
11 Legislature, but total reimbursement may not exceed \$27,000. The Majority leader, Minority
12 Leader, and Committee Chairs, whose home is over 50 miles from the Capitol, as measured by
13 the shortest of the more commonly traveled routes may be reimbursed up to \$1,500 per month
14 for the member's actual lodging expenses of the 89th Legislature. The term "lodging expenses"
15 includes, in addition to rent, the following lodging-related expenses at the place of lodging:
16 furniture rental, local telephone or internet service, utilities, renter's insurance, non-refundable or
17 refundable fees, and parking. The final month's reimbursement in the calendar year will be
18 reduced by the amount of any refunded fee. A member who is eligible for the monthly lodging
19 reimbursement and who enters into a lodging contract for the purpose of attending the 2015
20 regular session of the 89th Legislature is eligible to receive the monthly lodging reimbursement
21 beginning December 1, 2014, and ending December 31, 2016.

22 Each member requesting reimbursement must file the member's housing and furniture
23 rental contracts with House Budget and Accounting and must include a receipt or other
24 verification of payment, with each monthly request for reimbursement. Each member requesting
25 the lodging reimbursement must certify in writing to the House Controller, before the issuance of
26 the first monthly warrant for each of the sessions of the 89th Legislature, that he or she has
27 moved from the usual place of lodging and is eligible for the lodging reimbursement authorized
28 by this resolution. Members' lodging leases are nonpublic data. Members shall pay no more

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1 than market rates when leasing commercial or noncommercial lodging units. Upon request,
 2 House Budget and Accounting may enter into agreements to provide lodging services for
 3 Members. Under such an agreement the House may make payments directly to lessors for
 4 session or interim lodging, furniture or parking for a member and direct payments are subject to
 5 all the limits or requirements that apply to reimbursement of the comparable expenses under this
 6 resolution.

7 During the sessions of the 89th Legislature, a member may be reimbursed for the expense
 8 of overnight lodging in the vicinity of the Capitol Complex on a night when the member is
 9 required to remain at the Capitol Complex to conduct legislative business or for reasons of
 10 safety. The reimbursement may not exceed \$125.00 per night. The reimbursement request must
 11 be in writing, accompanied by a receipt or other verification of payment, and approved by the
 12 Speaker.

13 PROVIDED FURTHER, that each member of the House whose home is over 50 miles
 14 from the State Capitol, as measured by the shortest of the more commonly traveled routes, may
 15 be reimbursed for travel to and from the member's place of residence at the same rate per mile as
 16 the standard federal mileage rate. Each member of the House who resides more than 125 miles
 17 from the State Capitol may be reimbursed for the actual expense of air travel between his or her
 18 place of residence and the State Capitol instead of actual mileage for the travel, upon
 19 presentation of a voucher. If the member travels in a personal aircraft, the travel reimbursement
 20 may not exceed the amount of reimbursement that would be payable for the trip by automobile.
 21 During sessions, a qualifying member is entitled to this travel reimbursement upon request for
 22 actual trips taken, not to exceed one round trip per week of a regular or special session. During
 23 interims, this reimbursement is available to a qualifying member only for business at the Capitol
 24 authorized and approved under the rules committee's Policy on the Payment of Per Diem Living
 25 Expenses during Interims.

26 PROVIDED FURTHER, that when a member or employee is authorized to travel within
 27 the state on legislative business and official duties of the office, reimbursement for lodging may
 28 not exceed \$125.00 per night. However, when members or employees are attending a meeting or

1 conference within the state, they may be reimbursed up to \$135.00 per night at the site of the
2 meeting or conference.

3 PROVIDED FURTHER, that during the 2015 and 2016 interims of the 89th Legislature
4 each member of the House may receive, upon written request, travel reimbursement for
5 constituent service travel within the member's legislative district, within any county that is in
6 any part of the member's legislative district, or within any county that is adjacent to a county that
7 is in any part of the member's legislative district, up to a monthly maximum amount based upon
8 the actual size of the district. The maximum reimbursement must be computed at the standard
9 federal mileage rate per square mile per month, with a minimum allowable amount of \$100 and a
10 maximum allowable amount of \$850 per month. Members may receive an additional \$100
11 monthly travel reimbursement in excess of the maximum for each increment of 1,000 square
12 miles for which their district size exceeds 1,000 square miles. Reimbursements must be for
13 actual miles travelled and at the federal mileage rate.

14 PROVIDED FURTHER, that during the 2015 and 2016 sessions and during the interims
15 of the 89th Legislature, the Speaker's advance approval is required for per diem and
16 reimbursement of expenses for all out-of-state travel by a member or employee.

17 PROVIDED FURTHER, that during the 2015 and 2016 interims, a member of the House
18 who is traveling away from the member's home to conduct business authorized and approved
19 under the rules committee's Policy on the Payment of Per Diem Living Expenses During
20 Interims may be reimbursed for actual expenses in the same manner as House employees, except
21 as otherwise provided in this resolution. During the sessions of the 89th Legislature, a member
22 may be reimbursed for actual expenses for authorized travel on legislative business away from
23 the Capitol in the same manner as House employees, except as otherwise provided in this
24 resolution. The manner of authorization is as provided in the Policy on the Payment of Per Diem
25 Living Expenses during Interims. The reimbursement is in addition to per diem expense
26 allowances.

27 PROVIDED FURTHER, that during sessions and interims a member may not receive
28 reimbursement for food expenses on any day that the member receives per diem. If the House

1 provides or pays for a meal for the member, the cost of the meal must be deducted from the per
2 diem paid to the member.

3 PROVIDED FURTHER, that the members and members-elect who attended freshman
4 orientation, organizational caucuses and retreats, legislative orientation programs, and caucus
5 personnel committee meetings held in preparation for the 89th Legislative Session must be
6 reimbursed for actual expenses, upon request, in the same manner and in the same amounts as
7 legislators who attended interim meetings of legislative committees during the 88th Session.
8 Members-elect are not eligible for per diem allowances.

9 PROVIDED FURTHER, that each member of the House, upon their voluntary request,
10 must be paid per diem living expenses in an amount up to \$66 for each calendar day during the
11 sessions of the 89th Legislature and during the interims as authorized and approved under the
12 rules committee's Policy on the Payment of Per Diem Living Expenses during Interims.

Date: _____

Signed: _____

JOYCE PEPPIN, CHAIR

Minnesota Senate Transportation Policy

❖ Minnesota Senate — Policies (Transportation)

3.05 Travel Approval and Expenses

Policy

The foundation for all policies and procedures related to legislative travel is public accountability. Travel will be approved for members and staff with strong consideration for the Senate's internal budgetary concerns. We will attempt to balance between the prudent expenditure of public money and the value of travel as a means of improving the Senate and government effectiveness generally, or improving a particular member's or staff person's base of knowledge or area of expertise within the context of their committee assignments and their jobs.

Travel must relate directly to the traveler's position in the Senate, committee assignments, work, and (for staff) job description.

Procedure

Expenses incurred by members and staff when traveling to attend conferences, seminars, committee meetings away from the Capitol, and on other Senate business, will be paid or reimbursed by the Senate if all the following conditions have been met:

Interim Budget Approval. Travel during the interim between annual sessions must be funded in a committee interim work plan approved by the Committee on Rules and Administration.

Travel Request Form. A request to travel must be received by the Rules Committee office at least 30 days before the departure date. Earlier requests, submitted in time to take advantage of airline, hotel, and conference registration discounts, will be preferred. Forms submitted less than 30 days before the departure date will not be approved unless airfare and other costs allow.

The request must be submitted on the appropriate Senate form and must contain the following:

- 1) an itemized list of the types and amounts of expenses for which reimbursement is being requested;
- 2) copies of documentation and informational materials about the conference being attended; and
- 3) the signatures of the appropriate managers and Senators.

A request form submitted without the items listed above will not be approved. *Fill in all related expenses on the request form or it will be returned to you.*

Eligible Expenses. The Senate may pay for conference registration fees, round-trip coach airfare, reasonable transportation between airport and hotel, single-room accommodations, and other expenses covered in the Legislative Plan for Employee Benefits as adopted by the Senate. Per diem must cover all meals for members.

❖ **Minnesota Senate — Policies (Transportation)**

Air Travel; Hotel Reservations. Airline and hotel reservations must be made by or with the approval of the Secretary of the Senate.

Car Rental. Car rental must be noted on the travel request form and approved before travel. Car rental will not be approved unless it is shown to be an economical alternative. Reimbursement will be limited to official state business.

Registration Fees. Registration fees should be billed to the Secretary of the Senate, if the sponsor will do so.

Prior Approval by Committee Chairs. The travel request must have been approved by the chair of the committee whose members or staff are traveling and by the Chair of the Committee on Rules and Administration before the travel begins.

Reimbursement Request Form. An expense reimbursement form, accompanied by necessary receipts, must be submitted to Fiscal Services no later than 60 days after expenses were incurred.

Approved by the Committee on Rules and Administration, July 13, 2005.

Nebraska's Travel Policy

GENERAL TRAVEL POLICIES

All travel must be approved through the Chairperson of the Executive Board or his or her designee if expenses are to be reimbursed. Travel requests need not be submitted for senators traveling to Lincoln for work in their Capitol offices or for hearings at the Capitol during the interim.

As with all Legislative Council travel, staff travel requests must be submitted far enough in advance to allow sufficient time for the Chairperson of the Executive Board or his or her designee to determine whether travel is permissible according to our travel policies. All pertinent information relating to the travel request (e.g., copies of brochures, agenda, etc.) shall be submitted along with the travel request so that an informed decision can be made by the Chairperson of the Executive Board or his or her designee. A thorough explanation of the reason for travel will also be required. Travel requests shall be submitted prior to the date of travel although occasionally time will not permit written requests. Very short notice requests may be handled by telephone and necessary paperwork completed upon the traveler's return.

Current applicable reimbursement rates are included in the Supplemental Information Section at the end of these Policies.

All travel requests denied by the Chairperson of the Executive Board or his or her designee may be appealed to the Executive Board.

When an unforeseen emergency causes an approved travel to be cancelled and expenses have already been incurred, a cancellation letter needs to be submitted to the Chairperson of the Executive Board or his or her designee stating the reason for the cancellation. If reimbursement is being sought from the state for already incurred expenses, the cancellation letter needs to include a request for approval of those expenses. If airfare is to be reimbursed, unused tickets or vouchers need to be turned over to the Legislative Accounting Office.

Current law, §49-1446.03(8), allows for the expenditure of campaign contribution money for meals, lodging, travel by an office holder and his or her staff when involved in activities related to the duties of his or her public office.

OUT-OF-STATE TRAVEL

Out-of-state travel requests must be submitted to the Chairperson of the Executive Board or his or her designee on a *Travel Request Form*. A detailed explanation must be included with the request. A copy of the conference, meeting, or seminar agenda shall also be attached. Approval or denial will be noted on the *Travel Request Form* with copies distributed to the individual/office requesting travel and to the Office of the Chairperson of the Executive Board or his or her designee. The original *Travel Request Form* will be retained by the Legislative Accounting Office. The same out-of-state travel policies apply to session and interim travel.

Out-of-state travel for senators will be authorized as follows:

1. Approval will be given for trips to national organizations to which the Legislative Council (State) pays membership dues (see list on page 5). In cases where a number of legislators are interested in attending the same conference, committee chairpersonship, involvement with the issue, and seniority may be used to limit participation due to budget constraints. NCSL, CSG committee members may want to decide among themselves who should attend a particular conference prior to submitting travel requests in order that funds might be used economically and distributed fairly.
2. In addition, each senator shall have the opportunity to request approval to attend one meeting, conference, or seminar per calendar year of an organization to which state dues are not paid, provided the meeting, conference or seminar includes information relevant to a senator's committee assignments or interest in specific issues as exhibited by bill introduction. If the organization sponsoring the event requires membership prior to attendance, the membership fee will be the responsibility of the party requesting travel.
3. Approval will not be given for trips during the interim prior to the end of a senator's term of office, unless:
 - a. the senator has a leadership responsibility on a committee or task force of one of the national organizations listed on page 5; or
 - b. the senator can identify a compelling reason for such out-of-state travel, which then must be approved by the Chairperson of the Executive Board.

This section applies when a senator cannot run for re-election due to term limits, a senator has decided not to run for re-election, or a senator has lost his or her primary or general election contest.

A senator does not have to request approval for a trip if expenses are being paid for by an outside source. However, senators should be aware that certain reports may have to be filed with the Accountability & Disclosure Commission.

Pamphlets and materials obtained from conferences should be made available to the Legislative Research Library.

Any expenses incurred, but not reimbursed, while traveling out-of-state on legislative business may be applied as a credit toward the sessional expenses reimbursement payment.

Wyoming's Out-of-State Travel Policy

treated as taxable income, however, the legislator may be able to claim certain expenses as deductions for federal income tax purposes.

6. OUT-OF-STATE TRAVEL

In General: Legislators are reimbursed actual expenses for registration, travel, meals and miscellaneous expenses for authorized travel to attend approved out-of-state educational meetings. Salary is not authorized for out-of-state travel. Meal reimbursement is currently limited to \$60/day. These expenses are reported in the LSO Annual Report.

Reimbursement for out-of-state travel expenses is subject to the following terms and conditions:

- (a) Reimbursement is authorized for approved travel as follows:
 - (i) Meetings of National Organizations: Subject to available budget, legislators may, without prior approval, attend two (2) meetings, during the interim between each session, of a national or regional organization in which the Legislature participates. Travel in excess of the two meetings must, however, be specifically approved in advance by the presiding officer of the legislator's house (Council minutes 4/30/2003). "National or regional organizations in which the Legislature participates" include the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG) (this includes the Western Legislative Conference), the Education Commission of the States, the Energy Council (travel to Energy Council meetings is limited to members appointed to the Energy Council), and the State Legislative Leaders Foundation (SLLF) (travel limited to members of House and Senate leadership).
 - (ii) Other Travel Requires Management Council Approval: All other out-of-state travel must be specifically approved in advance by the Management Council.
 - (iii) Travel Outside the Continental U.S.: Notwithstanding paragraph (i) of this subsection, approval by the entire Management Council is required to attend any meeting held outside the Continental United States, *i.e.*, the lower 48 states and the District of Columbia.
- (b) Travel expenses for out-of-state travel shall be reimbursed for the actual amount of the costs incurred subject to the following:
 - (i) Registration fees may be paid directly by the LSO or the legislator may elect to pay registration fees directly and be reimbursed.

Payment of registration fees shall be limited to the lowest amount offered for advance registration at the meeting.

- (ii) Reimbursable costs are limited to transportation costs, lodging and meals which are not provided as part of the registration fee for the meeting. Reimbursement for meals shall be limited to the lesser of actual costs or \$60 per day. No reimbursement shall be made for the cost of alcoholic beverages.
- (iii) Legislators shall be reimbursed for the cost of commercial or private transportation such as charter or private aircraft or rental vehicles to the extent the cost does not unreasonably exceed the regular mileage allowance plus reasonable per diem.
- (iv) Legislators shall be reimbursed the lesser of the actual cost of public transportation, *e.g.*, commercial airfare, or the cost of transportation had reservation been made at least 14 calendar days before the date of departure.
- (v) Mileage shall not be paid to the extent a State aircraft or vehicle is used for transportation.
- (vi) A legislator may elect to waive any portion of travel expenses to which he or she is otherwise entitled. Mileage shall be computed from point to point by the nearest practicable route.
- (vii) The Management Council may limit travel or expenditures for travel to stay within the approved budget.
- (viii) Unless excused for good cause by a vote of Management Council, if a member cancels travel to an out-of-state meeting after the expense for airfare has been incurred or paid by the State, the cancelled trip will be counted against the member's total authorized trips for that year. If the member subsequently receives a full or partial refund of the ticket price or uses the ticket for personal travel, the amount of the refund or the value of the ticket for personal travel shall be reimbursed to the State. As used in this paragraph, "good cause" will typically be limited to severe weather, illness or injury of the member, or family emergencies. (Management Council minutes – 11/16/2011)

8. PAYROLL, TAXES AND VOUCHER PROCESSING

- (a) Legislative Sessions: There are special procedures regarding payments to legislators during legislative sessions which depend upon convening and