

## HIGHLIGHTS FROM THE LEGISLATOR SURVEY

Prepared for the Legislative Council  
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The Legislative Council sponsored a recent survey of legislators. There were two parts to the survey, legislator compensation and expenses, and legislative calendar and scheduling. There was a response rate of 75.8%, with 72% senators and 77% representatives participating in the survey.

### PART 1: LEGISLATOR COMPENSATION AND EXPENSES

- The average legislator spends between 20 and 40 hours each month directly on constituent issues. A few spend less than 4 hours, and several spend over 100 hours a month. Phone time, attending meetings or events, email time, and face-to-face contact were mentioned as forms of contact.
- The average legislator incurs postage expenses of \$5 to \$10, although there were four legislators who spent at least \$100 to \$500 on postage. Many legislators mentioned that they use email, the internet, and the phone instead of mailings.  
*Note: Legislators receive a box of stationery and envelopes during session that is paid through the Feed Bill; additional orders are charged to the legislator.*
- The majority of legislators spend between \$40 and \$200 of their own money on gas each month for legislative duties during the interim. \$50 and \$100 were the most common answers. Legislators with 4 or more counties in their district averaged \$130 a month on fuel. Twelve legislators responded that they spend between \$200 and \$500 a month.
- The most common answer to the question of how much money is spent on average on phone, computer, and internet a month during the interim was \$10 to \$49 a month, averaging \$24. The median amount was between \$50 and \$70 a month, but the range was from \$0 to \$1,400.  
*Note: The amounts reported do not include amounts reimbursed by the \$1,000 IT allowance, which allows up to \$150 during the biennium for email.*
- Half of the legislators spend between \$50 and \$60 a month or less on meals and lodging for legislative work during the interim, although a third of the legislators said they spend between \$100 and \$400 a month.
- Legislators reported that they attend at least 2 to 4 meetings or gatherings a month with a range of up to 6 to 8 meetings a week.
- The most common response from the legislators regarding unreimbursed expenses during the interim was time spent on correspondence, legislation, keeping up on issues, meeting with constituents, community members, or other legislators and candidates, press conferences, panels, and local events. Several legislators mentioned the unpaid time from work. Other expenses that were not commonly reimbursed were registration fees, dues, and salary for

attending conferences and other organizations, printing and photocopying, and vehicle maintenance and depreciation. *Note: The IRS mileage rate used when legislators are reimbursed for mileage is based on an annual study of the fixed and variable costs of operating an automobile, currently 56 cents/mile.*

## **SUMMARY**

Legislators spend a lot of time and money during the interim on legislative business. Most legislators spend between one day and one week per month on legislative business, not including interim or administrative committees. For most legislators, postage does not seem to be a major expense as compared to fuel, meals and lodging, phone, computer, and internet expenses. A monthly allowance of \$150 to \$250 a month would cover most legislators' expenses, with some legislators not spending that amount now who would be able to do more. However, that allowance would not cover all expenses of those who reported higher expenses. Legislators with large districts have higher fuel costs that would not necessarily be covered by this allowance. Cost exercise: \$150/month for 150 legislators = \$22,500/month. This would provide legislators \$3,000 for the 20-month interim at a cost of \$450,000.

## **PART 2: LEGISLATIVE SCHEDULING AND CALENDAR**

Questions were asked on the following categories:

- a 5-day work week
- a delayed start
- a 2-month session each year
- the inability to recruit
- other ideas and comments

### **5-day work week**

- Legislators were split on whether or not they would prefer a five-day work week with 47 legislators (50.54%) responding Yes, and 46 legislators (49.46%) responding No.
- Although the question was framed assuming that the traditional end of session would not be delayed, that was a primary concern that the session would end in April as it does now.
- Some advantages mentioned were: ability to work their regular job or fulfill professional obligations on weekends, more time for personal issues, family, friends, and constituents, and time to recharge and read bills.
- There was concern for whether there would be enough time to get their legislative work done and that it may make the days in the work week even longer.

### **5-day work week and session Saturdays**

- Saturdays during session prompted many comments ranging from "Saturdays were a waste of time" to "how critical Saturdays were at transmittal and at the end of session". Other comments that were received said that Saturdays could be put to better use such as having committee meetings. There was a concern that the work week was full as it is now, and that floor sessions may run into committee hearing times, which would make the committees go later or hinder the committee work. One mentioned that his constituents like to come to Helena on Saturdays because they don't have to work.
- Travel for legislators was mentioned many times. Many legislators stated that they lived too far to travel on two-day weekends, especially if Friday is a busy day, and that it would be an

additional cost. Some did not want more dead time on weekends and others said that Saturday afternoons are a busy time.

#### **Delay start of session to later in January or February**

- Three-quarters of the legislators answered that delaying the start of the odd-year session until later in January or early February would be better for preparation and discussion of legislation, that it would enhance the ability to organize and develop budget amendments and policies, and that it would enhance the potential for training and integration of new legislators.
- Positive comments on delaying the start of session (even to February or early March) included the ability to have better revenue estimates and that it would give the new governor more time to prepare, would provide more time for prep and training, and would provide more time to hold hearings on complicated issues. One commented that the session should be delayed a full year after election for more time to learn the process, for preparation and training, and to potentially hold committee meetings before the session starts.
- Negative comments included the fact that the end of session may be delayed into May or June, that it would be hard on those in agriculture, construction, and other business interests. Comments indicate that starting earlier is better for one legislator's business interests, and another stated that a few weeks makes no difference, it's better to get started and be done.
- There were numerous mixed comments on delaying the start of session, with legislators seeing both positives and negatives and raising new questions. One legislator didn't want the number of days reduced; one agreed that it would give more time for organization but was worried that it would generate more time for more bills; some thought it could be better or worse; and there was worry that the session would need to run longer. One commented that until they are actually looking at legislation, it may be difficult to see what bills are actually working through the process. Another commented that little may get done until they are actually in session.
- Some comments regarding delaying the start of session: all agreed that if the time between the election and session were compressed, little time would be left for new legislators to get up to speed or to draft bills. Training in November and December was noted as hard because it is in the middle of the Christmas season. One commented that the start date is not the problem, it is getting the public and interest groups engaged.

#### **Meet in session two months every year**

- In response to a question about meeting for two months every year, a majority of legislators agreed that it would be better than the current schedule for the following reasons: ability of the public to participate in consideration of complex legislation; ability of the legislature to vet and consider many complex bills and issues; opportunity for the legislators to participate in the budget process; ability of ag-based legislators to return home earlier in the spring; ability of citizens to get time off or be able to serve; ability of legislators to learn and serve in the first term and allow increased training; and expansion of the pool of citizens who would consider serving.
- Positive comments regarding the split session of two months each year referred to annual sessions as an idea whose time has come and that the other 46 states have it right. One stated that a year to prepare for session and get some bill drafts in would be more productive. One suggested laws one year and the budget in the next year.
- Negative comments question how you would do the budget process in half the time and raise concerns for staffing for just two months every year, for finding housing or lodging, and that costs to legislators may rise. There was also a worry that annual sessions is just an opportunity

to spend more money. A couple of legislators stated that most legislators would not be able to take two months from their profession each year. There were questions regarding whether there were significant enough policy bills for a strict policy session and concern that all legislators should serve on an appropriations committee for a budget session. Several suggested increasing the amount of days to every year to 3 months or 60 days. One wanted a budget session every year.

- Some legislators were mixed in their response. One liked splitting the session into budget and policy sessions, but thought that more bills would be introduced and that there may be a tendency to kick the can of tough bills down the road to the last meeting of the biennium. One stated that it would depend on the design of the annual sessions and another that there would be tradeoffs with many employers so perhaps there is “no difference”. Some wanted more days altogether; others wanted either a 45-45 split or a 40-50 split.

#### **Inability to recruit candidates because of 4-month session**

- The question regarding the inability to recruit good candidates because of the current four-month schedule was split – 49% stating Yes and 51% stating No. Affordability was a major concern with many mentioning the low pay and loss of wages. The negative political atmosphere with mud-slinging, disrespect, partisanship, the caustic nature of politics, and nasty campaigns were mentioned. Practicality and not being able to leave occupations for four months was mentioned or to go into March and April is problematic. Term limits, time away from home and family, and lack of child care were also mentioned.

#### **Other ideas and comments for improvement to legislative calendar**

- Other ideas and comments for improvement to the legislative calendar included: doubling the terms for less campaign time and more continuity; limiting absences from committees; setting expectation for committee chairs and making days more productive; not separating appropriations from the regular time or process; and more education.
- Changes to the current session included: more time to legislate; more aggressive planning of legislation before session and in the first month; planning for 2- or 3-day weekends to provide opportunity to work at home; joint subcommittee hearings on the budget prior to session similar to Wyoming and North Dakota; time for political parties to reach out to the newly elected legislators for some socialization; a break at Day 75 or Day 85 to transmit bills to the Governor and await vetoes or amendatory vetoes; having a five-day work week; not wasting the first week with orientation; and not having Saturday sessions for the first 3 weeks of session. Access to flex funding or compensation to legislators for child care was mentioned three times.
- Comments for later sessions such as delaying the start of session, starting session in October, or delaying by one year were mentioned. There were many comments regarding annual sessions, such as meeting five days a week over the summer annually with 45 days a year maximum, meeting every year for 3 months starting in February, going to 60 days a year and double the pay, having annual sessions of no longer than 70 to 90 days total, having longer sessions in one year such as 50 days and 40 days, and funding standing committees year-round. There was a suggestion for one session for passage of new bills and a budget and the other session only for repeal of current laws. Even-year sessions received a few comments to allow a full year of training for new legislators, one thinking that if the even year was used to adopt or amend the budget that the time frame would be compressed to a matter of weeks.

## **SUMMARY**

A majority of legislators believed that delaying the start of session would enhance the ability of legislators in numerous areas, but there was little support for going any later in the year. Meeting every year had some support, but the comments indicate that the “devil is in the details”. Many believe that having a budget session one year and a policy session the next year (or vice versa) was a good idea, although information that the Legislative Council received would indicate that it may not be realistic, plus some legislators did not like the idea.

There does appear to be support for some changes in the current structure to be more efficient. Some two- or three-day weekends and a break in the latter part of session appear warranted, with the caveat of not adding more days and the potential of additional travel reimbursement. More efficient use of Saturdays should be considered, or the Legislature should only meet on Saturdays when needed. This would affect legislator compensation, as Saturday is considered a salary day when in session but per diem would still be paid. Those provisions are statutory and can be changed. If committees are required to keep up on their bill hearings and executive actions on a regular schedule, then a combination of some Fridays or Saturdays off, and working Saturdays as needed could be planned.

Introduction deadlines, executive action deadlines, etc., could be instituted by rule to keep the bills flowing. Bill drafting can be done as early as when the information is received so as not to impede the flow of bills. If there are committees that are falling behind, perhaps Saturday committee meetings could be considered. This could be reserved for those bills that may have a substantial number of constituents who could travel and less need for state employees to testify.

Recruiting seems problematic. Only half of the legislators seem to attribute difficulty in recruiting to the 4-month schedule. Low legislator pay, the negative political atmosphere, and the time away from home, family, and regular job seem to be equally problematic. The Legislative Council will be considering legislator compensation that can be done through appropriation and legislation. The political atmosphere is a national and statewide issue that the Legislative Council won't be able to affect except within its scope of influence.

Many legislators believe that the system is working now and feel that the experience is a worthwhile sacrifice and that they understood what they were getting into and just want to do the job. Many legislators also seem to want change, but not a clear majority, and without consensus on exactly what kind of change to make.