



STATE OF IDAHO  
OFFICE OF THE STATE CONTROLLER  
BRANDON D WOOLF

May 24, 2016

Debora Kristensen, Chair  
Citizens' Committee on Legislative Compensation  
State Capital  
Boise, Idaho 83720

Re: Compensation for Temporary Replacement Legislators

Dear Ms. Kristensen:

I write seeking clarification to the Citizens' Committee on Legislative Compensation Report dated May, 7, 2014 ("Citizens' Report") regarding how temporary replacement legislators are to be compensated. Attached is a copy of the Citizens' Report for your ease of reference. Every legislative session, there are legislators that cannot attend some of their committee hearings and/or floor sessions and a temporary replacement legislator is appointed in their place to perform their duties until they can return. Our goal is to avoid any inconsistencies in how temporary replacement legislators are coded onto the State's employee and payroll system, and we are hoping the Citizens' Committee can provide some clarity.

Section I of the Citizens' Report makes clear that a person appointed as a temporary replacement shall receive no salary. However, the remaining sections (particularly Sections II and III regarding unvouchered and vouchered expense allowances) are silent regarding temporary replacement legislators. If the language of Article III, Section 23 of the Idaho Constitution and Idaho Code § 67-406b are strictly followed, they should receive no compensation for their service since it is not provided for in the Citizens' Report.

Past and current practices have been as follows:

The House of Representatives' practice has been to set up the temporary replacement legislators on the state's employee and payroll system as the elected legislator. Coded in this manner allows them to receive both the unvouchered and vouchered expense allowances for the duration of their temporary service.

The Senate's practice in the past has varied, including not setting up the temporary legislator on the state employee and payroll system at all, or more recently due to our request, setting them up as a temporary employee and compensating them for unvouchered and vouchered expenses.

In both cases under the House and Senate, the absent elected legislator could continue to receive their salary, unvouchered expense allowance and benefits in accordance with the Citizens' Report. In some cases under both the House and Senate, informal arrangements are made wherein the elected legislator gives their temporary replacement a portion of their salary after it has been paid to them.

These inconsistent practices make it difficult for the State Controller for payroll processing and reporting purposes. Currently, we have requested that both the House and Senate set up temporary replacement legislators as a temporary employee on the state payroll system, however this is not consistently occurring. Set up in this manner will assure proper reporting because any salary and unvouchered expense allowances will be properly reported under a W-2 earnings statement. However, we are seeking your guidance regarding how a temporary legislator is to be compensated.

My request in this letter is to have the Citizens' Committee address the issue of temporary replacement legislators in its next report on Legislative Compensation. Specifically, we are seeking the Citizens' Committee's guidance and clarification on whether they should be receiving unvouchered expense allowances, vouchered expense allowances, or any compensation. Addressing these issues in the Citizens' Report will provide the written guidance needed to establish consistency in how they are compensated.

Thank you for taking the time to consider my request. Both Senate and House leadership have been briefed on this matter. If you should have any questions, please don't hesitate to contact my chief council, Brian Benjamin at 334-3100. He would be happy to discuss this matter with you or with the Citizens' Committee.

Sincerely,



Brandon D Woolf  
Idaho State Controller

cc: Senator Brent Hill, President Pro Tempore of the Senate  
Representative Scott Bedke, Speaker of the House of Representatives  
Eric Milstead, Director, Legislative Services