

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 731 (Delegate Fisher, *et al.*)
Rules and Executive Nominations

General Assembly - Length of Session

This proposed constitutional amendment alters the length of the General Assembly's annual session from 90 days to 60 days in each even-numbered year and to 45 days in each odd-numbered year. The supermajority vote required in each house to extend a session for up to 30 days is changed from a three-fifths vote to a two-thirds vote.

Fiscal Summary

State Effect: If the constitutional amendment is approved, general fund expenditures for the General Assembly and the Department of Legislative Services (DLS) likely decrease by more than \$23,000 for each day the legislature is not in session. However, additional operating costs may offset or negate any savings, as discussed below. Revenues are not affected.

Local Effect: The bill does not directly affect local government finances.

Small Business Effect: Meaningful.

Analysis

Current Law: The General Assembly may continue its session so long as, in its judgment, the public interest may require, for a period not longer than 90 days in each year. The 90 days must be consecutive unless otherwise provided by law. The General Assembly may extend its session beyond 90 days, but not exceeding an additional 30 days, by resolution concurred in by a three-fifths vote of the membership in each House. When the General Assembly is convened in special session by proclamation of the Governor, the session is limited to no longer than 30 days.

Background: Exhibit 1 shows the length of the regular legislative session for state legislatures in the mid-Atlantic region.

Exhibit 1
Length of Session for State Legislatures in the Mid-Atlantic Region

State	Length of Session
Delaware	approximately 180 days
Maryland	90 days
New Jersey	meets throughout the year
New York	meets throughout the year
North Carolina	varies
Pennsylvania	meets throughout the year
Virginia	30 or 60 days
West Virginia	60 days

Note: In some states, the length of the session varies depending on the year.

Source: National Conference of State Legislatures

State Expenditures: While shortening the session may result in a decrease in costs for certain items, such as lodging, meal reimbursements, and payroll costs for contractual staff, it may also result in an increase in costs for DLS to hire additional staff to accommodate the increase in workload resulting from a shorter session. These effects are discussed below.

Potential Savings from a Shorter Session

Regular operation and maintenance of the General Assembly and DLS involves staffing and overhead costs that are incurred regardless of the length of the legislative session. However, additional costs are incurred during legislative sessions that would not be incurred for either 45 or 30 days under the bill. These include:

- member costs such as lodging, meal, mileage reimbursements, and postage;
- payroll costs for contractual staff, including payroll taxes;
- overtime costs for regular staff;
- staff expenses, which include mileage, parking, and meals; and
- additional operating expenses for postage, printing, and other supplies.

There is no way to reliably estimate the actual cost of supporting a regular legislative session, and consequently, no reliable way to estimate the cost savings, if any, of a 60-day or 45-day session. The estimated cost of two previous special sessions in 2006 and 2007 offer a guide to the potential savings, however. Based on the cost factors listed above, the estimated average daily cost of the most recent two special sessions was \$23,000 (adjusted for inflation).

However, the average daily cost of a special session likely understates the daily cost of a regular session. Many expenditures incurred during a regular session are not incurred as frequently or at all during a special session. For instance, expense reimbursements, contractual employee wages, and overtime costs are likely higher for a regular session than a special session, which typically involves short floor sessions and limited committee hearing schedules. Members and employees are less likely to take advantage of the meal and mileage reimbursements for a special session that lasts just a few days and, in most cases, does not require members to stay for more than a few hours each day or employees to stay beyond normal work hours.

Based on these factors, among others, a regular session likely costs more per day than the \$23,000 amount estimated for a special session. Therefore, general fund expenditures likely decrease by more than \$23,000 per day for the 45 or 30 days that the legislature would not be in session under the bill. A more precise estimate is not feasible.

Potential Costs of a Shorter Session

The cost savings from a shorter session may be diminished to the extent that additional staff are needed to accommodate the shorter session. A shorter session does not necessarily decrease the actual volume of work for DLS. If the same amount of work is required to be completed in a substantially shorter amount of time, operating costs increase. For instance, in the absence of any limits on the number of bills that may be introduced, DLS likely has to draft and prepare fiscal analyses for the same number of bills over a shorter period of time. The number of budget analyses and presentations conducted by budget staff would not change during a shortened session, but would have to be completed in a much shorter time frame. Nearly every DLS function would therefore likely require additional staffing, depending on the actual workload. Any increased staffing costs may offset any cost savings from the shorter session length and may result in a net increase in general fund expenditures for the General Assembly, especially during a 45-day session. In addition to DLS staffing costs, a shorter session may also require members and their staffs to work more weekend days, resulting in additional reimbursements for lodging and meals.

The net effect on DLS and General Assembly expenditures depends on a number of factors and cannot be reliably estimated at this time. Specifically, the net effect depends on any

changes in (1) the volume of bills introduced; (2) the amount of expenses reimbursed to members and employees; (3) the amount of overtime required; (4) the number of contractual and full-time staff needed; and (5) overall session operating expenses for supplies and equipment.

Small Business Effect: Shortening the legislative session may have a significant effect on local businesses in the Annapolis area. Hotels and restaurants serving members who lodge and dine at these establishments likely experience decreased revenues as a result of a shortened legislative session.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): National Conference of State Legislatures; Department of Legislative Services

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Analysis by: Michelle Davis

Direct Inquiries to:
(410) 946-5510
(301) 970-5510