

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 832 (Delegate Malone, *et al.*)
Rules and Executive Nominations

General Assembly - Term Limits

This proposed constitutional amendment, if approved by the voters at the next general election, limits the term of a senator or delegate to four consecutive terms in the same office. A member filling a vacancy in office is considered to have served a full term if the member has served more than two years in that office. The amendment does not apply to a person who has previously been elected to three or more consecutive terms as a senator or delegate and who is elected to serve a further consecutive term in the same office in the November 2022 election for the term that begins January 11, 2023.

Fiscal Summary

State Effect: No discernible effect on State pension liabilities or contribution rates, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Members of the State Senate and the House of Delegates serve four-year terms. There are no limits on the number of consecutive or total terms they can serve.

Background: The Resolution of the 2018 General Assembly Compensation Commission resolution froze legislative salaries at their 2018 levels for the 2019-2022 term. The annual salary for the 2019-2022 term is \$65,371 for the Presiding Officers and \$50,330 for all other members of the General Assembly. In addition, members each receive

\$750 annually to be applied to in-district travel and are reimbursed for their lodging and travel expenses related to their service as members of the General Assembly. Compensation does not vary according to years of service.

According to the National Conference of State Legislatures, as of 2015, 15 state legislatures have term limit provisions for their members. Nebraska was the last state to enact term limits, in 2000. In nine of these states, the term limits relate to consecutive terms. Six states have adopted lifetime limits, which limit the total number of years overall that a person may serve in the legislature during his/her lifetime.

Membership in the Legislative Pension Plan (LPP) is mandatory for elected members of the General Assembly. LPP members contribute 7% of their salary for up to 22 years and three months; contributions are not required beyond that time. They are vested in the plan after 8 years (two terms). Vested members are eligible for a full-service retirement allowance upon reaching age 60, if the member has earned creditable service in the LPP before January 14, 2015, or at age 62 if creditable service is earned only after that date, as long as they are no longer serving in the General Assembly. Their annual retirement allowance is 3% of the salary of a current member of the General Assembly for each year of service credit but is capped at two-thirds of the salary of a current member.

For the purpose of calculating employer contributions, LPP is combined with the Employees' Retirement System, Employees' Pension System and Correctional Officers' Retirement System for the annual actuarial valuation. Therefore, employer contributions for LPP are the same as those for the employees' combined systems (ECS).

State Expenditures: Compensation for members of the General Assembly does not vary based on years of service, so the bill has no effect on total compensation.

Full LPP retirement benefits are earned upon reaching 22 years, three months of service in the General Assembly. Although the proposed amendment would restrict members of the General Assembly to four consecutive elective terms (16 years), members would still be able to serve longer if they sat out one term and then were reelected to another term, or if they moved from one house to the other in consecutive terms. Members likely earn fewer benefits than they otherwise would by virtue of serving fewer years in the General Assembly. The reduction in benefit payments is expected to be minimal and, given that LPP members represent 0.3% of total ECS membership, has no discernible effect on State pension liabilities or contribution rates.

Additional Comments: The bill indicates that a member who has served three consecutive terms and is reelected for a fourth term at the November 2022 general election can still complete the fourth term. The Department of Legislative Services

notes that the amendment does not otherwise prevent that individual from serving a fourth term.

Additional Information

Prior Introductions: HB 886 of 2018 and HB 706 of 2017, both similar bills, received unfavorable reports from the House Rules and Executive Nominations Committee. HB 1209 of 2016 and HB 164 of 2014, also similar bills, both received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken on either bill.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 20, 2020
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