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State Legislative Session Length

This report examines the possible effects of a limiting the length of the legislative session. In order to put the issue in context, we first examine the history state legislatures and the reform movement that led to enhanced legislative professionalism and expanded legislative capacity. We then consider the case studies of Vermont and Maryland to see how session length impacts both a citizen and professional legislature.

History of State Legislatures

State legislatures developed into the type of political institutions that we are familiar with today between 1965 and 1980. Changes in the states' legislatures were triggered by a perceived need to increase the structural capacity and professionalism of the legislative institution. Prior to the legislative reform movement, legislatures were deemed largely ineffective and often corrupt institutions who failed to supply the constitutionally designed check on the executive branch. Increasing the capacity mean improving legislatures in terms of the five S's—space, session, structure, staff, and salary. Session days and staff are the two aspects of capacity that have a direct impact on the professionalization of the legislature as an institution, whereas space, structure, and salary all have a direct effect on the professionalization of the legislators themselves.[1]

According to Alan Rosenthal (a political science professor who has published extensively on state legislatures) legislative sessions, "had to provide more time, and more flexible time so that legislators could accomplish their objectives."[2] So, as part of the reform movement, some states removed the constitutional limitations that had restricted the length of the regular session and/or the amount of time that legislators remained in the interim. As a result legislators "spent more time on task, both during regular and special sessions and in the periods between sessions."[3] Rosenthal states that legislators working in shorter legislative sessions tend to be much more active during the interim periods. Even a small amount of service during these periods causes increased strain on the legislative members who depend on outside employment for their livelihood. This strain would likely arise in the Vermont state legislature if the session were shortened to 90 days because it is a citizen legislature, in which most legislators' livelihood is dependent upon a full time job outside of the legislature.

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[1] For a discussion of this history, see Alan Rosenthal, *The Decline of Representative Democracy* (Washington, D.C.: Congressional Quarterly Inc, 1998).

[2] Alan Rosenthal, *The Decline of Representative Democracy* (Washington, D.C.: Congressional Quarterly Inc, 1998) p.51.

[3] Alan Rosenthal, *The Decline of Representative Democracy*.

The professionalization of legislatures (especially the higher salaries) has led to an increase in the number of legislators who can devote themselves full-time to the job of being a legislator and who, as a consequence, consider their profession to be that of a 'legislators.' In other words, legislative professionalism has led to more "professional" legislators. It has also increased the diversity of those who serve as legislators in the states; prior to professionalization, only those who held jobs from which they could take leave (mainly lawyers) or those who were retired could easily serve as legislators. Additionally, "[t]he improvement of facilities, the provision of services, the employment of staff, and the growing power of the legislative branch all appealed to men and women who might have been interested in political careers anyway."[4]

This increase in the professionalization of the legislators contributed to public discontent because the emphasis on the principle of teamwork has waned and is now centered on personal achievement. The public has begun to question the motivations of the legislators as well as their individual integrity and motivations. Other factors that have led to public discontent with legislatures stem from a general decline in trust regarding all sectors of society in addition to a lack of trust in fellow citizens. Those factors include; negative portrayals of the political institution by the media, the increasing competitiveness of politics, which in turn has led to negative campaigning, and the many promises that have been made by candidates on the campaign trial that are not kept once they go into office.

As Public discontent with state legislatures increased, it eventually brought modernization of the legislatures to a halt. "The deinstitutionalization of state legislatures in the 1990s came about not because of the desire of the members but because of the demands of those on the outside; principally the media and the public."[5] The public became disappointed with legislatures as institutions and cynical of the legislators and their motives in office. This disappointment resulted in the reversal (usually via ballot measures) of some of the gains legislatures have made in professionalism and capacity. A number of states have imposed restrictions and limitations on state legislatures, including, term limits, restrictions on legislatures' control of taxes and budgets, staff limitations, and limitations on the length of legislative sessions.[6]

Vermont Legislature

Vermont is one of 17 states that have a citizen legislature.[7] Vermont has a bicameral legislature, with 30 senators in the Senate and 150 representatives in the House of Representatives. The legislative session normally runs from early January to late April.[8] There is no constitutional limit to Vermont's legislative session, so the only limit on how late the session may run is

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[4] Rosenthal, Alan. *The Decline of Representative Democracy*, p.62

[5] Rosenthal, Alan. *The Decline of Representative Democracy*, p.80

[6] Rosenthal, Alan. *The Decline of Representative Democracy*.

[7] Keith E. Hamm and Gary F. Moncrief, "Legislative Politics in the States," in Virginia Gray and Russell L. Hansen (editors) *Politics in the American States: A Comparative Analysis*, 9th Edition (Washington DC: Congressional Quarterly Press, 2008), pp. 154-191.

[8] The State of Vermont Legislature. "Frequently Asked Questions," retrieved April 2, 2008 from http://www.leg.state.vt.us/misc/faq2.htm#A1

political. Vermont is one of 12 state legislatures that have no limit to session length[9]. Vermont legislators work Tuesday through Friday and are paid $600.78 per week[10]. Alan Rosenthal describes the Vermont legislature's session length:

> Vermont's legislature can also meet as long as it wants, at least in theory. In practice, however, the legislature tries mightily to get its work done in five or six months, both because members want to return to their regular jobs and professions and because Vermonters simply do not want their legislators continuously in session. The pressures for legislators to go home are great.[11]

On February 5, 2008, bill H.811 was introduced in the Vermont House. The bill proposes a 90-day limit on Vermont's legislative session unless two-thirds of the House and Senate vote to extend the session.[12]

Maryland Legislature

Maryland is one of 28 states that have a legislative session limit in its state constitution.[13] Since 1971, Maryland has had a 90-day limit to its legislative session.[14] Maryland's legislature differs from Vermont in a few other ways. Maryland's legislature is slightly larger than Vermont's, with 141 representatives in the House of Delegates and a 47-member Senate.[15] Maryland's legislature is considered a "hybrid legislature," with a higher proportion of full-time legislators.[16] Members work Tuesday through Thursday and are paid $43,500 a year[17]. Some have expressed concerns with Maryland's limited session length; former Maryland Speaker of the House, Cas Taylor, describes the process as "trying to squeeze ten pounds in a five pound bag these last two days [of the legislative session]."[18] Rosenthal describes the end of Maryland's legislative session as representative of the time pressures put on most states with relatively brief legislative sessions. Rosenthal concludes with Cas Taylor's admonition that "'time is valuable, precious, limited.' It is not unusual for the senate or house to run until nearly the last minute, adjourning *sine die* within twenty or thirty minutes of the constitutional deadline." [19]

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[9] National Conference of State Legislatures. "Methods by Which Legislative Session Lengths Are Limited," retrieved April 2, 2008 from, http://www.ncsl.org/Programs/legismgt/about/sesslimits.htm

[10] National Conference of State Legislatures. " Legislator Compensation 2007," retrieved April 2, 2008 from http://www.ncsl.org/programs/legismgt/about/07_legislatorcomp.htm

[11] Rosenthal, Alan, *Heavy Lifting, The Job of the American Legislature*,(Washington, DC: CQ Press, Congressional Quartlerly, Inc. 2004) p. 73

[12] http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-811.HTM

[13] National Conference of State Legislatures. "Methods by Which Legislative Session Lengths Are Limited," retrieved April 2, 2008 from http://www.ncsl.org/Programs/legismgt/about/sesslimits.htm

[14] The Baltimore Sun. "General Assembly Guide," retrieved on April 2, 2008 from http://www.baltimoresun.com/news/local/politics/bal-ga-guide,0,6009977.htmlstory

[15] Maryland General Assembly. "Maryland Legislator's Handbook," retrieved April 2, 2008 from http://64.233.169.104/search?q=cache:afC21VxLzHYJ:mlis.state.md.us/other/Legislative_Handbooks_2007/Volume_I.pdf+how+many+days+a+week+do+legislators+in+maryland+work%3F&hl=en&ct=clnk&cd=11&gl=us

[16] "Hybrid" legislature is the category that falls between professional and citizen legislatures. See Keith E. Hamm and Gary F. Moncrief, "Legislative Politics in the States."

[17] National Conference of State Legislatures. " Legislator Compensation 2007," retrieved April 2, 2008 from http://www.ncsl.org/programs/legismgt/about/07_legislatorcomp.htm

[18] Rosenthal, Alan, *Heavy Lifting, The Job of the American Legislature*,(Washington, DC: CQ Press, Congressional Quarterly, Inc. 2004) p. 76

[19] Rosenthal, Alan, *Heavy Lifting, The Job of the American Legislature*,(Washington, DC: CQ Press, Congressional Quarterly, Inc. 2004) p. 73-74

Figures 1 and 2 shows how much time legislators in different states spend working per week during the session and during the interim period.[20] The difference in the hours legislators work in Maryland and Vermont is great. This is partly due to session length and whether or not the legislature is a citizen legislature. While Maryland's legislative session is limited to 90 days, Vermont's legislature can last up to five months (or more). The Vermont legislature consists of citizen legislators, who are not expected to invest as many hours as professional legislators during the interim period. The demands of a short session are illustrated by the percentage of Maryland legislators who work 60 plus hours a week during the session versus those in Vermont: 63% compared to 16%. During the interim period, 22% of Maryland legislators work 35+ hours a week, whereas no Vermont legislators work more than 34 hours a week.

Given that such a high proportion of Vermont legislators hold other jobs, the longer hours (both interim and during the session) demanded by a shorter session length could present problems for retaining a citizen legislature.

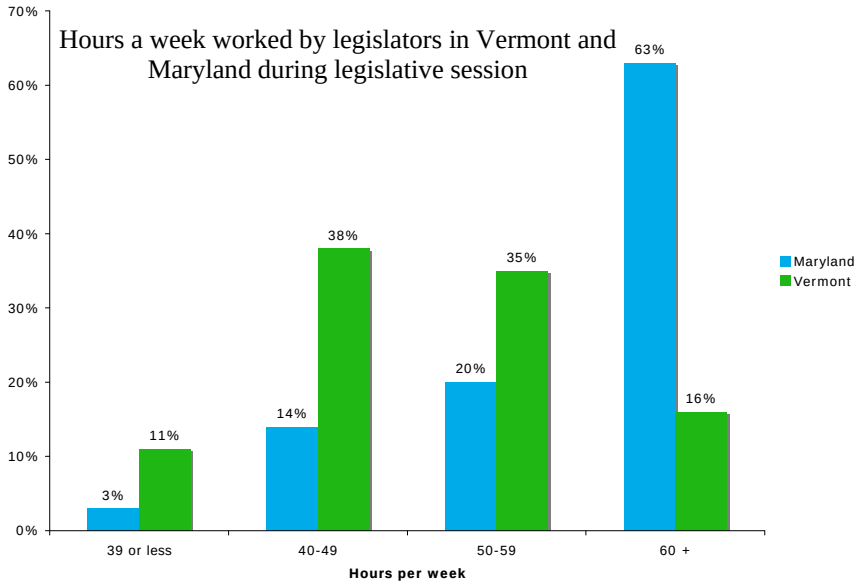

Figure 1: Hours worked during legislative session, Maryland and Vermont.

Source: Alan Rosenthal, *Heavy Lifting: The Job of the American Legislature* (Washington, DC: CQ Press, Congressional Quarterly, Inc. 2004).

[20] Alan Rosenthal, *Heavy Lifting: The Job of the American Legislature* (Washington, DC: CQ Press, Congressional Quarterly, Inc. 2004), p. 22.

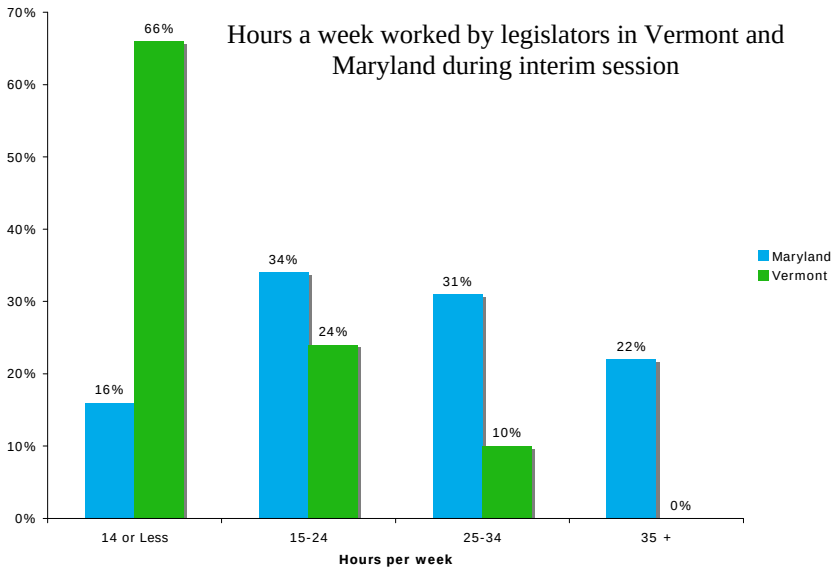

Figure 2: Hours legislators work during interim sessions, Maryland and Vermont.

Source: Alan Rosenthal, *Heavy Lifting: The Job of the American Legislature* (Washington, DC: CQ Press, Congressional Quarterly, Inc. 2004).

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Disclaimer: This report has been compiled by undergraduate students at the University of Vermont under the supervision of Professor Anthony Gierzynski. The material contained in the report does not reflect the official policy of the University of Vermont.