

Legislative Compensation



**ISSUE
MEMORANDUM
2016-01**

Introduction

The types of compensation and the amount of compensation that a state legislator receives vary significantly from state to state. Just as there is not much consistency among the states as to the number of legislators or the length of legislative sessions, there is also little consistency in how legislators are compensated. What is consistent among all the states, however, is the public scrutiny that legislator compensation receives. Given that scrutiny, the challenge is to provide legislators with compensation that is fair and enticing to a broad range of potential candidates while at the same time affordable for the state and reasonable in the eyes of the electorate. It can be a tall order to fill and a continuous struggle.

Legislative Compensation in South Dakota

In South Dakota, the state constitution gives the Legislature the authority to fix the salaries for its members. S.D. Const., Art. XXI, Section 2 states that the Legislature by two-thirds vote may fix the salary of the constitutional officers including the members of the Legislature. This language was approved by the voters in November 1946. Prior to the 1946 amendment, the section contained specific salaries for most constitutional officers, but not for legislators.

S.D. Const., Art. III, Section 6 originally established a salary of five dollars for each day of session for each legislator and also authorized a mileage reimbursement for each legislator in the amount of ten cents per mile for one round trip between the legislator's home and the State Capitol. In 1892, the voters approved an amendment to this section that reduced the mileage reimbursement to five cents per mile, and, oddly enough, that remains unchanged today. Currently, the section states that the salary of members of the Legislature shall be fixed by law pursuant to S.D. Const., Art. XXI, Section 2. This language was approved by voters in November 1962.

It is interesting to note that between 1946 and 1962, after S.D. Const., Art. XXI, Section 2 was amended and before S.D. Const., Art. III, Section 6 was amended, the two provisions appeared to be in conflict. The 1962 amendment to Art. III, Section 6, however, cleared up any confusion by specifically referring to Art. XXI, Section 2 as the provision that establishes the means to fix legislator salaries.

Following the 1946 general election when S.D. Const., Art. XXI, Section 2 was amended by the voters, the Legislature enacted SDCL 2-4-2 to fix the salary for legislators. This section fixes the salary of each member of the Legislature, reimbursement for travel expenses, the per diem allowance, and the per diem compensation for any special session. It has been amended periodically since being enacted. The following chart indicates the changes to salary and per diem that have been made through the years. The provisions are highlighted in yellow in years when they were changed.

Legislative Session	Legislative Salary Odd year/Even year	Salary in 2016 dollars	Per Diem	Special Session Pay
1947	\$1,050*	\$11,763*		
1957	\$1,800*	\$15,708*		
1965	\$1,800/\$1,200	\$13,895/\$9,264		\$10
1969	\$3,000/\$2,000	\$20,297/\$13,531		\$10
1970	\$3,000/\$2,000			Average Compensation for Previous Session
1974	\$3,000/\$2,000		\$25	" "
1976	\$3,000/\$2,000		\$25	" "
1978	\$3,600/\$2,400	\$13,873/\$9,249	\$50	" "

Legislative Session	Legislative Salary Odd year/Even year	Salary in 2016 dollars	Per Diem	Special Session Pay
1981	\$3,200/\$2,800	\$8,859/\$7,752	\$50	" "
1983	\$3,200/\$2,800		\$75	" "
1988	\$4,267/\$3,733	\$8,883/\$7,771	\$75	" "
1997	\$4,267/\$3,733		\$95	" "
1998	\$6,000/\$6,000	\$8,943/\$8,943	\$95	" "
2000	\$6,000/\$6,000		\$110	" "
2013	\$6,000/\$6,000		\$123	" "
2014	\$6,000/\$6,000		\$129	" "
2015	\$6,000/\$6,000		\$140	" "
2016	\$6,000/\$6,000		\$142	" "

*In 1947 and 1957, the legislative salary is for a biennial legislative session.

As the chart illustrates, the per diem paid to legislators in South Dakota was increased in 2000 and again in 2013. Since 2014, the per diem has been linked to the Internal Revenue Service non-itemized per diem allowance. However, the legislators have not had an increase in salary since 1998. They do not receive any retirement benefits. They are not compensated for office supplies or staff. Those who serve in leadership roles are not provided with any extra compensation. The only insurance benefit they receive is accidental death and dismemberment insurance which is provided to them during their time in office and is fully paid by the state.

Since 1998, there have been many attempts by legislators to increase legislative salaries, but the attempts have not been successful. For example, one legislative proposal in 2008 would have increased legislative salaries to \$7,000 per year; another would have increased the salaries to \$8,000 per year. In 2014, there was an attempt to increase legislative salaries to \$10,000 per year. In 2007, 2008, and 2015, legislation was introduced that would have given legislators the same across-the-board salary increase that is given each year, by law, to the other constitutional officers and judges. In 2016, there was a legislative proposal that would have provided additional compensation to legislators during the months outside of session to cover the costs associated with constituent services. The legislation would have also provided legislative leaders and members of the Joint Appropriations Committee with additional compensation during those months. Conversely, in 2009, 2010, and 2011, during a time of economic downturn, there were even attempts by legislators to temporarily decrease the salary of legislators, but those also did not pass.

Legislative Compensation in Other States

Salaries of state legislators are generally determined in three different ways. Legislators in most states approve their own salaries. A commission of some kind determines a fair salary in several states, and in a few states, increases in legislative salaries are tied to other factors such as the salaries of other state officials or employees or the consumer price index. Among the states, legislators in California earn the highest salary at \$100,113 per year. On the low end are New Hampshire legislators who earn just \$200 for a two-year term, and legislators in New Mexico who do not earn a salary at all, but do earn a per diem of \$163 per day.

Like the South Dakota Legislature, most legislatures in neighboring states also determine legislative compensation. North Dakota, until recently, had a legislative compensation commission that met biennially to make recommendations on legislative compensation. The recommendations were then incorporated into a bill for the review of the Legislature, but the commission was eliminated by the North Dakota Legislature in 2011. Minnesota, until recently, had a commission that made recommendations on legislative compensation to the Legislature. That changed, however, when a legislatively referred constitutional amendment was passed by the voters there in November 2016. The amendment provides for the creation of an independent board that will set the salaries of state legislators. Legislative salaries are set by the full Legislature in Iowa, and in Nebraska, the annual legislative salary is set in the state constitution, thus requiring voter approval for any changes.



The National Conference of State Legislatures (NCSL) annually surveys the states to gather legislative compensation data. See **Attachment A** at the end of this memo for a breakdown of legislator salaries in all states, including the amount legislators receive in mileage reimbursement and per diem.

The survey data gathered by NCSL indicates that only South Dakota and a handful of other states do not provide legislators with retirement benefits that are either optional or mandatory. See **Attachment B** at the end of this memo for a breakdown of the retirement benefits afforded to legislators in all states.

The insurance coverage provided to legislators in most other states is also much more extensive than what is provided in South Dakota. Legislators in many states are provided with health, life, dental, and vision insurance coverage that matches what state employees receive. Some of the coverage is paid by the state and other coverage is available to legislators at their own expense. See **Attachment C** for a breakdown of the insurance coverage provided for or offered to legislators by state.

Legislators in thirty-two states receive compensation for office supplies and other staffing and office expenses. Full-time legislators typically receive a sizeable annual allowance, while part-time legislators are more likely to receive a monthly allotment or a set amount for each day they are in session. Some states compensate only the presiding officers while in other states all leaders and even committee chairs receive additional compensation. South Dakota, New Mexico, and Texas are the only states in which no presiding officer or any other legislative leaders are provided with additional compensation.

States with Compensation Commissions

In an attempt to take the politics out of the legislative compensation issue, at least eighteen states have created compensation commissions to provide independent recommendations. Members of these commissions are typically appointed by the Governor, legislative leaders, or a combination of the two. Commission members are often required to come from differing backgrounds and differing political parties to ensure diversity. Some commissions only make recommendations on legislative compensation while others also make salary recommendations for the Governor and other state officials.

The level of influence a commission has varies from state to state. Some of these commissions serve only in an advisory role. They make recommendations that the Legislature can then accept, reject, or modify. In other states, commission recommendations are binding unless lawmakers or the Governor specifically reject them. In yet other states, the legislators may only modify a salary recommendation of the commission by reducing it, not increasing it. In Arizona and Nebraska, legislative salary recommendations need voter approval before they can take effect. In contrast, commissions in California and Washington have the authority to independently raise or lower legislative salaries without needing approval from anyone.

The effect these commissions have had on legislative compensation is not consistent. For example, in 2009, California's Citizens Compensation Commission reduced the salary of its legislators by almost \$21,000. The same year, the Alaska State Officers Compensation Commission recommended a \$26,000 increase for the legislators in Alaska, and it was adopted by the Alaska Legislature.

Following is a chart listing states that have a compensation commission, the appointing authority for each of the commissions, the public officials included in each commission's recommendations, and also the level of influence of each commission.

STATE	Name of Commission	Appointing Authorities	Public Officials Included in Recommendations	Authority of Commission
AK	State Officers Compensation Commission	Gov	Gov, Lt. Gov, Exec. Dept. heads, Legislature	Recommendations take effect unless a bill disapproving is enacted.
AZ	Commission on Salaries for Elective State Officers	Gov, Pres of Senate, Speaker of House, Chief Justice	All elected state officials	Recommendations on legislative salaries take effect if approved by voters at next election.



STATE	Name of Commission	Appointing Authorities	Public Officials Included in Recommendations	Authority of Commission
CA	Citizens' Compensation Commission	Gov	All state officers	Recommendations are binding.
CT	Compensation Commission	Gov, Pres Pro Tem, Speaker of House, Senate minority leader, House minority leader	Gov, Lt Gov, Sec of State, Atty Gen, Comptroller, and Legislature	Recommendations must be enacted by the Legislature to take effect.
DE	Compensation Commission*	Gov, Pres Pro Tem, Speaker of House	Constitutional officers, Gov's cabinet, Supreme Court Justices, judges, chancellors & vice-chancellors	Recommendations take effect unless rejected by joint resolution of the Legislature.
HI	Commission on Salaries	Gov, Pres of Senate, Speaker of House, Chief Justice	Gov, Lt Gov, Judges, exec dept heads, deputy dept heads, Legislature	Recommendations are effective unless Legislature disapproves of them as a whole.
ID	Citizens' Committee on Legislative Compensation	Gov and Supreme Court	Legislature	Recommendations take effect unless Legislature rejects by resolution.
ME	State Compensation Commission	Pres of Senate, Speaker of House	Legislature, Atty Gen, Sec of State, St. Treas, St Aud, representative of Indian tribes	Recommendations take effect if implemented by legislation.
MD	General Assembly Compensation Commission	Gov, Pres of Senate, Speaker of House	Gov, Lt Gov, Legislature, Atty Gen, Sec of State, Supreme Ct. justices	Recommendations require legislative approval; Legislature may reject or reduce recommendations
MI	State Officers Compensation Commission	Gov	Gov, Lt Gov, Atty Gen, Sec of State, Supreme Ct. Justices, Legislature	Recommendations take effect if approved by legislative resolution.
MN	Compensation Council	Gov, Speaker of House, Sen. Majority leader, House & Sen. Minority leaders, Chief Justice	Constitutional officers, Supreme Court Justices, district judges, state agency heads	Recommendations require legislative approval; Legislature may modify or reject them.
NJ	Public Officers Salary Review Commission	Gov, Pres of Senate, Speaker of House, Sen. & House Minority leaders, Chief Justice	Gov, cabinet officers, Legislature, Supreme Court Justices, judges	Recommendations require legislative approval.
NY	Commission on Legislative, Judicial & Executive Compensation	Gov, Pres Pro Tem, Speaker of House, Chief Judge	Legislature, state justices & judges, statewide elected officials, and certain state officials	Recommendations take effect unless abrogated or modified by legislation.
OK	Board on Legislative Compensation**	Gov, Pres Pro Tem, Speaker of House	Legislature	Recommendations are binding.
OR	Public Officials Compensation Commission	Gov, Pres of Senate, Speaker of House, Sec of State, Chief Justice	Constitutional officers, state judges, Commissioner of the Bureau of Labor & Industries	Recommendations require legislative approval; Legislature may modify.
TX	Ethics Commission	Gov, Lt. Gov, Speaker of House	Legislature	Recommendations would need voter approval, but none have been made so far.
UT	Legislative Compensation Commission	Gov	Legislature	Recommendations require legislative approval; Legislature may reject or reduce recommendations.
WA	Citizens' Commission on Salaries for Elected Officials	Gov, Pres of Senate, Speaker of House***	Elected executive branch officials, Legislature, Supreme Court justices and judges	Recommendations are binding.
WV	Citizens Legislative Compensation Commission	Gov	Legislature	Recommendations require legislative approval; Legislature may reduce recommendations, but not increase.

*The membership includes two ex officio members: President of Delaware Round Table and Director of the Office of Mgmt & Budget.

**The membership includes two ex officio members: Chair of the OK Tax Commission and the Director of State Finance.

***The Governor appoints one member from each congressional district who is selected by the Secretary of State; the President of the Senate and Speaker of the House jointly select seven additional members.

States with Automatic Salary Adjustments

In four states, legislative salaries are automatically adjusted every year or two. Florida legislators receive the same annual percentage salary increase that is given to state employees. In Massachusetts, legislators receive an automatic increase or decrease every two years that is based on median household income in the commonwealth.



The annual cost-of-living increase given to Pennsylvania legislators is based on the Consumer Price Index, and in Indiana, legislative pay is set at eighteen percent of that of trial court judges. The trial court judges receive an annual adjustment that mirrors certain raises given in the executive branch of government.

There are also state officials in South Dakota whose salaries are automatically adjusted. In 1992, the Legislature enacted SDCL 3-8-2.1 that provides constitutional officers, other than the legislators, and Supreme Court Justices and circuit judges with an annual salary adjustment that mirrors the across-the-board increase that state employees receive through the General Appropriations Act. Thus, since that time, those salaries have increased each year while the annual salary of legislators increased to \$6,000 in 1998, but has remained at that level since. The chart below shows the salaries the constitutional officers received in 1992 compared to their current salaries.

Constitutional Office	1992 Salary	2016 Salary
Governor	\$63, 232	\$112,214
Lt. Governor*	\$ 8,219	\$ 68,681
Attorney General	\$51,639	\$112,096
Comm. Of School & Public Lands	\$41,311	\$ 89,700
Secretary of State	\$41,311	\$ 89,700
State Treasurer	\$41,311	\$ 89,700
State Auditor	\$41,311	\$ 89,700
Supreme Court Justices	\$64,700	\$135,270
Circuit Court Judges	\$60,423	\$126,346
Legislator	\$4,000**	\$6,000

*Through FY 1992, the Lt. Governor's statutory salary was for duties as performed during the legislative session as presiding officer of the Senate. Since 2004, the salary is part-time.

**This is the average annual salary for the two-year term.

How Determining Legislator Compensation Might Be Changed in South Dakota

As previously stated, the South Dakota Constitution gives the Legislature the authority to fix the salaries for its members. In fact, that authority is referenced in three separate sections of the state constitution. See **Attachment D** for the full text of those sections. If the Legislature were to grant that authority to another entity or to change the setting of salaries in other ways, those changes could be in conflict with the state constitution.

In Art. XXI, Section 2 of the state constitution, the Legislature is delegated the authority to fix legislative salaries by a two-thirds vote of each house. Therefore, if a commission is created and given the authority to determine the salaries independently, it would potentially conflict with that constitutional provision. Alternately, however, if an independent commission is created and given the authority to make salary recommendations that are then required to be adopted by the Legislature by a two-thirds vote, it would likely not create a conflict.

If the Legislature were to provide for an automatic annual or biennial adjustment of legislative salaries based on an outside factor like some other states do, it would also potentially conflict with Art. XXI, Section 2. However, in 1992, when the legislation providing across-the-board salary increases for the other constitutional officers and judges was enacted, it passed with a two-thirds vote in each house of the Legislature. Proponents at the time argued that the passage met the requirements of Art. XXI, Section 2. The validity of the legislation has never been challenged in court. Therefore, the argument could be made that if it is permissible to adjust the salaries of certain



constitutional officers and judges in this way, it is also permissible to adjust the salaries of legislators in a similar way.

Factors to Consider

No matter how the determination is made or who makes it, many challenges exist in setting legislative salaries. One of the most significant is determining what constitutes a fair salary. In a few states, like in Michigan, New York, and Pennsylvania, where legislators are full-time, the wages they are paid can be compared to professional salaries found in the private sector. In states that do not have full-time legislators, however, such comparisons generally do not work because there are no similar jobs in the private sector. Citizen legislators, or those who typically hold full-time jobs outside of the Legislature, are often thought to work only seasonally at legislating when, in reality, most spend significant time on legislative duties and constituent services year-round. Drawing comparisons to legislative salaries in other states seems logical, but it also does not work in many cases because of the large variances among the legislatures in terms of workload, staff assistance, length of sessions, and the other types and levels of compensation that legislators may receive including per diem, and insurance and retirement benefits.

Legislatures with the authority to set legislative salaries are faced with the added challenge of getting legislators to support a salary increase. Even legislators who believe a salary increase is justified and necessary often do not have the political will to vote for one. They know that pay raises for politicians are never popular with the electorate.

Conclusion

Few, if any, legislators run for office with the expectation of getting rich. They should also not have to suffer a financial hardship to do so, but, in reality, some of them do. Low pay limits who can serve in the Legislature and who will run for the office. Legislative salaries, in general, have not kept pace with inflation, and they have also not kept pace with increases in the workload and the time commitment involved in legislating. Taking the politics out of the process of determining legislative compensation, either through the formation of an independent commission or by some other means, is likely the only way that legislative salaries will ever begin to keep pace.

This issue memorandum was written by Clare Charlson, Principal Research Analyst on 11/16/2016 for the Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.





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2016 Survey:

State Legislative Compensation, Session Per Diem and Mileage

Attachment A

Salaries

Regular sessions

State or other jurisdiction	Per diem salary	Limit on days	Annual salary	Mileage cents per mile	Session per diem rate
Alabama	\$42,830 (a)	54/mile.	(b)
Alaska	\$50,400	54/mile.	\$223 or \$249 a day (depending on the time of year). Tied to the federal rate. Legislators who reside in the capitol area receive 75% of the federal rate.
Arizona	\$24,000	44.5/mile.	\$35 a day for the first 120 days of the regular session and for special sessions and \$10 a day thereafter; members residing outside Maricopa County receive an additional \$25 a day for the first 120 days of the regular session and for special sessions and an additional \$10 a day thereafter (V). Set by statute.
Arkansas	\$39,400	54/mile.	\$150 a day plus mileage (V). Tied to the federal rate.
California	\$100,113	53/mile.	\$176 a day for each day in session.
Colorado	\$30,000	49/mile.	\$99 a day for members living outside Denver; \$45 a day for members who live 50 or fewer miles from the capitol (V). Set by the legislature.
Connecticut	\$28,000	54/mile.	No per diem is paid.
Delaware	\$44,541	40/mile.	No per diem is paid.
Florida	\$29,697	44.5/mile.	\$152 a day based on the number of days in Tallahassee (V).
Georgia	\$17,342	54/mile. Tied to federal rate.	\$173 a day (U). Set by the Legislative Services Committee.

<i>State or other jurisdiction</i>	<i>Per diem Salary</i>	<i>Limit On days</i>	<i>Annual Salary</i>	<i>Mileage cents Per mile</i>	<i>Session per diem rate</i>
Hawaii	...	...	\$60,180	(c)	\$175 a day throughout session for members who do not reside on the island of Oahu; \$10 a day for members living on Oahu during the mandatory five-day recess only.
Idaho	...	...	\$16,684	54/mile. One roundtrip per week	\$129 a day for members establishing a second residence in Boise; \$49 a day if no second residence is established and up to \$25 a day travel (V). Set by the compensation commission.
Illinois	...	...	\$67,836	39/mile	\$111 a session day.
Indiana	...	...	\$24,671	54/mile. Tied to federal rate.	\$161 a day (U). Tied to federal rate.
Iowa	...	...	\$25,000	39/mile.	\$160 a day; \$120 a day for Polk County legislators (U). Set by the legislature to coincide with the federal rate.
Kansas	\$88.66 a day (C) (1)	...	...	54/mile.	\$140 a day.
Kentucky	\$188.22 a day (2)	...	...	54/mile.	\$154 a day.
Louisiana	...	...	\$16,800	54/mile. Tied to federal rate.	\$157 a day (U). Tied to federal rate.
Maine	...	...	\$14,074 a year first regular session; \$9,982 a year second regular session. (d)	44/mile.	\$38 a day lodging (or mileage and tolls up to \$38 a day in lieu of housing). \$32 a day meals. Set by statute.
Maryland	...	...	\$46,061	54/mile. (e)	\$45 a day meals. \$101 a day lodging.
Massachusetts	...	...	\$60,032	(f)	(f)
Michigan	...	...	\$71,685	54/mile.	\$10,800 a year expense allowance for session and interim (V). Set by the compensation commission.
Minnesota	...	...	\$31,141	Tied to federal rate. (g)	\$86 a day for senators; \$66 a day for representatives.
Mississippi	...	...	\$10,000	54/mile.	\$140 a day (U). Tied to federal rate.
Missouri	...	...	\$35,915	37.5/mile.	\$112 a day (U). Tied to federal rate.
Montana	\$82.64 a day (L) (3)	...	...	54/mile. Tied to federal rate.	\$112.85 a day (U).
Nebraska	...	...	\$12,000	54/mile. Tied to federal rate.	\$140 a day for members residing 50 miles or more from the capitol; \$51 a day for members residing inside the 50-mile radius.
Nevada	\$146.29 a day (C) (4)	Up to 60	...	54/mile. Tied to federal rate.	\$140 a day.
New Hampshire	...		\$200 per 2-year term.	(h)	No per diem is paid.

<i>State or other jurisdiction</i>	<i>Per diem Salary</i>	<i>Limit On days</i>	<i>Annual Salary</i>	<i>Mileage cents Per mile</i>	<i>Session per diem rate</i>
New Jersey	\$49,000	None	No per diem is paid.
New Mexico	54/mile. Tied to federal rate.	\$163 a day (V). Tied to federal rate.
New York	\$79,500	54/mile. Tied to federal rate.	\$174 a day (including overnight) or \$59 a day (no overnight).
North Carolina	\$13,951	29/mile. One roundtrip per week.	\$104 a day (U). Set by statute.
North Dakota	\$172 a day (C) (5)	...	...	54/mile. One roundtrip per week. Tied to federal rate.	Up to \$1,682 a month lodging (V).
Ohio	\$60,584	52/mile. (i)	No per diem is paid.
Oklahoma	\$38,400	54/mile. Tied to federal rate.	\$157 a day (U). Tied to federal rate.
Oregon	\$23,568	54/mile.	\$140 a day.
Pennsylvania	\$85,339	54/mile. Tied to federal rate.	\$175 a day. Tied to federal rate.
Rhode Island	\$15,414	57.5/mile.	No per diem is paid.
South Carolina	\$10,400	54/mile. Tied to federal rate.	\$140 a day. Tied to federal rate.
South Dakota			\$6,000/session	(j)	\$140 a day (L) (U).
Tennessee	\$20,884	47/mile.	\$204 a day (L) (U). Tied to federal rate.
Texas	\$7,200	50/mile. \$1.24/mile for single, twin and turbo engine airplanes. Set by general appropriations bill.	\$190 a day (U). Set by ethics commission.
Utah	\$273 a day (C) (6)	...	...	56/mile.	Up to \$100 plus tax a day (C) lodging; up to \$39/date meals (V). Tied to instate lodging and meal reimbursement rates.
Vermont	\$693.74/w during session. (7)	54/mile. Tied to federal rate.	\$115 a day lodging (including overnight) or \$74 a day (no overnight).
Virginia	\$18,000 a year Senate; \$17,640 a year House.	54/mile.	\$185 a day senators; \$185 a day delegates.
Washington	\$45,474 a year; increases to \$46,839 a year eff. 9/1/2016.	54/mile.	\$120 a day.
West Virginia	\$20,000	48.5/mile.	\$131 a day (U). Set by compensation commission.

<i>State or other jurisdiction</i>		<i>Per diem Salary</i>	<i>Limit On days</i>	<i>Annual Salary</i>	<i>Mileage cents Per mile</i>	<i>Session per diem rate</i>
Wisconsin		...	...	\$50,950	51/mile. One roundtrip per week	Senate - up to \$88 a day (\$44 a day legislators living in Dane County). Assembly - up to \$138 a day (including overnight) or up to \$69 a day (no overnight). The maximum number of days per year that per diem can be claimed is 80 days.
Wyoming		\$150 a day (8)	...	...	54/mile.	\$109 a day (V). Set by legislature.

Source : National Conference of State Legislatures, 2016.

Key:

C — Calendar day

L — Legislative day

(U) — Unvouchered

(V) — Vouchered. . . — Not applicable

Notes:

- (a) Alabama. The State Personnel Board met on Oct. 27, 2015, and set the median annual household income amount at \$42,830. This current median annual household amount will begin on January 1, 2016 and will continue through December 31, 2016.
- (b) Alabama. Legislators no longer receive a set per diem rate while in session. Legislators are reimbursed for in-state travel expenses which include mileage and per diem in accordance with rates and procedures applicable to state employees. All out-of-district reimbursable travel must be for official business and in the interests of the state or in the performance of official duties, as approved by the applicable presiding officer.
- (c) Hawaii. Members may claim a mileage reimbursement for reasonable and necessary use of a personal automobile in the conduct of official legislative business and discharge of duties when meeting certain criteria.
- (d) Maine. Annual cost of living adjustments apply. In addition, legislators receive a constituent service allowance (\$2,000 a year for senators and \$1,500 a year for representatives).
- (e) Maryland. \$750 annual allowance for in-district travel as taxable income. Members may decline the allowance.
- (f) Massachusetts. \$10-\$100 a day depending on distance from State House (V). Set by the legislature.
- (g) Minnesota. Senate: a reasonable allowance. House: range of \$100-\$1,650 a month for mileage reimbursement for travel in the legislative district during interim. During session, House members can request up to one round trip per week if they live more than 50 miles from the capitol.
- (h) New Hampshire. Round trip home to the State House at 38 cents/mile for the first 45 miles and 19 cents/mile thereafter, or members will be reimbursed for actual expenses and mileage will be paid at the federal rate.
- (i) Ohio. One roundtrip per week from home to the State House for legislators outside Franklin County only.
- (j) South Dakota. 42 cents/mile for one roundtrip from capital to home each weekend. One trip is paid at 5 cents/mile.

LRC Notes:

- (1) Kansas. Per diem salary of \$88.66 amounted to \$6,560.84 for the regular session in 2016.
- (2) Kentucky. Per diem salary of \$188.22 amounted to \$11,293.20 for the regular session in 2016.
- (3) Montana. Per diem salary of \$82.64 amounted to \$7,189.68 for the regular session in 2015. There was no regular session in 2016.
- (4) Nevada. Per diem salary of \$146.29 amounted to \$8,777.40 for the regular session in 2015. There was no regular session in 2016.
- (5) North Dakota. Per diem salary of \$177.00 amounted to \$21,417.00 for the regular session in 2015. There was no regular session in 2016.
- (6) Utah. Per diem salary of \$273.00 amounted to \$12,285.00 for the regular session in 2016.
- (7) Vermont. Weekly salary of \$693.74 amounted to \$11,794 for the regular session in 2016.
- (8) Wyoming. Per diem salary of \$150 amounted to \$6000 for the regular session in 2015 (40 days); \$3000 for the regular session in 2016 (20 days).



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**2016 Survey:
State Legislative Retirement Benefits**

Attachment B

<i>State or other jurisdiction</i>	<i>Participation</i>	<i>Requirements for regular retirement</i>	<i>Employee contribution rate</i>	<i>Benefit formula</i>
Alabama	None available.			
Alaska	Optional	Four tiers. Varies depending upon tier. Detailed information set forth in Public Employees' Retirement System (PERS) plan comparison chart.	Four tiers. Varies depending upon tier. Detailed information set forth in Public Employees' Retirement System (PERS) plan comparison chart.	Four tiers. Varies depending upon tier. Detailed information set forth in Public Employees' Retirement System (PERS) plan comparison chart.
Arizona	Mandatory except that officials subject to term limits may opt out for a term of office. AZ SB 1609 of 2011—Contribution requirements affect all members; benefit and eligibility requirements affect those elected after January 1, 2012.	Age 65 with 5+ years of service; age 62 with 10+ years of service; or 20 years of service; earlier retirement with an actuarial reduction of benefits. Vesting at 5 years. AZ SB 1609 of 2011—For those elected to office after 1/1/2012. Age 65 with 5+ years of service; age 62 with 10+ years of service. Vesting at 5 years. No provision for retirement after 20 years or for early retirement.	7% employee AZ SB 1609 of 2011—2011 legislation increases contribution rates in annual steps from the present 7% of gross salary to, in FY 2014, 13% or an actuarially based calculation, which can be revised. Affects all members. Newly elected officials as of 1/1/14 pay a rate of 8%.	4% x years of credited service x highest 3 year average in the past 10 years The benefit is capped at 80% of FAS. An elected official may purchase service credit in the plan for service earned in a non-elected position by buying it at an actuarially determined amount. AZ SB 1609 Of 2011—For those elected to office after 1/1/2012: 3% x years of credited service x highest 5 year average in the past 10 years. The benefit is capped at 75% of FAS.
Arkansas	Optional. Those elected before 7/1/99 may have service covered as a regular state employee but must have 5 years of regular service to do so.	Age 65 with 10 years of service; 55/12; any age with 28 years of service; any age if serving in the General Assembly on 7/1/79; any age if in elected office on 7/1/79 with 17 and 1/2 years of service. As a regular employee, 65/5 or any age/28 years. Members of the contributory plan established in 2005 must have a minimum of 10 years legislative service if they have only legislative state employment.	Non-contributory plan in effect for those elected before 2006. For those elected then and thereafter, a contributory plan that requires 5% of salary.	For service that began after 7/1/99: 2.07% x FAS x years of service FAS based on three highest consecutive years of service. For service that began after July 1, 1991, \$35 x years of service = monthly benefit. For contributory plan, 2% x FAS x years of service.
California	Legislators elected after 1990 are not eligible for retirement benefits for legislative service.			

<i>State or other jurisdiction</i>	<i>Participation</i>	<i>Requirements for regular retirement</i>	<i>Employee contribution rate</i>	<i>Benefit formula</i>
Colorado	Mandatory	PERA: age 65 with 5 years of service; age 50 with 30 years of service; when age + service equals 80 or more (min. age of 55). State Defined Contribution Plan (DCP): no age requirement and immediate vesting.	Employee: 8%	PERA: 2.5% x FAS x years of service, capped at 100% of FAS. DCP benefit depends upon contributions and investment return.
Connecticut	Mandatory	Age 60 with 25 years credited service; age 62 with 10-25 years credited service; age 62 with 5 years actual state service. If elected after 2011—age 63 with 25 years of vesting service or age 65 with 10-25 years of vesting service. Reduced benefit available with earlier retirement ages.	Employee 2%	(1.33% x average annual salary) + (5% x average salary over "breakpoint") x credited service up to 35 years; 2003—\$36,400; 2004—\$38,600; 2005—\$40,900; 2006—\$43,400; 2007—\$46,000; 2008—\$48,800; 2009—\$51,700. After 2009—increase breakpoint by 6% per year rounded to nearest \$100.
Delaware	Mandatory. DE HB 81 of 2011—Mandatory for those elected after January 1, 2012.	Age 60 with 5 years of credited service; or 55 with 10 years of service. DE HB 81 of 2011—65 with 10 years of service; or 60 with 20 years of service. Vesting at 10 years.	3% of annual compensation in excess of \$6,000. DE HB 81 of 2011—5% of annual compensation in excess of \$6,000.	2% times FAS times years of service before 1997 + 1.85% times FAS times years of service from 1997 on. FAS = average of highest 3 years.
Florida	Optional. Elected officials may opt out or may choose between DB and DC plans. FL SB 2100 of 2011—SB 2100 affects those enrolled in the elected officers' class on or after July 1, 2011, except for a contribution requirement for all members.	Vesting in DB plan—6 years. Age 62 with 6 years; 30 years at any age. Changed in 2011 to age 62 without a service minimum. Vesting in DC plan—1 year, any age. FL SB 2100 of 2011—vesting in DB plan, 8 years. Retirement eligibility at age 65 or with 33 years of service at any age. No changes affecting the DC plan.	Employee contribution is 3%; employer contribution is 45.8%	DB plan—3% x years of creditable service x average final compensation (average of highest 5 years). DC plan—dependent upon investment experience. FL SB 2100 of 2011—Unchanged for the DB plan except that for those enrolled in the system after July 1, 2011, average final compensation will be based on the highest 8 years.
Georgia	Optional; choice when first elected.	Vested after 8 years. Age 62 with 8 years of service; age 60 with reduction for early retirement.	Employee: 3.75% + \$7/m.	\$36/month for each year of service. Post-retirement benefit increases are not available to any person who joins the system after July 1, 2009.
Hawaii	Mandatory. HI Act 163 of 2011—Act 163 affects For those who enter the plan after July 1, 2012.	Vesting at 5 years. Age 55 with 5 years of service, any age with 10 years of service. HI Act 163 of 2011—vesting at 10 years. Any age with 10 years of service.	Main plan is noncontributory; 7.8% for elected officials' plan for annuity. HI Act 163 of 2011—Contribution rate of 9.8%.	3.5% x years of service as elected official x highest average salary plus annuity based on contributions as an elected official. Highest average salary = average of 3 highest 12-month periods as elected official. Annual COLA of 2.5%. HI Act 163 of 2011—Multiplier for elected officials' reduced from 3.5% to 3.0%; COLA reduced from 2.5% annually to 1.5%.
Idaho	Mandatory; same plan as public employees (PERSI)	Age 65 with 5 years of service; reduced benefit at age 55 with 5 years of service.	6.79% paid by member, 11.32% paid by employer.	Average monthly salary for highest 42 consecutive months x 2% x months of credited service.

<i>State or other jurisdiction</i>	<i>Participation</i>	<i>Requirements for regular retirement</i>	<i>Employee contribution rate</i>	<i>Benefit formula</i>
Illinois	Optional; not the same as the State Employees' Retirement System. Only state senators, representatives and statewide elected officials have the option to participate.	Tier 1—age 55 with 8 years of service or age 62 with 4 years of service. Tier 2—age 67 with 8 years of service or age 62 with 8 years of service reduced 1/2 of 1% for each month.	Tier 1—11.5% of salary (includes contributions for retirement annuity and survivors annuity) or 9.5% of salary as contributions for just retirement annuity (no survivor annuity). Tier 2—the same with the exception Tier 2 members only pay contributions on their salary up to the maximum salary for annuity purposes. In 2016 the maximum salary for annuity purposes is \$115,480.89 (currently no legislators have salaries that exceed the maximum salary).	Tier 1—First 4 years x 3.0% = 12%; next 2 years x 3.5% = 7.0%; next 2 years x 4.0% = 8.0%; next 4 years x 4.5% = 18.0%; next 8 years x 5.0% = 40.0%. Tier 2—3% for each year of service.
Indiana	DB plan was mandatory for those serving before April 30, 1989, except that those serving on that day could opt to transfer to the DC plan. Defined contribution has been mandatory for those elected or appointed since 4/30/89.	DB plan—vesting at 10 years. Age 65 with 10 years of legislative service; or, if no longer in the legislature, these options apply: at least 10 years of service; no state salary; at age 55+ Rule of 85 applies; or age 60 with 15 years of service. Early retirement with reduced benefit. DC plan—immediate vesting.	DB plan—funded by employer and employee contributions. DC plan—5% employee, 20% state (of taxable income) through 2009. At present, the contribution is recalculated annually not to exceed the state contribution to the employee retirement plan.	DB plan—monthly benefit: Lesser of (a) \$40 x years of General Assembly service completed before 11/8/89; or (b) 1/12 of the average of the three highest consecutive years of General Assembly service salary. DC plan—numerous options for withdrawing accumulations in accord with IRS regulations. Loans are available. A participant in both plans may receive a benefit from both plans.
Iowa	Optional	Age 65; age 62 with 20 years of service; Rule of 88; reduced benefit at 55 with at least 4 years of service.	5.95 % individual.	2% times FAS. x years of service for first 30 years, + 1% times FAS times years in excess of 30 but no more than 5 in excess of 30. FAS is average of 3 highest years.
Kansas	Optional for legislators and employees of the legislator leadership offices. Mandatory for all other regular, full time employees.	Age 65; age 62 with 5 years of service, or when age plus years of service equals 85.	6% (base may include salary, per diem, non-session allowance, session expenses; or various combinations at the legislator's option.)	3 highest years x 1.75% x years of. service ÷ 12= monthly benefit.
Kentucky	Optional. Those who opt out are covered by the state employees' plan	Age 65 with 5 years of service; any age with 30 years of service, and intermediate provisions. Early retirement with reduced benefits.	5% of creditable compensation set by law at \$27,500: not the same as actual salary. Revised to be payable on compensation reported on W-2 forms beginning in 2005. HB 1 of 2008 Special Session—raised the contribution level to 6% for legislators elected after 7/1/08.	2.75% of FAS (based on creditable compensation) x years of service. FAS is the average monthly earnings for the 60 months preceding retirement. HB 1 of 2008 Special Session—reduced the annual COLA for retired legislators from the CPI (capped at 5%) to 1.5% effective on July 1, 2008. This applies to current as well as to future retirees. The statutes reserve to the legislature the power to make such changes. The amount of the COLA may be increased by the legislature if the legislature prefunds the cost of the increase.

<i>State or other jurisdiction</i>	<i>Participation</i>	<i>Requirements for regular retirement</i>	<i>Employee contribution rate</i>	<i>Benefit formula</i>
Louisiana	Legislative service for legislators elected after January 1, 1997, is ineligible for State Employee Retirement System benefits. (LSA-Const. Art. 10, § 29.1)			
Maine	Mandatory	Age 60 if 10 years of service on 7/1/93; age 62 if less than 10 years of service on 7/1/93. Reduced benefit available for earlier retirement.	7.65% legislators; employer contribution is actuarially determined.	2% of average final compensation (the average of the 3 high salary years) times years of service.
Maryland	Optional	Age 60 with 8 years; age 50 with 8+ years creditable service for early reduced retirement.	5% of annual salary.	3% of legislative salary for each year of service up to 22 years 3 months. Benefits are recalculated when legislative salaries are changed.
Massachusetts	Optional after each election or re-election to the General Court.	Vesting at 6 years. Age 55 with 6 years service; unreduced benefit at 65. Reduced benefits for retirement before age 65.	9%, although some legislators are grandfathered at lower rates.	2.5 times years of service times FAS. FAS = average of highest 36 months. Service credit is allowed for membership in other Massachusetts retirement plans.
Michigan	Optional	Age 55 with 5 years or when age plus years of service equal 70. Employee contributions are immediately vested. Employer contributions are vested as follows: Zero after one year; 50% after two years; 75% after three years; 100% after four years.	For legislators elected before 3/31/97—7-10% for (DB) plan. Elected after 3/31/97—(DC) plan, the state contributes 4% of salary. Members may contribute up to 3% of salary. The state will match the member's contribution in addition to the state 4% contribution.	DB plans—various provisions, depending on when service started. DC plan—benefits depend upon contributions and earnings.
Minnesota	Mandatory	Legislators Retirement Plan (LRP) before 7/1/97—62 years with 6 years of service and fully vested. LRP members do not have Social Security coverage. Defined Contribution Plan (DCP) since 1997—age 55 and immediate vesting. DCP members have Social Security coverage.	LRP—9%. DCP—5.5% from member, 6% from state.	2.7% x high 5 year average salary x years of service. DCP benefits depend upon contributions and investment return.
Mississippi	Mandatory	Age 60 with 4 or more years of service, or 25 years of service.	Regular—15.75% state, 9.00% member. Supplemental Legislative Retirement Plan—7.40% state, 3.00% member.	Legislators who qualify for regular state retirement benefits also automatically qualify for the legislators' supplemental benefits. Regular—2% x average compensation x years of service up to and including 25 years of service + 2.5% x average compensation x service in excess of 25 years. Average compensation is calculated using the highest 4 years of compensation. Supplement—1% x average compensation x years of legislative service through 25 years + 1.25% x average compensation x years of service in excess of 25.

<i>State or other jurisdiction</i>	<i>Participation</i>	<i>Requirements for regular retirement</i>	<i>Employee contribution rate</i>	<i>Benefit formula</i>
Missouri	Mandatory. The retirement plan for Legislators is calculated differently from the plan for other state employees.	For those hired on or before 12/31/2010—vesting at 6 years of service. Age 55; service in three full biennial assemblies (6 years) or Rule of 80. For those entering system after 1/1/2011—vesting at 6 years of service. Age 62; service in three full biennial assemblies (6 years) or the Rule of 90 with a minimum age of 55.	For those hired on or before 12/31/2010—non-contributory. For those entering system after 1/1/2011—contribution of 4% of salary.	For those hired on or before 12/31/2010—monthly pay divided by 24 x years of creditable service, capped at 100% of salary. Benefit is adjusted by the percentage increase in pay for an active legislator. For those entering system after 1/1/2011—no change.
Montana	Optional	Hired before 7/1/11—vesting at 5 years. Age 60 with at least 5 years service; age 65 regardless of years of service; or 30 years of service regardless of age. After 7/1/11—vesting at 5 years. Age 65 with 5 years service, or age 70.	7.9% employee and 8.37% employer for DB and DC plan.	DB plan—Membership Service Factor (see below) x years of Service Credit x HAC. More than 5 years and less than 10 years of membership service—1.5% Less than 30 years of membership service—1.7857% 30 years or more of membership service—2%
Nebraska	None available			
Nevada	Mandatory, but a legislator, within 30 days after he/she is first elected or appointed, may elect not to participate; a decision to terminate participation in the plan cannot be reversed. The legislators' retirement system is separate from the state employee retirement plan.	Must have at least 10 years of service, be age 60, and no longer be a legislator in order to retire without benefit reduction. A legislator who is no longer serving, has at least 10 years of service, but is under the age of 60 can elect to wait to receive his/her benefit until the age of 60 or begin receiving a reduced benefit prior to the age of 60.	15% of session salary.	Number of years x \$25 = monthly allowance.
New Hampshire	None available			
New Jersey	Mandatory	Vesting at 8 years. Age 60; no minimum service requirement. Early retirement with no benefit reduction with 25 years of service.	5% of salary	3% x FAS x years of service. FAS = higher of three highest years or three final years. Benefit is capped at 2/3 of FAS. Other formulas apply if a legislator also has other service covered by the Public Employee Retirement System.
New Mexico	Optional	Plans 1A and 1B—age 65 with 5 years of service; 64 with 8 years of service; 63 with 11 years of service; 60 with 12 years of service; or any age with 14 years of service. Plan 2—age 65 with 5 years of service or at any age with 10 years of legislative service.	Plan 1A—\$100 per year for service after 1959. Plan 1B—\$200 per year (now closed to new enrollments). Plan 2—\$500 per year. Increased to \$600 per year by 2012 legislation.	Plan 1A: \$250 per year of service. Plan 1B: \$500 per year of service after 1959. Plan 2: 11 percent of the IRS Legislative per diem rate in effect on December 31st of the year a legislator retires x 60 x the years of credited service. For a legislator who retired in 2111 the benefit would be \$1,129 per year of credited service. Annual 3% COLA.

<i>State or other jurisdiction</i>	<i>Participation</i>	<i>Requirements for regular retirement</i>	<i>Employee contribution rate</i>	<i>Benefit formula</i>
New York	Detailed information set forth in <i>Your Retirement Plan: Legislative and Executive Plan</i> , published by New York State Office of the State Comptroller.	Detailed information set forth in <i>Your Retirement Plan: Legislative and Executive Plan</i> , published by New York State Office of the State Comptroller.	Detailed information set forth in <i>Your Retirement Plan: Legislative and Executive Plan</i> , published by New York State Office of the State Comptroller.	Detailed information set forth in <i>Your Retirement Plan: Legislative and Executive Plan</i> , published by New York State Office of the State Comptroller.
North Carolina	Mandatory	Age 65 with 5 years of service; reduced benefit available at earlier ages.	7%.	Highest annual compensation x 4.02% x years of service.
North Dakota	None available.			
Ohio	Optional. OPERS offers three plans for retirement—the traditional plan (a defined benefit plan); the member directed plan (a defined contribution plan); and the combined plan. Participation in the latter two plans is limited to new OPERS members and OPERS members who had less than 5 years of service on 12/31/2002.	Varies depending upon plan. Detailed information set forth in <i>Legislative Benefits, Privileges, and Restrictions of Office</i> .	Varies depending upon plan. Detailed information set forth in <i>Legislative Benefits, Privileges, and Restrictions of Office</i> .	Varies depending upon plan. Detailed information set forth in <i>Legislative Benefits, Privileges, and Restrictions of Office</i> .
Oklahoma	Legislators may retain membership as regular public employees if they have that status when elected; one time option to join elected officials' plan. SB 794 of 2011—new provisions affect people elected to office after 11/1/2011.	Elected Officials' Plan—vesting at 6 years. Age 65, or age 60 with 6 years' service. SB 794 of 2011—vesting at 8 years. Age 65 or age 62 with 10 years of membership in the plan. Early retirement with reduced benefits at age 60 with 10 years of service.	Optional contribution levels—4.5%, 6%, 7.5%, 8.5%, 9% or 10%, of total compensation. SB 794 of 2011—schedule of options was repealed. Required contribution of 3.5% of total compensation.	Average participating salary x length of service x computation factor depending on optional contributions ranging from 1.9% for a 4.5% contribution to 4% for a 10% contribution. S.B. 1641 (Chapter 105, Laws of 2008)—people elected to office on or after 7/1/2008: formula described here can apply only to years of service as an elected official and can be based only on the higher year of salary received as an elected official (not on any subsequent salary from a non-elective post as was possible under the original provisions). Capped benefits at 100% of salary as a member of the OPERS (not clear whether this is highest salary as an elected official). S.B. 1889 (Chapter 435, Laws of 2010)—reduced the menu of options to the highest and lowest, which are shown above, for people elected to office after 11/1/2010. Those who fail to make a choice within 90 days of taking office default to the highest contribution and computation factor. SB 794 of 2011—2% of final average salary times years of service. SB 2322 of 2012—members may choose a benefit option of 2.5% of final average salary, for which members' contributions will be increased by an amount that will equal the actuarial cost of the increased benefit.

<i>State or other jurisdiction</i>	<i>Participation</i>	<i>Requirements for regular retirement</i>	<i>Employee contribution rate</i>	<i>Benefit formula</i>
Oregon	Optional	Normal retirement age for general service members is age 65 or age 58 with 30 years of retirement credit.	OPRSP DC component—employees contribute 6% of salary. DB component—non-contributory. 457 plans—members may contribute amounts to limits set by IRS.	OPRSP individual account component, or DC component—at retirement, employees may receive the IAP as a lump-sum payment or in equal installments over a 5, 10, 15 or 20-year period. DB component—benefit calculation is 1.5 percent x final average salary x years of service.
Pennsylvania	Optional. Act 120 of 2010—applies to those who become state legislators on or after 12/1/2010.	Age 50 with 3 years of service; any age with 35 years of service; early retirement with reduced benefit. Act 120 of 2010—vesting at 10 years. Retirement age is 55 with 3 years of credited service or according to the Rule of 92 with a minimum of 35 years of service.	6.25%. Act 120 of 2010—6.25% or 9.3% (member's choice). Rate will vary with actuarial conditions; these are minimums.	3% x final average salary x credited years of service (x withdrawal factor if under 50), with a maximum benefit of 100% of FAS. Act 120 of 2010—new legislators may choose between plans with different contribution rates. The multiplier for the lower contribution will be 2% and for the higher contribution 2.5%. Cap on benefits is unchanged.
Rhode Island	Legislators elected before January 1995—eligible for a pension of \$600 a year for each year of legislative service, capped at an annual retirement benefit of \$12,000. Legislators elected after January 1995—ineligible to earn credit for public retirement benefits. Different than state employee retirement plan.			
South Carolina	Mandatory (but not available to anyone first elected to the General Assembly after November 2012). Act 278, Laws of 2012—mandatory choice for those elected in or after November 2012.	Age 60 with 8 years of service. 30 years of service regardless of age. Act 278, Laws of 2012—SCRS: vesting at 8 years; retirement benefits at age 65 with 8 years of service or in accord with the Rule of 90. Reduced benefits are available at age 60 with 8 years of service. ORP: immediate vesting in employer contributions.	10% 11% as of January 1, 2013. Act 278, Laws of 2012—SCRS: 7% as of July 1, 2012, rising to 8% on July 1, 2014. ORP: 7% + 5% employer contribution, immediately vested.	4.82% x earnable compensation x years of service. "Earnable compensation" means 40 x the daily rate of remuneration, plus \$12,000, of a member of the General Assembly, as from time to time in effect. Act 278, Laws of 2012—SCRS: 2.25% x years of service x final average compensation, which is the average of the member's 5 highest years of earned compensation. ORP: upon retirement a member may annuitize the balance in the account or take a lump sum or partial distribution. Federal provisions apply.
South Dakota	None available.			

<i>State or other jurisdiction</i>	<i>Participation</i>	<i>Requirements for regular retirement</i>	<i>Employee contribution rate</i>	<i>Benefit formula</i>
Tennessee	Optional.	Age 55, 4 years of service.	Members hired before 7/1/14 participate in a non-contributory plan. Members hired after 7/1/14 participate in a contributory plan. State contributes 4% toward defined benefit, 5% into 401K Member contributes 5% toward defined benefit, 2% into 401K (can do more if so desired).	\$85.21 per month x years of service with a cap 90% of final compensation. 2006 legislation provides for an annual adjustment in the base amount (not an annual COLA to recipients) and provides that a legislator may reject the increase in writing. \$55.00 for those in the contributory plan.
Texas	Optional	Vesting at 8 years. Age 60 with 8 years of service; or age 50 with 12 years of service.	8%	2.3% x district judge's salary x length of service, with the monthly benefit capped at the level of a district judge's salary, and adjusted when such salaries are increased. Various annuity options are available. Military service credit may be purchased to add to elective class service membership. In September 2013, a district judge's salary was set at \$140,000 a year.
Utah	Mandatory	Age 62 with 10 years and an actuarial reduction; age 65 with 4 years of service for full benefits. 2010 legislation closed the Governors' and Legislators' Retirement Plan to legislators elected after 7/1/2011 and replaced it with the New Public Employees' Tier II Contributory Retirement Plan Defined Contribution Plan. The new DC plan will be a 401(k) with distribution of accumulations subject to federal rules.	Non-contributory. For the DC plan, employer will contribute 10% of compensation, which will vest after four years of service. Employees may, but are not required, to contribute.	\$24.80/month (as of July 2004) x years of service; adjusted semi-annually according to consumer price index up to a maximum increase of 2%. For the DC plan, benefits will be based upon accumulations in the employee account.
Vermont	None available. Deferred compensation plan available.			
Virginia	Mandatory. Eligibility for various plans based on membership date. Same as state employees plan.	Plan 1—Age 50 with 30 years of service (unreduced); age 55 with 5 years of service; age 50 with 10 years (reduced). Plan 2—When age and service = 90; or normal Social Security retirement age with 5 years of service (unreduced); age 60 with 5 years of service (reduced). Hybrid plan—When age and service = 90; or normal Social Security retirement age with 5 years of service (unreduced); age 60 with 5 years of service (reduced).	Plan 1—members who qualify do not make an employee contribution. Plan 2—5% of creditable compensation. Hybrid plan—mandatory and voluntary contributions to defined benefit and defined contribution components.	Plan 1—1.7% of average final compensation x years of service (average over highest 36 consecutive months). Plan 2—1.65% of average final compensation x years of service (average over highest 60 consecutive months). Hybrid plan—1.65% of average final compensation x years of service (average over highest 60 consecutive months).

<i>State or other jurisdiction</i>	<i>Participation</i>	<i>Requirements for regular retirement</i>	<i>Employee contribution rate</i>	<i>Benefit formula</i>
Washington	Optional. If before an election the legislator belonged to a state public retirement plan, he or she may continue in that plan by making contributions. Otherwise, new legislators may join PERS Plan 2 or Plan 3.	Plan 2—age 65 with 5 years of service credit. Plan 3—age 65 with 10 years of service credit for the DB side of the plan; immediate benefits (subject to federal restrictions) on the DC side of the plan. The member may choose various options for investment of contributions to the DC plan.	Plan 2—employee contribution of 2.43% for 2002. Estimated at 3.33% for 2005-2007. Plan 3—no required member contribution for the DB component. The member may contribute from 5% to 15% of salary to the DC component.	Plan 2—2% x years of service credit x average final compensation. Plan 3—DB is 1% x service credit years x average final compensation. DC benefit depends upon the value of accumulations.
West Virginia	Optional	Age 55, if years of service + age equal 80.	Before 10/1/87—7%. After 10/1/87—5%.	2% x final average salary x years of service. Final average salary is based on 3 highest years out of last 10 years.
Wisconsin	Wisconsin Retirement System (WRS)—mandatory. Deferred Compensation 457 Plan—optional.	Minimum retirement age is 55. Normal retirement age is 62. Normal retirement age with 30 years of WRS service is age 57.	2016 contribution rate is 6.6% of the legislator's salary. The employer matches this for a total contribution of 13.2%.	Retirement benefit is calculated under both "formula" and "money purchase" methods and will receive the higher of the two benefit calculations. Formula—if terminated prior to the year 2000, may not exceed 65% of the final average earnings (highest 3 years of salary), or 70% for 2000 or after. (2.165% x years of service x salary for service before 2000; 2% x years of service x salary for service 2000 and after). Money Purchase Calculation—based only on the dollar balance in WRS account and exact age (and therefore life expectancy) when annuity begins.
Wyoming	None available			

Source : National Conference of State Legislatures, March 2016.

Key:

COLA—Cost of living adjustment.

CPI—Consumer price index.

DB—Defined Benefit

DC—Defined Contribution.

FAS—Final average salary.

None available—no retirement benefit provided.

OPERS—Ohio Public Employee's Retirement System.

OPERS—Oklahoma Public Employee's Retirement System.

OPSRP—Oregon Public Employee's Retirement System.

ORP—South Carolina State Optional Retirement Program.

PERA—Public employee retirement association.

PERS—Public Employee's Retirement System.

SCRS—South Carolina Retirement System.



NATIONAL CONFERENCE
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The Forum for America's Ideas

2016 Survey -
Legislative Compensation: Health, Dental, Vision, Disability and Life Insurance

Attachment C

State or other jurisdiction	Insurance benefits				
	Health	Dental	Vision	Disability insurance	Life insurance benefits
Alabama	S.A., O.P.	S.A., O.P.	S.A., O.P.	None	None
Alaska	S.P.P.	S.P.P.	O.P., unless included in health insurance.	S.A. Optional; if selected is included in health insurance.	S.A. Small policy available. Additional is optional at legislator's expense.
Arizona	S.A., S.P.P.	S.A., O.P.	S.A., O.P.	S.P.P.	S.P.P.
Arkansas	S.P.P. (a)	O.P.	(b)	O.P.—supplemental	The state pays for \$30,000 as part of the health plan. Additional is optional at legislators' expense.
California	S.P.P. (b)	(b)	(b)	Senators are covered by a long-term disability insurance policy. Assembly members do not have disability insurance coverage.	Senators are eligible for up to \$250,000 term coverage: members pay 10% of the age-based premium plus the taxable value on coverage above \$50,000. \$250,000 term policy for the Assembly: members pay 18% of the premium plus the taxable value on coverage above \$50,000.
Colorado	S.P.P.—Amount differs according to plan selected	S.P.P.—Amount differs according to plan selected	None	None	S.A. State pays full amount for \$12,000 policy. Additional is optional at legislator's expense.
Connecticut	S.P.P.	S.P.P.	Some health insurance plans include discounts on eyewear.	S.A., O.P.	S.A., O.P.
Delaware	S.P.P. After 3 months, state pays entire amount for basic plan.	O.P.	S.P.P. Only avail. through health ins. plan.	None	S.A., O.P.
Florida	S.A. Legislators pay \$50 a month for individual coverage and \$180 a month for family coverage.	Dental coverage offered to state legislators and legislative employees.	O.P.	S.P.	S.A. Basic life insurance is provided for state legislators. Additional optional life insurance can be purchased.
Georgia	S.P.P.	S.P.P.	S.P.P.	S.A., S.P.P.	S.A., S.P.P.
Hawaii	S.P.P.	S.P.P.	S.P.P.	S.A., S.P.P.	S.A., S.P.P.

State or other jurisdiction	Insurance benefits				
	Health	Dental	Vision	Disability insurance	Life insurance benefits
Idaho	S.A., S.P.P.	S.A., S.P.P.	S.A., S.P.P.	S.A., S.P.P.	S.A., S.P.P.
Illinois	S.P.P.	S.P.P.	S.P.P.	S.P.	S.A., S.P.P.
Indiana	S.A., S.P.P.	S.A., S.P.P.	S.A., S.P.P.	None	S.A.
Iowa	S.P.P.	S.P.P.	S.A. Legislator pays entire premium.	S.A., S.P.	S.A. State pays first \$20,000. Additional at legislator expense.
Kansas	S.A., S.P.P.	S.A., S.P. Legislator pays dependent portion.	S.A., O.P.	S.A., S.P.	S.A. 150% of annual salary if part of KPERs. Additional insurance is optional at legislator's expense.
Kentucky	S.A.	O.P.	O.P.	S.A., O.P.	State pays \$20,000. Additional is optional at legislator's expense.
Louisiana	S.P.P.—State pays 50% and legislator pays 50%.	S.P.P.—State pays 50% and legislator pays 50%.	O.P.	S.A., O.P.	S.A., S.P.P.—State pays 50% and legislator pays 50%.
Maine	S.A.—State pays up to 100% of legislator coverage and 50% of dependent coverage.	S.A., S.P.	O.P.	None	O.P.
Maryland	S.A., S.P.P.—The state pays 85%, legislator pays 15% for HMO, legislator pays 17% for POS.	S.A., O.P.	Covered under the medical plan.	None	O.P.
Massachusetts	S.P.P. (State currently pays 80%)	S.P.P.	S.P.P.	S.A., O.P.	S.A. \$5,000 policy provided. Additional up to 8 times salary at legislator's expense.
Michigan	Health, vision, life, cancer, prescription, offered via cafeteria plan.			None	Offered at different levels as part of cafeteria plan.
Minnesota	S.P.P.—The state pays 95% for single coverage and 88% of family coverage.	S.P.P.—The state pays 83% for single coverage and 61% for family coverage.	S.A.	S.A., O.P.	S.A. State pays first \$35,000.
Mississippi	S.P.—legislator only premiums	O.P.	None	None	S.A., S.P.P.—State pays 50% and legislator pays 50%.
Missouri	S.A., S.P.P.	S.A., S.P.P.	S.A., S.P.P.	S.A., S.P.	S.A., S.P.—basic life insurance, 1x annual salary. Additional life insurance is optional at legislator's expense.
Montana	S.A., S.P.P.—State pays almost full amount for individual.	S.A., S.P.P.—State pays almost full amount for individual.	Included in health coverage	None	State pays \$14,000 term policy. Additional at legislator's expense.
Nebraska	O.P.	O.P.	O.P.	S.A., O.P.	S.A., O.P.

State or other jurisdiction	Insurance benefits				
	Health	Dental	Vision	Disability insurance	Life insurance benefits
Nevada	S.A., O.P.	S.A., O.P.	S.A., O.P.	S.A., O.P.	S.A., O.P.
New Hampshire	O.P.	O.P.	None	None	None
New Jersey	S.A.—Members appointed or elected after 5/21/10 are not eligible for coverage.	S.A.—Members appointed or elected after 5/21/10 are not eligible for coverage.	S.A.—Members appointed or elected after 5/21/10 are not eligible for coverage.	Temporary disability insurance—none. Permanent disability—if enrolled in pension plan.	Members enrolled in the pension plan—up to three times annual salary. Members enrolled in defined contribution plan—one and a half times annual salary. Members not covered by either plan—no death benefit.
New Mexico	None	None	None	None	None
New York	No response	No response	No response	No response	No response
North Carolina	S.P. Family coverage optional at legislator's expense.	O.P.	O.P.	S.A., O.P.	S.A., O.P.
North Dakota	S.P.—if legislator chooses state health plan.	O.P.	O.P.	S.A., O.P.	S.A. State pays for \$3,500 term life policy.
Ohio	S.P.P.—The state pays 85%, and legislators pay 15%	S.P. (c)	S.P. (c)	None	S.P.—once member has one year or more of continuous state service. Policy equal to the member's annual salary (rounded to the next higher multiple of \$1,000). Supplemental and dependent life insurance is optional at legislator's expense.
Oklahoma	Up to \$641 a month allowance for all benefits for member and up to \$1,678 a month for member plus spouse and children.	Included in health benefit			S.A. State pays basic life for \$20,000. Supplemental life is optional at legislator's expense.
Oregon	S.A., S.P.P.	S.A., S.P.P.	S.A., S.P.P.	S.A., O.P.	S.A., O.P.
Pennsylvania	(d)	(d)	(d)	None	Group life policy up to amount of salary.
Rhode Island	S.A.	S.A.	S.A.	S.A., O.P.	S.A., O.P.

State or other jurisdiction	Insurance benefits				
	Health	Dental	Vision	Disability insurance	Life insurance benefits
South Carolina	S.P.P.	S.P.P.	S.A., O.P.	S.A., S.P.P.	S.A., S.P.P.
South Dakota	None	None	None	S.P.—accidental death/dismemberment ins. only.	None
Tennessee	S.P.P.—State pays 80%, legislator pays 20%.	O.P.	O.P.	None	S.A. State pays first \$20,000 of the basic life insurance; remainder paid by legislator.
Texas	S.A., S.P.	O.P.	Included in health coverage.	S.A., O.P.	S.A., O.P.
Utah	S.P.P.	S.P.P.	Optional group discounts.	S.A., S.P.	S.A., S.P.—State pays full premium for \$25,000 basic term life coverage.
Vermont	None	None	None	None	None
Virginia	S.A., S.P.P.	S.A.	S.A.	None	S.A., S.P.—The state pays for basic group life insurance. Optional Life Insurance (up to 4x salary) available at legislator's expense.
Washington	S.A.	S.A.	Included in medical.	S.A., S.P.P.	S.A., S.P.P.
West Virginia	O.P.	O.P.	O.P.	None	S.A., O.P.
Wisconsin	S.P.P.	(e)	(e)	S.P.P.—depending on legislator's accumulative sick leave balance.	S.P.P.—Group term life levels 1 and 2. Accidental death and dismemberment insurance (ADDI) are available at legislator's expense.
Wyoming	None	None	None	None	None

Source : National Conference of State Legislatures, 2016.

Key:

- (U) — Unvouchered.
- (V) — Vouchered.
- O.P.— Optional at legislator's expense.
- O.S.B.— Official state or legislative business only.
- S.A.— Same as state employees.
- S.P. — State pays full amount.
- S.P.P.— State pays portion and legislator pays portion.

Notes:

- (a) Arkansas: Health: The state pays \$410 monthly; legislators pay the balance depending on the plan chosen. Vision: Vision screening with co-pay, once/2-y with health plan; additional coverage optional at legislator's expense.
- (b) California. Health: The state pays a portion (20% less than the contribution paid for state managerial employees); legislators pay a portion. Dental: Legislators pay 10% of the basic dental premium; enhanced coverage is available at an additional cost to the member. Vision: Legislators pay 10% of the basic vision premium; enhanced coverage is available at an additional cost to the member.
- (c) Ohio. Vision and dental care coverage are available to a member and dependents after the member has completed one year of continuous state service.
- (d) Pennsylvania. Legislators pay 1% of salary toward medical/hospital, dental, vision and prescription benefits.
- (e) Wisconsin. Basic and diagnostic dental coverage is available; major dental coverage is available through supplemental plans, which is optional at legislator's expense. Diagnostic optical coverage is available; eye glass and contact lens coverage is available through supplemental vision plans, which is optional at legislator's expense.

Attachment D

Article XXI, § 2. Salary of constitutional officers. The Legislature by two-thirds vote of each branch thereof at any regular session may fix the salary of any or all constitutional officers including members of the Legislature. In fixing any such salary the Legislature shall determine the effective date thereof and may in its discretion decrease or increase the salary of any officer during his term.

History: Amendment proposed by SL 1915, ch 230, rejected Nov., 1916; amendment proposed by SL 1917, ch 166, rejected Nov., 1918; amendment proposed by SL 1919, ch 139, rejected Nov., 1920; amendment proposed by SL 1921, ch 149, rejected Nov., 1922; amendment proposed by SL 1925, ch 116, rejected Nov., 1926; amendment proposed by SL 1929, ch 87, rejected Nov., 1930; amendment proposed by SL 1931, ch 101, rejected Nov., 1932; amendment proposed by SL 1941, ch 318, rejected Nov., 1942; amendment proposed by SL 1945, ch 314, approved Nov., 1946; repeal proposed by SL 1974, ch 1, rejected Nov. 5, 1974.

Article III, § 6. Legislative terms of office--Compensation--Regular sessions. The terms of office of the members of the Legislature shall be two years; they shall receive for their services the salary fixed by law under the provisions of § 2 of article XXI of this Constitution, and five cents for every mile of necessary travel in going to and returning from the place of meeting of the Legislature on the most usual route.

No person may serve more than four consecutive terms or a total of eight consecutive years in the senate and more than four consecutive terms or a total of eight consecutive years in the house of representatives. However, this restriction does not apply to partial terms to which a legislator may be appointed.

A regular session of the Legislature shall be held each year and shall not exceed forty legislative days, excluding Sundays, holidays and legislative recess, except in cases of impeachment, and members of the Legislature shall receive no other pay or perquisites except salary and mileage.

History: Amendment proposed by SL 1891, ch 36, approved Nov., 1892. Amendment proposed by SL 1913, ch 129, rejected Nov., 1914. Amendment proposed by SL 1961, ch 296, approved Nov. 6, 1962. Amendment proposed by SL 1974, ch 1, rejected Nov. 5, 1974. Amendment proposed by SL 1975, ch 2, as amended by SL 1976, ch 1, rejected Nov. 2, 1976. Amendment proposed by SL 1978, ch 3, rejected Nov. 7, 1978. Amendment proposed by SL 1980, ch 4, approved Nov. 4, 1980. Initiated amendment, approved November 3, 1992. Amendment proposed by SL 2006, ch 1, § 3, rejected Nov. 7, 2006. Amendment proposed by SL 2008, ch 2, § 2, rejected Nov. 4, 2008. Amendment proposed by SL 2008, ch 3, § 2, approved Nov. 4, 2008. Amendment proposed by SL 2008, ch 4, § 2, rejected Nov. 4, 2008. Amendment proposed by SL 2012, ch 265, § 2, rejected Nov. 6, 2012.

Article XII, § 3. Extra compensation prohibited--Unauthorized contracts--Change in compensation of officers--Appropriations for defense of state. The Legislature shall never grant any extra compensation to any public officer, employee, agent or contractor after the services shall have been rendered or the contract entered into, nor authorize the payment of any claims or part thereof created against the state, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void; nor shall the compensation of any public officer be increased or diminished during his term of office: provided, however, that the Legislature may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.