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S.39

Introduced by Senators Hardy, Clarkson, Gulick, Hashim, Norris, Ram
Hinsdale, Vyhovsky, Watson and White

Referred to Committee on

Date:

Subject: Legislature; salaries and fees; health insurance; legislator
compensation and benefits

Statement of purpose of bill as introduced: This bill proposes to make members of the General Assembly eligible for the State employees' health benefit plan at no cost and to allow them to participate in any flexible spending account program offered to State employees for health care expenses or dependent care expenses, or both. The bill would also provide compensation to members of the General Assembly during adjournment and would allow members of the General Assembly to choose whether to receive their payments for meals and lodging expenses as an allowance, which may be treated as income subject to tax for federal and State income tax purposes, or as reimbursement of actual expenses, which may be excluded from income for federal and State income tax purposes. The bill would allow a legislator to be reimbursed for child care, dependent care, and elder care expenses that are necessary to facilitate the member's service in the General Assembly. The bill would expand the legislative leave of absence law to allow members to take a

1 leave of absence from any job, not only a full-time job, in order to serve in the
2 General Assembly. The bill would also create the Legislative Service Working
3 Group to consider and make recommendations on issues involving legislative
4 compensation and benefits, staffing, administrative support, and the length of
5 the legislative session.

6 An act relating to compensation and benefits for members of the Vermont
7 General Assembly

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 * * * Health Insurance Benefits * * *

10 Sec. 1. 3 V.S.A. § 631 is amended to read:

11 § 631. GROUP INSURANCE FOR STATE EMPLOYEES; SALARY
12 DEDUCTIONS FOR INSURANCE, SAVINGS PLANS, AND
13 CREDIT UNIONS

14 (a)(1) The Secretary of Administration may contract on behalf of the State
15 with any insurance company or nonprofit association doing business in this
16 State to secure the benefits of franchise or group insurance. Beginning on
17 July 1, 1978, the terms of coverage under the policy shall be determined under
18 section 904 of this title, but it may include:

19 * * *

1 (2)(A)(i) As used in this section, the term “employees” includes any
2 class or classes of elected or appointed officials, State’s Attorneys, sheriffs,
3 employees of State’s Attorneys’ offices whose compensation is administered
4 through the State of Vermont payroll system, except contractual and temporary
5 employees, and deputy sheriffs paid by the State of Vermont pursuant to
6 24 V.S.A. § 290(b). The term “employees” ~~shall~~ does not include ~~members of~~
7 ~~the General Assembly as such~~, any person rendering service on a retainer or
8 fee basis, members of boards or commissions, or persons ~~other than employees~~
9 ~~of the Vermont Historical Society, the Vermont Film Corporation, the~~
10 ~~Vermont State Employees’ Credit Union, Vermont State Employees’~~
11 ~~Association, and the Vermont Council on the Arts~~, whose compensation for
12 service is not paid from the State Treasury, or any elected or appointed official
13 ~~unless the~~ except as specifically provided pursuant to this subdivision
14 (a)(2)(A)(i). The term “employees” includes employees of the Vermont
15 Historical Society, the Vermont State Employees’ Credit Union, the Vermont
16 State Employees’ Association, the Vermont Council on the Arts, and any
17 elected or appointed official who is actively engaged in and devoting
18 substantially full-time to the conduct of the business of ~~his or her~~ the official’s
19 public office. The term “employees” also includes members of the General
20 Assembly as set forth in subdivision (iv) of this subdivision (a)(2)(A).

21

* * *

1 Biennial Session and thereafter, to be paid in biweekly payments, provided
2 that, beginning on January 1, 2007, the annual compensation shall be adjusted
3 annually thereafter by the cost of living adjustment negotiated for State
4 employees under the most recent collective bargaining agreement, except that,
5 beginning on July 1, 2021 and annually thereafter on January 1, the annual
6 compensation shall be adjusted consistent with the compensation increases
7 provided to other constitutional officers. In addition to the annual
8 compensation, the Speaker and President Pro Tempore shall be entitled to
9 receive:

10 * * *

11 (3) an allowance for or reimbursement of expenses for mileage; meals;
12 ~~and lodging expenses; and child, dependent, and elder care~~ as provided to
13 members of the General Assembly under subsection 1052(b) of this title during
14 the biennial, adjourned, and special sessions of the General Assembly and in
15 addition such other actual and necessary expenses incurred while engaged in
16 duties imposed by law.

17 Sec. 3. 32 V.S.A. § 1052 is amended to read:

18 § 1052. MEMBERS OF THE GENERAL ASSEMBLY; COMPENSATION
19 AND EXPENSE REIMBURSEMENT

20 (a) Compensation.

1 (1) Session compensation. Each member of the General Assembly,
2 other than the Speaker of the House and the President Pro Tempore of the
3 Senate, is entitled to a weekly salary of \$589.00 for the 2005 Biennial Session
4 and thereafter, provided that, beginning on January 1, 2007, the weekly
5 compensation shall be adjusted annually thereafter by the cost of living
6 adjustment negotiated for State employees under the most recent collective
7 bargaining agreement, except that, beginning on July 1, 2021 and annually
8 thereafter on January 1, the weekly compensation shall be adjusted consistent
9 with the compensation increases provided to other constitutional officers. The
10 salary of members shall be paid in biweekly installments.

11 (2) Special session compensation. During a special session, a member is
12 entitled to an amount equal to one-fifth of the annually adjusted weekly
13 compensation set forth in subdivision (1) of this subsection, rounded up to the
14 nearest dollar, for each day of a special session ~~on which the House of which~~
15 ~~he or she is a~~ that the House in which the member serves shall sit.

16 (3) Adjournment compensation.

17 (A) During adjournment of the General Assembly, a member is
18 entitled to an amount equal to one-fifth of the annually adjusted weekly
19 compensation set forth in subdivision (1) of this subsection (a), rounded up to
20 the nearest dollar, for each week of the adjournment of the General Assembly.

1 (B) During adjournment of the General Assembly, a member who is
2 serving on a special committee or joint committee shall, in addition to the
3 weekly adjournment compensation set forth in subdivision (A) of this
4 subdivision (3) and the per diem compensation set forth in 2 V.S.A. § 23, be
5 entitled to compensation for time spent preparing for meetings of the special or
6 joint committee at an hourly rate equal to 2.5 percent of the annually adjusted
7 weekly compensation set forth in subdivision (1) of this subsection (a).

8 (b) Expenses. During any session of the General Assembly, each member
9 is entitled to receive an allowance for or reimbursement of expenses as
10 ~~follows:~~ set forth in this subsection.

11 (1) Mileage reimbursement. ~~Reimbursement~~ Each member shall receive
12 reimbursement in an amount equal to the actual mileage traveled for each day
13 of session in which the member travels between Montpelier and the member's
14 home or from Montpelier or from the member's home to another site on
15 officially sanctioned legislative business. Reimbursement of actual mileage
16 traveled under this subdivision shall be at the rate per mile determined by the
17 federal Office of Government-wide Policy and published in the Federal
18 Register for the year of the session.

19 (2) ~~Meals and lodging allowance.~~ Each member shall receive either a
20 meals allowance or reimbursement of actual meals expenses. Each member
21 shall inform the Office of Legislative Operations of the member's choice of a

1 meals allowance or meals expense reimbursement prior to the beginning of
2 each biennium, and the member's choice shall remain in effect through the
3 remainder of the biennium unless the member notifies the Office that the
4 member wishes to make a change.

5 (A) Meals allowance. A member who elects to receive a meals
6 allowance ~~is~~ shall receive an amount equal to the daily amount for meals and
7 lodging determined for Montpelier, Vermont, by the federal Office of
8 Government-wide Policy and published in the Federal Register for the year of
9 the session; for each day the House in which the member serves shall sit.

10 (B) Meals reimbursement. A member who elects to receive
11 reimbursement of expenses shall receive reimbursement equal to the actual
12 amounts expended by the member for meals for each day that the House in
13 which the member serves shall sit, as well as meals for the night preceding the
14 first legislative day of each week during the legislative session. The amount of
15 the daily reimbursement available pursuant to this subdivision shall not exceed
16 the daily amount for meals determined for Montpelier, Vermont, by the federal
17 Office of Government-wide Policy and published in the Federal Register for
18 the year of the session. The member shall provide meal receipts or otherwise
19 substantiate the amounts expended to the Office of Legislative Operations in
20 the form and manner prescribed by the Director of Legislative Operations.

1 (3) Lodging. Each member shall receive either a lodging allowance or
2 reimbursement of actual lodging expenses. Each member shall inform the
3 Office of Legislative Operations of the member's choice of a lodging
4 allowance or lodging expense reimbursement prior to the beginning of each
5 biennium, and the member's choice shall remain in effect through the
6 remainder of the biennium unless the member notifies the Office that the
7 member wishes to make a change.

8 (A) Lodging allowance. A member who elects to receive a lodging
9 allowance shall receive an amount equal to the daily amount for lodging
10 determined for Montpelier, Vermont, by the federal Office of Government-
11 wide Policy and published in the Federal Register for the year of the session
12 for each day the House in which the member serves shall sit.

13 (B) Lodging reimbursement. A member who elects to receive
14 reimbursement of expenses shall receive reimbursement equal to the actual
15 amounts expended by the member for lodging for each day that the House in
16 which the member serves shall sit, as well as lodging for the night preceding
17 the first legislative day of each week during the legislative session. The
18 amount of the daily reimbursement available pursuant to this subdivision shall
19 not exceed the daily amount for lodging determined for Montpelier, Vermont,
20 by the federal Office of Government-wide Policy and published in the Federal
21 Register for the year of the session. The member shall provide lodging

1 receipts or otherwise substantiate the amounts expended to the Office of
2 Legislative Operations in the form and manner prescribed by the Director of
3 Legislative Operations.

4 (4) Child, dependent, and elder care reimbursement.

5 (A) Each member shall be eligible to receive reimbursement equal to
6 the actual amounts expended by the member for child care, dependent care, or
7 elder care services in this State, or a combination, that is necessary to facilitate
8 the member's service in the General Assembly. The total amount of the
9 reimbursement available pursuant to this subdivision (4) shall not exceed the
10 federal maximum annual household contribution limit for a dependent care
11 flexible spending account.

12 (B) Expenses shall not be reimbursed under this subdivision (4) to
13 the extent they are being reimbursed or subsidized by another source or if
14 reimbursement or subsidies are reasonably available from another source.

15 (C) As used in this subdivision (4):

16 (i) "Child care" and "dependent care" mean care provided to an
17 individual who would be a qualifying individual for purposes of the federal
18 child and dependent care tax credit.

19 (ii) "Elder care" means care provided to an adult 65 years of age
20 or older in the home or in an adult day program.

1 ~~(3)~~(5) Absences. If a member is absent for reasons other than sickness
2 or legislative business for one or more entire days while the house in which the
3 member sits is in session, the member shall notify the Office of Legislative
4 Operations of that absence, and ~~expenses received shall not include the amount~~
5 ~~that the legislator specifies was not incurred~~ the member shall not be
6 reimbursed for mileage, meals, or lodging expenses incurred during the period
7 of that absence.

8 (c) ~~For attending a meeting of the Joint Fiscal Committee when a member~~
9 ~~is not receiving compensation as a member of the General Assembly, a~~
10 ~~member of the Joint Fiscal Committee shall be entitled to the same per diem~~
11 ~~compensation and reimbursement for necessary expenses as provided members~~
12 ~~of the General Assembly for attendance at sessions of the General Assembly.~~
13 [Repealed.]

14 (d) Death of a member. If a member of the General Assembly dies while
15 the General Assembly is in session, the estate of the deceased member shall be
16 entitled to receive compensation for the entire pay period in which the death
17 occurred.

18 * * * Legislative Leave from Employment * * *

19 Sec. 4. 21 V.S.A. § 496 is amended to read:

20 § 496. LEGISLATIVE LEAVE

1 (c) Powers and duties. The Working Group shall consider and make
2 recommendations on issues involving legislative compensation and benefits,
3 staffing, administrative support, and the length of the legislative session,
4 including:

5 (1) the current compensation and benefits offered to members of the
6 General Assembly, including:

7 (A) whether current salaries and benefits are sufficient and, if not,
8 how they should be increased;

9 (B) the impact of current salaries and benefits on recruiting and
10 retaining members from diverse backgrounds and life experiences;

11 (C) whether supplemental compensation should be provided to
12 members who hold leadership positions in addition to the Speaker of the House
13 and Senate President Pro Tempore, including caucus leaders and committee
14 chairs; and

15 (D) how the salaries, benefits, and compensation structure in the
16 Vermont General Assembly compare to those of other state legislatures;

17 (2) whether changes to staffing are necessary, such as increasing the
18 number of legislative staff in existing staff offices, expanding the types of
19 legislative staff services available to members, adding caucus staff, and adding
20 personal staff or providing members with an allowance to hire their own
21 personal staff;

1 (3) how to increase the administrative support available to members to
2 increase their effectiveness and ability to respond efficiently to the needs of
3 their constituents; and

4 (4) whether changes should be made to the length or structure of the
5 legislative session.

6 (d) Assistance. The Working Group shall have the administrative,
7 technical, and legal assistance of the Office of Legislative Operations, the
8 Office of Legislative Counsel, and the Joint Fiscal Office.

9 (e) Report. On or before January 15, 2024, the Working Group shall report
10 its findings and recommendations, including any recommendations for
11 legislative action, to the Speaker of the House, the Senate President Pro
12 Tempore, and the House and Senate Committees on Government Operations.
13 Drafts of the Working Group's report shall be confidential unless publicly
14 released.

15 (f) Meetings.

16 (1) The Office of Legislative Operations shall call the first meeting of
17 the Working Group to occur on or before July 1, 2023.

18 (2) The Committee shall select a chair from among its members at the
19 first meeting.

20 (3) A majority of the membership of the Working Group shall constitute
21 a quorum.

