

SENATE JOINT RESOLUTION 5

P5

(0lr2475)

ENROLLED BILL

— Budget and Taxation/Appropriations —

Introduced by The President (~~By Request — General Assembly Compensation Commission~~)

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

RESOLUTION NO. _____

1 A Senate Joint Resolution concerning

2 **General Assembly Compensation Commission – Recommendations**

3 FOR the purpose of rejecting certain items included in the Resolution of the General
4 Assembly Compensation Commission dated January 5, 2010, and transmitted to
5 the General Assembly on January 12, 2010, that address ~~the levels of~~
6 ~~compensation and allowances for members of the General Assembly, the~~
7 ~~President of the Senate, and the Speaker of the House of Delegates; providing~~
8 ~~that certain compensation for members of the General Assembly, the President~~
9 ~~of the Senate, and the Speaker of the House of Delegates shall remain at the~~
10 ~~levels set by the Resolution of the General Assembly Compensation Commission~~
11 ~~dated January 6, 2006, and transmitted to the General Assembly on January~~
12 ~~11, 2006; and generally relating to the Resolution of the General Assembly~~
13 ~~Compensation Commission dated January 5, 2010, and transmitted to the~~
14 ~~General Assembly on January 12, 2010.~~ certain proposed changes to salaries,
15 in-district travel, out-of-state travel, and the Legislative Pension Plan for

EXPLANATION:

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 members of the General Assembly; providing that the salaries for the President
2 of the Senate, the Speaker of the House of Delegates, and members of the
3 General Assembly and provisions addressing out-of-state travel remain at the
4 levels set by the Resolution of the General Assembly Compensation Commission
5 dated January 6, 2006, and transmitted to the General Assembly on January
6 11, 2006; providing that the allowance for in-district travel and the provisions
7 of the Legislative Pension Plan addressing optional forms of allowance shall
8 remain at the levels set by the Resolution of the General Assembly
9 Compensation Commission dated January 11, 2002, and transmitted to the
10 General Assembly on January 11, 2002; providing that provisions of the
11 Legislative Pension Plan addressing military service credit as provided in the
12 Resolution of the General Assembly Compensation Commission dated January
13 5, 2010, and transmitted to the General Assembly on January 12, 2010, shall be
14 void; providing that the Resolution of the General Assembly Compensation
15 Commission dated January 5, 2010, and transmitted to the General Assembly
16 on January 12, 2010, be amended to require that certain members, retirees, or
17 beneficiaries of members or retirees are subject to a forfeiture of certain benefits
18 if the member or retiree ~~committed~~ *is convicted of* certain crimes during a
19 certain period of time; providing that the Resolution of the General Assembly
20 Compensation Commission dated January 5, 2010, and transmitted to the
21 General Assembly on January 12, 2010, be amended to provide that certain
22 members, retirees, or beneficiaries of certain members or retirees are only
23 entitled to a return of certain member contributions, plus interest; *providing*
24 *that the Resolution of the General Assembly Compensation Commission dated*
25 *January 5, 2010, and transmitted to the General Assembly on January 12, 2010,*
26 *be amended to provide that certain payable benefits shall be restored if certain*
27 *actions occur; making technical corrections to the Resolution of the General*
28 *Assembly Compensation Commission dated January 5, 2010, and transmitted to*
29 *the General Assembly on January 12, 2010; and generally relating to*
30 *recommendations of the General Assembly Compensation Commission.*

31 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

32 (a) In accordance with the authority granted under Article III, Section 15 of
33 the Maryland Constitution, the General Assembly rejects the recommendations for
34 changes in the ~~salary received by the members of the General Assembly and the~~
35 ~~changes in salary received by the President of the Senate and the Speaker of the~~
36 ~~House of Delegates~~ salaries for the President of the Senate, the Speaker of the House
37 of Delegates, and the members of the General Assembly, the allowance for in-district
38 travel, changes to the provisions addressing out-of-state travel, and for changes in the
39 retirement benefits available to legislators in the Legislative Pension Plan submitted
40 in the Resolution of the General Assembly Compensation Commission dated January
41 5, 2010, and transmitted to the General Assembly on January 12, 2010; and

42 (b) Items ~~1A and 1B~~ 1A, 1B, and ~~2A~~ 2D of the Resolution of the General
43 Assembly Compensation Commission dated January 5, 2010, and transmitted to the
44 General Assembly on January 12, 2010, shall be void and provisions related to the

1 ~~salary received by the members of the General Assembly and the salary received by~~
2 ~~the President of the Senate and the Speaker of the House of Delegates~~ allowance for
3 salaries for the President of the Senate, the Speaker of the House of Delegates, and
4 the members of the General Assembly and out-of-state travel shall be as provided in
5 the Resolution of the General Assembly Compensation Commission dated January 6,
6 2006, and transmitted to the General Assembly on January 11, 2006; and

7 (c) Item 2C and Section 12 of Item 3A of the Resolution of the General
8 Assembly Compensation Commission dated January 5, 2010, and transmitted to the
9 General Assembly on January 12, 2010, shall be void and provisions related to the
10 allowance for in-district travel and the optional retirement allowances available to
11 legislators in the Legislative Pension Plan shall be as provided in the Resolution of the
12 General Assembly Compensation Commission dated January 11, 2002, and
13 transmitted to the General Assembly on January 11, 2002; and

14 (d) Section 1(o) of Item 3A of the Resolution of the General Assembly
15 Compensation Commission dated January 5, 2010, and transmitted to the General
16 Assembly on January 12, 2010, shall be amended to read as follows:

17 1. (o) “Resolution” means the Resolution of the General Assembly
18 Compensation Commission effective January 12, 2011.

19 (e) Section 4(a) of Item 3A of the Resolution of the General Assembly
20 Compensation Commission dated January 5, 2010, and transmitted to the General
21 Assembly on January 12, 2010, shall be amended to read as follows:

22 4. (a) Membership in the Legislative Pension Plan is optional for each
23 member of the General Assembly during the 2011–2014 term of office.

24 ~~(d)~~ (f) Section 22 of Item 3A of the Resolution of the General Assembly
25 Compensation Commission dated January 5, 2010, and transmitted to the General
26 Assembly on January 12, 2010, addressing military service credit for legislators in the
27 Legislative Pension Plan shall be void; and

28 ~~(e)~~ (g) In accordance with the authority granted under Article III, Section 15
29 of the Maryland Constitution, the General Assembly recommends adding Item 4 of the
30 Resolution of the General Assembly Compensation Commission dated January 5,
31 2010, and transmitted to the General Assembly on January 12, 2010, to read as
32 follows:

33 Item 4

34 (a) Benefits provided under Item 3A of this Resolution may not be paid and
35 are not payable to any member of the Legislative Pension Plan, or the member’s
36 beneficiary, if the member is convicted of or enters a plea of nolo contendere to any
37 crime that is committed during the member’s term of office and is a felony, or that is a

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1 misdemeanor related to the member's public duties and responsibilities and involves
 2 moral turpitude for which the penalty may be incarceration in any penal institution.

3 (b) A retiree of the Legislative Pension Plan and the retiree's beneficiary are
 4 subject to a forfeiture of benefits under subsection (a) of this item if the retiree is
 5 receiving benefits under Item 3A of this Resolution at the time the retiree is convicted
 6 of a crime described in subsection (a) of this item.

7 (c) If a member or retiree is subject to a forfeiture of benefits under
 8 subsections (a) or (b) of this section, the member, retiree, or beneficiary of a member or
 9 retiree is only entitled to a return of the member's or retiree's accumulated
 10 contributions, plus interest, less any benefit payments already made under Item 3A of
 11 this Resolution, and.

12 (d) If the conviction of the member is reversed or overturned, the member's
 13 benefits that are payable under Item 3A of this Resolution shall be restored; and

14 ~~(e) (e) (f) (h)~~ The other items related to compensation and allowances to
 15 members of the General Assembly shall be as provided in the Resolution of the
 16 General Assembly Compensation Commission dated January 5, 2010, and transmitted
 17 to the General Assembly on January 12, 2010; and be it further

18 RESOLVED, That a copy of this Resolution be forwarded by the Department of
 19 Legislative Services to the Honorable Martin O'Malley, Governor of Maryland; the
 20 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the
 21 Honorable Michael E. Busch, Speaker of the House of Delegates.

Approved:

President of the Senate.

Speaker of the House of Delegates.