

SENATE JOINT RESOLUTION 5

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

Introduced and read first time: February 1, 2010

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 17, 2010

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
16 members of the General Assembly; providing that the salaries for the President
17 of the Senate, the Speaker of the House of Delegates, and members of the
18 General Assembly and provisions addressing out-of-state travel remain at the
19 levels set by the Resolution of the General Assembly Compensation Commission
20 dated January 6, 2006, and transmitted to the General Assembly on January
21 11, 2006; providing that the allowance for in-district travel and the provisions
22 of the Legislative Pension Plan addressing optional forms of allowance shall
23 remain at the levels set by the Resolution of the General Assembly
24 Compensation Commission dated January 11, 2002, and transmitted to the
25 General Assembly on January 11, 2002; providing that provisions of the
26 Legislative Pension Plan addressing military service credit as provided in the

EXPLANATION:

Underlining indicates amendments to bill.

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



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1 Resolution of the General Assembly Compensation Commission dated January
2 5, 2010, and transmitted to the General Assembly on January 12, 2010, shall be
3 void; providing that the Resolution of the General Assembly Compensation
4 Commission dated January 5, 2010, and transmitted to the General Assembly
5 on January 12, 2010, be amended to require that certain members, retirees, or
6 beneficiaries of members or retirees are subject to a forfeiture of certain benefits
7 if the member or retiree committed certain crimes during a certain period of
8 time; providing that the Resolution of the General Assembly Compensation
9 Commission dated January 5, 2010, and transmitted to the General Assembly
10 on January 12, 2010, be amended to provide that certain members, retirees, or
11 beneficiaries of certain members or retirees are only entitled to a return of
12 certain member contributions, plus interest; and generally relating to
13 recommendations of the General Assembly Compensation Commission.

14 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

15 (a) In accordance with the authority granted under Article III, Section 15 of
16 the Maryland Constitution, the General Assembly rejects the recommendations for
17 changes in the ~~salary received by the members of the General Assembly and the~~
18 ~~changes in salary received by the President of the Senate and the Speaker of the~~
19 ~~House of Delegates~~ salaries for the President of the Senate, the Speaker of the House
20 of Delegates, and the members of the General Assembly, the allowance for in-district
21 travel, changes to the provisions addressing out-of-state travel, and for changes in the
22 retirement benefits available to legislators in the Legislative Pension Plan submitted
23 in the Resolution of the General Assembly Compensation Commission dated January
24 5, 2010, and transmitted to the General Assembly on January 12, 2010; and

25 (b) Items ~~1A and 1B~~ 1A, 1B, and 2A of the Resolution of the General
26 Assembly Compensation Commission dated January 5, 2010, and transmitted to the
27 General Assembly on January 12, 2010, shall be void and provisions related to the
28 ~~salary received by the members of the General Assembly and the salary received by~~
29 ~~the President of the Senate and the Speaker of the House of Delegates~~ allowance for
30 salaries for the President of the Senate, the Speaker of the House of Delegates, and
31 the members of the General Assembly and out-of-state travel shall be as provided in
32 the Resolution of the General Assembly Compensation Commission dated January 6,
33 2006, and transmitted to the General Assembly on January 11, 2006; and

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

41 (d) Section 22 of Item 3A of the Resolution of the General Assembly
42 Compensation Commission dated January 5, 2010, and transmitted to the General

1 Assembly on January 12, 2010, addressing military service credit for legislators in the
2 Legislative Pension Plan shall be void; and

3 (e) In accordance with the authority granted under Article III, Section 15 of
4 the Maryland Constitution, the General Assembly recommends adding Item 4 of the
5 Resolution of the General Assembly Compensation Commission dated January 5,
6 2010, and transmitted to the General Assembly on January 12, 2010, to read as
7 follows:

8 Item 4

9 (a) Benefits provided under Item 3A of this Resolution may not be paid and
10 are not payable to any member of the Legislative Pension Plan, or the member's
11 beneficiary, if the member is convicted of or enters a plea of nolo contendere to any
12 crime that is a felony, or that is a misdemeanor related to the member's public duties
13 and responsibilities and involves moral turpitude for which the penalty may be
14 incarceration in any penal institution.

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

19 (c) If a member or retiree is subject to a forfeiture of benefits under
20 subsections (a) or (b) of this section, the member, retiree, or beneficiary of a member or
21 retiree is only entitled to a return of the member's or retiree's accumulated
22 contributions, plus interest, less any benefit payments already made under Item 3A of
23 this Resolution; and

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

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