

Joint Resolution 4

(Senate Joint Resolution 5)

A Senate Joint Resolution concerning

General Assembly Compensation Commission – Recommendations

FOR the purpose of rejecting certain items included in the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, that address ~~the levels of compensation and allowances for members of the General Assembly, the President of the Senate, and the Speaker of the House of Delegates; providing that certain compensation for members of the General Assembly, the President of the Senate, and the Speaker of the House of Delegates shall remain at the levels set by the Resolution of the General Assembly Compensation Commission dated January 6, 2006, and transmitted to the General Assembly on January 11, 2006; and generally relating to the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010.~~ certain proposed changes to salaries, in-district travel, out-of-state travel, and the Legislative Pension Plan for members of the General Assembly; providing that the salaries for the President of the Senate, the Speaker of the House of Delegates, and members of the General Assembly and provisions addressing out-of-state travel remain at the levels set by the Resolution of the General Assembly Compensation Commission dated January 6, 2006, and transmitted to the General Assembly on January 11, 2006; providing that the allowance for in-district travel and the provisions of the Legislative Pension Plan addressing optional forms of allowance shall remain at the levels set by the Resolution of the General Assembly Compensation Commission dated January 11, 2002, and transmitted to the General Assembly on January 11, 2002; providing that provisions of the Legislative Pension Plan addressing military service credit as provided in the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, shall be void; providing that the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, be amended to require that certain members, retirees, or beneficiaries of members or retirees are subject to a forfeiture of certain benefits if the member or retiree ~~committed~~ is convicted of certain crimes during a certain period of time; providing that the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, be amended to provide that certain members, retirees, or beneficiaries of certain members or retirees are only entitled to a return of certain member contributions, plus interest; providing that the Resolution of the General Assembly Compensation Commission dated

January 5, 2010, and transmitted to the General Assembly on January 12, 2010, be amended to provide that certain payable benefits shall be restored if certain actions occur; making technical corrections to the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010; and generally relating to recommendations of the General Assembly Compensation Commission.

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

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

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

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

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

1. (o) "Resolution" means the Resolution of the General Assembly Compensation Commission effective January 12, 2011.

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

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

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

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

Item 4

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

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

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

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

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

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

Signed by the President and the Speaker, May 20, 2010.