

HOUSE JOINT RESOLUTION 12

K4, P1

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By: **Delegate Frank**

Introduced and read first time: February 18, 2010

Assigned to: Appropriations

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **General Assembly Compensation Commission – Recommendations –**
3 **Employees’ Pension System**

4 FOR the purpose of rejecting, in accordance with the provisions of Article III, Section
5 15 of the Maryland Constitution, certain items included in the Resolution of the
6 General Assembly Compensation Commission dated January 5, 2010, and
7 transmitted to the General Assembly on January 12, 2010, that address certain
8 proposed changes to salaries, in–district travel, out–of–state travel, and the
9 Legislative Pension Plan for members of the General Assembly; providing that
10 the salaries for the President of the Senate, the Speaker of the House of
11 Delegates, and members of the General Assembly and provisions addressing
12 out–of–state travel remain at the levels set by the Resolution of the General
13 Assembly Compensation Commission dated January 6, 2006, and transmitted to
14 the General Assembly on January 11, 2006; providing that the allowance for
15 in–district travel remain at the levels set by the Resolution of the General
16 Assembly Compensation Commission dated January 11, 2002, and transmitted
17 to the General Assembly on January 11, 2002; providing that provisions of the
18 Legislative Pension Plan addressing military service credit as provided in the
19 Resolution of the General Assembly Compensation Commission dated January
20 5, 2010, and transmitted to the General Assembly on January 12, 2010, shall be
21 void; providing that the Resolution of the General Assembly Compensation
22 Commission dated January 5, 2010, and transmitted to the General Assembly
23 on January 12, 2010, be amended to require that certain members of the
24 Legislative Pension Plan join the Employees’ Pension System of the State
25 Retirement and Pension System subject to certain conditions; providing that the
26 Resolution of the General Assembly Compensation Commission dated January
27 5, 2010, and transmitted to the General Assembly on January 12, 2010, be
28 amended to provide that certain members of the Legislative Pension Plan be
29 required to participate in the Employees’ Pension System of the State
30 Retirement and Pension System; and generally relating to the Resolution of the
31 General Assembly Compensation Commission dated January 5, 2010, and
32 transmitted to the General Assembly on January 12, 2010.



1 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

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

10 (b) Items 1A, 1B, and 2D of the Resolution of the General Assembly
11 Compensation Commission dated January 5, 2010, and transmitted to the General
12 Assembly on January 12, 2010, shall be void and provisions related to the allowance
13 for salaries for the President of the Senate, the Speaker of the House of Delegates, and
14 the members of the General Assembly and out-of-state travel shall be as provided in
15 the Resolution of the General Assembly Compensation Commission dated January 6,
16 2006, and transmitted to the General Assembly on January 11, 2006; and

17 (c) Item 2C and Section 12 of Item 3A of the Resolution of the General
18 Assembly Compensation Commission dated January 5, 2010, and transmitted to the
19 General Assembly on January 12, 2010, shall be void and provisions related to the
20 allowance for in-district travel shall be as provided in the Resolution of the General
21 Assembly Compensation Commission dated January 11, 2002, and transmitted to the
22 General Assembly on January 11, 2002; and

23 (d) Section 22 of Item 3A of the Resolution of the General Assembly
24 Compensation Commission dated January 5, 2010, and transmitted to the General
25 Assembly on January 12, 2010, shall be void; and

26 (e) In accordance with the authority granted under Article III, Section 15 of
27 the Maryland Constitution, the General Assembly recommends amending Sections
28 1(h) and (p) and 7 of Item 3A of the Resolution of the General Assembly Compensation
29 Commission dated January 5, 2010, and transmitted to the General Assembly on
30 January 12, 2010, to read as follows:

31 "Item 3A.

32 1. Definitions.

33 (j) Member.

34 (1) "Member" means:

35 (i) A legislator who elects to join the Legislative Pension Plan
36 during the legislator's term of office before January 1, 2011; and

37 (ii) A former legislator who:

1 1. Elected to join the Legislative Pension Plan during
2 the legislator's term of office;

3 2. Has not withdrawn the member's accumulated
4 contributions; and

5 3. Is not currently receiving a retirement allowance.

6 (2) "Member" does not include a legislator who:

7 (i) Has no creditable service before January 1, 2011; or

8 (ii) Has joined the Employees' Pension System under Title 23 of
9 the State Personnel and Pensions Article.

10 (p) Retiree. "Retiree" means an individual who:

11 (1) Is eligible for retirement;

12 (2) Has applied to receive a retirement allowance; and

13 (3) Prior to retirement has earned creditable service before January 1,
14 2011.

15 7. Service retirement allowance – No service prior to January 1, 1971.

16 (a) Application of section.

17 (1) This section applies only to a member who has no creditable
18 service before January 1, 1971.

19 (2) This section does not apply to a legislator who has no creditable
20 service before January 1, 2011.

21 (b) Eligibility for retirement. Except as provided in subsection (c) of this
22 section, a member may retire, if on or before the date of retirement, the member:

23 (1) Is not currently serving in the General Assembly;

24 (2) Has at least 8 years of creditable service;

25 (3) Has attained age 60; and

26 (4) Completes and submits an application for retirement to the Board
27 of Trustees stating the date on which the member desires to retire.

1 (c) Exception for member who joins the Judges' Retirement System. A
2 member who resigns from the General Assembly prior to the expiration of the
3 member's term of office to accept a position requiring membership in the Judges'
4 Retirement System is entitled to a retirement allowance under this Item 3A regardless
5 of years of service.

6 (d) Service retirement allowance – In general. Except as provided in
7 subsection (e) of this section, on retirement, a member shall receive a service
8 retirement allowance equal to 3% of the salary payable to a current legislator in the
9 General Assembly multiplied times the number of years of creditable service of the
10 member, but in no event shall the retirement allowance exceed two-thirds of the
11 salary payable to a current legislator in the General Assembly.

12 (e) Employees' Pension System.

13 (1) On January 1, 2011, a member shall join the Employees' Pension
14 System as provided under Title 23 of the State Personnel and Pensions Article.

15 (2) A member's membership in the Legislative Pension Plan shall
16 cease when the member joins the Employees' Pension System on January 1, 2011.

17 (3) (i) A member who has earned 8 or more years of creditable
18 service in the Legislative Pension Plan shall receive a retirement allowance in
19 accordance with the provisions of the Legislative Pension Plan based on the creditable
20 service the member accrued in the Legislative Pension Plan before joining the
21 Employees' Pension System.

22 (ii) A member who has earned 8 or more years of creditable
23 service in the Legislative Pension Plan may not transfer any service credit earned in
24 the Legislative Pension Plan to the Employees' Pension System.

25 (4) A member who has earned less than 8 years of creditable service in
26 the Legislative Pension Plan at the time the member joins the Employees' Pension
27 System may:

28 (i) Purchase service credit in the Legislative Pension Plan as
29 provided in § 6(d) of this Item 3A;

30 (ii) Request a return of the member contributions plus interest
31 that the member has made prior to joining the Employees' Pension System; or

32 (iii) Transfer the member's creditable service in the Legislative
33 Pension Plan to the Employees' Pension System in accordance with Title 37 of the
34 State Personnel and Pensions Article.

35 (5) A member who has earned 22 years and 3 months of creditable
36 service may not join the Employees' Pension System.”; and

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

6 “Item 3C.

7 (a) This item applies to any legislator who has no creditable service in the
8 Legislative Pension Plan before January 1, 2011.

9 (b) A legislator is a member of the Employees’ Pension System under Title 23
10 of the State Personnel and Pensions Article.”; and

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

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