

Senate Bill No. 314

AN ACT concerning

Pensions - Surviving Spouses of Legislators

FOR the purpose of providing that surviving spouses of certain members of the General Assembly shall be entitled to certain adjustments to the retirement allowance; and providing for a base year for the surviving spouses receiving a retirement allowance.

May 27, 1980

Honorable James Clark, Jr.
President of the Senate
State House
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 314.

This Bill provides for cost-of-living adjustments for a surviving spouse of a member of the General Assembly who is no longer a member in 1979 but who retired or was eligible for retirement under the provisions of the Pensions Article or the Resolution of the General Assembly Compensation Commission.

The Attorney General has advised me that to the extent that the bill attempts to provide survivors' cost-of-living adjustments for legislative retirement allowances awarded under Article 73B, it is mere surplusage; and to the extent that it attempts to provide survivors' cost-of-living adjustments for legislative pensions awarded under a resolution of the General Assembly Compensation Commission, it is unconstitutional. A copy of the Attorney General's letter is attached and should be considered a part of this veto message.

While I must be guided by the Attorney General's opinion in my decision to veto this bill, I recognize nonetheless that this legislation is an attempt to rectify a longstanding inequity. The bill is intended to place legislators and their spouses on the same footing as other state employees. Since 1971, state employees who have retired have received automatic cost-of-living increases in their pensions. Those state employees who have not yet retired are entitled to veterans benefits and death benefits. Legislators are presently being denied all of these benefits to which they should be entitled.

The denial of cost-of-living benefits also has been singularly devastating to legislators. Over the last ten