

UNOFFICIAL COPY OF HOUSE BILL 1285
EMERGENCY BILL

K4

(51r3214)

ENROLLED BILL
-- Appropriations/Budget and Taxation --

Introduced by **Delegate Madaleno**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Optional Retirement Program - Eligibility**

3 FOR the purpose of altering the eligibility provisions for the Optional Retirement
4 Program to include individuals in certain positions designated as exempt by the
5 Board of Regents of the University System of Maryland or the Board of Regents
6 of Morgan State University; providing that an individual who was a participant
7 in the Optional Retirement Program as of a certain date may continue to
8 participate in the Program under certain circumstances; providing for the
9 application of this Act; making this Act an emergency measure; and generally
10 relating to eligibility for the Optional Retirement Program.

11 BY repealing and reenacting, with amendments,
12 Article - State Personnel and Pensions
13 Section 30-301
14 Annotated Code of Maryland
15 (2004 Replacement Volume)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - State Personnel and Pensions**

4 30-301.

5 (A) An individual is eligible to participate in the program if the individual is
6 eligible for membership in a retirement system or a pension system and is:

7 (1) a member of the faculty of an employing institution;

8 (2) a professional employee at a community college or regional
9 community college established under Title 16 of the Education Article;

10 (3) an employee of the University System of Maryland who is [not in a
11 position designated to be treated in the same manner as a classified service employee
12 under § 12-111 of the Education Article] IN A POSITION DESIGNATED AS EXEMPT
13 UNDER A POLICY ADOPTED BY THE UNIVERSITY SYSTEM OF MARYLAND BOARD OF
14 REGENTS;

15 (4) an employee of Morgan State University who is [not subject to the
16 provisions of Division I of the State Personnel and Pensions Article] IN A POSITION
17 DESIGNATED AS PROFESSIONAL OR ADMINISTRATIVE BY THE BOARD OF REGENTS
18 OF MORGAN STATE UNIVERSITY; or

19 (5) an employee of St. Mary's College of Maryland who is in a position
20 determined by the Board of Trustees of the College to be a professional or faculty
21 position.

22 (B) ~~AN INDIVIDUAL WHO WAS A PARTICIPANT IN THE PROGRAM AS OF~~
23 ~~AUGUST 22, 2004, WHO IS IN A POSITION THAT IS NO LONGER A POSITION ELIGIBLE~~
24 ~~FOR PARTICIPATION IN THE PROGRAM UNDER THIS SECTION~~

25 (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO:

26 (I) ON AUGUST 22, 2004, WAS ELIGIBLE TO PARTICIPATE IN THE
27 PROGRAM; AND

28 (II) ON JUNE 30, 2005, IS IN A POSITION THAT, AS OF AUGUST 23,
29 2004, WAS RECLASSIFIED BY THE UNIVERSITY SYSTEM OF MARYLAND BOARD OF
30 REGENTS OR THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY AND WOULD
31 NO LONGER BE ELIGIBLE FOR PARTICIPATION IN THE PROGRAM UNDER
32 SUBSECTION (A) OF THIS SECTION.

33 (2) AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1) OF THIS
34 SUBSECTION; MAY CONTINUE TO PARTICIPATE IN THE PROGRAM IF THE
35 INDIVIDUAL:

1 (1) WOULD OTHERWISE BE ELIGIBLE FOR MEMBERSHIP IN A SYSTEM
2 UNDER THE STATE RETIREMENT AND PENSION SYSTEM; AND

3 (2) IS EMPLOYED BY AN EMPLOYING INSTITUTION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
5 construed to apply retroactively and shall be applied to and interpreted to affect any
6 individual who was a participant in the Optional Retirement Program as of August
7 22, 2004, who ~~is in a position that~~, on that effective date of this Act, is a participant,
8 former participant, deceased participant, or retiree of the Optional Retirement
9 Program, and whose position as of August 23, 2004, was reclassified by the University
10 System of Maryland Board of Regents or the Board of Regents of Morgan State
11 University that and is no longer a position eligible for participation in the Optional
12 Retirement Program under § 30-301 of the State Personnel and Pensions Article.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
14 measure, is necessary for the immediate preservation of the public health or safety,
15 has been passed by a ye and nay vote supported by three-fifths of all the members
16 elected to each of the two Houses of the General Assembly, and shall take effect from
17 the date it is enacted.