

# HOUSE BILL 1307

K4, N2

11r2997

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By: **Delegate Morhaim**

Introduced and read first time: February 28, 2011

Assigned to: Rules and Executive Nominations

Re-referred to: Appropriations, March 7, 2011

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Committee Report: Favorable

House action: Adopted

Read second time: April 4, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Employees' and Retirees' Benefit Sustainability Commission –**  
3 **Advance Directives**

4 FOR the purpose of requiring the Public Employees' and Retirees' Benefit  
5 Sustainability Commission to study and make recommendations relating to the  
6 completion of advance directives used to plan for future health care decisions by  
7 retirees of the State Retirement and Pension System; requiring the Commission  
8 to submit certain reports to a certain commission, certain committees, and the  
9 Office of the Attorney General on or before a certain date; and generally relating  
10 to a study by the Public Employees' and Retirees' Benefit Sustainability  
11 Commission on the completion of advance directives used to plan for future  
12 health care decisions by retirees of the State Retirement and Pension System.

13 BY repealing and reenacting, with amendments,  
14 Chapter 484 of the Acts of the General Assembly of 2010  
15 Section 46(g) and (h)

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

18 **Chapter 484 of the Acts of 2010**

19 SECTION 46. AND BE IT FURTHER ENACTED, That:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (g) (1) The Commission shall study and make recommendations with  
2 respect to all aspects of State funded benefits and pensions provided to State and  
3 public education employees and retirees in the State.

4 (2) The Commission shall review and evaluate the recruitment  
5 practices, retention incentives, actuarial liabilities, actuarial funding method, cost  
6 drivers, employee contribution rates, and the comparability and affordability of benefit  
7 levels of:

8 (i) the State Employees' Retirement and Pension Systems;

9 (ii) the State Employee and Retiree Health Benefit Program;  
10 and

11 (iii) the Teachers' Retirement and Pension Systems.

12 (3) The review of the Commission shall include:

13 (i) long-term estimated increases in the annual required  
14 contributions for the State and evaluation of the sustainability of State-only funding  
15 of the long-term contribution levels for the current benefit structure; and

16 (ii) an evaluation of the appropriate levels of contribution for  
17 the direct employer of public education employees in the State, including an  
18 evaluation of the related provisions of Senate Bill 141 of the 2010 Regular Session of  
19 the General Assembly as it passed the Senate of Maryland.

20 **(4) (I) THE COMMISSION SHALL STUDY AND MAKE**  
21 **RECOMMENDATIONS WITH RESPECT TO METHODS TO FACILITATE AND**  
22 **ENCOURAGE MORE RETIREES OF THE STATE RETIREMENT AND PENSION**  
23 **SYSTEM TO COMPLETE ADVANCE DIRECTIVES USED TO PLAN FOR FUTURE**  
24 **HEALTH CARE DECISIONS.**

25 **(II) THE REVIEW OF THE COMMISSION SHALL INCLUDE:**

26 **1. AN EVALUATION OF "A GUIDE TO MARYLAND**  
27 **LAW ON HEALTH CARE DECISIONS" ISSUED BY THE OFFICE OF THE ATTORNEY**  
28 **GENERAL IN SEPTEMBER 2007 AND REVISED IN APRIL 2009;**

29 **2. AN ANALYSIS OF ANY FACTORS THAT DETER OR**  
30 **PREVENT THE COMPLETION OF ADVANCE DIRECTIVES BY RETIREES OF THE**  
31 **STATE RETIREMENT AND PENSION SYSTEM;**

1                   **3. PROPOSALS FOR INCREASED EDUCATIONAL**  
2 **EFFORTS RELATING TO THE COMPLETION OF ADVANCE DIRECTIVES BY**  
3 **RETIREEES OF THE STATE RETIREMENT AND PENSION SYSTEM; AND**

4                   **4. A STUDY AND EVALUATION OF METHODS FOR**  
5 **EFFECTIVELY FACILITATING AND ENCOURAGING MORE RETIREEES OF THE**  
6 **STATE RETIREMENT AND PENSION SYSTEM TO COMPLETE ADVANCE**  
7 **DIRECTIVES.**

8           (h) (1) On or before December 15, 2010, the Commission shall issue a  
9 report of its findings and recommendations that are specific and actionable to the  
10 Governor and, in accordance with § 2-1246 of the State Government Article, the  
11 Senate Budget and Taxation Committee, the House Appropriations Committee, the  
12 Joint Committee on Pensions, and the Blue Ribbon Commission to Study Retiree  
13 Health Care Funding Options.

14           (2) **[On] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON** or  
15 before June 30, 2011, the Commission shall issue a final report of its findings and  
16 recommendations that are specific and actionable to the Governor and, in accordance  
17 with § 2-1246 of the State Government Article, the Senate Budget and Taxation  
18 Committee, the House Appropriations Committee, the Joint Committee on Pensions,  
19 and the Blue Ribbon Commission to Study Retiree Health Care Funding Options.

20           **(3) ON OR BEFORE DECEMBER 15, 2011, THE COMMISSION**  
21 **SHALL ISSUE A REPORT OF ITS FINDINGS AND RECOMMENDATIONS WITH**  
22 **RESPECT TO METHODS TO FACILITATE AND ENCOURAGE MORE RETIREEES OF**  
23 **THE STATE RETIREMENT AND PENSION SYSTEM TO COMPLETE ADVANCE**  
24 **DIRECTIVES TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE**  
25 **STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION**  
26 **COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL**  
27 **AFFAIRS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS**  
28 **COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE JOINT**  
29 **COMMITTEE ON PENSIONS, THE OFFICE OF THE ATTORNEY GENERAL, AND THE**  
30 **BLUE RIBBON COMMISSION TO STUDY RETIREE HEALTH CARE FUNDING**  
31 **OPTIONS.**

32           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 June 1, 2011.