

HOUSE BILL 84

K4

(2lr1364)

ENROLLED BILL

— Appropriations/Budget and Taxation —

Introduced by **Delegate Griffith (Chair, Joint Committee on Pensions)**

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 **State Retirement and Pension System – Reemployment of Retirees –**
3 **Exemptions**

4 FOR the purpose of providing that certain retirees of the Correctional Officers'
5 Retirement System are subject to a certain offset of a retirement allowance
6 under certain circumstances; clarifying the circumstances under which certain
7 ~~retirees~~ retirees of the Correctional Officers' Retirement System are subject to a
8 certain offset of a retirement allowance; altering the number of years required
9 after retirement for certain retirees of the State Retirement and Pension
10 System to be exempt from a certain earnings offset of their retirement
11 allowance when reemployed by certain employers; providing for the effective
12 date of certain provisions of this Act; providing for the termination of certain
13 provisions of this Act; and generally relating to the reemployment of retirees in
14 the State Retirement and Pension System.

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – State Personnel and Pensions
 3 Section 24–405(b)(3)(i) and 25–403(b)(1) and (3)(i)
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2011 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – State Personnel and Pensions
 8 Section 24–405(b)(1)
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2011 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – State Personnel and Pensions
 13 Section 24–405(b)(1)(i)
 14 Annotated Code of Maryland
 15 (2009 Replacement Volume and 2011 Supplement)
 16 (As enacted by Chapter 644 of the Acts of the General Assembly of 2009)

17 BY repealing and reenacting, without amendments,
 18 Article – State Personnel and Pensions
 19 Section 24–405(b)(2)(i)
 20 Annotated Code of Maryland
 21 (2009 Replacement Volume and 2011 Supplement)
 22 (As enacted by Chapter 644 of the Acts of the General Assembly of 2009)

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

25 **Article – State Personnel and Pensions**

26 25–403.

27 (b) (1) The Board of Trustees shall reduce the allowance of an individual
 28 who accepts employment as provided under subsection (a) of this section if:

29 **(I) THE INDIVIDUAL’S CURRENT EMPLOYER IS A**
 30 **PARTICIPATING EMPLOYER OTHER THAN THE STATE AND IS THE SAME**
 31 **PARTICIPATING EMPLOYER THAT EMPLOYED THE INDIVIDUAL AT THE TIME OF**
 32 **THE INDIVIDUAL’S LAST SEPARATION FROM EMPLOYMENT WITH A**
 33 **PARTICIPATING EMPLOYER BEFORE THE INDIVIDUAL COMMENCED RECEIVING**
 34 **A SERVICE RETIREMENT ALLOWANCE OR VESTED ALLOWANCE; OR**

35 **(II) the individual’s current employer is any unit of State**
 36 **government; and**

1 ~~(H)~~ the individual's employer at the time of the individual's last
2 separation from employment with the State before the individual commenced
3 receiving a service retirement allowance or vested allowance was also a unit of State
4 government.

5 (3) The reduction under this subsection does not apply to:

6 (i) an individual who has been retired for [9] 5 years, beginning
7 on January 1, after the date the individual retires;

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
9 read as follows:

10 **Article – State Personnel and Pensions**

11 24–405.

12 (b) (1) The Board of Trustees shall reduce the allowance of an individual
13 who accepts employment as provided under subsection (a) of this section if:

14 (i) the individual's current employer is any unit of State
15 government; and

16 (ii) the individual's employer at the time of the individual's last
17 separation from employment with the State before the individual commenced
18 receiving a service retirement allowance or vested allowance was also a unit of State
19 government.

20 (3) The reduction under paragraph (1) of this subsection does not
21 apply to:

22 (i) an individual who has been retired for [9] 5 years, beginning
23 on January 1, after the date the individual retires;

24 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26 **Article – State Personnel and Pensions**

27 24–405.

28 (b) (1) This subsection does not apply to:

29 (i) an individual who has been retired for [9] 5 years, beginning
30 on January 1, after the date the individual retires; or

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1 (2) (i) Subject to subparagraph (ii) of this paragraph, the Board of
2 Trustees shall reduce an individual's allowance by the amount that the sum of the
3 individual's initial annual basic allowance and the individual's annual compensation
4 exceeds the average final compensation used to compute the basic allowance.

5 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
6 take effect on the taking effect of the termination provisions specified in Chapter 644,
7 § 3 of the Acts of the General Assembly of 2009. If that termination provision takes
8 effect, Section 2 of this Act shall be abrogated and of no further force and effect. This
9 Act may not be interpreted to have any effect on that termination provision.

10 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions
11 of Section 4 of this Act, this Act shall take effect July 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.