

Chapter 470

(House Bill 84)

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees – Exemptions

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

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

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

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

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 24–405(b)(2)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

(As enacted by Chapter 644 of the Acts of the General Assembly of 2009)

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

Article – State Personnel and Pensions

25–403.

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

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

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

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

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

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

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

Article – State Personnel and Pensions

24–405.

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

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

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

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

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

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

Article – State Personnel and Pensions

24–405.

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

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

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

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

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

Approved by the Governor, May 22, 2012.