

**SB1001/553995/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 1001  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Maryland” insert “Employee Benefits – State Employee and Retiree Health and Welfare Benefits Program and”; in the same line, strike “– Revisions”; in line 5, after “corporate” insert “and an instrumentality of the State; providing that, except under certain circumstances, the Board is not subject to any law that affects governmental units”; in lines 7 and 9, in each instance, before “Board” insert “Maryland Small Business Retirement Savings”; and strike beginning with “altering” in line 12 down through “Program” in line 15 and substitute “requiring the Secretary of Budget and Management to make certain ongoing eligibility determinations regarding the State Employee and Retiree Health and Welfare Benefits Program; authorizing the Maryland Small Business Retirement Savings Board to enroll and participate in the State Employee and Retiree Health and Welfare Benefits Program; requiring the Maryland Small Business Retirement Savings Board to pay certain costs and a certain fee and determine the extent to which the Board will subsidize certain participation; authorizing Maryland Small Business Retirement Savings Board employees who have been determined by the State Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans to be eligible under the federal Internal Revenue Code to participate in a certain deferred compensation plan”.

On page 2, in line 12, strike “2-512(a)” and substitute “2-503(a) and 35-602”; and after line 14, insert:

“BY adding to

Article – State Personnel and Pensions

Section 2-515.2

Annotated Code of Maryland

(Over)

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(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 35–101(a) and (b)

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)”.

AMENDMENT NO. 2

On page 3, in line 26, after “CORPORATE” insert “AND IS AN INSTRUMENTALITY OF THE STATE”; and after line 26, insert:

**“(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS SUBSECTION, THE BOARD IS NOT SUBJECT TO ANY LAW, INCLUDING § 6-106 OF THE STATE GOVERNMENT ARTICLE, THAT AFFECTS GOVERNMENTAL UNITS.**

**(II) THE BOARD IS SUBJECT TO:**

**1. THE OPEN MEETINGS ACT; AND**

**2. THE PUBLIC INFORMATION ACT.**

**(III) THE BOARD AND ITS EMPLOYEES ARE SUBJECT TO THE PUBLIC ETHICS LAW.**”.

On pages 4 and 5, strike in their entirety the lines beginning with line 21 on page 4 through line 5 on page 5, inclusive, and substitute:

“2–503.

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(a) The Secretary shall:

(1) adopt regulations for the administration of the Program;

(2) ensure that the Program complies with all federal and State laws governing employee benefit plans; [and]

(3) each year, recommend to the Governor the State share of the costs of the Program; AND

(4) MAKE ONGOING ELIGIBILITY DETERMINATIONS TO ENSURE THAT PARTICIPATION IN THE PROGRAM DOES NOT IMPEDE, UNDERMINE, OR CONFLICT WITH FEDERAL COMPLIANCE OBLIGATIONS OR GOVERNMENT AND CAFETERIA PLAN STATUS.

2-515.2.

(A) THE MARYLAND SMALL BUSINESS RETIREMENT SAVINGS BOARD MAY ENROLL AND PARTICIPATE IN THE PROGRAM AS A SATELLITE ORGANIZATION.

(B) THE BOARD SHALL:

(1) PAY TO THE STATE THE TOTAL COSTS RESULTING FROM THE PARTICIPATION OF ITS EMPLOYEES IN THE PROGRAM AND A MONTHLY ADMINISTRATIVE FEE DETERMINED BY THE SECRETARY; AND

(2) DETERMINE THE EXTENT TO WHICH THE BOARD WILL SUBSIDIZE PARTICIPATION OF ITS EMPLOYEES IN THE PROGRAM.

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35-101.

(a) In this title the following words have the meanings indicated.

(b) “Board” means the State Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans.

35-602.

An individual is eligible to participate in the deferred compensation plan if the individual is:

(1) an officer of this State;

(2) an employee of this State, including a contractual employee;

(3) an employee of the Northeast Maryland Waste Disposal Authority;

**[or]**

(4) an independent contractor who performs service under § 21-304(c) of the Education Article; OR

**(5) AN EMPLOYEE OF THE MARYLAND SMALL BUSINESS RETIREMENT SAVINGS BOARD WHO HAS BEEN DETERMINED BY THE BOARD TO BE AN ELIGIBLE EMPLOYEE UNDER THE FEDERAL INTERNAL REVENUE CODE.”**

On page 5, in line 7, strike “October” and substitute “June”.