

HOUSE BILL 265

K4

9lr1135
CF SB 153

By: **Delegate B. Barnes (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 25, 2019

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: February 26, 2019

CHAPTER _____

1 AN ACT concerning

2 **Alternate Contributory Pension Selection – Return to Employment**

3 FOR the purpose of allowing an individual to resume participation in the Alternate
4 Contributory Pension Selection in the Employees' Pension System or Teachers'
5 Pension System if the individual has been separated from employment and has
6 accrued a certain amount of eligibility service; clarifying a period of time after which
7 an individual may resume participation in the Alternate Contributory Pension
8 Selection if the individual has been separated from employment for military service;
9 providing for the application of this Act; requiring certain service credit earned in
10 the Reformed Contributory Pension Benefit to be credited to the Alternate
11 Contributory Pension Selection; and generally relating to participation in the
12 Alternate Contributory Pension Selection in the Employees' Pension System and
13 Teachers' Pension System.

14 BY repealing and reenacting, with amendments,
15 Article – State Personnel and Pensions
16 Section 23–215.1(a)
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2018 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – State Personnel and Pensions
21 Section 23–215.1(b)
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2018 Supplement)

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

3 **Article – State Personnel and Pensions**

4 23–215.1.

5 (a) This section applies to a member who:

6 (1) on or before June 30, 2011, is subject to the Alternate Contributory
7 Pension Selection;

8 (2) (i) is separated from employment for 4 years or less;

9 (ii) 1. is separated from employment [for more than 4 years] for
10 military service that meets the requirements of the federal Uniformed Services
11 Employment and Reemployment Rights Act; and

12 2. resumes employment within 1 year of leaving military
13 service in a position that is included in the Employees' Pension System or Teachers' Pension
14 System; or

15 (iii) [1. is separated from employment for more than 4 years; and

16 2. on or before June 30, 2011, accrues] **IS SEPARATED FROM**
17 **EMPLOYMENT WITH** the minimum eligibility service needed to be eligible for a vested
18 allowance in the Alternate Contributory Pension Selection under Title 29, Subtitle 3 of this
19 article;

20 (3) does not withdraw the member's accumulated contributions; and

21 (4) does not become a retiree.

22 (b) A member described in subsection (a) of this section who resumes employment
23 in a position that is included in the Employees' Pension System or Teachers' Pension
24 System, shall resume participation in the Alternate Contributory Pension Selection if the
25 employer participates in the Alternate Contributory Pension Selection.

26 SECTION 2. AND BE IT FURTHER ENACTED, That:

27 (a) This Act shall be construed to apply retroactively and shall be applied to and
28 interpreted to affect an individual who meets the requirements of this Act and who resumed
29 employment in a position included in the Employees' Pension System or Teachers' Pension
30 System on or after July 1, 2011.

31 (b) Any service credit earned under the Reformed Contributory Pension Benefit

1 by an individual who meets the requirements of this Act shall be credited to the member or
2 former member in the Alternate Contributory Pension Selection if the member or former
3 member has not withdrawn the member's accumulated contributions.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.