

HOUSE BILL 265

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CF SB 153

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

Introduced and read first time: January 25, 2019

Assigned to: Appropriations

A BILL ENTITLED

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)

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

26 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 23–215.1.

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

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

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

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

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

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

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

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

18 (4) does not become a retiree.

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

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

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

28 (b) Any service credit earned under the Reformed Contributory Pension Benefit
29 by an individual who meets the requirements of this Act shall be credited to the member or
30 former member in the Alternate Contributory Pension Selection if the member or former
31 member has not withdrawn the member's accumulated contributions.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
33 1, 2019.