

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL NO. 669

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 6, after “requiring” insert “the Office of the Attorney General, after consultation with”; in line 7, strike beginning with “in” through “General,”; and in line 19, after “circumstances;” insert “providing for certain benefits for certain employees upon retirement; providing for the construction of this Act;”.

AMENDMENT NO. 2

On page 20, in line 29, after “SUBTITLE,” insert “THE OFFICE OF THE ATTORNEY GENERAL, AFTER CONSULTATION WITH”; and strike beginning with “AFTER” in line 30 down through “GENERAL,” in line 31, inclusive.

AMENDMENT NO. 3

On page 7, after line 30, insert:

“(3) THIS SUBSECTION MAY NOT BE CONSTRUED AS A WAIVER OF IMMUNITY UNDER THE ELEVENTH AMENDMENT OF THE U.S. CONSTITUTION.”.

AMENDMENT NO. 4

On page 6, in line 40, after “ARTICLE” insert “, EXCLUDING AMOUNTS ATTRIBUTABLE TO COUNTY SALARIES OR BENEFITS THAT EXCEED COMPARABLE STATE SALARIES OR BENEFITS”.

AMENDMENT NO. 5

On page 24, in line 36, strike “An” and substitute “Except as provided in subsection (c) of this section, an”.

(Over)

On page 25, in line 5, strike “An” and substitute “(1) Except as provided in subsection (c) of this section, an”; and after line 15, insert:

“(2) If an employee who has at least 3 years of eligibility service elects to become a member of the Montgomery County Retirement Savings Plan:

(i) The State Retirement Agency shall:

1. Within 45 days of the effective date of the employee’s election, transfer to the Montgomery County Retirement Savings Plan on behalf of the employee:

A. All employer contributions on behalf of the employee and interest on those contributions, to be credited to the individual employee’s account in the Montgomery County Retirement Savings Plan;

B. The accumulated contributions of the employee, within the meaning of § 20-101 (b) of the State Personnel and Pensions Article, to be credited to the individual employee’s account in the Montgomery County Retirement Savings Plan; and

C. The service records of the employee; and

2. Engage the services of the actuary employed by the Board of Trustees of the State Retirement and Pension System to determine by an actuarial valuation the amount to be transferred to the Montgomery County Retirement Savings Plan; and

(ii) The employee:

1. Shall become a member of the Montgomery County Retirement Savings Plan as of the effective date of the employee’s election; and

2. May not receive any benefit from the Employees’ Retirement System or the Employees’ Pension System for service before the effective date of the election.

(c) (1) If an employee transferred under this Act has less than 3 years of eligibility service as of the effective date of this Act:

(i) The State Retirement Agency shall:

1. On or before November 15, 1996, transfer to the Montgomery County Retirement Savings Plan on behalf of the employee:

A. All employer contributions on behalf of the employee and interest on those contributions, to be credited to the individual employee's account in the Montgomery County Retirement Savings Plan;

B. The accumulated contributions of the employee, within the meaning of § 20-101 (b) of the State Personnel and Pensions Article, to be credited to the individual employee's account in the Montgomery County Retirement Savings Plan; and

C. The service records of the employee; and

2. Engage the services of the actuary employed by the Board of Trustees of the State Retirement and Pension System to determine by an actuarial valuation the amount to be transferred to the Montgomery County Retirement Savings Plan; and

(ii) The employee:

1. Shall become a member of the Montgomery County Retirement Savings Plan as of the effective date of this Act; and

2. May not receive any benefit from the Employees' Retirement System or the Employees' Pension System for service before the effective date of this Act.

(d) The cost of the actuarial valuations under subsections (b)(2)(i)2 and (c)(1)(i)2 shall be shared equally by Montgomery County and the State Retirement Agency.

(e) Each employee transferred under this Act who becomes a member of the Montgomery County Retirement Savings Plan shall receive credit for creditable service with the State for the purpose of determining vesting and eligibility for other county benefits that are based on length of service.

(Over)

(f) For employees transferred under this Act who are vested in, or who elect to continue in, the Employees' Retirement System of the State of Maryland or the Employees' Pension System of the State of Maryland:

(1) The employees shall be eligible, upon retirement or receipt of a vested allowance, to receive the health and other benefits as provided under Title 8, Subtitle 1 of the State Personnel and Pensions Article;

(2) Service with Montgomery County shall be considered State service and creditable service for purposes of determining eligibility for benefits under § 8-108 of the State Personnel and Pensions Article;

(3) A surviving spouse of each of these employees is eligible to enroll and participate in the State Employee and Retiree Health and Welfare Benefits Program to the extent allowed under § 8-107(b) of the State Personnel and Pensions Article; and

(4) The employees may also elect to receive retiree health benefits from Montgomery County to the extent permitted under Montgomery County law or regulation.

(g) Employees transferred under this Act who elect to participate in the Montgomery County Retirement Savings Plan or its successor shall be eligible, upon retirement, to receive the health and other benefits for which similarly situated Montgomery County retirees are eligible.

(h) Nothing in this Act shall be construed to affect the health or retirement benefits of currently retired employees.”.