

HOUSE BILL 1404

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2000 Regular Session
(01r2886)

ENROLLED BILL
-- Appropriations/Budget and Taxation --

Introduced by **Delegates Bohanan, Wood, and O'Donnell**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Teachers' Retirement System - Employment of Retirees**

3 FOR the purpose of exempting from a certain offset of a retirement allowance certain
4 retirees of the Teachers' Retirement System who retired from a board of
5 education or local school system ~~on or before a certain date~~ and are reemployed
6 in a part-time position with the University System of Maryland; and providing
7 for the ~~delayed effective date of a portion~~ termination of this Act.

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 22-406(b)
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 1999 Supplement)

13 ~~BY repealing and reenacting, with amendments,~~
14 ~~Article - State Personnel and Pensions~~

1 ~~Section 22-406(b)~~
2 ~~Annotated Code of Maryland~~
3 ~~(1997 Replacement Volume and 1999 Supplement)~~
4 ~~(As enacted by Chapter 518 of the Acts of the General Assembly of 1999)~~

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

7 **Article - State Personnel and Pensions**

8 22-406.

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

10 (i) an individual who has been retired for more than 10 years;

11 (ii) an individual whose average final compensation was less than
12 \$10,000 and who is reemployed on a temporary or contractual basis;

13 (iii) an individual who is serving in an elected position as an official
14 of a participating governmental unit or as a constitutional officer for a county that is
15 a participating governmental unit;

16 (iv) a retiree of the Teachers' Retirement System:

17 1. who retired and was reemployed by a participating
18 employer other than the State on or before September 30, 1994; and

19 2. whose employment compensation does not derive, in whole
20 or in part, from State funds; [or]

21 (v) a retiree of the Teachers' Retirement System who:

22 1. is or has been certified to teach in the State;

23 2. has verification of satisfactory or better performance in
24 the last assignment prior to retirement;

25 3. based on the retired teacher's qualifications, has been
26 appointed in accordance with § 4-103 of the Education Article;

27 4. A. retired with a normal service retirement allowance
28 under § 22-401 of this article; or

29 B. retired with an early service retirement allowance under §
30 22-402 of this article and has been retired for at least 12 months;

31 5. subject to item 6 of this item is employed as:

1 A. a substitute classroom teacher or substitute teacher
2 mentor in a public school that has been recommended for reconstitution, or has been
3 reconstituted, by the State Board of Education, until the public school meets the
4 standards for school performance set by the State Board of Education;

5 B. a classroom teacher or teacher mentor in a public school
6 that has been recommended for reconstitution, or has been reconstituted, by the State
7 Board of Education, until the public school meets the standards for school
8 performance set by the State Board of Education;

9 C. a classroom teacher or teacher mentor in a county or
10 subject area on a statewide basis in which the State Board of Education finds that
11 there is a shortage of teachers, until the State Board of Education finds the shortage
12 no longer exists in that county or subject area on a statewide basis; or

13 D. a substitute classroom teacher or substitute teacher
14 mentor in a county or subject area on a statewide basis in which the State Board of
15 Education finds that there is a shortage of teachers, until the State Board of
16 Education finds the shortage no longer exists in that county or subject area on a
17 statewide basis; and

18 6. receives verification of satisfactory or better performance
19 each year the teacher is employed under item 5 of this item; OR

20 (VI) A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM:

21 1. WHO RETIRED FROM A BOARD OF EDUCATION OR LOCAL
22 SCHOOL SYSTEM; AND

23 2. WHO IS REEMPLOYED IN A PART-TIME POSITION WITH
24 THE UNIVERSITY SYSTEM OF MARYLAND.

25 (2) The Board of Trustees shall reduce an individual's allowance:

26 (i) by the amount that the sum of the individual's initial annual
27 basic allowance and the individual's annual compensation exceeds the average final
28 compensation used to compute the basic allowance; or

29 (ii) for a retiree who retired under the Workforce Reduction Act
30 (Chapter 353 of the Acts of 1996), by the amount that the sum of the retiree's annual
31 compensation and the retiree's annual basic allowance at the time of retirement,
32 including the incentive provided by the Workforce Reduction Act, exceeds the average
33 final compensation used to compute the basic allowance.

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

1 ~~Article—State Personnel and Pensions~~

2 ~~22-406.~~

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

4 (i) ~~an individual who has been retired for more than 10 years;~~

5 (ii) ~~an individual whose average final compensation was less than~~
6 ~~\$10,000 and who is reemployed on a temporary or contractual basis;~~

7 (iii) ~~an individual who is serving in an elected position as an official~~
8 ~~of a participating governmental unit or as a constitutional officer for a county that is~~
9 ~~a participating governmental unit; [or]~~

10 (iv) ~~a retiree of the Teachers' Retirement System:~~

11 1. ~~who retired and was reemployed by a participating~~
12 ~~employer other than the State on or before September 30, 1994; and~~

13 2. ~~whose employment compensation does not derive, in whole~~
14 ~~or in part, from State funds; OR~~

15 (V) ~~A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM:~~

16 1. ~~WHO RETIRED FROM A BOARD OF EDUCATION OR LOCAL~~
17 ~~SCHOOL SYSTEM; AND~~

18 2. ~~WHO IS REEMPLOYED IN A PART TIME POSITION WITH~~
19 ~~THE UNIVERSITY SYSTEM OF MARYLAND.~~

20 (2) ~~The Board of Trustees shall reduce an individual's allowance:~~

21 (i) ~~by the amount that the sum of the individual's initial annual~~
22 ~~basic allowance and the individual's annual compensation exceeds the average final~~
23 ~~compensation used to compute the basic allowance; or~~

24 (ii) ~~for a retiree who retired under the Workforce Reduction Act~~
25 ~~(Chapter 353 of the Acts of 1996), by the amount that the sum of the retiree's annual~~
26 ~~compensation and the retiree's annual basic allowance at the time of retirement,~~
27 ~~including the incentive provided by the Workforce Reduction Act, exceeds the average~~
28 ~~final compensation used to compute the basic allowance.~~

29 SECTION 3. ~~2.~~ AND BE IT FURTHER ENACTED, That ~~Section 2~~ of this Act
30 shall take effect July 1, 2004. 2000. It shall remain effective for a period of 1 year, and
31 at the end of June 30, 2001, with no further action required by the General Assembly.
32 this Act shall be abrogated and of no further force and effect.

33 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
34 Section 3 of this Act, this Act shall take effect July 1, 2000.

