

UNOFFICIAL COPY OF HOUSE BILL 1285
EMERGENCY BILL

K4

5lr3214
CF SB 514

By: **Delegate Madaleno**

Introduced and read first time: February 11, 2005

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2005

CHAPTER_____

1 AN ACT concerning

2 **Optional Retirement Program - Eligibility**

3 FOR the purpose of altering the eligibility provisions for the Optional Retirement
4 Program to include individuals in certain positions designated as exempt by the
5 Board of Regents of the University System of Maryland or the Board of Regents
6 of Morgan State University; providing that an individual who was a participant
7 in the Optional Retirement Program as of a certain date may continue to
8 participate in the Program under certain circumstances; providing for the
9 application of this Act; making this Act an emergency measure; and generally
10 relating to eligibility for the Optional Retirement Program.

11 BY repealing and reenacting, with amendments,
12 Article - State Personnel and Pensions
13 Section 30-301
14 Annotated Code of Maryland
15 (2004 Replacement Volume)

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

18 **Article - State Personnel and Pensions**

19 30-301.

20 (A) An individual is eligible to participate in the program if the individual is
21 eligible for membership in a retirement system or a pension system and is:

22 (1) a member of the faculty of an employing institution;

1 (2) a professional employee at a community college or regional
2 community college established under Title 16 of the Education Article;

3 (3) an employee of the University System of Maryland who is [not in a
4 position designated to be treated in the same manner as a classified service employee
5 under § 12-111 of the Education Article] IN A POSITION DESIGNATED AS EXEMPT
6 UNDER A POLICY ADOPTED BY THE UNIVERSITY SYSTEM OF MARYLAND BOARD OF
7 REGENTS;

8 (4) an employee of Morgan State University who is [not subject to the
9 provisions of Division I of the State Personnel and Pensions Article] IN A POSITION
10 DESIGNATED AS PROFESSIONAL OR ADMINISTRATIVE BY THE BOARD OF REGENTS
11 OF MORGAN STATE UNIVERSITY; or

12 (5) an employee of St. Mary's College of Maryland who is in a position
13 determined by the Board of Trustees of the College to be a professional or faculty
14 position.

15 (B) ~~AN INDIVIDUAL WHO WAS A PARTICIPANT IN THE PROGRAM AS OF~~
16 ~~AUGUST 22, 2004, WHO IS IN A POSITION THAT IS NO LONGER A POSITION ELIGIBLE~~
17 ~~FOR PARTICIPATION IN THE PROGRAM UNDER THIS SECTION~~

18 (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO:

19 (I) ON AUGUST 22, 2004, WAS ELIGIBLE TO PARTICIPATE IN THE
20 PROGRAM; AND

21 (II) ON JUNE 30, 2005, IS IN A POSITION THAT, AS OF AUGUST 23,
22 2004, WAS RECLASSIFIED BY THE UNIVERSITY SYSTEM OF MARYLAND BOARD OF
23 REGENTS OR THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY AND WOULD
24 NO LONGER BE ELIGIBLE FOR PARTICIPATION IN THE PROGRAM UNDER
25 SUBSECTION (A) OF THIS SECTION.

26 (2) AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1) OF THIS
27 SUBSECTION; MAY CONTINUE TO PARTICIPATE IN THE PROGRAM IF THE
28 INDIVIDUAL:

29 (1) WOULD OTHERWISE BE ELIGIBLE FOR MEMBERSHIP IN A SYSTEM
30 UNDER THE STATE RETIREMENT AND PENSION SYSTEM; AND

31 (2) IS EMPLOYED BY AN EMPLOYING INSTITUTION.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
33 construed to apply retroactively and shall be applied to and interpreted to affect any
34 individual who was a participant in the Optional Retirement Program as of August
35 22, 2004, who is in a position that as of August 23, 2004, was reclassified by the
36 University System of Maryland Board of Regents or the Board of Regents of Morgan
37 State University that is no longer a position eligible for participation in the Optional
38 Retirement Program under § 30-301 of the State Personnel and Pensions Article.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety,
3 has been passed by a yea and nay vote supported by three-fifths of all the members
4 elected to each of the two Houses of the General Assembly, and shall take effect from
5 the date it is enacted.