

UNOFFICIAL COPY OF SENATE BILL 514  
EMERGENCY BILL

K4

(51r2205)

**ENROLLED BILL**  
-- Budget and Taxation/Appropriations --

Introduced by **Senators Klausmeier and Hogan**

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.

\_\_\_\_\_  
President.

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)

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

3 **Article - State Personnel and Pensions**

4 30-301.

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

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

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

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

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

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

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

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

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

28 (II) IS IN A POSITION THAT, AS OF AUGUST 23, 2004, WAS  
29 RECLASSIFIED BY THE UNIVERSITY SYSTEM OF MARYLAND BOARD OF REGENTS OR  
30 THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY AND WOULD NO LONGER  
31 BE ELIGIBLE FOR PARTICIPATION IN THE PROGRAM UNDER SUBSECTION (A) OF THIS  
32 SECTION.

33 (2) AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1) OF THIS  
34 SUBSECTION MAY CONTINUE TO PARTICIPATE IN THE PROGRAM IF THE INDIVIDUAL:

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

1           (⇒)     (II)     IS EMPLOYED BY AN EMPLOYING INSTITUTION.

2       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
3 construed to apply retroactively and shall be applied to and interpreted to affect any  
4 individual who was a participant in the Optional Retirement Program as of August  
5 22, 2004, who ~~is in a position that~~, on the effective date of this Act, is a participant,  
6 former participant, deceased participant, or retiree of the Optional Retirement  
7 Program, and whose position as of August 23, 2004, was reclassified by the University  
8 System of Maryland Board of Regents or the Board of Regents of Morgan State  
9 University and is no longer a position eligible for participation in the Optional  
10 Retirement Program under § 30-301 of the State Personnel and Pensions Article.

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