
By: **Senators Klausmeier and Hogan**

Introduced and read first time: February 4, 2005

Assigned to: Budget and Taxation

A BILL ENTITLED

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;

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

25 (3) an employee of the University System of Maryland who is [not in a
26 position designated to be treated in the same manner as a classified service employee
27 under § 12-111 of the Education Article] IN A POSITION DESIGNATED AS EXEMPT

1 UNDER A POLICY ADOPTED BY THE UNIVERSITY SYSTEM OF MARYLAND BOARD OF
2 REGENTS;

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

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

10 (B) AN INDIVIDUAL WHO WAS A PARTICIPANT IN THE PROGRAM AS OF
11 AUGUST 22, 2004, WHO IS IN A POSITION THAT IS NO LONGER A POSITION ELIGIBLE
12 FOR PARTICIPATION IN THE PROGRAM UNDER THIS SECTION MAY CONTINUE TO
13 PARTICIPATE IN THE PROGRAM IF THE INDIVIDUAL:

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

16 (2) IS EMPLOYED BY AN EMPLOYING INSTITUTION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
18 construed to apply retroactively and shall be applied to and interpreted to affect any
19 individual who was a participant in the Optional Retirement Program as of August
20 22, 2004, who is in a position that as of August 23, 2004, is no longer a position
21 eligible for participation in the Optional Retirement Program under § 30-301 of the
22 State Personnel and Pensions Article.

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