

SB0515/329532/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 515

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after “certain” insert “eligible”; strike beginning with “of” in line 13 down through “System” in line 14; in line 16, after the semicolon insert “repealing certain provisions of the State Personnel and Pensions Article that set age restrictions for membership in the State Retirement and Pension System for certain individuals; providing for the delayed effective date of a certain provision of this Act;”; in line 21, strike “23-206,”; and in line 23, strike “and 29-302(c)” and substitute “29-302(c), 30-302, 30-303, and 30-305”.

On page 2, strike in their entirety lines 1 through 5, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 6-306

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

(As enacted by Chapter (S.B. 6) of the Acts of the General Assembly of 2007)”.

AMENDMENT NO. 2

On page 6, strike in their entirety lines 1 through 11, inclusive.

On pages 10 through 12, strike in their entirety the lines beginning with line 1 on page 10 through line 5 on page 12, inclusive.

AMENDMENT NO. 3

On page 17, after line 17, insert:

(Over)

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

Article – State Personnel and Pensions

6–306.

[(a) Any individual 70 years old or older is eligible for appointment to any nontemporary position in the State Personnel Management System for which the individual qualifies, and the appointment is subject to the provisions of the State Personnel and Pensions Article.

[(b) Any individual who is first appointed to a nontemporary position governed by the State Personnel Management System at the age of 70 or older is not eligible for membership in the pension systems of the State.]

30–302.

(A) An election to participate in the program shall be made [as provided in this subtitle] **BY AN ELIGIBLE EMPLOYEE WITHIN 1 YEAR OF BECOMING AN ELIGIBLE EMPLOYEE OF AN EMPLOYING INSTITUTION.**

(B) **AN ELIGIBLE EMPLOYEE’S ELECTION TO PARTICIPATE IN THE PROGRAM IS IRREVOCABLE.**

30–303.

(a) An eligible employee shall elect to:

(1) join a pension **OR RETIREMENT** system in accordance with the provisions of this Division II applicable to that system; or

(2) participate in the program.

(b) An eligible employee shall:

(1) make an election under this section in writing; and

(2) file the election with the Board of Trustees and the employing institution **WITHIN 1 YEAR OF BECOMING AN ELIGIBLE EMPLOYEE OF AN EMPLOYING INSTITUTION.**

(c) **AN ELIGIBLE EMPLOYEE MAY NOT PARTICIPATE IN THE PROGRAM IF BOTH THE BOARD OF TRUSTEES AND THE EMPLOYING INSTITUTION HAVE NOT RECEIVED THE ELIGIBLE EMPLOYEE'S WRITTEN ELECTION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, WITHIN 1 YEAR OF THE ELIGIBLE EMPLOYEE ACCEPTING EMPLOYMENT WITH AN EMPLOYING INSTITUTION.**

(D) The effective date of the election shall be the first day of the month after the election.

30-305.

(a) This section applies only to a State employee who becomes eligible to elect participation in the program if the employee is appointed, promoted, transferred, or reclassified to a [professional staff] position **AS AN ELIGIBLE EMPLOYEE.**

(b) A State employee described in subsection (a) of this section may elect to participate in the program.

(c) An eligible employee shall:

(1) make an election under this section in writing; and

(2) file the election with the Board of Trustees and the employing institution WITHIN 1 YEAR OF BECOMING AN ELIGIBLE EMPLOYEE OF AN EMPLOYING INSTITUTION.

(D) AN ELIGIBLE EMPLOYEE MAY NOT PARTICIPATE IN THE PROGRAM IF BOTH THE BOARD OF TRUSTEES AND THE EMPLOYING INSTITUTION HAVE NOT RECEIVED THE ELIGIBLE EMPLOYEE'S WRITTEN ELECTION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, WITHIN 1 YEAR OF THE ELIGIBLE EMPLOYEE ACCEPTING EMPLOYMENT WITH AN EMPLOYING INSTITUTION.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2007.”;

in line 18, strike “2.” and substitute “4.”; and in the same line, after “That” insert “, except as provided in Section 3 of this Act.”.