

HOUSE BILL 1005

K4

71r0764

By: **Delegate Kach**

Introduced and read first time: February 9, 2007

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pension System – Qualifying Hours – Eligibility**
3 **Service**

4 FOR the purpose of providing that members of certain State pension systems who
5 have completed a certain number of hours of employment in any fiscal year,
6 may petition the Board of Trustees of the State Retirement and Pension System
7 to receive a certain amount of eligibility service; requiring the Board of Trustees
8 to adopt certain regulations; requiring the Board of Trustees to adjust the
9 eligibility service and creditable service of certain members of the Teachers'
10 Pension System under certain circumstances; and generally related to eligibility
11 service in the State Retirement and Pension System.

12 BY repealing and reenacting, with amendments,
13 Article – State Personnel and Pensions
14 Section 23–302, 26–302, and 28–302
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2006 Supplement)

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

19 **Article – State Personnel and Pensions**

20 23–302.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Subject to subsections (b), (c), and (d) of this section, a member is entitled
2 to eligibility service for periods of employment while a member of the Employees'
3 Pension System or the Teachers' Pension System.

4 (b) The Board of Trustees may not allow more than 1 year of service credit
5 for a calendar year.

6 (c) (1) If a member completes at least 500 hours of employment while a
7 member in any fiscal year, the member is entitled to 1 year of eligibility service.

8 (2) Except in the first and last fiscal years or except as provided in
9 subsection (d) of this section, a member may not receive any eligibility service for a
10 fiscal year in which the member completes less than 500 hours of employment while a
11 member.

12 (3) In the first and last fiscal years, if a member completes less than
13 500 hours of employment while a member, the Board of Trustees shall prorate the
14 eligibility service based on the number of hours worked.

15 (d) (1) If a member who is subject to the contributory pension benefit
16 under Subtitle 2, Part II of this title completes less than 500 hours of employment
17 while a member, the Board of Trustees shall prorate the member's eligibility service
18 based on the number of hours worked.

19 (2) (I) **IF A MEMBER COMPLETES AT LEAST 475 HOURS OF**
20 **EMPLOYMENT WHILE A MEMBER IN ANY FISCAL YEAR, THE MEMBER MAY**
21 **PETITION TO THE BOARD OF TRUSTEES TO RECEIVE 1 YEAR OF ELIGIBILITY**
22 **SERVICE FOR THAT YEAR.**

23 (II) **THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS**
24 **TO CARRY OUT THIS PARAGRAPH.**

25 26–302.

26 (a) Subject to subsections (b), (c), and (d) of this section, a member is entitled
27 to eligibility service for periods of employment while a member of the Law
28 Enforcement Officers' Pension System.

29 (b) The Board of Trustees may not allow more than 1 year of service credit
30 for a calendar year.

1 (c) (1) If a member completes at least 500 hours of employment while a
2 member in any fiscal year, the member is entitled to 1 year of eligibility service.

3 (2) Except in the first and last fiscal years, a member may not receive
4 any eligibility service for a fiscal year in which the member completes less than 500
5 hours of employment while a member.

6 (3) In the first and last fiscal years, if a member completes less than
7 500 hours of employment while a member, the Board of Trustees shall prorate the
8 eligibility service based on the number of hours worked.

9 (d) (1) If a member who is subject to the Law Enforcement Officers'
10 Modified Pension Benefit under Subtitle 2, Part II of this title completes less than 500
11 hours of employment while a member, the Board of Trustees shall prorate the
12 member's eligibility service based on the number of hours worked.

13 (2) (I) **IF A MEMBER COMPLETES AT LEAST 475 HOURS OF**
14 **EMPLOYMENT WHILE A MEMBER IN ANY FISCAL YEAR, THE MEMBER MAY**
15 **PETITION TO THE BOARD OF TRUSTEES TO RECEIVE 1 YEAR OF ELIGIBILITY**
16 **SERVICE FOR THAT YEAR.**

17 (II) **THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS**
18 **TO CARRY OUT THIS PARAGRAPH.**

19 28–302.

20 (a) Subject to [subsection (b)] **SUBSECTIONS (B) AND (C)** of this section, a
21 member is entitled to eligibility service for periods of employment while a member of
22 the Local Fire and Police System.

23 (b) (1) If a member completes at least 500 hours of employment while a
24 member in any fiscal year, the member is entitled to 1 year of eligibility service.

25 (2) Except in the first and last fiscal years, a member may not receive
26 any eligibility service for a fiscal year in which the member completes less than 500
27 hours of employment while a member.

28 (3) In the first and last fiscal years, if a member completes less than
29 500 hours of employment while a member, the Board of Trustees shall prorate the
30 eligibility service based on the number of hours worked.

1 **(c) (1) IF A MEMBER COMPLETES AT LEAST 475 HOURS OF**
2 **EMPLOYMENT WHILE A MEMBER IN ANY FISCAL YEAR, THE MEMBER MAY**
3 **PETITION TO THE BOARD OF TRUSTEES TO RECEIVE 1 YEAR OF ELIGIBILITY**
4 **SERVICE FOR THAT YEAR.**

5 **(2) THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS TO**
6 **CARRY OUT THIS PARAGRAPH.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That:

8 (a) This section applies to any individual who:

9 (1) on or after July 1, 2007, is a member of the Teachers' Pension
10 System;

11 (2) on or before September 1, 1986, joined the Teachers' Pension
12 System, and on July 1, 2006, had earned less than 10 years of eligibility service in the
13 Teachers' Pension System; and

14 (3) in fiscal year 1997, worked as a Baltimore County teacher and
15 competed more than 95% but less than 100% of the required hours of employment
16 needed to receive 1 year of eligibility service in the Teachers' Pension System.

17 (b) (1) An individual described in subsection (a) of this section may
18 petition the Board of Trustees of the State Retirement and Pension System to receive
19 1 year of eligibility service for the fiscal year in which the individual completed more
20 than 95% but less than 100% of the required hours of employment needed to receive 1
21 year of eligibility service in the Teachers' Pension System.

22 (2) If the Board of Trustees grants the individual 1 year of eligibility
23 credit, the Board of Trustees shall adjust the individual's eligibility service and
24 creditable service to reflect the additional year of eligibility credit.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2007.