

**SB0564/529637/1**

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 564  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Robey” and substitute “Robey, and Colburn”; in line 3, after “of” insert “exempting from a certain offset of a retirement allowance retired judges who are members of the Employees’ Retirement System or the Employees’ Pension System;”; after line 23, insert:

“BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 22-406(b) and (c)(2) and (3) and 23-407(b) and (c)(2) and (3)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)”;

and in line 26, strike “22-406(c)(1) and (9) and 23-407(c)(1) and (9)” and substitute “22-406(c)(1), (4)(vii) and (viii), and (9) and 23-407(c)(1), (4)(v) and (vi), and (9)”.

On page 2, in line 3, strike “22-407 and 23-408” and substitute “22-406(c)(4)(ix), 22-407, 23-407(c)(4)(vii), and 23-408”.

AMENDMENT NO. 2

On page 2, after line 9, insert:

“(b) Except as provided in subsection (m) of this section, an individual who is receiving a service retirement allowance or vested allowance may accept employment with a participating employer on a permanent, temporary, or contractual basis, if:

(1) the individual immediately notifies the Board of Trustees of the individual’s intention to accept this employment; and

(Over)

(2) the individual specifies the compensation to be received.”;

and after line 24, insert:

“(2) The reduction required under paragraph (1) of this subsection shall equal:

(i) the amount by which the sum of the individual’s initial annual basic allowance and the individual’s annual compensation exceeds the average final compensation used to compute the basic allowance; or

(ii) for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree’s annual compensation and the retiree’s annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(3) A reduction of an early service retirement allowance under paragraph (1)(iii) of this subsection shall be applied only until the individual has received an allowance for 12 months.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(vii) a former employee of the Domestic Relations Division of Anne Arundel County Circuit Court who transfers into the State Employees’ Personnel System under § 2–510 of the Courts Article; [or]

(viii) a retiree of the Employees’ Retirement System who is reemployed on a contractual basis for not more than 4 years by the Department of

Health and Mental Hygiene as a health care practitioner, as defined in § 1–301 of the Health Occupations Article, in:

1. a State residential center as defined in § 7–101 of the Health – General Article;
2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;
3. a State facility as defined in § 10–101 of the Health – General Article; or
4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article; OR

**(IX) A RETIREE OF THE EMPLOYEES’ RETIREMENT SYSTEM AND THE JUDGES’ RETIREMENT SYSTEM WHO IS TEMPORARILY ASSIGNED TO SIT IN A COURT OF THIS STATE UNDER THE AUTHORITY OF ARTICLE IV, § 3A OF THE MARYLAND CONSTITUTION.”**

**AMENDMENT NO. 3**

On page 5, after line 32, insert:

“(b) Except as provided in subsection (m) of this section, an individual who is receiving a service retirement allowance or a vested allowance may accept employment with a participating employer on a permanent, temporary, or contractual basis, if:

(1) the individual immediately notifies the Board of Trustees of the individual’s intention to accept this employment; and

(2) the individual specifies the compensation to be received.”

(Over)

On page 6, after line 16, insert:

“(2) The reduction required under paragraph (1) of this subsection shall equal:

(i) the amount by which the sum of the individual’s initial annual basic allowance and the individual’s annual compensation exceeds the average final compensation used to compute the basic allowance; or

(ii) for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree’s annual compensation and the retiree’s annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(3) A reduction of an early service retirement allowance or an early vested allowance under paragraph (1)(iii) of this subsection shall be applied only until the individual has received an allowance for 12 months.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(v) a retiree of the Teachers’ Pension System who:

1. A. was employed as a principal within 5 years of retirement; or

B. was employed as a principal not more than 10 years before retirement and was employed in a position supervising principals in the retiree’s last assignment prior to retirement;

2. has verification of satisfactory performance for each year as a principal and, if applicable, in a position supervising principals prior to retirement;

3. based on the retiree's qualifications, has been hired as a principal; and

4. receives verification of satisfactory performance each year the retiree is employed as a principal under paragraph (6) of this subsection; [or]

(vi) a retiree of the Employees' Pension System who is reemployed on a contractual basis for not more than 4 years by the Department of Health and Mental Hygiene as a health care practitioner, as defined in § 1-301 of the Health Occupations Article in:

1. a State residential center as defined in § 7-101 of the Health – General Article;

2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;

3. a State facility as defined in § 10-101 of the Health – General Article; or

4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article; OR

**(VII) A RETIREE OF THE EMPLOYEES' PENSION SYSTEM AND THE JUDGES' RETIREMENT SYSTEM WHO IS TEMPORARILY ASSIGNED TO SIT IN A COURT OF THIS STATE UNDER THE AUTHORITY OF ARTICLE IV, § 3A OF THE MARYLAND CONSTITUTION."**