

HOUSE BILL 635

K4
HB 1348/09 – APP

0lr1333

By: **Delegates Frush, Barnes, and Pena-Melnyk**
Introduced and read first time: February 3, 2010
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Judges' Retirement System – Reemployment of Retirees**

3 FOR the purpose of repealing certain exceptions under which certain retirees of the
4 Judges' Retirement System may be reemployed without being subject to a
5 certain earnings offset to their retirement allowance; repealing a certain
6 earnings offset of a retirement allowance for certain retired judges of the
7 Judges' Retirement System who are reemployed by the State; repealing a
8 certain requirement to reduce certain retirement benefits of certain retirees of
9 the Judges' Retirement System by a certain amount if the retirees earn an
10 additional retirement benefit under certain circumstances; prohibiting certain
11 retirees of the Judges' Retirement System from being rehired within a certain
12 period of time under certain circumstances; and generally relating to the
13 reemployment of retirees of the Judges' Retirement System.

14 BY repealing and reenacting, with amendments,
15 Article – State Personnel and Pensions
16 Section 27–406
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2009 Supplement)

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

21 **Article – State Personnel and Pensions**

22 27–406.

23 [(a) This section does not apply to a retiree who:

24 (1) is temporarily assigned to sit in a court of this State under the
25 authority of Article IV, § 3A of the Maryland Constitution; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) is employed as a member of the faculty of a public institution of
2 higher education in the State.

3 (b)] (A) A retiree may accept employment in which all or part of the
4 compensation for the employment comes from municipal, county, or State funds, if the
5 retiree immediately notifies the Board of Trustees of:

6 (1) the retiree's intention to accept the employment; and

7 (2) the compensation that the retiree will receive.

8 **(B) (1) THIS SUBSECTION DOES NOT APPLY TO A RETIREE WHO IS**
9 **TEMPORARILY ASSIGNED TO SIT IN A COURT OF THIS STATE UNDER THE**
10 **AUTHORITY OF ARTICLE IV, § 3A OF THE MARYLAND CONSTITUTION.**

11 **(2) A RETIREE MAY NOT BE REHIRED WITHIN 45 DAYS OF THE**
12 **DATE THE INDIVIDUAL RETIRED IF THE INDIVIDUAL'S CURRENT EMPLOYER IS**
13 **ANY UNIT OF STATE GOVERNMENT AND THE INDIVIDUAL'S EMPLOYER AT THE**
14 **TIME OF THE INDIVIDUAL'S LAST SEPARATION FROM EMPLOYMENT WITH THE**
15 **STATE BEFORE THE INDIVIDUAL COMMENCED RECEIVING A SERVICE**
16 **RETIREMENT ALLOWANCE WAS ALSO A UNIT OF STATE GOVERNMENT.**

17 [(c) (1) The Board of Trustees shall reduce the retirement allowance of a
18 retiree who accepts employment as provided under subsection (b) of this section if the
19 retiree's current employer is any unit of State government and the retiree's employer
20 at the time of the retiree's last separation from employment with the State before the
21 retiree commenced receiving a service retirement allowance was also a unit of State
22 government.

23 (2) The reduction required under paragraph (1) of this subsection shall
24 equal the amount that the sum of the retiree's annual retirement allowance and the
25 retiree's annual compensation exceeds the amount of the compensation on which the
26 retirement allowance is based.

27 (d) If a retiree accepts employment as allowed by subsection (a) of this
28 section and is subsequently awarded retirement benefits because of that employment,
29 the Board of Trustees shall reduce the retiree's benefits under this subtitle by the
30 amount of the retirement benefits resulting from the subsequent employment if the
31 retiree's current employer is any unit of State government and the retiree's employer
32 at the time of the retiree's last separation from employment with the State before the
33 retiree commenced receiving a service retirement allowance was also a unit of State
34 government.]

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 July 1, 2010.