

SB0542/379131/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 542

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Feldman” and substitute “Senators Feldman and Ferguson”; in line 8, strike “a plan” and substitute “any of the several systems”; in line 9, after “System;” insert “requiring that certain forfeitures of benefits be reversed under certain circumstances;”; in line 12, after “persons;” insert “requiring the State Retirement Agency to provide certain information to the Attorney General or State’s Attorney under certain circumstances;”; in line 17, strike “order” and substitute “enter a domestic relations order that provides that”; in the same line, strike the third “to”; and in line 19, strike “a domestic relations order” and substitute “certain domestic relations orders”.

On page 2, in line 1, after “terms;” insert “providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 2, in line 22, strike “A” and substitute “IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD OF TRUSTEES, A”; and strike beginning with “DEPENDENT,” in line 26 down through “BENEFICIARY” in line 27 and substitute “FORMER SPOUSE, CHILD, OR OTHER DEPENDENT”.

On page 3, in line 6, strike “ASSIGNING A BENEFIT IN” and substitute “, § 414(P) OF THE INTERNAL REVENUE CODE, AND REGULATIONS ADOPTED BY THE BOARD OF TRUSTEES THAT ASSIGNS A BENEFIT TO A SPOUSE, FORMER SPOUSE, CHILD, OR OTHER DEPENDENT OF A PUBLIC EMPLOYEE IN CONNECTION WITH”.

On page 4, in line 8, strike “**JULY 1, 2016**” and substitute “**JANUARY 9, 2019**”; in line 15, after “(B)” insert “(1)”; strike beginning with “PLAN” in line 18 down through

(Over)

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“SYSTEM” in line 19 and substitute “OF THE SEVERAL SYSTEMS”; and after line 19, insert:

**“(2) IF THE INTERNAL REVENUE SERVICE DETERMINES THAT THE APPLICATION OF THIS SUBTITLE WOULD NEGATIVELY AFFECT OR INVALIDATE THE TAX QUALIFIED STATUS OF ANY OF THE SEVERAL SYSTEMS, ANY FORFEITURE OF BENEFITS THAT TOOK PLACE BEFORE THE INTERNAL REVENUE SERVICE’S DETERMINATION SHALL BE REVERSED IN ACCORDANCE WITH § 21-707 OF THIS SUBTITLE TO THE EXTENT NECESSARY TO COMPLY WITH THE DETERMINATION.”**

On page 5, in line 5, strike “A” and substitute “AN EXISTING”; after line 6, insert:

**“(3) NOTWITHSTANDING § 4-312 OF THE GENERAL PROVISIONS ARTICLE, ON WRITTEN REQUEST, THE STATE RETIREMENT AGENCY SHALL PROVIDE THE ATTORNEY GENERAL OR STATE’S ATTORNEY WITH AVAILABLE INFORMATION FROM THE RETIREMENT RECORDS OF THE PUBLIC EMPLOYEE TO ASSIST THE ATTORNEY GENERAL OR STATE’S ATTORNEY IN PROVIDING THE NOTICE REQUIRED UNDER THIS SUBSECTION.”**;

in line 22, strike “THAT ARE FORFEIT” and substitute “TO BE FORFEITED”; and strike beginning with “THAT” in line 23 down through “FORFEIT” in line 24 and substitute “TO BE FORFEITED”.

On page 6, in line 6, strike “DEPENDENTS, AND DESIGNATED BENEFICIARIES” and substitute “CHILDREN, OR OTHER DEPENDENTS”; in line 8, strike “A” and substitute “AN EXISTING”; in line 11, after “MAY” insert “ENTER A DOMESTIC RELATIONS”; in the same line, after “THAT” insert “PROVIDES THAT”; in line 12, strike “AN INNOCENT” and substitute “A”; in the same line, strike “DEPENDENT, OR BENEFICIARY” and substitute “FORMER SPOUSE, CHILD, OR OTHER DEPENDENT FOR PURPOSES OF CHILD SUPPORT, ALIMONY, OR MARITAL PROPERTY RIGHTS”;

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strike beginning with “A” in line 13 down through “ORDER” in line 16 and substitute “WHEN DETERMINING WHETHER TO ENTER A DOMESTIC RELATIONS ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL CONSIDER WHETHER THE PUBLIC EMPLOYEE’S SPOUSE, FORMER SPOUSE, CHILDREN, OR DEPENDENTS WERE CULPABLE OR COMPLICIT IN THE COMMISSION OF THE QUALIFYING CRIME”; strike beginning with “AN” in line 17 down through “BENEFICIARY” in line 18 and substitute “A PUBLIC EMPLOYEE’S SPOUSE, FORMER SPOUSE, CHILD, OR OTHER DEPENDENT”; and in line 22, strike “A” and substitute “AN EXISTING”.

On page 7, in line 13, strike “ACCEPTED BY” and substitute “CONSIDERED SUBMITTED ON THE FIRST DAY OF THE MONTH AFTER IT IS PROPERLY COMPLETED AND SUBMITTED TO”; in line 18, after “(A)” insert “(1)”; and after line 22, insert:

“(2) WHEN A COURT RESCINDS A FORFEITURE ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL ALSO RESCIND ANY DOMESTIC RELATIONS ORDER ENTERED IN ACCORDANCE WITH § 21-704(F) OF THIS SUBTITLE.”

On page 8, in line 7, strike the first “AN” and substitute “A DOMESTIC RELATIONS”; in lines 7 and 8, strike “AN INNOCENT SPOUSE, DEPENDENT, OR DESIGNATED BENEFICIARY” and substitute “A SPOUSE, FORMER SPOUSE, CHILD, OR OTHER DEPENDENT”; and strike beginning with “July” in line 27 down through “2016” in line 28 and substitute “January 9, 2019”.