

**SB0353/489537/1**

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 353  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “are” insert “fully vested and”; in the same line, after “forfeit;” insert “authorizing the Board of Trustees for the State Retirement and Pension System to transfer existing balances of participating employees in the optional retirement program to a new annuity contract under certain circumstances; authorizing a participating employee in the optional retirement program to select certain annuity contracts for the transfer of existing balances; establishing that, under certain circumstances, a certain election is deemed to have been made by a participating employee in the optional retirement program;”; and in line 16, after “30-206” insert “and 30-208”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 13 through 16, inclusive, and substitute:

**“IN ACCORDANCE WITH § 403(B) OF THE INTERNAL REVENUE CODE, A PARTICIPATING EMPLOYEE’S RIGHTS TO BENEFITS UNDER AN ANNUITY CONTRACT PURCHASED UNDER THE PROGRAM SHALL BE FULLY VESTED AND NONFORFEITABLE.”**

AMENDMENT NO. 3

On page 2, after line 16, insert:

“30-208.

(a) Every 3 years the Board of Trustees shall review the performance, form, and contents of the annuity contracts offered under the program.

(Over)

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(b) After a review under subsection (a) of this section, the Board of Trustees may:

(1) eliminate a designated company from participation in the program;  
or

(2) withdraw approval for a type of annuity contract offered by a designated company under the program.

(c) (1) If a designated company is eliminated from the program or approval for a type of annuity contract is withdrawn, [:

(1)] the Board of Trustees:

(I) TO THE EXTENT PERMITTED UNDER AN ANNUITY CONTRACT, MAY DIRECT THE TRANSFER OF EXISTING BALANCES OF PARTICIPATING EMPLOYEES TO A NEW ANNUITY CONTRACT; AND

(II) shall give [the relevant] participating employees an opportunity to select an annuity contract WITH A DESIGNATED COMPANY for future contributions AND EXISTING BALANCES SUBJECT TO TRANSFER under the [program; and] PROGRAM, IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(2) [if] IF a participating employee does not make a [change] SELECTION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION within a period specified by the Board of Trustees, the participating employee shall be deemed to have elected for future contributions AND EXISTING BALANCES SUBJECT TO TRANSFER an annuity contract and a designated company specified by the Board of Trustees.

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(d) All eligible employees shall have access to the information compiled for the purpose of conducting the review required under this section and shall be notified of the availability of the information by the Board of Trustees.”.