

# SENATE BILL 153

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CF HB 265

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By: **Senator Griffith (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 21, 2019

Assigned to: Budget and Taxation

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 6, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Alternate Contributory Pension Selection – Return to Employment**

3 FOR the purpose of allowing an individual to resume participation in the Alternate  
4 Contributory Pension Selection in the Employees' Pension System or Teachers'  
5 Pension System if the individual has been separated from employment and has  
6 accrued a certain amount of eligibility service; clarifying a period of time after which  
7 an individual may resume participation in the Alternate Contributory Pension  
8 Selection if the individual has been separated from employment for military service;  
9 providing for the application of this Act; requiring certain service credit earned in  
10 the Reformed Contributory Pension Benefit to be credited to the Alternate  
11 Contributory Pension Selection; and generally relating to participation in the  
12 Alternate Contributory Pension Selection in the Employees' Pension System and  
13 Teachers' Pension System.

14 BY repealing and reenacting, with amendments,  
15 Article – State Personnel and Pensions  
16 Section 23–215.1(a)  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2018 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – State Personnel and Pensions  
21 Section 23–215.1(b)  
22 Annotated Code of Maryland  
23 (2015 Replacement Volume and 2018 Supplement)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – State Personnel and Pensions**

4 23–215.1.

5 (a) This section applies to a member who:

6 (1) on or before June 30, 2011, is subject to the Alternate Contributory  
7 Pension Selection;

8 (2) (i) is separated from employment for 4 years or less;

9 (ii) 1. is separated from employment [for more than 4 years] for  
10 military service that meets the requirements of the federal Uniformed Services  
11 Employment and Reemployment Rights Act; and

12 2. resumes employment within 1 year of leaving military  
13 service in a position that is included in the Employees' Pension System or Teachers' Pension  
14 System; or

15 (iii) [1. is separated from employment for more than 4 years; and

16 2. on or before June 30, 2011, accrues] **IS SEPARATED FROM**  
17 **EMPLOYMENT WITH** the minimum eligibility service needed to be eligible for a vested  
18 allowance in the Alternate Contributory Pension Selection under Title 29, Subtitle 3 of this  
19 article;

20 (3) does not withdraw the member's accumulated contributions; and

21 (4) does not become a retiree.

22 (b) A member described in subsection (a) of this section who resumes employment  
23 in a position that is included in the Employees' Pension System or Teachers' Pension  
24 System, shall resume participation in the Alternate Contributory Pension Selection if the  
25 employer participates in the Alternate Contributory Pension Selection.

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

27 (a) This Act shall be construed to apply retroactively and shall be applied to and  
28 interpreted to affect an individual who meets the requirements of this Act and who resumed  
29 employment in a position included in the Employees' Pension System or Teachers' Pension  
30 System on or after July 1, 2011.

31 (b) Any service credit earned under the Reformed Contributory Pension Benefit

1 by an individual who meets the requirements of this Act shall be credited to the member or  
2 former member in the Alternate Contributory Pension Selection if the member or former  
3 member has not withdrawn the member's accumulated contributions.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
5 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.