

**SB0204/923126/1**

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 204  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike “a clerk of a circuit court and a register of wills in” and substitute “certain members of”; in line 14, after “23–401(f)” insert “, 29–303(b) and (b–1), 29–304, and 29–305”; and after line 16, insert:

“BY repealing and reenacting, without amendments,  
Article - State Personnel and Pensions  
Section 29-303(a)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2022 Supplement)”.”

AMENDMENT NO. 2

On page 2, after line 27, insert:

“29–303.

- (a) This section applies only to members of:
- (1) the Employees’ Pension System;
  - (2) the Local Fire and Police System;
  - (3) the Law Enforcement Officers’ Pension System; or
  - (4) the Teachers’ Pension System.

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(b) (1) This subsection applies to an individual who is a member on or before June 30, 2011.

(2) A member is eligible to receive a vested allowance if:

(i) the member separated from employment other than by death or retirement; and

(ii) EXCEPT AS OTHERWISE PROVIDED UNDER THIS SUBTITLE, the member has at least 5 years of eligibility service.

(b-1) (1) This subsection applies to an individual who becomes a member on or after July 1, 2011.

(2) A member is eligible to receive a vested allowance if:

(i) the member separated from employment other than by death or retirement; and

(ii) EXCEPT AS OTHERWISE PROVIDED UNDER THIS SUBTITLE, the member has at least 10 years of eligibility service.

29-304.

(a) An individual shall have immediate vesting rights on taking office in the State system in which the individual is a member if the individual is:

(1) a secretary of a principal department of the State government; or

(2) a head of a department, an office, or any other unit of State government;

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(i) serving at the Governor's pleasure; or

(ii) appointed by the Governor for a fixed term and is in the position on or after June 1, 2022.

(b) An individual who commences employment as the Executive Director of the State Retirement Agency on or after January 1, 2021, shall have immediate vesting rights in the Employees' Pension System.

**(C) AN INDIVIDUAL WHO VESTS UNDER THIS SECTION IS ENTITLED TO A RETIREMENT ALLOWANCE AS PROVIDED IN § 29-302 OR § 29-303 OF THIS SUBTITLE.**

29-305.

(a) In this section, "constitutional officer" means:

(1) the Attorney General of the State;

(2) the Comptroller of the State;

(3) the Lieutenant Governor of the State;

(4) the Secretary of State; or

(5) the Treasurer of the State.

(b) (1) A constitutional officer who is a member of the Employees' Pension System:

(i) on taking office, has immediate vesting rights in the Employees' Pension System; and

(Over)

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(ii) except as provided in paragraph (2) of this subsection, is entitled to a retirement allowance as provided in [Title 23, Subtitle 4 of this article] § 29-303 OF THIS SUBTITLE.

(2) The retirement allowance of a constitutional officer who serves at least one full term may not be less than 10% of the annual salary received during the constitutional officer's last term.”;

in line 29, after “TO” insert “AN INDIVIDUAL WHO BEGINS MEMBERSHIP ON OR AFTER JULY 1, 2011, AS”; and in line 30, strike “AND” and substitute “OR”.

On page 3, in line 6, strike “**TITLE 23, SUBTITLE 4 OF THIS ARTICLE**” and substitute “§ 29-303 OF THIS SUBTITLE”; after line 6, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of a clerk of the circuit court or a register of wills while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of a clerk of the circuit court or a register of wills shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.”;

and in line 7, strike “2.” and substitute “3.”.