

HOUSE BILL 1307

K4, N2

11r2997

By: **Delegate Morhaim**

Introduced and read first time: February 28, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Employees' and Retirees' Benefit Sustainability Commission –**
3 **Advance Directives**

4 FOR the purpose of requiring the Public Employees' and Retirees' Benefit
5 Sustainability Commission to study and make recommendations relating to the
6 completion of advance directives used to plan for future health care decisions by
7 retirees of the State Retirement and Pension System; requiring the Commission
8 to submit certain reports to a certain commission, certain committees, and the
9 Office of the Attorney General on or before a certain date; and generally relating
10 to a study by the Public Employees' and Retirees' Benefit Sustainability
11 Commission on the completion of advance directives used to plan for future
12 health care decisions by retirees of the State Retirement and Pension System.

13 BY repealing and reenacting, with amendments,
14 Chapter 484 of the Acts of the General Assembly of 2010
15 Section 46(g) and (h)

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

18 **Chapter 484 of the Acts of 2010**

19 SECTION 46. AND BE IT FURTHER ENACTED, That:

20 (g) (1) The Commission shall study and make recommendations with
21 respect to all aspects of State funded benefits and pensions provided to State and
22 public education employees and retirees in the State.

23 (2) The Commission shall review and evaluate the recruitment
24 practices, retention incentives, actuarial liabilities, actuarial funding method, cost

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 drivers, employee contribution rates, and the comparability and affordability of benefit
2 levels of:

3 (i) the State Employees' Retirement and Pension Systems;

4 (ii) the State Employee and Retiree Health Benefit Program;

5 and

6 (iii) the Teachers' Retirement and Pension Systems.

7 (3) The review of the Commission shall include:

8 (i) long-term estimated increases in the annual required
9 contributions for the State and evaluation of the sustainability of State-only funding
10 of the long-term contribution levels for the current benefit structure; and

11 (ii) an evaluation of the appropriate levels of contribution for
12 the direct employer of public education employees in the State, including an
13 evaluation of the related provisions of Senate Bill 141 of the 2010 Regular Session of
14 the General Assembly as it passed the Senate of Maryland.

15 **(4) (I) THE COMMISSION SHALL STUDY AND MAKE**
16 **RECOMMENDATIONS WITH RESPECT TO METHODS TO FACILITATE AND**
17 **ENCOURAGE MORE RETIREES OF THE STATE RETIREMENT AND PENSION**
18 **SYSTEM TO COMPLETE ADVANCE DIRECTIVES USED TO PLAN FOR FUTURE**
19 **HEALTH CARE DECISIONS.**

20 **(II) THE REVIEW OF THE COMMISSION SHALL INCLUDE:**

21 **1. AN EVALUATION OF "A GUIDE TO MARYLAND**
22 **LAW ON HEALTH CARE DECISIONS" ISSUED BY THE OFFICE OF THE ATTORNEY**
23 **GENERAL IN SEPTEMBER 2007 AND REVISED IN APRIL 2009;**

24 **2. AN ANALYSIS OF ANY FACTORS THAT DETER OR**
25 **PREVENT THE COMPLETION OF ADVANCE DIRECTIVES BY RETIREES OF THE**
26 **STATE RETIREMENT AND PENSION SYSTEM;**

27 **3. PROPOSALS FOR INCREASED EDUCATIONAL**
28 **EFFORTS RELATING TO THE COMPLETION OF ADVANCE DIRECTIVES BY**
29 **RETIREES OF THE STATE RETIREMENT AND PENSION SYSTEM; AND**

30 **4. A STUDY AND EVALUATION OF METHODS FOR**
31 **EFFECTIVELY FACILITATING AND ENCOURAGING MORE RETIREES OF THE**
32 **STATE RETIREMENT AND PENSION SYSTEM TO COMPLETE ADVANCE**
33 **DIRECTIVES.**

1 (h) (1) On or before December 15, 2010, the Commission shall issue a
2 report of its findings and recommendations that are specific and actionable to the
3 Governor and, in accordance with § 2-1246 of the State Government Article, the
4 Senate Budget and Taxation Committee, the House Appropriations Committee, the
5 Joint Committee on Pensions, and the Blue Ribbon Commission to Study Retiree
6 Health Care Funding Options.

7 (2) **[On] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON** or
8 before June 30, 2011, the Commission shall issue a final report of its findings and
9 recommendations that are specific and actionable to the Governor and, in accordance
10 with § 2-1246 of the State Government Article, the Senate Budget and Taxation
11 Committee, the House Appropriations Committee, the Joint Committee on Pensions,
12 and the Blue Ribbon Commission to Study Retiree Health Care Funding Options.

13 **(3) ON OR BEFORE DECEMBER 15, 2011, THE COMMISSION**
14 **SHALL ISSUE A REPORT OF ITS FINDINGS AND RECOMMENDATIONS WITH**
15 **RESPECT TO METHODS TO FACILITATE AND ENCOURAGE MORE RETIREES OF**
16 **THE STATE RETIREMENT AND PENSION SYSTEM TO COMPLETE ADVANCE**
17 **DIRECTIVES TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE**
18 **STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION**
19 **COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL**
20 **AFFAIRS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS**
21 **COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE JOINT**
22 **COMMITTEE ON PENSIONS, THE OFFICE OF THE ATTORNEY GENERAL, AND THE**
23 **BLUE RIBBON COMMISSION TO STUDY RETIREE HEALTH CARE FUNDING**
24 **OPTIONS.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 June 1, 2011.