

SENATE BILL 979

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6lr3631
CF HB 926

By: **Senator Peters**

Introduced and read first time: February 12, 2016

Assigned to: Rules

Re-referred to: Budget and Taxation, February 19, 2016

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2016

CHAPTER _____

1 AN ACT concerning

2 **Optional Retirement Program – Eligibility – Alterations**

3 FOR the purpose of altering the eligibility provisions of the Optional Retirement Program
4 to include individuals in certain position categories designated by certain governing
5 boards of institutions of higher education or the Secretary of Higher Education;
6 ~~authorizing~~ requiring an individual who was a participant in the Optional
7 Retirement Program as of a certain date to continue to participate in the Program
8 under certain circumstances; conforming certain terminology to current institutional
9 policies regarding employment categories; and generally relating to eligibility for the
10 Optional Retirement Program.

11 BY repealing and reenacting, with amendments,
12 Article – State Personnel and Pensions
13 Section 30–301
14 Annotated Code of Maryland
15 (2015 Replacement Volume)

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

18 **Article – State Personnel and Pensions**

19 30–301.

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 (a) An individual is eligible to participate in the program if the individual is
2 eligible for membership in a retirement system or a pension system and is:

3 (1) a member of the faculty of an employing institution;

4 (2) a professional employee at a community college or regional community
5 college established under Title 16 of the Education Article;

6 (3) an employee of the University System of Maryland who is in a position
7 designated as exempt under a policy adopted by the University System of Maryland Board
8 of Regents;

9 (4) an employee of Morgan State University who is in a position designated
10 as **EXECUTIVE OR** professional [or] administrative by the Board of Regents of Morgan
11 State University;

12 (5) an employee of St. Mary's College of Maryland who is in a position
13 determined by the Board of Trustees of the College to be [a professional or faculty] **AN**
14 **EXEMPT** position; or

15 (6) an employee of the Maryland Higher Education Commission who is in
16 a position determined by the Secretary of Higher Education to be a professional position.

17 (b) (1) This subsection applies to an individual who:

18 (i) on August 22, 2004, was eligible to participate in the program;
19 and

20 (ii) is in a position that, as of August 23, 2004, was reclassified by
21 the University System of Maryland Board of Regents or the Board of Regents of Morgan
22 State University and would no longer be eligible for participation in the program under
23 subsection (a) of this section.

24 (2) An individual described under paragraph (1) of this subsection ~~may~~
25 **SHALL** continue to participate in the program if the individual:

26 (i) would otherwise be eligible for membership in a system under
27 the State Retirement and Pension System; and

28 (ii) is employed by an employing institution.

29 (c) (1) **THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO:**

30 (i) **IS IN A POSITION THAT WAS ELIGIBLE TO PARTICIPATE IN**
31 **THE PROGRAM BUT WAS RECLASSIFIED BY THE GOVERNING BOARD OF THE**
32 **INDIVIDUAL'S EMPLOYING INSTITUTION OR THE SECRETARY OF HIGHER**

1 EDUCATION TO A POSITION THAT WOULD NO LONGER BE ELIGIBLE FOR
2 PARTICIPATION IN THE PROGRAM UNDER SUBSECTION (A) OF THIS SECTION; AND

3 (II) WAS A PARTICIPANT IN THE PROGRAM ON THE DATE
4 IMMEDIATELY PRECEDING THE RECLASSIFICATION.

5 (2) AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1) OF THIS
6 SUBSECTION ~~MAY~~ SHALL CONTINUE TO PARTICIPATE IN THE PROGRAM IF THE
7 INDIVIDUAL:

8 (I) WOULD OTHERWISE BE ELIGIBLE FOR MEMBERSHIP IN A
9 SYSTEM UNDER THE STATE RETIREMENT AND PENSION SYSTEM; AND

10 (II) IS EMPLOYED BY AN EMPLOYING INSTITUTION.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.