

# HOUSE BILL 635

K4  
HB 1348/09 – APP

0lr1333

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By: **Delegates Frush, Barnes, and Pena–Melnyk**  
Introduced and read first time: February 3, 2010  
Assigned to: Appropriations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: April 1, 2010

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

1 AN ACT concerning

2 **Judges’ Retirement System – Reemployment of Retirees**

3 FOR the purpose of repealing certain exceptions under which certain retirees of the  
4 Judges’ Retirement System may be reemployed without being subject to a  
5 certain earnings offset to their retirement allowance; repealing a certain  
6 earnings offset of a retirement allowance for certain retired judges of the  
7 Judges’ Retirement System who are reemployed by the State; repealing a  
8 certain requirement to reduce certain retirement benefits of certain retirees of  
9 the Judges’ Retirement System by a certain amount if the retirees earn an  
10 additional retirement benefit under certain circumstances; prohibiting certain  
11 retirees of the Judges’ Retirement System from being rehired within a certain  
12 period of time under certain circumstances; requiring the Chief Judge of the  
13 Court of Appeals to submit a report to the Joint Committee by a certain date  
14 each year; providing for the termination of this Act; and generally relating to  
15 the reemployment of retirees of the Judges’ Retirement System.

16 BY repealing and reenacting, with amendments,  
17 Article – State Personnel and Pensions  
18 Section 27–406  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2009 Supplement)

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

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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 **Article – State Personnel and Pensions**

2 27–406.

3 [(a) This section does not apply to a retiree who:

4 (1) is temporarily assigned to sit in a court of this State under the  
5 authority of Article IV, § 3A of the Maryland Constitution; or6 (2) is employed as a member of the faculty of a public institution of  
7 higher education in the State.8 (b)] (A) A retiree may accept employment in which all or part of the  
9 compensation for the employment comes from municipal, county, or State funds, if the  
10 retiree immediately notifies the Board of Trustees of:

11 (1) the retiree’s intention to accept the employment; and

12 (2) the compensation that the retiree will receive.

13 (B) (1) **THIS SUBSECTION DOES NOT APPLY TO A RETIREE WHO IS**  
14 **TEMPORARILY ASSIGNED TO SIT IN A COURT OF THIS STATE UNDER THE**  
15 **AUTHORITY OF ARTICLE IV, § 3A OF THE MARYLAND CONSTITUTION.**16 (2) **A RETIREE MAY NOT BE REHIRED WITHIN 45 DAYS OF THE**  
17 **DATE THE INDIVIDUAL RETIRED IF THE INDIVIDUAL’S CURRENT EMPLOYER IS**  
18 **ANY UNIT OF STATE GOVERNMENT AND THE INDIVIDUAL’S EMPLOYER AT THE**  
19 **TIME OF THE INDIVIDUAL’S LAST SEPARATION FROM EMPLOYMENT WITH THE**  
20 **STATE BEFORE THE INDIVIDUAL COMMENCED RECEIVING A SERVICE**  
21 **RETIREMENT ALLOWANCE WAS ALSO A UNIT OF STATE GOVERNMENT.**22 [(c) (1) The Board of Trustees shall reduce the retirement allowance of a  
23 retiree who accepts employment as provided under subsection (b) of this section if the  
24 retiree’s current employer is any unit of State government and the retiree’s employer  
25 at the time of the retiree’s last separation from employment with the State before the  
26 retiree commenced receiving a service retirement allowance was also a unit of State  
27 government.28 (2) The reduction required under paragraph (1) of this subsection shall  
29 equal the amount that the sum of the retiree’s annual retirement allowance and the  
30 retiree’s annual compensation exceeds the amount of the compensation on which the  
31 retirement allowance is based.32 (d) If a retiree accepts employment as allowed by subsection (a) of this  
33 section and is subsequently awarded retirement benefits because of that employment,  
34 the Board of Trustees shall reduce the retiree’s benefits under this subtitle by the

1 amount of the retirement benefits resulting from the subsequent employment if the  
2 retiree’s current employer is any unit of State government and the retiree’s employer  
3 at the time of the retiree’s last separation from employment with the State before the  
4 retiree commenced receiving a service retirement allowance was also a unit of State  
5 government.]

6 **(C) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE CHIEF JUDGE OF**  
7 **THE COURT OF APPEALS SHALL SUBMIT A REPORT IN ACCORDANCE WITH**  
8 **§ 2-1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON**  
9 **PENSIONS THAT PROVIDES:**

10 **(1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (A)**  
11 **OF THIS SECTION;**

12 **(2) THE EMPLOYER REHIRING A RETIREE UNDER SUBSECTION (A)**  
13 **OF THIS SECTION;**

14 **(3) THE ANNUAL SALARY OF EACH REHIRED RETIREE AT THE**  
15 **TIME OF RETIREMENT; AND**

16 **(4) THE CURRENT ANNUAL SALARY OF EACH REHIRED RETIREE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 July 1, 2010. It shall remain effective for a period of 4 years and, at the end of June 30,  
19 2014, with no further action required by the General Assembly, this Act shall be  
20 abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.