

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 11 and 12 of Article 64A of the Annotated Code of Maryland (1951 Edition), title "Merit System" be and the same are hereby repealed and re-enacted, with amendments, to read as follows:

11. Notwithstanding any provision of law to the contrary, except as herein provided, the Commissioner shall not hereafter prohibit, prevent, disqualify or discriminate against any person who is physically and mentally qualified from competing, registering for or participating in a competitive or promotional examination held under the provisions of this Article or from qualifying for a position in the Classified Service by reason of his or her age and/or on account of any physical defect or impairment, providing such physically impaired person shall produce a certificate from a competent medical doctor certifying that the said physically impaired person is not suffering from any physical defect or impairment which is of such a character that would interfere with the physically impaired person performing the duties of the position which the said physically impaired person is seeking. [The Commissioner shall not be required, however, to certify for appointment any person who has a minor defect or impairment or who is above the age ordinarily prescribed for any particular position unless such person shall, by a written instrument executed in the presence of two subscribing witnesses, waive any benefit or right to a pension under any State retirement system and/or any disability benefits during or on account of such employment. Any such rule, requirement, resolution or regulation made by the Commissioner shall be void.]

Whenever the Commissioner shall have certified to the appointing authority a list of eligibles in conformity with the provisions of Section 16 of this Article and such list shall contain the name of a physically impaired person, such physically impaired person shall not be rejected by the said appointing authority because of said physical impairment alone, provided said physically handicapped person is qualified to perform the duties of the position involved.

Nothing herein contained, however, shall prevent the Commissioner from adopting reasonable minimum and/or maximum age requirements for positions such as policemen, firemen, prison guard, or other positions which require extraordinary physical effort, except where age limits for such positions are already prescribed by law.

12. The Commissioner is authorized and empowered to prepare, without examination, special lists of eligibles of persons certified by the Division of Vocational Rehabilitation of the State Department of Education to be physically capable and adequately trained to qualify for a position in the Classified Service. The use of such special lists of eligibles shall be optional with the appointing authority; provided that the Commissioner, in his discretion, may fix the maximum number of persons who may be appointed from such special lists of eligibles by any appointing authority. [The Commissioner shall not certify for employment any person or any special list of eligibles unless such person shall, by written instrument executed in the presence of two subscribing witnesses, waive any benefit or right to a pension under any State retirement system and/or any disability benefits during or on account of such employment.]