

(4) an employee of Morgan State University who is [not subject to the provisions of Division I of the State Personnel and Pensions Article] IN A POSITION DESIGNATED AS PROFESSIONAL OR ADMINISTRATIVE BY THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY; or

(5) an employee of St. Mary's College of Maryland who is in a position determined by the Board of Trustees of the College to be a professional or faculty position.

(B) ~~AN INDIVIDUAL WHO WAS A PARTICIPANT IN THE PROGRAM AS OF AUGUST 22, 2004, WHO IS IN A POSITION THAT IS NO LONGER A POSITION ELIGIBLE FOR PARTICIPATION IN THE PROGRAM UNDER THIS SECTION~~

(1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO:

(I) ON AUGUST 22, 2004, WAS ELIGIBLE TO PARTICIPATE IN THE PROGRAM; AND

(II) ~~ON JUNE 30, 2005,~~ IS IN A POSITION THAT, AS OF AUGUST 23, 2004, WAS RECLASSIFIED BY THE UNIVERSITY SYSTEM OF MARYLAND BOARD OF REGENTS OR THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY AND WOULD NO LONGER BE ELIGIBLE FOR PARTICIPATION IN THE PROGRAM UNDER SUBSECTION (A) OF THIS SECTION.

(2) AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION; MAY CONTINUE TO PARTICIPATE IN THE PROGRAM IF THE INDIVIDUAL:

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

(2) IS EMPLOYED BY AN EMPLOYING INSTITUTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any individual who was a participant in the Optional Retirement Program as of August 22, 2004, who ~~is in a position that, on that effective date of this Act, is a participant, former participant, deceased participant, or retiree of the Optional Retirement Program, and whose position~~ as of August 23, 2004, was reclassified by the University System of Maryland Board of Regents or the Board of Regents of Morgan State University ~~that and~~ is no longer a position eligible for participation in the Optional Retirement Program under § 30-301 of the State Personnel and Pensions Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

May 20, 2005