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By: **Prince George's County Delegation**  
Introduced and read first time: February 11, 2000  
Assigned to: Appropriations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 25, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County - Retirement Contributions - Employees of Magnet**  
3 **Schools Program**  
4 **PG 413-00**

5 FOR the purpose of requiring the State Retirement Agency to include in a certain  
6 determination of eligibility for State payment of retirement contributions  
7 certain employees whose salaries are paid by the Prince George's County Board  
8 of Education through funding of the Magnet Schools Program; providing for the  
9 application and termination of this Act; and generally relating to payment of  
10 retirement contributions for certain employees of the Magnet Schools Program  
11 in Prince George's County.

12 ~~BY repealing and reenacting, with amendments,~~  
13 ~~Article - Education~~  
14 ~~Section 5-203~~  
15 ~~Annotated Code of Maryland~~  
16 ~~(1999 Replacement Volume)~~

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

19 **~~Article - Education~~**

20 ~~5-203.~~

21 (a) ~~In this section, "Agency" means the State Retirement Agency.~~

1 (b) (1) The Agency may at any time examine the records of local school  
2 systems to determine whether the State's payments for retirement contributions for  
3 employees of the school systems are in accordance with the provisions of Division II of  
4 the State Personnel and Pensions Article.

5 (2) ~~IN MAKING THE DETERMINATION UNDER PARAGRAPH (1) OF THIS~~  
6 ~~SUBSECTION, THE AGENCY SHALL INCLUDE AS EMPLOYEES ELIGIBLE FOR STATE~~  
7 ~~PAYMENT OF RETIREMENT CONTRIBUTIONS THOSE EMPLOYEES:~~

8 (I) ~~WHOSE SALARIES ARE PAID BY THE PRINCE GEORGE'S COUNTY~~  
9 ~~BOARD OF EDUCATION THROUGH FUNDING OF THE MAGNET SCHOOLS PROGRAM AS~~  
10 ~~PROVIDED IN THE STATE BUDGET; AND~~

11 (II) ~~WHO ARE MEMBERS OF THE TEACHERS' PENSION SYSTEM OR~~  
12 ~~TEACHERS' RETIREMENT SYSTEM.~~

13 (c) (1) (i) If an examination of the records of a local school system shows  
14 that the State has paid more than is required under Division II of the State Personnel  
15 and Pensions Article, within 30 days after the date of the notice to the school system  
16 of the State overpayment, the school system may appeal the notice of State  
17 overpayment to the Secretary of Budget and Management who shall appoint a  
18 hearing examiner who is an attorney.

19 (ii) The hearing examiner shall make recommendations to the  
20 Secretary of Budget and Management who shall make a determination regarding the  
21 amount, if any, of the State overpayment.

22 (iii) Should a local school system request a transcript of an audit  
23 appeals hearing, the local school system shall provide and pay for the production of  
24 the transcript.

25 (2) At the request of the Department of Education the moneys owed shall  
26 be deducted from any other State funds that would otherwise be paid to the school  
27 system if:

28 (i) A local school system does not appeal to the Secretary of Budget  
29 and Management or to the Office of Administrative Hearings; or

30 (ii) The Office of Administrative Hearings determines that the  
31 State is due reimbursement for excess payments as provided in paragraph (3) of this  
32 subsection.

33 (3) (i) The local school system may appeal to the Office of  
34 Administrative Hearings a determination by the Secretary of the Department of  
35 Budget and Management regarding the amount, if any, of the State overpayment.

36 (ii) Within 45 days after the close of the hearing record, the Office  
37 of Administrative Hearings shall issue a written decision to the parties and may grant  
38 any appropriate remedy.

1 (iii) The written decision issued by the Office of Administrative  
2 Hearings is the final finding of fact and conclusion of law and binding on all parties  
3 and is not subject to judicial review.

4 (d) Any reimbursements which result from audits under this section:

5 (1) ~~Shall be applied first to reimburse the Agency for the expenses of the~~  
6 ~~audits; and~~

7 (2) ~~After reimbursement to the Agency under item (1) of this subsection,~~  
8 ~~shall be credited to the General Fund the State Retirement Agency shall include as~~  
9 ~~employees eligible for State payment of retirement contributions, in making a~~  
10 ~~determination under § 5-203 of the Education Article, those employees:~~

11 (1) whose salaries are paid by the Prince George's County Board of  
12 Education through funding of the Magnet Schools Program as provided in the State  
13 budget; and

14 (2) who are members of the Teachers' Pension System or the Teachers'  
15 Retirement System.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
17 construed retroactively and shall be applied to and interpreted to affect retirement  
18 contributions to be made on or after July 1, 1999.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 July June 1, 2000. It shall remain effective for a period of 1 month and, at the end of  
21 June 30, 2000, with no further action required by the General Assembly, this Act shall  
22 be abrogated and of no further force and effect.