

HOUSE BILL 492

K4, L6

3lr2194

By: **Delegate Otto**

Introduced and read first time: January 30, 2013

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Employees' Pension System – Somerset County Economic Development**
3 **Commission – Eligible Governmental Unit**

4 FOR the purpose of adding the Somerset County Economic Development Commission
5 as an eligible governmental unit in the Employees' Pension System; providing
6 that certain individuals are not subject to the reformed contributory pension
7 benefit in the Employees' Pension System; providing that certain individuals
8 are subject to the alternate contributory pension benefit in the Employees'
9 Pension System; providing that certain individuals may become subject to the
10 reformed contributory pension benefit in the same manner that an individual
11 who was a member of the Employees' Pension System on a certain date and
12 remains a member on a certain date may be subject to the reformed
13 contributory benefit; providing certain employees of the Somerset County
14 Economic Development Commission a certain amount of additional service
15 credit in the Employees' Pension System; prohibiting certain employees of the
16 Somerset County Economic Development Commission from receiving a certain
17 amount of additional service credit in the Employees' Pension System; and
18 generally relating to employees of the Somerset County Economic Development
19 Commission participating in the Employees' Pension System.

20 BY repealing and reenacting, with amendments,
21 Article – State Personnel and Pensions
22 Section 23–225, 31–102, 31–111, and 31–116.2
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2012 Supplement)

25 BY adding to
26 Article – State Personnel and Pensions
27 Section 31–111.7
28 Annotated Code of Maryland
29 (2009 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Personnel and Pensions**

4 23–225.

5 (a) This Part IV of this subtitle (Reformed Contributory Pension Benefit)
6 applies to:

7 (1) an individual who becomes a member of the Employees’ Pension
8 System or the Teachers’ Pension System on or after July 1, 2011; and

9 (2) except as provided in § 23–215.1 of this subtitle, a member of the
10 Employees’ Pension System or Teachers’ Pension System who separated from
11 employment on or before June 30, 2011, and subsequently becomes employed in a
12 position eligible for membership in the Employees’ Pension System or the Teachers’
13 Pension System on or after July 1, 2011.

14 (b) This Part IV does not apply to an employee of a participating
15 governmental unit participating in the Employees’ Pension System that has not
16 elected to participate in the Alternate Contributory Pension Selection under §
17 31–116.1 of this article or a former participating governmental unit, other than
18 Frederick County, that has withdrawn from the Employees’ Pension System.

19 **(c) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO WAS AN**
20 **EMPLOYEE OF THE SOMERSET COUNTY ECONOMIC DEVELOPMENT**
21 **COMMISSION ON JUNE 30, 2011, AND WHO REMAINS AN EMPLOYEE THROUGH**
22 **THE EFFECTIVE DATE OF PARTICIPATION FOR THE SOMERSET COUNTY**
23 **ECONOMIC DEVELOPMENT COMMISSION AS A PARTICIPATING GOVERNMENTAL**
24 **UNIT.**

25 **(2) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS**
26 **PARAGRAPH, THIS PART IV OF THIS SUBTITLE DOES NOT APPLY TO AN**
27 **INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, AND AN**
28 **INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE**
29 **CONSIDERED SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION BENEFIT**
30 **UNDER PART III OF THIS SUBTITLE.**

31 **(ii) AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS**
32 **SUBSECTION SHALL BE SUBJECT TO THE REFORMED CONTRIBUTORY PENSION**
33 **BENEFIT UNDER THIS PART IV OF THIS SUBTITLE ONLY IN THE SAME MANNER**
34 **AS AN INDIVIDUAL WHO WAS A MEMBER OF THE EMPLOYEES’ PENSION SYSTEM**
35 **ON JUNE 30, 2011, AND REMAINED A MEMBER ON JULY 1, 2011, WOULD**

1 **BECOME SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT**
2 **UNDER THIS ARTICLE.**

3 31–102.

4 Subject to § 22–202(b) of this article, the governmental units that are eligible to
5 participate in the employees’ systems are:

6 (1) a political subdivision of the State, including:

7 (i) a county;

8 (ii) a municipal corporation; and

9 (iii) a special taxing area; and

10 (2) the following governmental units:

11 (i) an agency on aging, as designated by the legislative body of
12 the agency on aging;

13 (ii) the Allegany County Transit Authority;

14 (iii) subject to § 31–104 of this subtitle, the Baltimore
15 Metropolitan Council;

16 (iv) a board or commission created by an Act of the General
17 Assembly for public purpose and not for the profit of a private person;

18 (v) subject to § 31–105 of this subtitle, the Canal Place
19 Preservation and Development Authority;

20 (vi) the Chesapeake Bay Commission;

21 (vii) a cooperative library commission;

22 (viii) subject to § 31–103 of this subtitle, a community action
23 agency, as designated by the legislative body of the community action agency;

24 (ix) a fire department that receives any of its funds from or
25 through a county, municipal corporation, special taxing area, or other political
26 subdivision of the State;

27 (x) the Health Planning Council of Appalachia;

28 (xi) the Howard County Economic Development Authority;

- 1 (xii) the Interstate Commission on the Potomac River Basin;
- 2 (xiii) the Lower Shore Private Industry Council, Inc.;
- 3 (xiv) the Maryland Environmental Service;
- 4 (xv) subject to § 31–106 of this subtitle, the Maryland Stadium
5 Authority;
- 6 (xvi) a public library association or organization;
- 7 (xvii) subject to § 31–106.2 of this subtitle, the St. Mary’s Nursing
8 Center, Inc.;
- 9 (xviii) the Tri–County Council for Western Maryland, Inc.;
- 10 (xix) the Tri–County Council for Southern Maryland;
- 11 (xx) subject to § 31–107 of this subtitle, the University of
12 Maryland Medical System Corporation;
- 13 (xxi) the Upper Potomac River Commission;
- 14 (xxii) subject to § 31–106.1 of this subtitle, the Maryland African
15 American Museum Corporation; [and]
- 16 (xxiii) the Garrett County Office for Children, Youth and Families;

17 **AND**

18 **(XXIV) THE SOMERSET COUNTY ECONOMIC**
19 **DEVELOPMENT COMMISSION.**

20 31–111.

21 (a) Except as provided in subsection (b) of this section and §§ 31–111.1,
22 31–111.3, 31–111.4, 31–111.5, [and] 31–111.6, **AND 31–111.7** of this subtitle, if an
23 employee of a participating governmental unit joins the Employees’ Pension System on
24 the effective date, the employee is entitled to service credit for employment with the
25 participating governmental unit before the effective date.

26 (b) If an employee of the Baltimore Metropolitan Council elects to become a
27 member of the Employees’ Retirement System or the Employees’ Pension System, the
28 employee may not receive credit for service from July 1, 1992, to the effective date
29 unless the employee pays to the Board of Trustees the amount of the member
30 contributions the employee would have made during that period, plus regular interest.

1 31-111.7.

2 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN
3 EMPLOYEE OF THE SOMERSET COUNTY ECONOMIC DEVELOPMENT
4 COMMISSION WHO WAS AN EMPLOYEE ON JUNE 30, 2011, AND WHO REMAINS AN
5 EMPLOYEE THROUGH THE EFFECTIVE DATE, SHALL RECEIVE ADDITIONAL
6 SERVICE CREDIT FOR ELIGIBILITY SERVICE AND CREDITABLE SERVICE
7 ACCRUED PRIOR TO THE EFFECTIVE DATE THAT THE SOMERSET COUNTY
8 ECONOMIC DEVELOPMENT COMMISSION BEGAN PARTICIPATING IN THE
9 EMPLOYEES' PENSION SYSTEM, AS CERTIFIED BY THE SOMERSET COUNTY
10 ECONOMIC DEVELOPMENT COMMISSION.

11 (2) ADDITIONAL SERVICE CREDIT UNDER PARAGRAPH (1) OF
12 THIS SUBSECTION SHALL BE AWARDED ONLY FOR TIME FOR WHICH EMPLOYEE
13 CONTRIBUTIONS WERE MADE TO THE BOARD OF TRUSTEES PRIOR TO THE
14 EFFECTIVE DATE THAT THE SOMERSET COUNTY ECONOMIC DEVELOPMENT
15 COMMISSION BEGAN PARTICIPATING IN THE EMPLOYEES' PENSION SYSTEM.

16 (B) IF AN EMPLOYEE OR A FORMER EMPLOYEE OF THE SOMERSET
17 COUNTY ECONOMIC DEVELOPMENT COMMISSION BECOMES A MEMBER OF THE
18 EMPLOYEES' PENSION SYSTEM AT ANY TIME AFTER THE EFFECTIVE DATE THAT
19 THE SOMERSET COUNTY ECONOMIC DEVELOPMENT COMMISSION BEGAN
20 PARTICIPATING IN THE EMPLOYEES' PENSION SYSTEM, THE EMPLOYEE MAY
21 NOT RECEIVE SERVICE CREDIT FOR EMPLOYMENT WITH THE SOMERSET
22 COUNTY ECONOMIC DEVELOPMENT COMMISSION THAT OCCURRED BEFORE
23 THE EFFECTIVE DATE THAT THE SOMERSET COUNTY ECONOMIC
24 DEVELOPMENT COMMISSION BEGAN PARTICIPATING IN THE EMPLOYEES'
25 PENSION SYSTEM.

26 31-116.2.

27 (a) (1) Except as provided in paragraph (2) of this subsection, this section
28 applies to an individual who becomes an employee of a participating governmental
29 unit on or after July 1, 2011.

30 (2) This section does not apply to an individual who becomes an
31 employee of:

32 (i) a participating governmental unit that on July 1, 2011, is
33 participating in the Employees' Pension System and has not elected to participate in
34 the Alternate Contributory Pension Selection under § 31-116.1 of this article; or

35 (ii) a former participating governmental unit, other than
36 Frederick County, that has withdrawn from the Employees' Pension System on or
37 before June 30, 2011.

1 (b) An individual described in subsection (a) of this section is subject to the
2 reformed contributory pension benefit under Title 23, Subtitle 2, Part IV of this
3 article.

4 **(c) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO WAS AN**
5 **EMPLOYEE OF THE SOMERSET COUNTY ECONOMIC DEVELOPMENT**
6 **COMMISSION ON JUNE 30, 2011, AND WHO REMAINS AN EMPLOYEE THROUGH**
7 **THE EFFECTIVE DATE OF PARTICIPATION FOR THE SOMERSET COUNTY**
8 **ECONOMIC DEVELOPMENT COMMISSION AS A PARTICIPATING GOVERNMENTAL**
9 **UNIT.**

10 **(2) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS**
11 **PARAGRAPH, TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE DOES NOT**
12 **APPLY TO AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,**
13 **AND AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL**
14 **BE CONSIDERED SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION**
15 **BENEFIT UNDER TITLE 23, SUBTITLE 2, PART III OF THIS ARTICLE.**

16 **(ii) AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS**
17 **SUBSECTION SHALL BE SUBJECT TO THE REFORMED CONTRIBUTORY PENSION**
18 **BENEFIT UNDER THIS PART IV OF THIS SUBTITLE ONLY IN THE SAME MANNER**
19 **AS AN INDIVIDUAL WHO WAS A MEMBER OF THE EMPLOYEES' PENSION SYSTEM**
20 **ON JUNE 30, 2011, AND REMAINED A MEMBER ON JULY 1, 2011, WOULD**
21 **BECOME SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT**
22 **UNDER THIS ARTICLE.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2013.