

Chapter 522

(Senate Bill 674)

AN ACT concerning

Employees' Pension System – Elected or Appointed Officials – ~~Optional~~ Membership

FOR the purpose of ~~providing that certain elected or appointed officials whose employers are participating employers of the State Retirement and Pension System may elect to join the Employees' Pension System within a certain period of time; providing that certain elected or appointed officials whose employers are participating employers of the State Retirement and Pension System may elect to cease membership in the Employees' Pension System within a certain period of time; requiring certain elected or appointed officials who make an election to join or an election to cease membership to complete a certain form and file it with the Board of Trustees for the State Retirement and Pension System; providing that certain elected or appointed officials who do not make an election to join within a certain period of time may not join the Employees' Pension System; providing that certain elected or appointed officials who do not make an election to cease membership within a certain period of time remain members in the Employees' Pension System; requiring the Board of Trustees to adopt certain regulations; defining a certain term; prohibiting certain individuals who are serving in certain elected or appointed positions from being members of the Employees' Pension System while serving in those positions; and generally relating to optional membership for elected or appointed officials in the Employees' Pension System.~~

~~BY adding to~~

~~Article State Personnel and Pensions~~

~~Section 23-204.1~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2012 Supplement)~~

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

~~Article State Personnel and Pensions~~

~~23-204.1.~~

~~(A) IN THIS SECTION, "ELECTED OR APPOINTED OFFICIAL" MEANS AN INDIVIDUAL EMPLOYED BY A PARTICIPATING EMPLOYER AS:~~

- ~~(1) A STATE'S ATTORNEY;~~
- ~~(2) A SHERIFF, OTHER THAN THE BALTIMORE CITY SHERIFF;~~
- ~~(3) AN ELECTED OFFICIAL OF A COUNTY OR MUNICIPAL CORPORATION;~~
- ~~(4) AN ORPHANS' COURT JUDGE FOR A COUNTY THAT IS NOT REQUIRED TO PAY A PENSION UNDER § 2-108(Y) OF THE ESTATES AND TRUSTS ARTICLE;~~
- ~~(5) A MEMBER OF A BOARD THAT REGULATES GAMING UNDER TITLE 13 OF THE CRIMINAL LAW ARTICLE; OR~~
- ~~(6) A MEMBER OF A LOCAL LICENSING BOARD AS DEFINED IN ARTICLE 2B, § 1-101 OF THE CODE.~~
- ~~(B) (1) (i) MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS OPTIONAL FOR AN INDIVIDUAL WHO:~~
- ~~1. IS SERVING AS AN ELECTED OR APPOINTED OFFICIAL ON OR AFTER JULY 1, 2011;~~
 - ~~2. REMAINS IN THE SAME ELECTED OR APPOINTED POSITION ON JULY 1, 2013; AND~~
 - ~~3. IS NOT ENROLLED IN THE EMPLOYEES' PENSION SYSTEM.~~
- ~~(ii) AN INDIVIDUAL UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH WHO ELECTS TO JOIN THE EMPLOYEES' PENSION SYSTEM MUST MAKE THE ELECTION IN WRITING ON A FORM PROVIDED BY THE BOARD OF TRUSTEES AND MUST FILE THE FORM WITH THE BOARD OF TRUSTEES ON OR BEFORE SEPTEMBER 30, 2013.~~
- ~~(iii) AN INDIVIDUAL WHO DOES NOT ELECT TO JOIN THE EMPLOYEES' PENSION SYSTEM AS PROVIDED UNDER SUBPARAGRAPH (ii) IF THIS PARAGRAPH MAY NOT JOIN THE EMPLOYEES' PENSION SYSTEM AS AN ELECTED OR APPOINTED OFFICIAL WHILE SERVING IN THE SAME ELECTED OR APPOINTED POSITION.~~
- ~~(2) (i) MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS OPTIONAL FOR AN INDIVIDUAL WHO:~~

~~1. BEGINS SERVING AS AN ELECTED OR APPOINTED OFFICIAL ON OR AFTER JULY 1, 2013; OR~~

~~2. A. WAS SERVING AS AN ELECTED OR APPOINTED OFFICIAL ON OR AFTER JULY 1, 2011;~~

~~B. BEGINS SERVING AS AN ELECTED OR APPOINTED OFFICIAL IN A DIFFERENT POSITION ON OR AFTER JULY 1, 2013; AND~~

~~C. IS NOT ENROLLED IN THE EMPLOYEES' PENSION SYSTEM.~~

~~(H) AN INDIVIDUAL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH WHO ELECTS TO JOIN THE EMPLOYEES' PENSION SYSTEM MUST MAKE THE ELECTION IN WRITING ON A FORM PROVIDED BY THE BOARD OF TRUSTEES AND MUST FILE THE FORM WITH THE BOARD OF TRUSTEES WITHIN 3 MONTHS OF BECOMING AN ELECTED OR APPOINTED OFFICIAL IN A NEW OR DIFFERENT POSITION ON OR AFTER JULY 1, 2013.~~

~~(HH) AN INDIVIDUAL WHO DOES NOT ELECT TO JOIN THE EMPLOYEES' PENSION SYSTEM AS PROVIDED UNDER SUBPARAGRAPH (H) OF THIS PARAGRAPH MAY NOT JOIN THE EMPLOYEES' PENSION SYSTEM AS AN ELECTED OR APPOINTED OFFICIAL WHILE SERVING IN THAT ELECTED OR APPOINTED POSITION.~~

~~(3) AN ELECTED OR APPOINTED OFFICIAL'S ELECTION UNDER THIS SUBSECTION TO JOIN THE EMPLOYEES' PENSION SYSTEM IS A ONE-TIME, IRREVOCABLE ELECTION.~~

~~(c) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO:~~

~~(i) IS AN ELECTED OR APPOINTED OFFICIAL ON OR AFTER JULY 1, 2011, AND REMAINS AN ELECTED OR APPOINTED OFFICIAL ON JULY 1, 2013; AND~~

~~(ii) IS A MEMBER OF THE EMPLOYEES' PENSION SYSTEM.~~

~~(2) AN ELECTED OR APPOINTED OFFICIAL UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY ELECT TO CEASE BEING A MEMBER IN THE EMPLOYEES' PENSION SYSTEM AT THE START OF THE OFFICIAL'S NEW TERM OF OFFICE.~~

~~(3) AN ELECTION TO TERMINATE MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM SHALL BE MADE IN WRITING ON A FORM PROVIDED BY THE BOARD OF TRUSTEES AND FILED WITH THE BOARD OF TRUSTEES PROMPTLY AFTER THE START OF THE OFFICIAL'S NEW TERM OF OFFICE.~~

~~(4) AN ELECTED OR APPOINTED OFFICIAL'S ELECTION UNDER THIS SUBSECTION TO TERMINATE MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS A ONE-TIME, IRREVOCABLE ELECTION.~~

~~(5) AN ELECTED OR APPOINTED OFFICIAL WHO DOES NOT ELECT TO TERMINATE MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM REMAINS A MEMBER IN THE EMPLOYEES' PENSION SYSTEM.~~

~~(D) THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

(a) This section applies to an individual:

(1) (i) who, on or after July 1, 2011, was serving as an elected or appointed official of a municipality that became a participating governmental unit on or after July 1, 2006, and remains in the same elected or appointed position on July 1, 2013;

(ii) for whom no member or employer contributions have been made with respect to the individual's service as an elected or appointed official; and

(iii) who has not been enrolled in the Employees' Pension System on or before June 30, 2013; or

(2) (i) who, on or after July 1, 2011, was serving as an orphans' court judge in a county not required to provide a pension under § 2-108 of the Estates and Trusts Article and remains an orphans' court judge on July 1, 2013;

(ii) for whom no member or employer contributions have been made with respect to the individual's service as an orphan's court judge; and

(iii) who has not been enrolled in the Employees' Pension System on or before June 30, 2013.

(b) Notwithstanding any other provision of law to the contrary, an individual under subsection (a) of this section may not be a member of the Employees' Pension System while in the position described in subsection (a) of this section.

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

Approved by the Governor, May 16, 2013.