

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1020

(Delegate B. Barnes)(Chair, Joint Committee on
Pensions)

Appropriations

State Retirement and Pension System - Board of Trustees - Oath

This bill clarifies that newly appointed trustees of the State Retirement and Pension System must take the oath of office prescribed by the Maryland Constitution within 30 days of their appointment. The oath must be administered by a clerk or deputy clerk of a circuit court. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: None. The bill is procedural in nature and does not directly affect governmental finances. It also codifies existing practice.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Article I, Section 9 of the Maryland Constitution requires every person who is elected or appointed to any office of profit or trust under the Constitution or the laws made under the Constitution to take the following oath:

“I, _____, do swear that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____, according to the Constitution and Laws of this State.”

The oath includes additional provisions for the Governor, members of the General Assembly, and judges. Also, Article 37 of the Maryland Declaration of Rights states, in part, "...nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution."

However, State pension law requires new trustees to take an oath within 10 days after their appointment that, as a trustee, the individual will (1) diligently and honestly administer the affairs of the Board of Trustees and (2) will not knowingly violate or willingly allow a violation of the law applicable to the several systems.

Background: Prior to 2014, newly appointed members of the Board of Trustees took the oath prescribed by State pension law. The oath was administered by an officer of the board. However, when counsel to the board became aware of the constitutional requirement, the board began administering the constitutionally required oath, which it has done since 2014. The board requested that the Joint Committee on Pensions sponsor legislation to clarify which oath members of the board should take, and the committee agreed to sponsor the legislation.

Additional Information

Prior Introductions: None.

Cross File: SB 178 (Senator Guzzone)(Chair, Joint Committee on Pensions) - Budget and Taxation.

Information Source(s): State Retirement Agency; Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2018
md/rhh

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