

HOUSE BILL 332

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1998 Regular Session
8r1053

By: **Delegate Proctor (Chairman, Joint Committee on Pensions)**

Introduced and read first time: January 29, 1998

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 1998

CHAPTER _____

1 AN ACT concerning

2 **Retirement and Pension Systems - Membership - Staff**

3 FOR the purpose of clarifying eligibility for membership in the Employees'
4 Retirement System, Teachers' Retirement System, Employees' Pension System,
5 and the Teachers' Pension System of certain staff of the University System of
6 Maryland, Morgan State University, and St. Mary's College.

7 BY repealing and reenacting, with amendments,
8 Article - State Personnel and Pensions
9 Section 22-201, 22-205, 23-201, and 23-206
10 Annotated Code of Maryland
11 (1997 Replacement Volume)

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

14 **Article - State Personnel and Pensions**

15 22-201.

16 (a) Except as provided in subsection (b) of this section, §§ 22-202 through
17 22-204 of this subtitle apply only to:

18 (1) a regular employee whose compensation is provided by State
19 appropriation or paid from State funds;

20 (2) an appointed or elected official of the State, including:

- 1 (i) a clerk of the circuit court;
- 2 (ii) a register of wills;
- 3 (iii) a State's Attorney; and
- 4 (iv) a sheriff;
- 5 (3) an employee or official of a participating governmental unit who is
6 eligible to participate under Title 31, Subtitle 1 of this article;
- 7 (4) an employee of the Office of the Sheriff of Baltimore City;
- 8 (5) a permanent employee of the board of supervisors of elections of a
9 county;
- 10 (6) an employee of the Maryland Environmental Service who is a
11 member of the Employees' Retirement System on June 30, 1993;
- 12 (7) a full-time employee of the Maryland Aviation Administration Fire
13 Rescue Service who becomes an employee on or after October 1, 1993, and who before
14 employment with the Maryland Aviation Administration Fire Rescue Service was a
15 member of the Employees' Retirement System;
- 16 (8) an employee of Dorchester County who is not a member of the
17 County's general pension and retirement program and who is a member of the
18 Employees' Retirement System; [and]
- 19 (9) a court reporter for the Circuit Court for Charles County who is a
20 member of the Employees' Retirement System on July 1, 1994; AND
- 21 (10) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF MARYLAND,
22 MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE WHO IS A MEMBER OF THE
23 EMPLOYEES' RETIREMENT SYSTEM AS OF JANUARY 1, 1998.
- 24 (b) Sections 22-202 through 22-204 of this subtitle do not apply to:
- 25 (1) an individual who is a member of any State system other than the
26 Employees' Retirement System;
- 27 (2) an individual who is entitled to be a member of any State system
28 other than the Employees' Retirement System or the Employees' Pension System;
- 29 (3) a contractual, emergency, or temporary extra employee;
- 30 (4) an individual who is employed under a federal public service
31 employment program;
- 32 (5) an assessor who is a member of a retirement or pension system
33 operated by a political subdivision of the State; or

1 (6) an employee of a board of supervisors of elections who chose to stay in
2 a local merit system under Article 33, § 2-6 of the Code.

3 22-205.

4 (a) Except as provided in subsection (b) of this section, §§ 22-206 through
5 22-208 of this subtitle apply only to:

6 (1) an employee of a day school in the State under the authority and
7 supervision of a county board of education or the Baltimore City Board of School
8 Commissioners, employed as:

9 (i) an attendance officer;

10 (ii) a clerk;

11 (iii) a helping teacher;

12 (iv) a principal;

13 (v) a superintendent;

14 (vi) a supervisor; or

15 (vii) a teacher;

16 (2) a faculty employee of an educational institution supported by and
17 under the control of the State;

18 (3) a librarian or clerical employee of any library that is established or
19 operates under the Education Article; [or]

20 (4) a professional or clerical employee of a community college that is
21 established or operates under the Education Article; OR

22 (5) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF MARYLAND,
23 MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE WHO IS A MEMBER OF THE
24 TEACHERS' RETIREMENT SYSTEM AS OF JANUARY 1, 1998.

25 (b) Sections 22-206 through 22-208 of this subtitle do not apply to:

26 (1) an individual who has elected to participate in an optional retirement
27 program under Title 30 of this article;

28 (2) an individual who is employed under a federal public service
29 employment program; [or]

30 (3) a professional or clerical employee of the Department of Public
31 Libraries of Montgomery County who elected to transfer to the employees' retirement
32 system of Montgomery County; OR

1 (4) AN EMPLOYEE OF THE UNIVERSITY SYSTEM OF MARYLAND,
2 MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE WHO BECOMES AN EMPLOYEE
3 ON OR AFTER JANUARY 1, 1998 IN A POSITION AS A STAFF EMPLOYEE OF THE
4 EDUCATIONAL INSTITUTION THAT WAS ELIGIBLE FOR MEMBERSHIP IN THE
5 TEACHERS' RETIREMENT SYSTEM OR TEACHERS' PENSION SYSTEM UNDER CHAPTER
6 6, § 8, PARAGRAPHS 1(A) AND 2(A) OF THE ACTS OF 1994.

7 23-201.

8 (a) Except as provided in subsection (b) of this section, §§ 23-202 through
9 23-205 of this subtitle apply only to:

10 (1) a regular employee whose compensation is provided by State
11 appropriation or paid from State funds;

12 (2) an appointed or elected official of the State, including:

13 (i) a clerk of the circuit court;

14 (ii) a register of wills;

15 (iii) a State's Attorney; and

16 (iv) a sheriff;

17 (3) an employee or official of a participating governmental unit who is
18 eligible to participate under Title 31, Subtitle 1 of this article;

19 (4) an employee of the Office of the Sheriff of Baltimore City;

20 (5) an additional employee or agent of the State Racing Commission
21 authorized by § 11-207 of the Business Regulation Article;

22 (6) a permanent employee of the board of supervisors of elections of a
23 county;

24 (7) a full-time master in chancery or in juvenile causes who is appointed
25 on or after July 1, 1989, in any county by the circuit court for that county;

26 (8) an employee of the Maryland Environmental Service who is a
27 member of the Employees' Pension System on June 30, 1993, or transfers from the
28 Employees' Retirement System on or after July 1, 1993;

29 (9) a full-time employee of the Maryland Aviation Administration Fire
30 Rescue Service who becomes an employee on or after October 1, 1993;

31 (10) an employee of Dorchester County who is not a member of the
32 County's general pension and retirement program;

1 (11) a former Baltimore City jail employee who became an employee of the
2 Baltimore City Detention Center and a member of the Employees' Pension System on
3 July 1, 1991;

4 (12) an employee of the Baltimore City Community College who is not a
5 clerical or professional employee; [and]

6 (13) a court reporter for the Circuit Court for Charles County who is a
7 member of the Employees' Pension System on July 1, 1994, or transfers from the
8 Employees' Retirement System on or after July 1, 1994; AND

9 (14) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF MARYLAND,
10 MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE WHO IS:

11 (I) A MEMBER OF THE EMPLOYEES' PENSION SYSTEM ON JANUARY
12 1, 1998, OR TRANSFERS FROM THE EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER
13 JANUARY 1, 1998; OR

14 (II) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF
15 MARYLAND, MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE WHO BECOMES
16 AN EMPLOYEE ON OR AFTER JANUARY 1, 1998.

17 (b) Sections 23-202 through 23-205 of this subtitle do not apply to:

18 (1) an individual who is or is entitled to be a member of any State system
19 other than the Employees' Pension System;

20 (2) a contractual, emergency, or temporary extra employee;

21 (3) an individual who is employed under a federal public service
22 employment program;

23 (4) an assessor who is a member of a retirement or pension system
24 operated by a political subdivision of the State;

25 (5) an employee of a board of supervisors of elections who chose to stay in
26 a local merit system under Article 33, § 2-6 of the Code; or

27 (6) a nonclerical or nonprofessional employee of the Baltimore City
28 Community College who:

29 (i) was an employee of the New Community College of Baltimore
30 during the 1989-1990 academic year;

31 (ii) was employed by the New Community College of Baltimore on
32 or before December 31, 1990, as a "Class A" member of the Baltimore City Retirement
33 Plan; and

34 (iii) elected to remain a member of the Baltimore City Retirement
35 Plan.

1 23-206.

2 (a) Except as provided in subsection (b) of this section, §§ 23-207 through
3 23-210 of this subtitle apply only to:

4 (1) an employee of a day school in the State under the authority and
5 supervision of a county board of education or the Baltimore City Board of School
6 Commissioners, employed as:

7 (i) a clerk;

8 (ii) a helping teacher;

9 (iii) a principal;

10 (iv) a superintendent;

11 (v) a supervisor; or

12 (vi) a teacher;

13 (2) a faculty employee of an educational institution supported by and
14 under the control of the State;

15 (3) a librarian or clerical employee of a library that is established or
16 operates under the Education Article; [or]

17 (4) a professional or clerical employee of a community college that is
18 established or operates under the Education Article; OR

19 (5) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF MARYLAND,
20 MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE WHO IS A MEMBER OF THE
21 TEACHERS' PENSION SYSTEM AS OF JANUARY 1, 1998, OR WHO TRANSFERS FROM THE
22 TEACHERS' RETIREMENT SYSTEM ON OR AFTER JANUARY 1, 1998.

23 (b) Sections 23-207 through 23-209 of this subtitle do not apply to:

24 (1) an individual who has elected to participate in an optional retirement
25 program under Title 30 of this article;

26 (2) an individual who is employed under a federal public service
27 employment program; [or]

28 (3) a professional or clerical employee of the Department of Public
29 Libraries of Montgomery County who is participating in the employees' retirement
30 system of Montgomery County; OR

31 (4) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF MARYLAND,
32 MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE WHO BECOMES EMPLOYED ON
33 OR AFTER JANUARY 1, 1998 IN A POSITION AS A STAFF EMPLOYEE OF THE
34 EDUCATIONAL INSTITUTION THAT WAS ELIGIBLE FOR MEMBERSHIP IN THE

1 TEACHERS' RETIREMENT SYSTEM OR TEACHERS' PENSION SYSTEM UNDER CHAPTER
2 6, § 8, PARAGRAPHS 1(A) AND 2(A) OF THE ACTS OF 1994.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 1998.