

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 934 (Delegate Arnick)

Commerce and Government Matters

Public Records - Access to Retirement Records

This bill repeals the provisions of generally protecting retirement records from public access. Such repeal would allow those records to be inspected by the public at any reasonable time.

Fiscal Summary

State Effect: Indeterminate increase in State personnel expenditures by the retirement agency to comply with public requests for member retirement information.

Local Effect: For local governments that operate their own pension systems, indeterminate increase in local government personnel expenditures to comply with public requests for member retirement information. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Fiscal Analysis

Background: Under the State Government Article §10-616(g), the State Retirement Agency and administrators of other pension systems in Maryland, are required to provide information regarding retirement records only in the following circumstances:

- to verify if an individual receives a retirement allowance,

and upon receipt of a written request;

- to provide the amount of the employer provided benefit granted to a retired elected or appointed official of the State or a political subdivision, including elected or appointed officials who may be in a special system for elected and appointed officials;

and

- to provide the benefit formula and variables for calculating the retirement allowance of a current elected or appointed official of the State or political subdivision, including elected or appointed officials who may be in a special system for elected and appointed officials.

Other retirement information -- including information regarding active and retired members of the Maryland State Retirement and Pension System (MSRPS) such as State employees, teachers, and law enforcement personnel -- is not deemed public information and, therefore, requests for access to such personnel information are not permitted.

This proposal repeals the provisions of Section 10-616(g), thus making public all retirement account data for all members of the MSRPS and all other retirement systems in the State.

State Expenditures: The retirement agency is allowed to impose an administrative charge for photocopying information released from an individual's retirement record. Since this proposal would allow an open inspection of retirement records, the public would continue to bear the cost of photocopying information (\$.25 a page, and an additional \$3.50 per hour for 25 pages or more) from retirement records.

Since there is limited access to retirement records now (restricted to elected and appointed officials), agency personnel are able to handle the requests received. Opening up all retirement records to the public may necessitate additional personnel (or overtime expenditures) in the future to handle the increased volume of requests since anyone could request retirement information on 166,602 active members and 71,488 retired members. The amount of additional personnel expenditures would depend on the number of requests and cannot be reliably estimated at this time.

Information Source(s): State Retirement Agency; Milliman & Robertson, Inc.;
Department of Legislative Services

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Analysis by: Matthew D. Riven

Direct Inquiries to:

Reviewed by: John Rixey

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710