
By: **Delegates Arnick and Busch**

Introduced and read first time: February 8, 1999

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Records - Access to Retirement Records**

3 FOR the purpose of clarifying that certain custodians of retirement records are
4 required to disclose certain information concerning pensions of certain retired
5 officials relating to the total amount of that part of a pension or retirement
6 allowance that is derived from employer contributions; requiring that the
7 information be disclosed for retired appointed officials of political subdivisions
8 as well as retired elected officials of political subdivisions; and generally relating
9 to the disclosure of certain retirement records under the Maryland access to
10 public records law.

11 BY repealing and reenacting, with amendments,
12 Article - State Government
13 Section 10-616(g)
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1998 Supplement)

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

18 **Article - State Government**

19 10-616.

20 (g) (1) Subject to paragraphs (2) through (6) of this subsection, a custodian
21 shall deny inspection of a retirement record for an individual.

22 (2) A custodian shall permit inspection:

23 (i) by the person in interest;

24 (ii) by the appointing authority of the individual;

25 (iii) after the death of the individual, by a beneficiary, personal
26 representative, or other person who satisfies the administrators of the retirement and

1 pension systems that the person has a valid claim to the benefits of the individual;
2 and

3 (iv) by any law enforcement agency in order to obtain the home
4 address of a retired employee of the agency when contact with a retired employee is
5 documented to be necessary for official agency business.

6 (3) A custodian shall permit inspection by the employees of a county unit
7 that, by county law, is required to audit the retirement records for current or former
8 employees of the county. However, the information obtained during the inspection is
9 confidential, and the county unit and its employees may not disclose any information
10 that would identify a person in interest.

11 (4) On request, a custodian shall state whether the individual receives a
12 retirement or pension allowance.

13 (5) A custodian shall permit release of information as provided in §
14 21-504 or § 21-505 of the State Personnel and Pensions Article.

15 (6) On written request, a custodian shall:

16 (i) disclose the TOTAL amount of that part of a PENSION OR
17 retirement allowance that is derived from employer contributions and that is granted
18 to:

- 19 1. a retired elected or appointed official of the State;
20 2. a retired elected OR APPOINTED official of a political
21 subdivision; or
22 3. a retired appointed official of a political subdivision who is
23 a member of a separate system for elected or appointed officials; or

24 (ii) disclose the benefit formula and the variables for calculating
25 the retirement allowance of:

- 26 1. a current elected or appointed official of the State;
27 2. a current elected official of a political subdivision; or
28 3. a current appointed official of a political subdivision who
29 is a member of a separate system for elected or appointed officials.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1999.