
By: **Delegates Arnick and Busch**
Introduced and read first time: February 8, 1999
Assigned to: Appropriations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 30, 1999

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County - 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~~ requiring custodians
9 of retirement records in Anne Arundel County to disclose certain information
10 concerning that part of a pension or retirement allowance of certain retired
11 elected or appointed officials of the county that is derived from employer
12 contributions; requiring certain custodians of retirement records in the county
13 to disclose certain information regarding employee contributions of certain
14 retired or current officials of the county, if the officials consent to the disclosure;
15 requiring custodians of retirement records in the county to maintain a list of
16 officials of the county who consent to make certain information available; and
17 generally relating to the disclosure in Anne Arundel County of certain
18 retirement records under the Maryland access to public records law.

19 BY repealing and reenacting, with amendments,
20 Article - State Government
21 Section 10-616(g)
22 Annotated Code of Maryland
23 (1995 Replacement Volume and 1998 Supplement)

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

1

Article - State Government

2 10-616.

3 (g) (1) Subject to paragraphs (2) through ~~(6)~~ (7) of this subsection, a
4 custodian shall deny inspection of a retirement record for an individual.

5 (2) A custodian shall permit inspection:

6 (i) by the person in interest;

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

8 (iii) after the death of the individual, by a beneficiary, personal
9 representative, or other person who satisfies the administrators of the retirement and
10 pension systems that the person has a valid claim to the benefits of the individual;
11 and

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

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

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

22 (5) A custodian shall permit release of information as provided in §
23 21-504 or § 21-505 of the State Personnel and Pensions Article.

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

25 (i) disclose the ~~TOTAL~~ amount of that part of a ~~PENSION OR~~
26 retirement allowance that is derived from employer contributions and that is granted
27 to:

28 1. a retired elected or appointed official of the State;

29 2. a retired elected ~~OR APPOINTED~~ official of a political
30 subdivision; or

31 3. a retired appointed official of a political subdivision who is
32 a member of a separate system for elected or appointed officials; or

33 (ii) disclose the benefit formula and the variables for calculating
34 the retirement allowance of:

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

5 (7) (I) THIS PARAGRAPH APPLIES TO ANNE ARUNDEL COUNTY.

6 (II) ON WRITTEN REQUEST, A CUSTODIAN OF RETIREMENT
7 RECORDS SHALL DISCLOSE:

8 1. THE TOTAL AMOUNT OF THAT PART OF A PENSION OR
9 RETIREMENT ALLOWANCE THAT IS DERIVED FROM EMPLOYER CONTRIBUTIONS AND
10 THAT IS GRANTED TO A RETIRED ELECTED OR APPOINTED OFFICIAL OF THE
11 COUNTY;

12 2. THE TOTAL AMOUNT OF THAT PART OF A PENSION OR
13 RETIREMENT ALLOWANCE THAT IS DERIVED FROM EMPLOYEE CONTRIBUTIONS AND
14 THAT IS GRANTED TO A RETIRED ELECTED OR APPOINTED OFFICIAL OF THE
15 COUNTY, IF THE RETIRED ELECTED OR APPOINTED OFFICIAL CONSENTS TO THE
16 DISCLOSURE;

17 3. THE BENEFIT FORMULA AND THE VARIABLES FOR
18 CALCULATING THE RETIREMENT ALLOWANCE OF A CURRENT ELECTED OR
19 APPOINTED OFFICIAL OF THE COUNTY; OR

20 4. THE AMOUNT OF THE EMPLOYEE CONTRIBUTIONS PLUS
21 INTEREST ATTRIBUTABLE TO A CURRENT ELECTED OR APPOINTED OFFICIAL OF THE
22 COUNTY, IF THE CURRENT ELECTED OR APPOINTED OFFICIAL CONSENTS TO THE
23 DISCLOSURE.

24 (III) A CUSTODIAN OF RETIREMENT RECORDS SHALL MAINTAIN A
25 LIST OF THOSE ELECTED OR APPOINTED OFFICIALS OF THE COUNTY WHO HAVE
26 CONSENTED TO THE DISCLOSURE OF INFORMATION UNDER SUBPARAGRAPH (II)2 OR
27 4 OF THIS PARAGRAPH.

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