
By: **Prince George's County Delegation**
Introduced and read first time: February 11, 2000
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Retirement Contributions - Employees of Magnet**
3 **Schools Program**
4 **PG 413-00**

5 FOR the purpose of requiring the State Retirement Agency to include in a certain
6 determination of eligibility for State payment of retirement contributions
7 certain employees whose salaries are paid by the Prince George's County Board
8 of Education through funding of the Magnet Schools Program; providing for the
9 application of this Act; and generally relating to payment of retirement
10 contributions for certain employees of the Magnet Schools Program in Prince
11 George's County.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 5-203
15 Annotated Code of Maryland
16 (1999 Replacement Volume)

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

19 **Article - Education**

20 5-203.

21 (a) In this section, "Agency" means the State Retirement Agency.

22 (b) (1) The Agency may at any time examine the records of local school
23 systems to determine whether the State's payments for retirement contributions for
24 employees of the school systems are in accordance with the provisions of Division II of
25 the State Personnel and Pensions Article.

26 (2) IN MAKING THE DETERMINATION UNDER PARAGRAPH (1) OF THIS
27 SUBSECTION, THE AGENCY SHALL INCLUDE AS EMPLOYEES ELIGIBLE FOR STATE
28 PAYMENT OF RETIREMENT CONTRIBUTIONS THOSE EMPLOYEES:

1 (I) WHOSE SALARIES ARE PAID BY THE PRINCE GEORGE'S COUNTY
2 BOARD OF EDUCATION THROUGH FUNDING OF THE MAGNET SCHOOLS PROGRAM AS
3 PROVIDED IN THE STATE BUDGET; AND

4 (II) WHO ARE MEMBERS OF THE TEACHERS' PENSION SYSTEM OR
5 TEACHERS' RETIREMENT SYSTEM.

6 (c) (1) (i) If an examination of the records of a local school system shows
7 that the State has paid more than is required under Division II of the State Personnel
8 and Pensions Article, within 30 days after the date of the notice to the school system
9 of the State overpayment, the school system may appeal the notice of State
10 overpayment to the Secretary of Budget and Management who shall appoint a
11 hearing examiner who is an attorney.

12 (ii) The hearing examiner shall make recommendations to the
13 Secretary of Budget and Management who shall make a determination regarding the
14 amount, if any, of the State overpayment.

15 (iii) Should a local school system request a transcript of an audit
16 appeals hearing, the local school system shall provide and pay for the production of
17 the transcript.

18 (2) At the request of the Department of Education the moneys owed shall
19 be deducted from any other State funds that would otherwise be paid to the school
20 system if:

21 (i) A local school system does not appeal to the Secretary of Budget
22 and Management or to the Office of Administrative Hearings; or

23 (ii) The Office of Administrative Hearings determines that the
24 State is due reimbursement for excess payments as provided in paragraph (3) of this
25 subsection.

26 (3) (i) The local school system may appeal to the Office of
27 Administrative Hearings a determination by the Secretary of the Department of
28 Budget and Management regarding the amount, if any, of the State overpayment.

29 (ii) Within 45 days after the close of the hearing record, the Office
30 of Administrative Hearings shall issue a written decision to the parties and may grant
31 any appropriate remedy.

32 (iii) The written decision issued by the Office of Administrative
33 Hearings is the final finding of fact and conclusion of law and binding on all parties
34 and is not subject to judicial review.

35 (d) Any reimbursements which result from audits under this section:

36 (1) Shall be applied first to reimburse the Agency for the expenses of the
37 audits; and

1 (2) After reimbursement to the Agency under item (1) of this subsection,
2 shall be credited to the General Fund.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
4 construed retroactively and shall be applied to and interpreted to affect retirement
5 contributions to be made on or after July 1, 1999.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2000.