
By: **Delegate Barkley**

Introduced and read first time: February 10, 2005

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Registers of Wills and Clerks of the Courts - Service Retirement Allowance**

3 FOR the purpose of altering the years of creditable service certain Registers of Wills
4 and Clerks of the Courts are required to accrue to qualify for a normal service
5 retirement allowance; and generally relating to normal service retirement
6 allowances for Registers of Wills and Clerks of the Courts.

7 BY repealing and reenacting, with amendments,
8 Article - State Personnel and Pensions
9 Section 22-404 and 23-404
10 Annotated Code of Maryland
11 (2004 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 22-404.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) "Appointed official" means an individual appointed to a public office
18 of the State who meets the legal criteria for an appointed official as determined by the
19 Attorney General.

20 (3) "Unclassified service of the State" means the unclassified service in
21 the State Personnel Management System or a comparable position in an independent
22 personnel system of a participating employer.

23 (b) The Board of Trustees shall pay a member of the Employees' Retirement
24 System who qualifies under subsection (c) of this section a pension equal to an
25 ordinary disability pension, regardless of age, if the member:

26 (1) has at least 16 years of creditable service; and

1 (2) elects to have the member's accumulated contributions paid as an
2 annuity of equivalent actuarial value instead of withdrawing the accumulated
3 contributions.

4 (c) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
5 A member qualifies for a pension under subsection (b) of this section if the member:

6 [(1)] (i) 1. is an elected or appointed official of the State at the time
7 of application for retirement; and

8 [(ii)] 2. was initially an elected or appointed official of the State
9 before July 22, 1981;

10 [(2) (i)] (II) 1. is an elected or appointed official of the State when
11 separating from employment;

12 [(ii)] 2. was initially an elected or appointed official of the State
13 during the period from July 22, 1981, through June 30, 1982, both inclusive; and

14 [(iii)] 3. separated from employment involuntarily as certified by
15 the Secretary of Budget and Management; or

16 [(3) (i)] (III) 1. was promoted to a position in the unclassified service
17 of the State on or before June 30, 1982;

18 [(ii)] 2. has been in the unclassified service or its equivalent in the
19 State continuously from June 30, 1982, until separating from employment; and

20 [(iii)] 3. separated from employment involuntarily as certified by
21 the Secretary of Budget and Management.

22 (2) A MEMBER WHO IS A REGISTER OF WILLS OR A CLERK OF THE COURT
23 ON OR AFTER JULY 1, 2005, QUALIFIES FOR A PENSION UNDER SUBSECTION (B) OF
24 THIS SECTION.

25 (d) (1) This subsection applies to a retiree who:

26 (i) retires as an elected or appointed official under this section; and

27 (ii) is appointed or elected to an office for which the State pays
28 compensation.

29 (2) On the appointment or election of a retiree described in paragraph (1)
30 of this subsection:

31 (i) the retiree's retirement allowance shall stop;

32 (ii) the retiree may rejoin the Employees' Retirement System;

33 (iii) the retiree shall make member contributions at the same rate
34 the retiree paid before retirement; and

1 (iv) the Board of Trustees shall restore any creditable service or
2 eligibility service to the retiree's credit at the time of retirement.

3 (3) Subject to paragraph (4) of this subsection, on subsequent retirement
4 of a retiree described in paragraph (1) of this subsection, the Board of Trustees shall
5 credit the retiree with all of the retiree's creditable service and eligibility service as a
6 member.

7 (4) The pension, on subsequent retirement, may not exceed the sum of:

8 (i) the pension the retiree was receiving during the previous
9 retirement; and

10 (ii) the pension that has accrued on account of employment as a
11 member after the previous retirement.

12 23-404.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) "Appointed official" means an individual appointed to a public office
15 of the State who meets the legal criteria for an appointed official as determined by the
16 Office of the Attorney General.

17 (3) "Unclassified service of the State" means the unclassified service in
18 the State Personnel Management System or a comparable position in an independent
19 personnel system of a participating employer.

20 (b) The Board of Trustees shall pay a member of the Employees' Pension
21 System who qualifies under subsection (c) of this section a normal service retirement
22 allowance, regardless of age, if the member:

23 (1) has at least 16 years of creditable service; and

24 (2) elects to have the member's accumulated contributions paid as an
25 annuity of equivalent actuarial value instead of withdrawing the accumulated
26 contributions.

27 (c) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
28 member qualifies for a normal service retirement allowance under subsection (b) of
29 this section if the member:

30 [(1)] (i) 1. is an elected or appointed official of the State at the time
31 of application for retirement; and

32 [(ii)] 2. was initially an elected or appointed official of the State
33 before July 22, 1981;

34 [(2)] (i) (II) 1. is an elected or appointed official of the State when
35 separating from employment;

1 [(ii)] 2. was initially an elected or appointed official of the State
2 during the period from July 22, 1981, through June 30, 1982, both inclusive; and

3 [(iii)] 3. separated from employment involuntarily, as certified by
4 the Secretary of Budget and Management; or

5 [(3) (i) (III)] 1. was promoted to a position in the unclassified service
6 of the State on or before June 30, 1982;

7 [(ii)] 2. has been in the unclassified service or its equivalent in the
8 State continuously from June 30, 1982, until separating from employment; and

9 [(iii)] 3. separated from employment involuntarily, as certified by
10 the Secretary of Budget and Management.

11 (2) A MEMBER WHO IS A REGISTER OF WILLS OR A CLERK OF THE COURT
12 ON OR AFTER JULY 1, 2005, QUALIFIES FOR A PENSION UNDER SUBSECTION (B) OF
13 THIS SECTION.

14 (d) (1) This subsection applies to a retiree who:

15 (i) retires as an elected or appointed official under this section; and

16 (ii) is appointed or elected to an office for which the State pays the
17 compensation.

18 (2) On the appointment or election of a retiree described in paragraph (1)
19 of this subsection:

20 (i) the retiree's retirement allowance shall stop;

21 (ii) the retiree may rejoin the Employees' Pension System;

22 (iii) the retiree shall make member contributions as provided in this
23 title; and

24 (iv) the Board of Trustees shall restore any creditable service or
25 eligibility service to the retiree's credit at the time of retirement.

26 (3) Subject to paragraph (4) of this subsection, on subsequent retirement
27 of a retiree described in paragraph (1) of this subsection, the Board of Trustees shall
28 credit the retiree with all of the retiree's creditable service and eligibility service as a
29 member.

30 (4) The allowance, on the subsequent retirement, may not exceed the
31 sum of:

32 (i) the allowance the retiree was receiving during the previous
33 retirement; and

1 (ii) the allowance that has accrued on account of creditable service
2 earned after the previous retirement.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2005.