

ENROLLED BILL
-- Budget and Taxation/Appropriations --

Introduced by **Senator Hafer**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **City of Frostburg Employees - Participation in the Employees' Pension**
3 **System**

4 FOR the purpose of requiring certain employees of the City of Frostburg to participate
5 in the Employees' Pension System of the State of Maryland as of a certain date;
6 providing for certain employees of the City of Frostburg to receive service credit
7 for certain prior service; providing that certain employees of the City of
8 Frostburg who become members of the Employees' Pension System after a
9 certain date may not receive certain service credit; and generally relating to
10 employees of the City of Frostburg participating in the Employees' Pension
11 System.

12 BY repealing and reenacting, with amendments,
13 Article - State Personnel and Pensions
14 Section 23-201(a), 23-204, and 31-111
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2005 Supplement)

1 BY adding to
2 Article - State Personnel and Pensions
3 Section 31-111.3
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2005 Supplement)

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

8 **Article - State Personnel and Pensions**

9 23-201.

10 (a) Except as provided in subsection (b) of this section, §§ 23-203 through
11 23-205 of this subtitle apply only to:

12 (1) a regular employee whose compensation is provided by State
13 appropriation or paid from State funds;

14 (2) an appointed or elected official of the State, including:

15 (i) a clerk of the circuit court;

16 (ii) a register of wills;

17 (iii) a State's Attorney; and

18 (iv) a sheriff;

19 (3) an employee or official of a participating governmental unit who is
20 eligible to participate under Title 31, Subtitle 1 of this article;

21 (4) an employee of the Office of the Sheriff of Baltimore City;

22 (5) an additional employee or agent of the State Racing Commission
23 authorized by § 11-207 of the Business Regulation Article;

24 (6) a permanent employee of the board of supervisors of elections of a
25 county;

26 (7) a full-time master in chancery or in juvenile causes who is appointed
27 on or after July 1, 1989, in any county by the circuit court for that county;

28 (8) an employee of the Maryland Environmental Service who is a
29 member of the Employees' Pension System on June 30, 1993, or transfers from the
30 Employees' Retirement System on or after July 1, 1993;

31 (9) an employee of Dorchester County who is not a member of the
32 county's general pension and retirement program;

1 (10) a former Baltimore City jail employee who became an employee of the
2 Baltimore City Detention Center and a member of the Employees' Pension System on
3 July 1, 1991;

4 (11) a nonfaculty employee of the Baltimore City Community College who:

5 (i) is a member of the Employees' Pension System on October 1,
6 2002;

7 (ii) transfers from the Employees' Retirement System on or after
8 October 1, 2002;

9 (iii) transfers from the Teachers' Pension System in accordance with
10 § 23-202.1 of this subtitle; or

11 (iv) becomes an employee of the Baltimore City Community College
12 on or after October 1, 2002;

13 (12) a court reporter for the Circuit Court for Charles County who is a
14 member of the Employees' Pension System on July 1, 1994, or transfers from the
15 Employees' Retirement System on or after July 1, 1994;

16 (13) a staff employee of the University System of Maryland, Morgan State
17 University, or St. Mary's College who is:

18 (i) a member of the Employees' Pension System on January 1,
19 1998, or transfers from the Employees' Retirement System on or after January 1,
20 1998; or

21 (ii) a staff employee of the University System of Maryland, Morgan
22 State University, or St. Mary's College who becomes an employee on or after January
23 1, 1998;

24 (14) on or after the date that the Board of Education of Kent County
25 begins participation in the Employees' Pension System, a supportive service employee
26 of the Board of Education of Kent County; [and]

27 (15) an employee of the Town of Oakland on or after the date that the
28 Town of Oakland begins participation in the Employees' Pension System; AND

29 (16) AN EMPLOYEE OF THE CITY OF FROSTBURG ON OR AFTER THE DATE
30 THAT THE CITY OF FROSTBURG BEGINS PARTICIPATION IN THE EMPLOYEES'
31 PENSION SYSTEM.

32 23-204.

33 (a) (1) This section applies to an individual who on June 30, 2004, receives
34 an annual salary and who is:

35 (i) an elected or appointed official;

- 1 (ii) an employee of the Governor's office;
- 2 (iii) an employee of the Senate or House of Delegates;
- 3 (iv) a member of the Prince George's County Board of License
4 Commissioners; or
- 5 (v) an employee of Dorchester County who is not a member of the
6 county's general pension and retirement program.

7 (2) Membership in the Employees' Pension System is optional for an
8 individual under paragraph (1) of this subsection while the individual remains
9 employed in the position the individual held on June 30, 2004.

10 (b) (1) (i) Except as provided in paragraph (2) of this subsection, this
11 subsection applies only to the employees of a participating governmental unit who:

12 1. are employed by the participating governmental unit on
13 June 30, 2004; and

14 2. were employed by the participating governmental unit on
15 the effective date of participation in the State systems.

16 (ii) Except as provided in paragraph (2) of this subsection,
17 membership in the Employees' Pension System is optional for an individual under
18 subparagraph (i) of this paragraph until the individual ceases employment with the
19 participating governmental unit that was employing the individual on June 30, 2004.

20 (2) Membership in the Employees' Pension System is not optional for
21 individuals who are:

22 (i) supportive service employees of the Board of Education of Kent
23 County; [or]

24 (ii) employees of the Town of Oakland; OR

25 (III) EMPLOYEES OF THE CITY OF FROSTBURG.

26 31-111.

27 (a) Except as provided in subsection (b) of this section and [§] §§ 31-111.1
28 AND 31-111.3 of this subtitle, if an employee of a participating governmental unit joins
29 the Employees' Pension System within 1 year after the effective date, the employee is
30 entitled to service credit for employment with the participating governmental unit
31 before the effective date.

32 (b) If an employee of the Baltimore Metropolitan Council elects to become a
33 member of the Employees' Retirement System or the Employees' Pension System, the
34 employee may not receive credit for service from July 1, 1992, to the effective date
35 unless the employee pays to the Board of Trustees the amount of the member

1 contributions the employee would have made during that period, plus regular
2 interest.

3 31-111.3.

4 (A) AN INDIVIDUAL WHO IS AN EMPLOYEE OF THE CITY OF FROSTBURG ON
5 THE EFFECTIVE DATE SHALL RECEIVE ~~ONE-HALF OF THE SERVICE CREDIT FOR~~
6 ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN THE EMPLOYEES' PENSION
7 SYSTEM EQUAL TO ONE-HALF OF THE INDIVIDUAL'S PERIOD OF EMPLOYMENT WITH
8 THE CITY OF FROSTBURG BEFORE THE EFFECTIVE DATE ~~IN THE AMOUNT OF THE~~
9 ~~EMPLOYEES' CREDIT~~, AS CERTIFIED BY THE CITY OF FROSTBURG AS OF THE
10 EFFECTIVE DATE.

11 (B) IF AN EMPLOYEE OR FORMER EMPLOYEE OF THE CITY OF FROSTBURG
12 BECOMES A MEMBER OF THE EMPLOYEES' PENSION SYSTEM AT ANY TIME AFTER
13 THE EFFECTIVE DATE, THE EMPLOYEE MAY NOT RECEIVE SERVICE CREDIT FOR
14 EMPLOYMENT WITH THE CITY OF FROSTBURG BEFORE THE EFFECTIVE DATE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2006.