
By: **Senator Hafer**

Introduced and read first time: January 23, 2006

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: February 28, 2006

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)

17 BY adding to
18 Article - State Personnel and Pensions
19 Section 31-111.3
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2005 Supplement)

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

1 **Article - State Personnel and Pensions**

2 23-201.

3 (a) Except as provided in subsection (b) of this section, §§ 23-203 through
4 23-205 of this subtitle apply only to:5 (1) a regular employee whose compensation is provided by State
6 appropriation or paid from State funds;

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

8 (i) a clerk of the circuit court;

9 (ii) a register of wills;

10 (iii) a State's Attorney; and

11 (iv) a sheriff;

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

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

15 (5) an additional employee or agent of the State Racing Commission
16 authorized by § 11-207 of the Business Regulation Article;17 (6) a permanent employee of the board of supervisors of elections of a
18 county;19 (7) a full-time master in chancery or in juvenile causes who is appointed
20 on or after July 1, 1989, in any county by the circuit court for that county;21 (8) an employee of the Maryland Environmental Service who is a
22 member of the Employees' Pension System on June 30, 1993, or transfers from the
23 Employees' Retirement System on or after July 1, 1993;24 (9) an employee of Dorchester County who is not a member of the
25 county's general pension and retirement program;26 (10) a former Baltimore City jail employee who became an employee of the
27 Baltimore City Detention Center and a member of the Employees' Pension System on
28 July 1, 1991;

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

30 (i) is a member of the Employees' Pension System on October 1,
31 2002;

- 1 (ii) transfers from the Employees' Retirement System on or after
2 October 1, 2002;
- 3 (iii) transfers from the Teachers' Pension System in accordance with
4 § 23-202.1 of this subtitle; or
- 5 (iv) becomes an employee of the Baltimore City Community College
6 on or after October 1, 2002;
- 7 (12) a court reporter for the Circuit Court for Charles County who is a
8 member of the Employees' Pension System on July 1, 1994, or transfers from the
9 Employees' Retirement System on or after July 1, 1994;
- 10 (13) a staff employee of the University System of Maryland, Morgan State
11 University, or St. Mary's College who is:
- 12 (i) a member of the Employees' Pension System on January 1,
13 1998, or transfers from the Employees' Retirement System on or after January 1,
14 1998; or
- 15 (ii) a staff employee of the University System of Maryland, Morgan
16 State University, or St. Mary's College who becomes an employee on or after January
17 1, 1998;
- 18 (14) on or after the date that the Board of Education of Kent County
19 begins participation in the Employees' Pension System, a supportive service employee
20 of the Board of Education of Kent County; [and]
- 21 (15) an employee of the Town of Oakland on or after the date that the
22 Town of Oakland begins participation in the Employees' Pension System; AND
- 23 (16) AN EMPLOYEE OF THE CITY OF FROSTBURG ON OR AFTER THE DATE
24 THAT THE CITY OF FROSTBURG BEGINS PARTICIPATION IN THE EMPLOYEES'
25 PENSION SYSTEM.
- 26 23-204.
- 27 (a) (1) This section applies to an individual who on June 30, 2004, receives
28 an annual salary and who is:
- 29 (i) an elected or appointed official;
- 30 (ii) an employee of the Governor's office;
- 31 (iii) an employee of the Senate or House of Delegates;
- 32 (iv) a member of the Prince George's County Board of License
33 Commissioners; or
- 34 (v) an employee of Dorchester County who is not a member of the
35 county's general pension and retirement program.

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

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

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

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

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

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

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

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

19 (III) EMPLOYEES OF THE CITY OF FROSTBURG.

20 31-111.

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

26 (b) If an employee of the Baltimore Metropolitan Council elects to become a
27 member of the Employees' Retirement System or the Employees' Pension System, the
28 employee may not receive credit for service from July 1, 1992, to the effective date
29 unless the employee pays to the Board of Trustees the amount of the member
30 contributions the employee would have made during that period, plus regular
31 interest.

32 31-111.3.

33 (A) AN EMPLOYEE OF THE CITY OF FROSTBURG SHALL RECEIVE ONE-HALF
34 OF THE SERVICE CREDIT FOR ELIGIBILITY SERVICE AND CREDITABLE SERVICE
35 BEFORE THE EFFECTIVE DATE IN THE AMOUNT OF THE EMPLOYEES' CREDIT, AS
36 CERTIFIED BY THE CITY OF FROSTBURG AS OF THE EFFECTIVE DATE.

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

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