

SENATE BILL 961

K4

71r3327
CF HB 990

By: **Senators Brinkley and Mooney**

Introduced and read first time: February 28, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Employees’ Pension System – Alternate Contributory**
3 **Pension Selection**

4 FOR the purpose of allowing the employees of Frederick County who are members of
5 the Employees’ Pension System to become subject to the Alternate Contributory
6 Pension Selection that alters the benefits those members receive and requires a
7 certain member contribution; authorizing the purchase of service credit under
8 certain circumstances; requiring Frederick County to pay for certain additional
9 pension liabilities according to a certain amortization schedule approved by the
10 Board of Trustees for the State Retirement and Pension System; making this
11 Act subject to a certain contingency; requiring the State Retirement Agency to
12 verify certain information; and generally relating to participation in the
13 Alternate Contributory Pension Selection part of the Employees’ Pension
14 System by certain employees of Frederick County.

15 BY repealing and reenacting, with amendments,
16 Article – State Personnel and Pensions
17 Section 21–307(k), 23–221, and 23–307.2
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2006 Supplement)

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

22 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21–307.

2 (k) (1) For each employee who is subject to the contributory pension
3 benefit under Title 23, Subtitle 2, Part II of this article, Frederick County shall pay
4 the additional liabilities that result from the contributory pension benefit according to
5 a schedule of amortization that is subject to the approval of the Board of Trustees.

6 (2) **FOR EACH EMPLOYEE WHO IS SUBJECT TO THE ALTERNATE**
7 **CONTRIBUTORY PENSION SELECTION UNDER TITLE 23, SUBTITLE 2, PART III**
8 **OF THIS ARTICLE, FREDERICK COUNTY SHALL PAY THE ADDITIONAL**
9 **LIABILITIES THAT RESULT FROM THE ALTERNATE CONTRIBUTORY PENSION**
10 **SELECTION ACCORDING TO A SCHEDULE OF AMORTIZATION THAT IS SUBJECT**
11 **TO THE APPROVAL OF THE BOARD OF TRUSTEES.**

12 23–221.

13 (a) In this section, “active member” means a member who is not separated
14 from employment with the State or a participating employer of the State.

15 (b) Except as provided in subsection (c) of this section, this part applies to an
16 individual who on or after June 30, 2006, is:

17 (1) an active member of the Employees’ Pension System or the
18 Teachers’ Pension System; or

19 (2) a member of the Teachers’ Retirement System or Employees’
20 Retirement System who is subject to Selection C (Combination Formula) as provided
21 in § 22–221 of this article.

22 (c) This Part III does not apply to:

23 (1) an employee of a participating governmental unit participating in
24 the Employees’ Pension System that has not elected to participate in the Alternate
25 Contributory Pension Selection under § 31–116.1 of this article or a former
26 participating governmental unit, **OTHER THAN FREDERICK COUNTY**, that has
27 withdrawn from the Employees’ Pension System; or

28 (2) a member of the Employees’ Pension System or the Teachers’
29 Pension System who transferred from the Employees’ Retirement System or the
30 Teachers’ Retirement System after April 1, 1998.

31 23–307.2.

1 (a) This section applies only to a former member, member, retiree, or
2 surviving beneficiary of the Employees' Pension System who, while a member, was an
3 employee of Frederick County.

4 (b) Except as provided in subsection [(c)] (D) of this section, a member who
5 is subject to the contributory pension benefit under Subtitle 2, Part II of this title may
6 purchase credit for eligibility service for the period of employment from July 1, 1998,
7 through July 1, 2000, by paying to the Board of Trustees:

8 (1) on or before June 30, 2001, the amount the member would have
9 been required to contribute for that period of employment; or

10 (2) on or after July 1, 2001, the amount the member would have been
11 required to contribute for that period of employment plus regular interest compounded
12 annually.

13 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A
14 MEMBER WHO IS SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION
15 SELECTION UNDER SUBTITLE 2, PART III OF THIS TITLE MAY PURCHASE
16 CREDIT FOR ELIGIBILITY SERVICE FOR THE PERIOD OF EMPLOYMENT FROM
17 JULY 1, 2006, THROUGH JULY 1, 2007, BY PAYING TO THE BOARD OF
18 TRUSTEES:

19 (1) ON OR BEFORE JUNE 30, 2008, THE AMOUNT THE MEMBER
20 WOULD HAVE BEEN REQUIRED TO CONTRIBUTE FOR THAT PERIOD OF
21 EMPLOYMENT; OR

22 (2) ON OR AFTER JULY 1, 2008, THE AMOUNT THE MEMBER
23 WOULD HAVE BEEN REQUIRED TO CONTRIBUTE FOR THAT PERIOD OF
24 EMPLOYMENT PLUS REGULAR INTEREST COMPOUNDED ANNUALLY.

25 [(c)] (D) If the member fails to make the payment as provided under
26 subsection (b) OR (C) of this section, the Board of Trustees shall reduce actuarially the
27 allowance payable to a former member, retiree, or surviving beneficiary of a deceased
28 member, former member, or retiree.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2007, contingent on approval on or before July 1, 2007, by the Board of County
31 Commissioners of Frederick County for the participation of the employees of Frederick
32 County in the Alternate Contributory Pension Selection of the Employees' Pension

1 System under Title 23, Subtitle 2, Part III of the State Personnel and Pensions Article.
2 If the Board of County Commissioners of Frederick County does not approve on or
3 before July 1, 2007, the participation of the employees of Frederick County in the
4 Alternate Contributory Pension Selection of the Employees' Pension System, this Act,
5 with no further action required by the General Assembly, shall be null and void and of
6 no force and effect. On or before July 15, 2007, the State Retirement Agency shall
7 verify whether the Board of County Commissioners of Frederick County approved on
8 or before July 1, 2007, the participation of the employees of Frederick County in the
9 Alternate Contributory Pension Selection of the Employees' Pension System and shall
10 notify in writing the Department of Legislative Services, 90 State Circle, Annapolis,
11 Maryland 21401.