

HOUSE BILL 986

K4

(8lr1481)

ENROLLED BILL

—Appropriations / Budget and Taxation—

Introduced by **Delegates Gaines, Healey, and Ross**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Town of Berwyn Heights Employees - Participation in the Employees'**
3 **Pension System**

4 FOR the purpose of requiring certain employees of the Town of Berwyn Heights to
5 participate in the Employees' Pension System of the State of Maryland as of a
6 certain date; providing that membership in the Employees' Pension System is
7 optional for certain employees of the Town of Berwyn Heights; requiring certain
8 employees of the Town of Berwyn Heights to make ~~certain elections by a certain~~
9 election on a certain date; requiring certain employees of the Town of Berwyn
10 Heights to complete and file certain documents, in order to elect to be a member
11 of the Employees' Pension System, to file a written application with the Board of
12 Trustees of the State Retirement and Pension System by a certain date;
13 providing for certain employees of the Town of Berwyn Heights to receive
14 service credit for certain prior service; providing that certain employees of the
15 Town of Berwyn Heights who become members of the Employees' Pension

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 System after a certain date may not receive certain service credit; and generally
2 relating to employees of the Town of Berwyn Heights participating in the
3 Employees' Pension System.

4 BY repealing and reenacting, with amendments,
5 Article – State Personnel and Pensions
6 Section 23–201(a), 23–204(b), and 31–111
7 Annotated Code of Maryland
8 (2004 Replacement Volume and 2007 Supplement)

9 BY adding to
10 Article – State Personnel and Pensions
11 Section 23–204(e) and 31–111.4
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2007 Supplement)

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

16 **Article – State Personnel and Pensions**

17 23–201.

18 (a) Except as provided in subsection (b) of this section, §§ 23–203 through
19 23–205 of this subtitle apply only to:

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

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

23 (i) a clerk of the circuit court;

24 (ii) a register of wills;

25 (iii) a State's Attorney; and

26 (iv) a sheriff;

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

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

30 (5) an additional employee or agent of the State Racing Commission
31 authorized by § 11–207 of the Business Regulation Article;

1 (6) a permanent employee of the board of supervisors of elections of a
2 county;

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

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

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

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

13 (i) is a member of the Employees' Pension System on October 1,
14 2002;

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

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

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

21 (11) a court reporter for the Circuit Court for Charles County who is a
22 member of the Employees' Pension System on July 1, 1994, or transfers from the
23 Employees' Retirement System on or after July 1, 1994;

24 (12) a staff employee of the University System of Maryland, Morgan
25 State University, or St. Mary's College who is:

26 (i) a member of the Employees' Pension System on January 1,
27 1998, or transfers from the Employees' Retirement System on or after January 1,
28 1998; or

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

32 (13) on or after the date that the Board of Education of Kent County
33 begins participation in the Employees' Pension System, a supportive service employee
34 of the Board of Education of Kent County;

1 (14) an employee of the Town of Oakland on or after the date that the
2 Town of Oakland begins participation in the Employees' Pension System; [and]

3 (15) an employee of the City of Frostburg on or after the date that the
4 City of Frostburg begins participation in the Employees' Pension System; AND

5 (16) AN EMPLOYEE OF THE TOWN OF BERWYN HEIGHTS ON OR
6 AFTER THE DATE THAT THE TOWN OF BERWYN HEIGHTS BEGINS
7 PARTICIPATION IN THE EMPLOYEES' PENSION SYSTEM.

8 23-204.

9 (b) (1) THIS SUBSECTION DOES NOT APPLY TO AN EMPLOYEE OF THE
10 TOWN OF BERWYN HEIGHTS.

11 (2) (i) Except as provided in paragraph ~~(2)~~ (3) of this subsection, this
12 subsection applies only to the employees of a participating governmental unit who:

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

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

17 (ii) Except as provided in paragraph ~~(2)~~ (3) of this subsection,
18 membership in the Employees' Pension System is optional for an individual under
19 subparagraph (i) of this paragraph until the individual ceases employment with the
20 participating governmental unit that was employing the individual on June 30, 2004.

21 ~~(2)~~ (3) Membership in the Employees' Pension System is not
22 optional for individuals who are:

23 (i) supportive service employees of the Board of Education of
24 Kent County;

25 (ii) employees of the Town of Oakland; ~~for~~

26 (iii) employees of the City of Frostburg; ~~OR~~

27 ~~(IV) EMPLOYEES OF THE TOWN OF BERWYN HEIGHTS.~~

28 (E) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO IS
29 AN EMPLOYEE OF THE TOWN OF BERWYN HEIGHTS ON JUNE 30, 2008.

1 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
2 **MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS OPTIONAL FOR AN**
3 **INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WHO ELECTS**
4 **MEMBERSHIP ON JULY 1, 2008.**

5 **(3) TO ELECT TO BE A MEMBER OF THE EMPLOYEES' PENSION**
6 **SYSTEM, AN INDIVIDUAL SHALL FILE A WRITTEN APPLICATION WITH THE**
7 **BOARD OF TRUSTEES ON A FORM THAT THE BOARD OF TRUSTEES PROVIDES.**

8 ~~**(4) IF AN INDIVIDUAL DOES NOT ELECT MEMBERSHIP AS**~~
9 ~~**PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE INDIVIDUAL MAY**~~
10 ~~**NOT BECOME A MEMBER OF THE EMPLOYEES' PENSION SYSTEM.**~~

11 31-111.

12 (a) Except as provided in subsection (b) of this section and [§§ 31-111.1 and
13 31-111.3] §§ **31-111.1, 31-111.3, AND 31-111.4** of this subtitle, if an employee of a
14 participating governmental unit joins the Employees' Pension System within 1 year
15 after the effective date, the employee is entitled to service credit for employment with
16 the participating governmental unit before the effective date.

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

22 **31-111.4.**

23 **(A) AN INDIVIDUAL WHO ELECTS MEMBERSHIP IN THE EMPLOYEES'**
24 **PENSION SYSTEM UNDER § 23-204(E) OF THIS ARTICLE AND IS AN EMPLOYEE**
25 **OF THE TOWN OF BERWYN HEIGHTS ON THE EFFECTIVE DATE SHALL RECEIVE**
26 **ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN THE EMPLOYEES' PENSION**
27 **SYSTEM EQUAL TO ONE-THIRD OF THE INDIVIDUAL'S PERIOD OF EMPLOYMENT**
28 **WITH THE TOWN OF BERWYN HEIGHTS BEFORE THE EFFECTIVE DATE, AS**
29 **CERTIFIED BY THE TOWN OF BERWYN HEIGHTS AS OF THE EFFECTIVE DATE.**

30 **(B) IF AN EMPLOYEE OR FORMER EMPLOYEE OF THE TOWN OF BERWYN**
31 **HEIGHTS BECOMES A MEMBER OF THE EMPLOYEES' PENSION SYSTEM AT ANY**
32 **TIME AFTER THE EFFECTIVE DATE, THE EMPLOYEE MAY NOT RECEIVE SERVICE**
33 **CREDIT FOR EMPLOYMENT WITH THE TOWN OF BERWYN HEIGHTS BEFORE THE**
34 **EFFECTIVE DATE.**

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 July 1, 2008.

