

# SENATE BILL 308

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CF HB 986

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By: **Senator Pinsky**

Introduced and read first time: January 28, 2008

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 12, 2008

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## 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 a certain election on a  
9 certain date; requiring certain employees of the Town of Berwyn Heights, in  
10 order to elect to be a member of the Employees’ Pension System, to file a written  
11 application with the Board of Trustees of the State Retirement and Pension  
12 System; providing for certain employees of the Town of Berwyn Heights to  
13 receive service credit for certain prior service; providing that certain employees  
14 of the Town of Berwyn Heights who become members of the Employees’ Pension  
15 System after a certain date may not receive certain service credit; and generally  
16 relating to employees of the Town of Berwyn Heights participating in the  
17 Employees’ Pension System.

18 BY repealing and reenacting, with amendments,  
19 Article – State Personnel and Pensions  
20 Section 23–201(a), 23–204(b), and 31–111  
21 Annotated Code of Maryland  
22 (2004 Replacement Volume and 2007 Supplement)

23 BY adding to  
24 Article – State Personnel and Pensions

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### 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.



1 Section 23–204(e) and 31–111.4  
2 Annotated Code of Maryland  
3 (2004 Replacement Volume and 2007 Supplement)

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

6 **Article – State Personnel and Pensions**

7 23–201.

8 (a) Except as provided in subsection (b) of this section, §§ 23–203 through  
9 23–205 of this subtitle apply only to:

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

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

13 (i) a clerk of the circuit court;

14 (ii) a register of wills;

15 (iii) a State’s Attorney; and

16 (iv) a sheriff;

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

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

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

22 (6) a permanent employee of the board of supervisors of elections of a  
23 county;

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

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

29 (9) a former Baltimore City jail employee who became an employee of  
30 the Baltimore City Detention Center and a member of the Employees’ Pension System  
31 on July 1, 1991;

1                   (10) a nonfaculty employee of the Baltimore City Community College  
2 who:

3                   (i) is a member of the Employees' Pension System on October 1,  
4 2002;

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

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

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

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

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

16                   (i) a member of the Employees' Pension System on January 1,  
17 1998, or transfers from the Employees' Retirement System on or after January 1,  
18 1998; or

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

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

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

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

29                   **(16) AN EMPLOYEE OF THE TOWN OF BERWYN HEIGHTS ON OR**  
30 **AFTER THE DATE THAT THE TOWN OF BERWYN HEIGHTS BEGINS**  
31 **PARTICIPATION IN THE EMPLOYEES' PENSION SYSTEM.**

32 23-204.

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

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

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

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

10 (ii) Except as provided in paragraph ~~(2)~~ (3) 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)~~ (3) 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  
 17 Kent County;

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

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

20 ~~(iv) EMPLOYEES OF THE TOWN OF BERWYN HEIGHTS.~~

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

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

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

30 31-111.

31 (a) Except as provided in subsection (b) of this section and [ §§ 31-111.1 and  
 32 31-111.3] §§ **31-111.1, 31-111.3, AND 31-111.4** of this subtitle, if an employee of a

1 participating governmental unit joins the Employees' Pension System within 1 year  
2 after the effective date, the employee is entitled to service credit for employment with  
3 the participating governmental unit before the effective date.

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

9 **31-111.4.**

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

17 (B) **IF AN EMPLOYEE OR FORMER EMPLOYEE OF THE TOWN OF BERWYN**  
18 **HEIGHTS BECOMES A MEMBER OF THE EMPLOYEES' PENSION SYSTEM AT ANY**  
19 **TIME AFTER THE EFFECTIVE DATE, THE EMPLOYEE MAY NOT RECEIVE SERVICE**  
20 **CREDIT FOR EMPLOYMENT WITH THE TOWN OF BERWYN HEIGHTS BEFORE THE**  
21 **EFFECTIVE DATE.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.