

HOUSE BILL 745

K4

9lr2678

By: **Delegate Krebs**

Introduced and read first time: February 10, 2009

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2009

CHAPTER _____

1 AN ACT concerning

2 **Town of Sykesville Employees – Participation in the Employees’ Pension**
3 **System**

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

12 BY repealing and reenacting, with amendments,
13 Article – State Personnel and Pensions
14 Section 23–201(a), 23–204(b), and 31–111
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2008 Supplement)

17 BY adding to
18 Article – State Personnel and Pensions
19 Section 31–111.5
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2008 Supplement)

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

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 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
20 appointed 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) a former Baltimore City jail employee who became an employee of
25 the Baltimore City Detention Center and a member of the Employees’ Pension System
26 on July 1, 1991;

27 (10) a nonfaculty employee of the Baltimore City Community College
28 who:

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

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

3 (iii) transfers from the Teachers' Pension System in accordance
4 with § 23–202.1 of this subtitle; or

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

7 (11) 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 (12) a staff employee of the University System of Maryland, Morgan
11 State 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,
16 Morgan State University, or St. Mary's College who becomes an employee on or after
17 January 1, 1998;

18 (13) 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;

21 (14) 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;

23 (15) an employee of the City of Frostburg on or after the date that the
24 City of Frostburg begins participation in the Employees' Pension System; [and]

25 (16) an employee of the Town of Berwyn Heights on or after the date
26 that the Town of Berwyn Heights begins participation in the Employees' Pension
27 System; **AND**

28 **(17) AN EMPLOYEE OF THE TOWN OF SYKESVILLE ON OR AFTER**
29 **THE DATE THAT THE TOWN OF SYKESVILLE BEGINS PARTICIPATION IN THE**
30 **EMPLOYEES' PENSION SYSTEM.**

31 23–204.

32 (b) (1) This subsection does not apply to an employee of the Town of
33 Berwyn Heights.

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

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

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

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

11 (3) Membership in the Employees' Pension System is not optional for
12 individuals who are:

13 (i) supportive service employees of the Board of Education of
14 Kent County;

15 (ii) employees of the Town of Oakland; [or]

16 (iii) employees of the City of Frostburg; **OR**

17 **(IV) EMPLOYEES OF THE TOWN OF SYKESVILLE.**

18 31-111.

19 (a) Except as provided in subsection (b) of this section and §§ 31-111.1,
20 31-111.3, [and] 31-111.4, **AND 31-111.5** of this subtitle, if an employee of a
21 participating governmental unit joins the Employees' Pension System within 1 year
22 after the effective date, the employee is entitled to service credit for employment with
23 the participating governmental unit before the effective date.

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

29 **31-111.5.**

30 **(A) AN INDIVIDUAL WHO IS AN EMPLOYEE OF THE TOWN OF**
31 **SYKESVILLE ON THE EFFECTIVE DATE SHALL RECEIVE ELIGIBILITY SERVICE**
32 **AND CREDITABLE SERVICE IN THE EMPLOYEES' PENSION SYSTEM EQUAL TO**
33 **75% OF THE INDIVIDUAL'S PERIOD OF EMPLOYMENT WITH THE TOWN OF**

1 SYKESVILLE BEFORE THE EFFECTIVE DATE AS CERTIFIED BY THE TOWN OF
2 SYKESVILLE AS OF THE EFFECTIVE DATE.

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.