

# HOUSE BILL 1046

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By: **Prince George's County Delegation**

Introduced and read first time: February 6, 2014

Assigned to: Appropriations

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Committee Report: Favorable

House action: Adopted

Read second time: March 4, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **City of College Park Employees – Participation in the Employees' Pension**  
3 **System**

4 **PG 404–14**

5 FOR the purpose of requiring certain employees of the City of College Park to  
6 participate in the Employees' Pension System of the State as of a certain date;  
7 providing that membership in the Employees' Pension System is optional for  
8 certain employees of the City of College Park; requiring certain employees of the  
9 City of College Park to make a certain election on a certain date; requiring  
10 certain employees of the City of College Park, in order to elect to be a member of  
11 the Employees' Pension System, to file a written application with the Board of  
12 Trustees for the State Retirement and Pension System; providing for certain  
13 employees of the City of College Park to receive service credit for certain prior  
14 service; providing that certain employees of the City of College Park who  
15 become members of the Employees' Pension System after a certain date may not  
16 receive certain service credit; and generally relating to employees of the City of  
17 College Park participating in the 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 (2009 Replacement Volume and 2013 Supplement)

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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 BY adding to  
2 Article – State Personnel and Pensions  
3 Section 23–204(f) and 31–111.8  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2013 Supplement)

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

8 **Article – State Personnel and Pensions**

9 23–201.

10 (a) Except as provided in subsection (b) of this section, §§ 23–203 through  
11 23–205 of this subtitle apply only to:

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

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

15 (i) a clerk of the circuit court;

16 (ii) a register of wills;

17 (iii) a State’s Attorney; and

18 (iv) a sheriff;

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

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

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

24 (6) a permanent employee of the board of supervisors of elections of a  
25 county;

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

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

- 1                   (9)     a former Baltimore City jail employee who became an employee of  
2 the Baltimore City Detention Center and a member of the Employees' Pension System  
3 on July 1, 1991;
- 4                   (10)    a nonfaculty employee of the Baltimore City Community College  
5 who:
- 6                   (i)     is a member of the Employees' Pension System on October 1,  
7 2002;
- 8                   (ii)    transfers from the Employees' Retirement System on or  
9 after October 1, 2002;
- 10                  (iii)   transfers from the Teachers' Pension System in accordance  
11 with § 23-202.1 of this subtitle; or
- 12                  (iv)    becomes an employee of the Baltimore City Community  
13 College on or after October 1, 2002;
- 14                  (11)    a court reporter for the Circuit Court for Charles County who is a  
15 member of the Employees' Pension System on July 1, 1994, or transfers from the  
16 Employees' Retirement System on or after July 1, 1994;
- 17                  (12)    a staff employee of the University System of Maryland, Morgan  
18 State University, or St. Mary's College who is:
- 19                  (i)     a member of the Employees' Pension System on January 1,  
20 1998, or transfers from the Employees' Retirement System on or after January 1,  
21 1998; or
- 22                  (ii)    a staff employee of the University System of Maryland,  
23 Morgan State University, or St. Mary's College who becomes an employee on or after  
24 January 1, 1998;
- 25                  (13)    on or after the date that the Board of Education of Kent County  
26 begins participation in the Employees' Pension System, a supportive service employee  
27 of the Board of Education of Kent County;
- 28                  (14)    an employee of the Town of Oakland on or after the date that the  
29 Town of Oakland begins participation in the Employees' Pension System;
- 30                  (15)    an employee of the City of Frostburg on or after the date that the  
31 City of Frostburg begins participation in the Employees' Pension System;
- 32                  (16)    an employee of the Town of Berwyn Heights on or after the date  
33 that the Town of Berwyn Heights begins participation in the Employees' Pension  
34 System;

1 (17) an employee of the Town of Sykesville on or after the date that the  
2 Town of Sykesville begins participation in the Employees' Pension System;

3 (18) an employee of the Town of University Park on or after the date  
4 that the Town of University Park begins participation in the Employees' Pension  
5 System; [and]

6 (19) an employee of the Maryland Automobile Insurance Fund on or  
7 after the date that the Maryland Automobile Insurance Fund begins participation in  
8 the Employee's Pension System; **AND**

9 **(20) AN EMPLOYEE OF THE CITY OF COLLEGE PARK ON OR AFTER**  
10 **THE DATE THAT THE CITY OF COLLEGE PARK BEGINS PARTICIPATION IN THE**  
11 **EMPLOYEES' PENSION SYSTEM.**

12 23–204.

13 (b) (1) This subsection does not apply to an employee of:

14 (I) the Town of Berwyn Heights; **OR**

15 (II) **THE CITY OF COLLEGE PARK.**

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

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

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

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

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

28 (i) supportive service employees of the Board of Education of  
29 Kent County;

30 (ii) employees of the Town of Oakland;

- 1 (iii) employees of the City of Frostburg;
- 2 (iv) employees of the Town of Sykesville; or
- 3 (v) employees of the Town of University Park.

4 **(F) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO IS**  
5 **AN EMPLOYEE OF THE CITY OF COLLEGE PARK ON JUNE 30, 2014.**

6 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**  
7 **MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS OPTIONAL FOR AN**  
8 **INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WHO ELECTS**  
9 **MEMBERSHIP ON JULY 1, 2014.**

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

13 31-111.

14 (a) Except as provided in subsection (b) of this section and §§ 31-111.1,  
15 31-111.3, 31-111.4, 31-111.5, 31-111.6, [and] 31-111.7, AND **31-111.8** of this  
16 subtitle, if an employee of a participating governmental unit joins the Employees'  
17 Pension System on the effective date, the employee is entitled to service credit for  
18 employment with the participating governmental unit before the effective date.

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

24 **31-111.8.**

25 **(A) AN INDIVIDUAL WHO ELECTS MEMBERSHIP IN THE EMPLOYEES'**  
26 **PENSION SYSTEM UNDER § 23-204(F) OF THIS ARTICLE AND IS AN EMPLOYEE**  
27 **OF THE CITY OF COLLEGE PARK ON THE EFFECTIVE DATE SHALL RECEIVE**  
28 **ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN THE EMPLOYEES' PENSION**  
29 **SYSTEM EQUAL TO 60% OF THE INDIVIDUAL'S PERIOD OF EMPLOYMENT WITH**  
30 **THE CITY OF COLLEGE PARK BEFORE THE EFFECTIVE DATE AS CERTIFIED BY**  
31 **THE CITY OF COLLEGE PARK AS OF THE EFFECTIVE DATE.**

32 **(B) IF AN EMPLOYEE OR A FORMER EMPLOYEE OF THE CITY OF**  
33 **COLLEGE PARK BECOMES A MEMBER OF THE EMPLOYEES' PENSION SYSTEM**  
34 **AT ANY TIME AFTER THE EFFECTIVE DATE, THE EMPLOYEE MAY NOT RECEIVE**

1 SERVICE CREDIT FOR EMPLOYMENT WITH THE CITY OF COLLEGE PARK  
2 BEFORE THE EFFECTIVE DATE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 July 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.