

# SENATE BILL 442

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By: **Senator Eckardt**

Introduced and read first time: February 6, 2015

Assigned to: Budget and Taxation

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 3, 2015

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

1 AN ACT concerning

2 **Employees' Pension System – Dorchester County Sanitary Commission –**  
3 **Eligible Governmental Unit**

4 FOR the purpose of adding the Dorchester County Sanitary Commission as an eligible  
5 governmental unit in the Employees' Pension System; providing that certain  
6 individuals are subject to the alternate contributory pension benefit in the  
7 Employees' Pension System in the same manner as certain other individuals; and  
8 generally relating to employees of the Dorchester County Sanitary Commission  
9 participating in the Employees' Pension System.

10 BY repealing and reenacting, with amendments,  
11 Article – State Personnel and Pensions  
12 Section 23–221, 31–102, and 31–116.2  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2014 Supplement)

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

17 **Article – State Personnel and Pensions**

18 23–221.

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

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

3 (1) an active member of the Employees' Pension System or the Teachers'  
4 Pension System; or

5 (2) a member of the Teachers' Retirement System or Employees'  
6 Retirement System who is subject to Selection C (Combination Formula) as provided in §  
7 22-221 of this article.

8 (c) (1) This subsection applies to an individual who:

9 (I) was an employee of the Somerset County Economic  
10 Development Commission on June 30, 2011, and who remains an employee through the  
11 effective date of participation for the Somerset County Economic Development Commission  
12 as a participating governmental unit; **OR**

13 (II) **1. WAS AN EMPLOYEE OF THE DORCHESTER COUNTY**  
14 **COUNCIL WORKING FOR THE DORCHESTER COUNTY SANITARY COMMISSION ON**  
15 **JUNE 30, 2011;**

16 **2. CONTINUES WORKING FOR THE DORCHESTER**  
17 **COUNTY SANITARY COMMISSION WITHOUT INCURRING A BREAK IN EMPLOYMENT**  
18 **OF MORE THAN 30 DAYS; AND**

19 **3. BECOMES AN EMPLOYEE OF THE DORCHESTER**  
20 **COUNTY SANITARY COMMISSION BEFORE THE EFFECTIVE DATE OF PARTICIPATION**  
21 **FOR THE DORCHESTER COUNTY SANITARY COMMISSION AS A PARTICIPATING**  
22 **GOVERNMENTAL UNIT AND REMAINS AN EMPLOYEE THROUGH THE EFFECTIVE DATE**  
23 **OF PARTICIPATION.**

24 (2) An individual described in paragraph (1) of this subsection shall be  
25 considered subject to the alternate contributory pension benefit under Part III of this  
26 subtitle in the same manner as an individual who was a member of the Employees' Pension  
27 System on June 30, 2011.

28 (d) This Part III does not apply to:

29 (1) an employee of a participating governmental unit participating in the  
30 Employees' Pension System that has not elected to participate in the Alternate  
31 Contributory Pension Selection under § 31-116.1 of this article or a former participating  
32 governmental unit, other than Frederick County, that has withdrawn from the Employees'  
33 Pension System; or

1           (2) a member of the Employees' Pension System or the Teachers' Pension  
2 System who transferred from the Employees' Retirement System or the Teachers'  
3 Retirement System after April 1, 1998.

4 31-102.

5           Subject to § 22-202(b) of this article, the governmental units that are eligible to  
6 participate in the employees' systems are:

7           (1) a political subdivision of the State, including:

8                   (i) a county;

9                   (ii) a municipal corporation; and

10                  (iii) a special taxing area; and

11           (2) the following governmental units:

12                   (i) an agency on aging, as designated by the legislative body of the  
13 agency on aging;

14                   (ii) the Allegany County Transit Authority;

15                   (iii) subject to § 31-104 of this subtitle, the Baltimore Metropolitan  
16 Council;

17                   (iv) a board or commission created by an Act of the General Assembly  
18 for public purpose and not for the profit of a private person;

19                   (v) subject to § 31-105 of this subtitle, the Canal Place Preservation  
20 and Development Authority;

21                   (vi) the Chesapeake Bay Commission;

22                   (vii) a cooperative library commission;

23                   (viii) subject to § 31-103 of this subtitle, a community action agency,  
24 as designated by the legislative body of the community action agency;

25                   (ix) a fire department that receives any of its funds from or through  
26 a county, municipal corporation, special taxing area, or other political subdivision of the  
27 State;

28                   (x) the Health Planning Council of Appalachia;

29                   (xi) the Howard County Economic Development Authority;

- 1 (xii) the Interstate Commission on the Potomac River Basin;
- 2 (xiii) the Lower Shore Private Industry Council, Inc.;
- 3 (xiv) the Maryland Environmental Service;
- 4 (xv) subject to § 31–106 of this subtitle, the Maryland Stadium  
5 Authority;
- 6 (xvi) a public library association or organization;
- 7 (xvii) subject to § 31–106.2 of this subtitle, the St. Mary’s Nursing  
8 Center, Inc.;
- 9 (xviii) the Tri–County Council for Western Maryland, Inc.;
- 10 (xix) the Tri–County Council for Southern Maryland;
- 11 (xx) subject to § 31–107 of this subtitle, the University of Maryland  
12 Medical System Corporation;
- 13 (xxi) the Upper Potomac River Commission;
- 14 (xxii) subject to § 31–106.1 of this subtitle, the Maryland African  
15 American Museum Corporation;
- 16 (xxiii) the Garrett County Office for Children, Youth and Families;
- 17 [and]
- 18 (xxiv) the Somerset County Economic Development Commission; AND
- 19 **(XXV) THE DORCHESTER COUNTY SANITARY COMMISSION.**

20 31–116.2.

21 (a) (1) Except as provided in paragraph (2) of this subsection, this section  
22 applies to an individual who becomes an employee of a participating governmental unit on  
23 or after July 1, 2011.

24 (2) This section does not apply to an individual who becomes an employee  
25 of:

26 (i) a participating governmental unit that on July 1, 2011, is  
27 participating in the Employees’ Pension System and has not elected to participate in the  
28 Alternate Contributory Pension Selection under § 31–116.1 of this article; or

1 (ii) a former participating governmental unit, other than Frederick  
2 County, that has withdrawn from the Employees' Pension System on or before June 30,  
3 2011.

4 (b) An individual described in subsection (a) of this section is subject to the  
5 reformed contributory pension benefit under Title 23, Subtitle 2, Part IV of this article.

6 (c) (1) This subsection applies to an individual who:

7 (I) was an employee of the Somerset County Economic Development  
8 Commission on June 30, 2011, and who remains an employee through the effective date of  
9 participation for the Somerset County Economic Development Commission as a  
10 participating governmental unit; OR

11 (II) 1. WAS AN EMPLOYEE OF THE DORCHESTER COUNTY  
12 COUNCIL WORKING FOR THE DORCHESTER COUNTY SANITARY COMMISSION ON  
13 JUNE 30, 2011;

14 2. CONTINUES WORKING FOR THE DORCHESTER  
15 COUNTY SANITARY COMMISSION WITHOUT INCURRING A BREAK IN EMPLOYMENT  
16 OF MORE THAN 30 DAYS; AND

17 3. BECOMES AN EMPLOYEE OF THE DORCHESTER  
18 COUNTY SANITARY COMMISSION BEFORE THE EFFECTIVE DATE OF PARTICIPATION  
19 FOR THE DORCHESTER COUNTY SANITARY COMMISSION AS A PARTICIPATING  
20 GOVERNMENTAL UNIT AND REMAINS AN EMPLOYEE THROUGH THE EFFECTIVE DATE  
21 OF PARTICIPATION.

22 (2) An individual described in paragraph (1) of this subsection shall be  
23 considered subject to the alternate contributory pension benefit under Title 23, Subtitle 2,  
24 Part III of this article in the same manner as an individual who was a member of the  
25 Employees' Pension System on June 30, 2011.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
27 1, 2015.