

# SENATE BILL 545

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EMERGENCY BILL

2lr3002  
CF HB 1182

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By: **Carroll County Senators**

Introduced and read first time: January 31, 2022

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2022

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

1 AN ACT concerning

2 **Carroll County – Commissioners – Compensation and Benefits**

3 FOR the purpose of limiting the type of group insurance program and type of pension plan  
4 the Board of County Commissioners of Carroll County may establish for the Board  
5 of County Commissioners; altering the compensation and expenses to which the  
6 county commissioners are entitled; specifying that a county commissioner may  
7 participate in a certain pension plan, with certain limitations; specifying that a  
8 certain former county commissioner is not entitled to participate in any retiree  
9 health benefits program that is available to former full-time county employees  
10 unless the former county commissioner is otherwise qualified to participate in the  
11 retiree health benefits program; specifying that a county commissioner is entitled to  
12 participate in the same benefits program that is available to full-time county  
13 employees; and generally relating to the Carroll County Commissioners.

14 BY adding to

15 Article – Local Government  
16 Section 12–209  
17 Annotated Code of Maryland  
18 (2013 Volume and 2021 Supplement)

19 BY repealing and reenacting, with amendments,

20 The Public Local Laws of Carroll County  
21 Section 3–101(b) and 3–801  
22 Article 7 – Public Local Laws of Maryland  
23 (2014 Edition and April 2021 Supplement, as amended)

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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.



## Preamble

WHEREAS, The General Assembly of Maryland has the sole authority to provide for the compensation and benefits of the County Commissioners of Carroll County; and

WHEREAS, The General Assembly wishes to clarify the compensation and benefits of the County Commissioners of Carroll County to avoid any ambiguity as to the authority of the county to set its own policies regarding the compensation and benefits of the county commissioners; now, therefore,

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

**Article – Local Government****12-209.**

**(A) THIS SECTION APPLIES ONLY TO CARROLL COUNTY.**

**(B) NOTWITHSTANDING ANY OTHER LAW, THE BOARD OF COUNTY COMMISSIONERS MAY NOT ESTABLISH:**

**(1) A GROUP INSURANCE PROGRAM TO BE OFFERED TO THE COUNTY COMMISSIONERS, IN ANY YEAR, THAT OFFERS DIFFERENT BENEFITS OR A DIFFERENT COUNTY SUBSIDY ALLOWANCE THAN THE GROUP INSURANCE PROGRAM OFFERED TO FULL-TIME COUNTY EMPLOYEES FOR THAT YEAR; OR**

**(2) A DEFINED BENEFIT OR DEFINED CONTRIBUTION PENSION PLAN TO BE OFFERED TO THE COUNTY COMMISSIONERS THAT IS SEPARATE FROM A DEFINED BENEFIT OR DEFINED CONTRIBUTION PENSION PLAN OFFERED TO FULL-TIME COUNTY EMPLOYEES.**

**(C) A COUNTY COMMISSIONER:**

**(1) EACH YEAR MAY PARTICIPATE IN THE GROUP INSURANCE PROGRAM OFFERED TO FULL-TIME COUNTY EMPLOYEES, AND MAY RECEIVE THE SAME COUNTY SUBSIDY ALLOWED TO FULL-TIME COUNTY EMPLOYEES FOR THAT YEAR; AND**

**(2) EACH YEAR MAY PARTICIPATE IN A DEFINED BENEFIT OR DEFINED CONTRIBUTION PENSION PLAN OFFERED TO FULL-TIME COUNTY EMPLOYEES, BUT IS NOT ELIGIBLE FOR ANY EMPLOYER MATCHING CONTRIBUTION.**

**Article 7 – Carroll County**

1 3-101.

2 (b) Each County Commissioner is entitled to **THE FOLLOWING COMPENSATION**  
3 **AND ALLOWANCES:**

4 (1) A salary of **[\$45,000] \$50,000** a year; and

5 (2) **[An allowance for expenses incurred in the performance of the duties of**  
6 **that office, as provided in the county budget.] REIMBURSEMENT FOR ANY**  
7 **COUNTY-RELATED EXPENSES INCURRED FOR ANY OFFICIAL DUTIES BY THE**  
8 **COUNTY COMMISSIONER.**

9 3-801.

10 (a) Carroll County may establish and maintain a general system of pensions and  
11 retirement and group insurance for the benefit and advantage of its officers and employees  
12 as authorized by **[Article 25, § 3(g) of the Code] §§ 12-201 AND 12-209 OF THE LOCAL**  
13 **GOVERNMENT ARTICLE.**

14 **(B) THE BOARD OF COUNTY COMMISSIONERS MAY NOT ESTABLISH:**

15 **(1) A GROUP INSURANCE PROGRAM TO BE OFFERED TO THE COUNTY**  
16 **COMMISSIONERS, IN ANY YEAR, THAT OFFERS DIFFERENT BENEFITS OR A**  
17 **DIFFERENT COUNTY SUBSIDY ALLOWANCE THAN THE GROUP INSURANCE PROGRAM**  
18 **OFFERED TO FULL-TIME COUNTY EMPLOYEES FOR THAT YEAR; OR**

19 **(2) A DEFINED BENEFIT OR DEFINED CONTRIBUTION PENSION PLAN**  
20 **TO BE OFFERED TO THE COUNTY COMMISSIONERS IN ANY YEAR THAT IS SEPARATE**  
21 **FROM A DEFINED BENEFIT OR DEFINED CONTRIBUTION PENSION PLAN OFFERED TO**  
22 **FULL-TIME COUNTY EMPLOYEES.**

23 **(C) A FORMER COUNTY COMMISSIONER WHOSE FINAL TERM AS COUNTY**  
24 **COMMISSIONER ENDS ON OR AFTER DECEMBER 6, 2022, MAY NOT PARTICIPATE IN**  
25 **ANY COUNTY RETIREE HEALTH BENEFITS PROGRAM UNLESS THE COUNTY**  
26 **COMMISSIONER IS OTHERWISE QUALIFIED TO PARTICIPATE DUE TO SERVICE AS A**  
27 **FULL-TIME COUNTY EMPLOYEE.**

28 **(D) A COUNTY COMMISSIONER:**

29 **(1) EACH YEAR MAY PARTICIPATE IN THE GROUP INSURANCE**  
30 **PROGRAM OFFERED TO FULL-TIME COUNTY EMPLOYEES, AND MAY RECEIVE THE**  
31 **SAME COUNTY SUBSIDY ALLOWED TO FULL-TIME COUNTY EMPLOYEES FOR THAT**  
32 **YEAR; AND**

1           **(2) EACH YEAR MAY PARTICIPATE IN A DEFINED BENEFIT OR**  
2 **DEFINED CONTRIBUTION PENSION PLAN OFFERED TO FULL-TIME COUNTY**  
3 **EMPLOYEES, BUT IS NOT ELIGIBLE FOR ANY EMPLOYER MATCHING CONTRIBUTION.**

4           **[(b)] (E)** With respect to any plan established under subsection (a) of this  
5 section, Carroll County shall have the power to do such acts as may be necessary to  
6 implement, maintain, administer, and carry out the purposes of any such plan.

7           **[(c)] (F)** Except as provided in [Article 95, § 22(b) of the Code, the provisions of  
8 Article 95 of the Code] **§ 17-102 OF THE LOCAL GOVERNMENT ARTICLE** and any other  
9 law limiting the types of investments which may be made of county funds or limiting or  
10 placing conditions upon the deposit of county funds are not applicable to the deposit and  
11 investment of moneys deferred pursuant to any plan under this section, to the end that  
12 such moneys may be deposited and invested in accordance with the investment elections  
13 permitted under the plan.

14           **SECTION 2. AND BE IT FURTHER ENACTED,** That, pursuant to Article III, § 35  
15 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary  
16 or compensation of the County Commissioners of Carroll County while serving in a term of  
17 office beginning before the effective date of this Act, but the provisions of this Act  
18 concerning the salary or compensation of the County Commissioners of Carroll County  
19 shall take effect at the beginning of the next following term of office. This limitation does  
20 not apply to an individual appointed or elected after the effective date of this Act to fill out  
21 an unexpired term.

22           **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall be construed to  
23 apply only prospectively and may not be applied or interpreted to have any effect on or  
24 application to any individual whose final term of office as County Commissioner of Carroll  
25 County ends before December ~~4~~ 6, 2022.

26           **SECTION 4. AND BE IT FURTHER ENACTED,** That this Act is an emergency  
27 measure, is necessary for the immediate preservation of the public health or safety, has  
28 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
29 each of the two Houses of the General Assembly, and shall take effect from the date it is  
30 enacted.