

# SENATE BILL 204

P6

3lr1680  
CF HB 1236

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By: **Senator Jackson**

Introduced and read first time: January 20, 2023

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2023

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

1 AN ACT concerning

2 **State Retirement and Pension System – Vesting and Retirement Allowance**  
3 **– Clerk of the Court and Register of Wills**

4 FOR the purpose of establishing for a clerk of a circuit court and a register of wills vesting  
5 rights and a retirement allowance in the Employees' Pension System after accruing  
6 a certain period of eligibility service; establishing that a clerk of a circuit court and  
7 a register of wills who begins membership in the Employees' Pension System on or  
8 after a certain date may retire with a normal retirement allowance after a certain  
9 period of eligibility service; and generally relating to the vesting and retirement  
10 allowance of ~~a clerk of a circuit court and a register of wills in~~ certain members of  
11 the State Retirement and Pension System.

12 BY repealing and reenacting, with amendments,  
13 Article – State Personnel and Pensions  
14 Section 23–401(f), 29–303(b) and (b–1), 29–304, and 29–305  
15 Annotated Code of Maryland  
16 (2015 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article – State Personnel and Pensions  
19 Section 29–303(a)  
20 Annotated Code of Maryland  
21 (2015 Replacement Volume and 2022 Supplement)

22 BY adding to

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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 Article – State Personnel and Pensions  
 2 Section 29–306  
 3 Annotated Code of Maryland  
 4 (2015 Replacement Volume and 2022 Supplement)

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

7 **Article – State Personnel and Pensions**

8 23–401.

9 (f) (1) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
 10 PARAGRAPH, A member who begins membership on or after July 1, 2011, may retire with  
 11 a normal service retirement allowance if:

12 [(i)] 1. the member completes and submits a written application  
 13 to the Board of Trustees stating the date when the member desires to retire; and

14 [(ii)] 2. on or before the date of retirement, the member:

15 [1.] A. has at least 90 years of combined age and years of  
 16 eligibility service; or

17 [2.] B. is at least 65 years old and has at least 10 years of  
 18 eligibility service.

19 (II) A CLERK OF THE CIRCUIT COURT OR A REGISTER OF WILLS  
 20 WHO BEGINS MEMBERSHIP ON OR AFTER JULY 1, 2011, MAY RETIRE WITH A NORMAL  
 21 SERVICE RETIREMENT ALLOWANCE IF:

22 1. THE MEMBER COMPLETES AND SUBMITS A WRITTEN  
 23 APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER  
 24 DESIRES TO RETIRE; AND

25 2. ON OR BEFORE THE DATE OF RETIREMENT, THE  
 26 MEMBER:

27 A. HAS AT LEAST 90 YEARS OF COMBINED AGE AND  
 28 YEARS OF ELIGIBILITY SERVICE; OR

29 B. IS AT LEAST 65 YEARS OLD AND HAS AT LEAST 8 YEARS  
 30 OF ELIGIBILITY SERVICE.

1           (2) Except as provided in subsection (g) of this section, a member who is  
2 subject to the reformed contributory pension benefit under Subtitle 2, Part IV of this title  
3 is entitled to receive a normal service retirement that equals the number of years of the  
4 member's creditable service multiplied by 1.5% of the member's average final  
5 compensation.

6 29-303.

7           (a) This section applies only to members of:

8                   (1) the Employees' Pension System;

9                   (2) the Local Fire and Police System;

10                  (3) the Law Enforcement Officers' Pension System; or

11                  (4) the Teachers' Pension System.

12           (b) (1) This subsection applies to an individual who is a member on or before  
13 June 30, 2011.

14                   (2) A member is eligible to receive a vested allowance if:

15                           (i) the member separated from employment other than by death or  
16 retirement; and

17                           (ii) **EXCEPT AS OTHERWISE PROVIDED UNDER THIS SUBTITLE,**  
18 the member has at least 5 years of eligibility service.

19           (b-1) (1) This subsection applies to an individual who becomes a member on or  
20 after July 1, 2011.

21                   (2) A member is eligible to receive a vested allowance if:

22                           (i) the member separated from employment other than by death or  
23 retirement; and

24                           (ii) **EXCEPT AS OTHERWISE PROVIDED UNDER THIS SUBTITLE,**  
25 the member has at least 10 years of eligibility service.

26 29-304.

27           (a) An individual shall have immediate vesting rights on taking office in the State  
28 system in which the individual is a member if the individual is:

29                   (1) a secretary of a principal department of the State government; or

1           (2)    a head of a department, an office, or any other unit of State government:

2                   (i)      serving at the Governor’s pleasure; or

3                   (ii)     appointed by the Governor for a fixed term and is in the position  
4 on or after June 1, 2022.

5           (b)    An individual who commences employment as the Executive Director of the  
6 State Retirement Agency on or after January 1, 2021, shall have immediate vesting rights  
7 in the Employees’ Pension System.

8           **(C)    AN INDIVIDUAL WHO VESTS UNDER THIS SECTION IS ENTITLED TO A**  
9 **RETIREMENT ALLOWANCE AS PROVIDED IN § 29–302 OR § 29–303 OF THIS SUBTITLE.**  
10 **29–305.**

11          (a)    In this section, “constitutional officer” means:

12                   (1)     the Attorney General of the State;

13                   (2)     the Comptroller of the State;

14                   (3)     the Lieutenant Governor of the State;

15                   (4)     the Secretary of State; or

16                   (5)     the Treasurer of the State.

17          (b)    (1)   A constitutional officer who is a member of the Employees’ Pension  
18 System:

19                   (i)      on taking office, has immediate vesting rights in the Employees’  
20 Pension System; and

21                   (ii)     except as provided in paragraph (2) of this subsection, is entitled  
22 to a retirement allowance as provided in [Title 23, Subtitle 4 of this article] § 29–303 OF  
23 **THIS SUBTITLE.**

24                   (2)   The retirement allowance of a constitutional officer who serves at least  
25 one full term may not be less than 10% of the annual salary received during the  
26 constitutional officer’s last term.

27 **29–306.**

28          **(A)    THIS SECTION APPLIES TO AN INDIVIDUAL WHO BEGINS MEMBERSHIP**  
29 **ON OR AFTER JULY 1, 2011, AS:**

1 (1) A CLERK OF THE CIRCUIT COURT; ~~AND OR~~

2 (2) A REGISTER OF WILLS.

3 (B) A CLERK OF THE CIRCUIT COURT OR A REGISTER OF WILLS WHO IS A  
4 MEMBER OF THE EMPLOYEES' PENSION SYSTEM:

5 (1) HAS VESTING RIGHTS AFTER ACCRUING AT LEAST 8 YEARS OF  
6 ELIGIBILITY SERVICE; AND

7 (2) IS ENTITLED TO A RETIREMENT ALLOWANCE AS PROVIDED IN  
8 ~~TITLE 23, SUBTITLE 4 OF THIS ARTICLE~~ § 29-303 OF THIS SUBTITLE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35  
10 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary  
11 or compensation of a clerk of the circuit court or a register of wills while serving in a term  
12 of office beginning before the effective date of this Act, but the provisions of this Act  
13 concerning the salary or compensation of a clerk of the circuit court or a register of wills  
14 shall take effect at the beginning of the next following term of office. This limitation does  
15 not apply to an individual appointed or elected after the effective date of this Act to fill out  
16 an unexpired term.

17 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 July 1, 2023.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.