

Chapter 605

(House Bill 1182)

AN ACT concerning

Carroll County – Commissioners – Compensation and Benefits

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

BY adding to

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

BY repealing and reenacting, with amendments,

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

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

3-101.

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

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

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

3-801.

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

(B) 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 IN ANY YEAR THAT IS SEPARATE FROM A DEFINED BENEFIT OR DEFINED CONTRIBUTION PENSION PLAN OFFERED TO FULL–TIME COUNTY EMPLOYEES.

(c) A FORMER COUNTY COMMISSIONER WHOSE FINAL TERM AS COUNTY COMMISSIONER ENDS ON OR AFTER DECEMBER 6, 2022, MAY NOT PARTICIPATE IN ANY COUNTY RETIREE HEALTH BENEFITS PROGRAM UNLESS THE COUNTY COMMISSIONER IS OTHERWISE QUALIFIED TO PARTICIPATE DUE TO SERVICE AS A FULL–TIME COUNTY EMPLOYEE.

(D) 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.

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

[(c)] (F) Except as provided in [Article 95, § 22(b) of the Code, the provisions of Article 95 of the Code] **§ 17–102 OF THE LOCAL GOVERNMENT ARTICLE** and any other law limiting the types of investments which may be made of county funds or limiting or placing conditions upon the deposit of county funds are not applicable to the deposit and investment of moneys deferred pursuant to any plan under this section, to the end that

such moneys may be deposited and invested in accordance with the investment elections permitted under the plan.

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.