

Chapter 33

(Senate Bill 442)

AN ACT concerning

Employees’ Pension System – Dorchester County Sanitary Commission – Eligible Governmental Unit

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

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

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

Article – State Personnel and Pensions

23–221.

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

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

(1) an active member of the Employees’ Pension System or the Teachers’ Pension System; or

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

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

(I) was an employee of the Somerset County Economic Development Commission on June 30, 2011, and who remains an employee through the

effective date of participation for the Somerset County Economic Development Commission as a participating governmental unit; **OR**

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

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

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

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

(d) This Part III does not apply to:

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

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

31-102.

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

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

(i) a county;

(ii) a municipal corporation; and

- (iii) a special taxing area; and
- (2) the following governmental units:
 - (i) an agency on aging, as designated by the legislative body of the agency on aging;
 - (ii) the Allegany County Transit Authority;
 - (iii) subject to § 31–104 of this subtitle, the Baltimore Metropolitan Council;
 - (iv) a board or commission created by an Act of the General Assembly for public purpose and not for the profit of a private person;
 - (v) subject to § 31–105 of this subtitle, the Canal Place Preservation and Development Authority;
 - (vi) the Chesapeake Bay Commission;
 - (vii) a cooperative library commission;
 - (viii) subject to § 31–103 of this subtitle, a community action agency, as designated by the legislative body of the community action agency;
 - (ix) a fire department that receives any of its funds from or through a county, municipal corporation, special taxing area, or other political subdivision of the State;
 - (x) the Health Planning Council of Appalachia;
 - (xi) the Howard County Economic Development Authority;
 - (xii) the Interstate Commission on the Potomac River Basin;
 - (xiii) the Lower Shore Private Industry Council, Inc.;
 - (xiv) the Maryland Environmental Service;
 - (xv) subject to § 31–106 of this subtitle, the Maryland Stadium Authority;
 - (xvi) a public library association or organization;
 - (xvii) subject to § 31–106.2 of this subtitle, the St. Mary’s Nursing Center, Inc.;

(xviii) the Tri-County Council for Western Maryland, Inc.;

(xix) the Tri-County Council for Southern Maryland;

(xx) subject to § 31-107 of this subtitle, the University of Maryland Medical System Corporation;

(xxi) the Upper Potomac River Commission;

(xxii) subject to § 31-106.1 of this subtitle, the Maryland African American Museum Corporation;

(xxiii) the Garrett County Office for Children, Youth and Families;
[and]

(xxiv) the Somerset County Economic Development Commission; **AND**

(XXV) THE DORCHESTER COUNTY SANITARY COMMISSION.

31-116.2.

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

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

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

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

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

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

(I) was an employee of the Somerset County Economic Development Commission on June 30, 2011, and who remains an employee through the effective date of

participation for the Somerset County Economic Development Commission as a participating governmental unit; OR

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

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

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

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

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

Approved by the Governor, April 14, 2015.