

SENATE BILL 885

K4, R2, P2

4lr2483

By: **Senator Jones–Rodwell**

Introduced and read first time: January 31, 2014

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **State Pension System – Concessionaires and Other Private Entities –**
3 **Participation**

4 FOR the purpose of requiring a concessionaire or other private entity that performs
5 certain services under a public–private partnership that includes certain
6 activities related to a transit facility and the employees of the concessionaire or
7 other private entity to participate in the Employees’ Pension System; and
8 generally relating to participation in the Employees’ Pension System by certain
9 entities participating in certain public–private partnerships.

10 BY repealing and reenacting, with amendments,
11 Article – State Personnel and Pensions
12 Section 23–201(a)(18) and (19) and 31–102(2)(xxiii) and (xxiv)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2013 Supplement)

15 BY adding to
16 Article – State Personnel and Pensions
17 Section 23–201(a)(20) and 31–102(2)(xxv)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2013 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – State Personnel and Pensions
22 Section 23–203
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Personnel and Pensions**

2 23–201.

3 (a) Except as provided in subsection (b) of this section, §§ 23–203 through
4 23–205 of this subtitle apply only to:

5 (18) an employee of the Town of University Park on or after the date
6 that the Town of University Park begins participation in the Employees’ Pension
7 System; [and]

8 (19) an employee of the Maryland Automobile Insurance Fund on or
9 after the date that the Maryland Automobile Insurance Fund begins participation in
10 the Employee’s Pension System; **AND**

11 **(20) AN EMPLOYEE OF A CONCESSIONAIRE OR ANY OTHER**
12 **PRIVATE ENTITY THAT PERFORMS FUNCTIONS NORMALLY UNDERTAKEN BY A**
13 **GOVERNMENTAL UNIT UNDER A PUBLIC–PRIVATE PARTNERSHIP UNDER TITLE**
14 **10A OF THE STATE FINANCE AND PROCUREMENT ARTICLE THAT INCLUDES**
15 **THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF A TRANSIT FACILITY.**

16 23–203.

17 Except as provided in § 23–204 of this subtitle, an individual described in §
18 23–201(a) of this subtitle who becomes an employee of a participating employer on or
19 after January 1, 1980, or who transfers membership from the Employees’ Retirement
20 System, is a member of the Employees’ Pension System as a condition of employment.

21 31–102.

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

24 (2) the following governmental units:

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

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

29 **(XXV) A CONCESSIONAIRE OR ANY OTHER PRIVATE ENTITY**
30 **THAT PERFORMS FUNCTIONS NORMALLY UNDERTAKEN BY A GOVERNMENTAL**
31 **UNIT UNDER A PUBLIC–PRIVATE PARTNERSHIP UNDER TITLE 10A OF THE**
32 **STATE FINANCE AND PROCUREMENT ARTICLE THAT INCLUDES THE**
33 **CONSTRUCTION, OPERATION, OR MAINTENANCE OF A TRANSIT FACILITY.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2014.