

## 3.

(5) Optional Membership of Certain Officials.—Notwithstanding anything to the contrary in this article, membership in the retirement system shall be optional with any class of officials elected or appointed [for fixed terms]; or with any employees of the Governor's office, or with any desk officer or employee of either house of the General Assembly who receives an annual salary as his compensation for such employment, who shall be deemed to be an appointed official within the application of this subsection. All officials elected or appointed [for fixed terms] on or after July 1, 1957, may become members of the system upon making application therefor at any time after their elections or appointment and before the expiration of their respective terms. All such officials shall be entitled to credit for previous service rendered by them to the State, or a participating municipal corporation, including service rendered prior to the establishment of the Employees' Retirement System. If any such official is entitled to a pension or retirement allowance under the provisions of any other law, and such pension or retirement allowance is supported wholly or in part by the State of Maryland, except benefits from social security, such official shall be deemed to have waived the benefits thereof by accepting the payment of benefits under this article. Upon receiving a claim for such service credit from the official, the board of trustees of the retirement system shall verify the fact of such previous employment and the creditable service to which the member is entitled, compute the amount due from such political subdivision for which credit is claimed, and submit a statement to the participating municipal corporation for such amount, such computation to be based upon the compensation actually received by the official from the municipal corporation during the period for which service is to be credited. The participating municipal corporation is authorized and directed forthwith to pay the said amount to the retirement system, or to place it in the next ensuing budget for prompt payment when that budget becomes effective. The board of trustees is authorized and directed to include any amount due from the State in the appropriation allowed by the next ensuing State budget.

Any such official who receives membership service credit for service rendered to the State or to a participating municipal corporation under the provisions of this subsection shall pay to the retirement system by single payment, within such period of time as may be determined by the board of trustees, the contributions, with interest, which he would have paid had he been a member of the retirement system but withdrew. Provided, however, that any such member may waive the payment of any or all such contributions, in which case upon retirement any ordinary disability retirement allowance or any allowance due to nonreappointment or nonre-election to any office payable to such an official, shall be reduced by the actuarial equivalent of those contributions which he had not paid, with interest to date of retirement.

The total retirement allowance that would have been payable to the beneficiary had he not waived his contributions shall be used as the basis for the determination of any supplemental payment under the provisions of Section 14 (7) of this article.

Provided further that any desk officer or employee of either house of the General Assembly, who was receiving an annual salary as