

was provided in this section at the time he resigned; and except for a judge who has resigned or who resigns because of incapacitating illness, no other judge who has resigned or who resigns prior to reaching his sixtieth birthday is entitled to any benefits under the provisions of this section UNTIL HE REACHES HIS SIXTIETH BIRTHDAY WHEN HE SHALL BE ENTITLED TO A PENSION AS PROVIDED IN THIS SUBSECTION COMPUTED ON HIS YEARS OF SERVICE AS OF THE DATE OF HIS RETIREMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 24, 1973.

CHAPTER 666

(Senate Bill 234)

AN ACT to repeal and re-enact, with amendments, Section 1 (3) of Article 73B of Annotated Code of Maryland (1972 Supplement), title "Pensions," subtitle

"In General," to include certain employees of the Maryland Racing Commission within the definition of "employee" for purposes of the State Employees' Retirement System and to correct an error therein.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 1 (3) of Article 73B of the Annotated Code of Maryland (1972 Supplement), title "Pensions," subtitle "In General," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

1.

(3) "Employee" shall mean any regular classified or unclassified officer or employee of the State for whom compensation is provided for by State appropriation, or whose compensation is paid from State funds, including all regular employees [or] OF the State Highway Administration, whether classified or unclassified and whether paid on an annual, daily or hourly basis, and shall expressly include those engaged in work on the maintenance of county roads under the supervision of the State Highway Administration. The term "employee" shall include any appointed or elected employee of the State, and any clerk of any court and register of wills, and shall include the Sheriff of Baltimore City and the employees of his office. It shall exclude any person who is a member of or eligible to membership in the Teachers' Retirement System of the State of Maryland or OF the State Police Pension Fund or any Judge of the Circuit Court, Supreme Bench of Baltimore City, Court of Appeals of Maryland, Court of Special Appeals, and District Courts, and any class of employees whose compensation is only partly paid by the State or who are serving on a temporary basis. The term "employee" also shall include any person who was regularly employed by Miners' Hospital in Frostburg and who was a member of the retirement system at the time it was transferred from State ownership, and who continues in employment at the hospital after the transfer, so long as all contributions to the retirement system which are required from both employees and employer are made when and as payable. From and after the time the hospital is transferred from State ownership, the State no longer has the responsibility of paying the employer's share of the contributions. The term "employee" also shall, on and after June 1, 1961, include any person who is regularly employed by the State Military Department as a National Guard technician, although paid by or from federal appropriated funds,