

Subsection (b) of this section is new language derived without substantive change from former Art. 73B, § 2-203.

In subsection (a) of this section, the reference to "an individual described in § 22-201(a) of this subtitle" is added to reflect that "employee" is no longer a defined term.

Also in subsection (a) of this section, the phrase "[e]xcept as provided in § 22-203 of this subtitle" is added to clarify that membership is not a condition of employment for those individuals for whom membership is optional.

In subsection (b) of this section, the reference to a person who becomes "an employee on or after that date" is deleted as surplusage.

Former Art. 73B, § 2-206 of the Code, which is referred to in subsection (b) of this section, has been transferred to the Session Laws. See the General Revisor's Note to this title.

Defined terms: "Employees' Retirement System" § 20-101  
"Member" § 20-101

22-203. SAME — OPTIONAL MEMBERSHIP.

(A) STATE EMPLOYEES AND OFFICIALS.

(1) THIS SUBSECTION APPLIES ONLY TO:

(I) AN ELECTED OR APPOINTED OFFICIAL;

(II) AN EMPLOYEE OF THE GOVERNOR'S OFFICE; AND

(III) A DESK OFFICER OR EMPLOYEE OF EITHER HOUSE OF THE GENERAL ASSEMBLY WHO RECEIVES AN ANNUAL SALARY AS COMPENSATION FOR EMPLOYMENT.

(2) MEMBERSHIP IN THE EMPLOYEES' RETIREMENT SYSTEM IS OPTIONAL FOR AN INDIVIDUAL WHO WAS ELECTED OR APPOINTED TO A POSITION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION FROM JULY 1, 1957, TO DECEMBER 31, 1979, BOTH INCLUSIVE.

(3) DURING AN INDIVIDUAL'S TERM, THE INDIVIDUAL MAY BECOME A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM UNDER THIS SUBSECTION BY COMPLETING AND SUBMITTING AN APPLICATION FOR MEMBERSHIP TO THE BOARD OF TRUSTEES.

(B) EMPLOYEES AND OFFICIALS OF PARTICIPATING GOVERNMENTAL UNITS.

MEMBERSHIP IN THE EMPLOYEES' RETIREMENT SYSTEM IS OPTIONAL FOR THE EMPLOYEES OF A PARTICIPATING GOVERNMENTAL UNIT WHO ARE EMPLOYED BY THE PARTICIPATING GOVERNMENTAL UNIT ON THE EFFECTIVE DATE OF PARTICIPATION IN THE STATE SYSTEMS.