

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, § 2-201(c) and, as it related to optional membership in the Employees' Retirement System, § 10-103(a)(1).

In subsection (a) of this section, the phrase "any class of", which formerly modified "officials", and the clause "who shall be deemed to be an appointed official within the application of this subsection" are deleted as surplusage.

In subsection (b) of this section, the references to "the participating governmental unit" are added for clarity. Also in subsection (b) of this section, the reference to "the effective date of participation in the State systems" is substituted for the former reference to "the date the approval is given" to conform to terminology used in Title 31, Subtitle 1, of this article.

Defined terms: "Board of Trustees" § 20-101
 "Employees' Retirement System" § 20-101
 "Member" § 20-101
 "Participating governmental unit" § 20-101
 "State system" § 20-101

22-204. SAME — DETERMINATION BY BOARD OF TRUSTEES.

IF ELIGIBILITY OF AN INDIVIDUAL FOR MEMBERSHIP IN THE EMPLOYEES' RETIREMENT SYSTEM IS UNCLEAR, THE BOARD OF TRUSTEES SHALL DETERMINE WHETHER THE INDIVIDUAL IS A MEMBER WITHOUT REGARD TO THE METHOD OF PAYMENT OF THE INDIVIDUAL'S COMPENSATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, § 2-101(e)(4).

In this section, the reference to "a member" of the Employees' Retirement System is substituted for the reference to an "employee" to reflect that "employee" is no longer a defined term.

Also in this section, the phrase "[i]f eligibility of an individual for membership in the Employees' Retirement System is unclear" is substituted for "[i]n any case of doubt" for clarity. Similarly, the phrase "of the individual's compensation" is added to clarify the reference to a "method of payment".

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

22-205. MEMBERSHIP IN THE TEACHERS' RETIREMENT SYSTEM — SCOPE.

(A) APPLICATION.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, §§ 22-206 THROUGH 22-208 OF THIS SUBTITLE APPLY ONLY TO:

(1) AN EMPLOYEE OF A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, EMPLOYED AS: