

(4) a transfer from the Teachers' Retirement System of the State of Maryland to the Teachers' Pension System of the State of Maryland [under § 22-212 or § 22-213 of this article] ON OR BEFORE DECEMBER 31, 2004;

(5) a transfer between the Employees' Retirement System of the State of Maryland and the Teachers' Retirement System of the State of Maryland;

(6) a transfer between the Employees' Pension System of the State of Maryland and the Teachers' Pension System of the State of Maryland if the member is not subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of this article in the previous and current system; or

(7) a transfer between the Employees' Pension System of the State of Maryland and the Teachers' Pension System of the State of Maryland if the member is subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of this article in the previous and current system.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - State Personnel and Pensions

20-101.

(c) "Additional contribution" means a contribution that is[:

(1)] made voluntarily by a member[; or

(2) designated as an additional contribution under § 22-212 or § 22-213 of this article].

21-313.

(c) The member contributions under subsection (b) of this section:

(1) are designated as employee contributions to be picked up by the employing unit within the meaning of § 414(h)(2) of the Internal Revenue Code and shall be treated as employer contributions in determining tax treatment under that section;

(2) shall reduce the compensation of the member in an amount that equals the member contribution picked up by the employer;

(3) may not be included as gross income of the member until the pickup amounts are distributed or made available to the member;

(4) shall be paid by the State or other approved employer from the same source of funds that is used to pay compensation to the member; and

(5) [except as provided in §§ 22-212 and 22-213 of this article,] for purposes of this Division II, shall be treated in the same manner and to the same extent as member contributions made before establishment of the employer pickup program.