

Chapter 398

(Senate Bill 761)

AN ACT concerning

~~Alcohol and Tobacco Commission – Executive Director – Clarification~~
State Retirement and Pension System – Executive Directors – Membership and Vesting

FOR the purpose of requiring the Executive Director of the Alcohol and Tobacco Commission to be a sworn police officer with certain powers; specifying that the Executive Director is a member of the Law Enforcement Officers’ Pension System as a condition of employment; providing that an individual who commences employment as the Executive Director of the State Retirement Agency on or after a certain date shall have immediate vesting rights in the Employees’ Pension System; requiring the Board of Trustees for the State Retirement and Pension System to transfer certain service earned under certain circumstances; requiring the Board of Trustees to transfer certain employer and member contributions from the Employees’ Pension System to the Law Enforcement Officers’ Pension System; requiring the State Retirement Agency to submit a certain report on or before a certain date on immediate vesting for certain positions; and generally relating to ~~the Executive Director of the Alcohol and Tobacco Commission~~ membership and vesting in the State Retirement and Pension System for certain Executive Directors.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 1–302 and 1–313(b)(2)
Annotated Code of Maryland
(2016 Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 1–309(c)
Annotated Code of Maryland
(2016 Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 26–101 and 26–202(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–201(a)(20) and (21) and 29–304
Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 26–201(a)(22)

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

1–302.

There is an Alcohol and Tobacco Commission.

1–309.

(c) The Executive Director shall:

(1) have the training and experience, including knowledge of the Maryland alcohol regulatory system, that is needed to direct the work of the Commission; **[and]**

(2) **BE A SWORN POLICE OFFICER WITH THE POWERS GRANTED TO AN OFFICER OR EMPLOYEE OF THE FIELD ENFORCEMENT DIVISION UNDER § 1–313 OF THIS SUBTITLE; AND**

(3) devote full time to the duties of office and may not engage in another profession or occupation.

1–313.

(b) (2) The officers and employees of the Field Enforcement Division:

(i) shall be sworn police officers;

(ii) shall have the powers, duties, and responsibilities of peace officers to enforce the provisions of this article relating to:

1. the unlawful importation of alcoholic beverages and tobacco into the State;

2. the unlawful manufacture of alcoholic beverages and tobacco in the State;

3. the transportation and distribution throughout the State of alcoholic beverages and tobacco that are manufactured illegally and on which any alcoholic beverages taxes or tobacco taxes imposed by the State are due and unpaid; and

4. the manufacture, sale, barter, transportation, distribution, or other form of owning, handling, or dispersing alcoholic beverages or tobacco by any person not licensed or authorized under this article, provisions of the Tax – General Article relating to alcoholic beverages or tobacco, or provisions of the Business Regulation Article relating to tobacco; and

(iii) may make cooperative arrangements for and work and cooperate with the Office of the Comptroller, local State’s Attorneys, sheriffs, bailiffs, police, and other prosecuting and peace officers to enforce this article.

Article – State Personnel and Pensions

26–101.

This title applies to the Law Enforcement Officers’ Pension System.

26–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(20) a police officer employed by the Baltimore City Community College who has the power granted to a police officer under § 16–513 of the Education Article; [or]

(21) an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services who has the powers granted to a peace officer or police officer under § 6–106 of the Correctional Services Article; **OR**

(22) THE EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION.

26–202.

(a) Except as provided in subsection (b) of this section, an individual described in § 26–201 of this subtitle is a member of the Law Enforcement Officers’ Pension System as a condition of employment.

29–304.

(A) An individual who is a secretary of a principal department or a head of a department, office, or other unit of the State government serving at the Governor’s pleasure

has immediate vesting rights on taking office in the State system in which the individual is a member.

(B) AN INDIVIDUAL WHO COMMENCES EMPLOYMENT AS THE EXECUTIVE DIRECTOR OF THE STATE RETIREMENT AGENCY ON OR AFTER JANUARY 1, 2021, SHALL HAVE IMMEDIATE VESTING RIGHTS IN THE EMPLOYEES' PENSION SYSTEM.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

(1) on May 31, 2021, is serving in the position of Executive Director of the Alcohol and Tobacco Commission and remains in that position on June 1, 2021; and

(2) before December 1, 2020, was a member of the Law Enforcement Officers' Pension System.

(b) The Board of Trustees for the State Retirement and Pension System shall transfer any service earned by an individual described under subsection (a) of this section in the Employees' Pension System from December 1, 2020, through May 31, 2021, to the Law Enforcement Officers' Pension System.

(c) For service credit transferred under subsection (b) of this section, the Board of Trustees shall transfer:

(1) to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions that were made to the Employees' Pension System, plus the interest earned on those contributions; and

(2) the member contributions from the annuity savings fund of the Employees' Pension System to the annuity savings fund of the Law Enforcement Officers' Pension System.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2021, in accordance with § 2-1257 of the State Government Article, the State Retirement Agency shall report to the Joint Committee on Pensions on:

(1) positions eligible for immediate vesting as a secretary of a principal department or a head of a department, office, or other unit of the State government; and

(2) positions ineligible for immediate vesting as a secretary of a principal department or a head of a department, office, or other unit of the State government, and the reasons a position is ineligible.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.