

# SENATE BILL 761

K4, A1

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CF HB 1336

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By: **Senator Elfreth**

Introduced and read first time: February 5, 2021

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

19 BY repealing and reenacting, without amendments,  
20 Article – Alcoholic Beverages  
21 Section 1–302 and 1–313(b)(2)  
22 Annotated Code of Maryland  
23 (2016 Volume and 2020 Supplement)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,  
2 Article – Alcoholic Beverages  
3 Section 1–309(c)  
4 Annotated Code of Maryland  
5 (2016 Volume and 2020 Supplement)

6 BY repealing and reenacting, without amendments,  
7 Article – State Personnel and Pensions  
8 Section 26–101 and 26–202(a)  
9 Annotated Code of Maryland  
10 (2015 Replacement Volume and 2020 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – State Personnel and Pensions  
13 Section 26–201(a)(20) and (21) and 29–304  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2020 Supplement)

16 BY adding to  
17 Article – State Personnel and Pensions  
18 Section 26–201(a)(22)  
19 Annotated Code of Maryland  
20 (2015 Replacement Volume and 2020 Supplement)

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

23 **Article – Alcoholic Beverages**

24 1–302.

25 There is an Alcohol and Tobacco Commission.

26 1–309.

27 (c) The Executive Director shall:

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

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

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

1 1–313.

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

3 (i) shall be sworn police officers;

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

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

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

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

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

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

21 **Article – State Personnel and Pensions**

22 26–101.

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

24 26–201.

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

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

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

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

3 26–202.

4           (a) Except as provided in subsection (b) of this section, an individual described in  
5 § 26–201 of this subtitle is a member of the Law Enforcement Officers’ Pension System as  
6 a condition of employment.

7 29–304.

8           **(A)** An individual who is a secretary of a principal department or a head of a  
9 department, office, or other unit of the State government serving at the Governor’s pleasure  
10 has immediate vesting rights on taking office in the State system in which the individual  
11 is a member.

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

15           SECTION 2. AND BE IT FURTHER ENACTED, That:

16           (a) This section applies to an individual who:

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

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

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

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

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

30                   (2) the member contributions from the annuity savings fund of the  
31 Employees’ Pension System to the annuity savings fund of the Law Enforcement Officers’  
32 Pension System.

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.