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**By: Senators Amoss, Miller, Hoffman, Lawlah, Ruben, Munson, Hogan, Kasemeyer, Currie, and Boozer** Boozer, and Stone

Introduced and read first time: January 17, 1997

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 1997

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Maryland Transportation Authority Police Officers - Pensions and Retirement~~

3 Law Enforcement Officers' Pension System - Membership

4 FOR the purpose of authorizing certain Maryland Transportation Authority police  
5 officers and certain Maryland Port Administration police officers to become  
6 members of the Law Enforcement Officers' Pension System; providing for certain  
7 exceptions; requiring individuals for whom membership in the Law Enforcement  
8 Officers' Pension System is optional to apply for membership by filing a written  
9 application with the State Retirement Agency on or before a certain date;  
10 prohibiting those individuals from becoming members on or after a certain date;  
11 and generally relating to membership of ~~Maryland Transportation Authority police~~  
12 ~~officers~~ in the Law Enforcement Officers' Pension System.

13 BY repealing and reenacting, with amendments,

14 Article - State Personnel and Pensions

15 Section 26-201 and 26-202

16 Annotated Code of Maryland

17 (1994 Volume and 1996 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article - State Personnel and Pensions

20 Section 26-203.1

21 Annotated Code of Maryland

22 (1994 Volume and 1996 Supplement)

23 BY repealing and reenacting, with amendments,

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1 Article - State Personnel and Pensions  
2 Section 26-201 and 26-202  
3 Annotated Code of Maryland  
4 (1994 Volume and 1996 Supplement)  
5 (As enacted by Section 1 of this Act)

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

8 **Article - State Personnel and Pensions**

9 26-201.

10 (A) [This] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS  
11 subtitle applies only to:

12 (1) an employee of the Department of Natural Resources commissioned by  
13 the Secretary of Natural Resources as:

14 (i) a Natural Resources police officer; or

15 (ii) a law enforcement officer, other than a Natural Resources police  
16 officer; [or]

17 (2) a law enforcement officer employed by the Maryland Investigative  
18 Services Unit; OR

19 (3) A MEMBER OF THE MARYLAND TRANSPORTATION AUTHORITY  
20 POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER §  
21 4-208 OF THE TRANSPORTATION ARTICLE.

22 (B) THIS SUBTITLE DOES NOT APPLY TO A MARYLAND TRANSPORTATION  
23 AUTHORITY POLICE OFFICER WHO TRANSFERRED FROM THE EMPLOYEES'  
24 RETIREMENT SYSTEM TO THE EMPLOYEES' PENSION SYSTEM ON OR AFTER  
25 DECEMBER 1, 1996.

26 26-202.

27 (a) Except as provided in subsection (b) of this section, an individual described in  
28 § 26-201 of this subtitle is a member of the Law Enforcement Officers' Pension System as  
29 a condition of employment.

30 (b) ~~Membership~~ (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,  
31 MEMBERSHIP in the Law Enforcement Officers' Pension System is optional for an  
32 individual described in § 26-201 of this subtitle ~~who was employed:~~

33 ~~(1)~~ (I) WHO WAS EMPLOYED by the Department of Natural Resources  
34 on July 1, 1990 AND WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 1997;  
35 [or]

36 ~~(2)~~ (II) WHO WAS EMPLOYED by the Maryland Investigative Services Unit  
37 on June 30, 1995 AND WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 1997;  
38 OR

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1           ~~(3)~~ (III) WHO WAS EMPLOYED BY THE MARYLAND TRANSPORTATION  
2 AUTHORITY ON JUNE 30, 1997 AND WHO ELECTS MEMBERSHIP ON OR BEFORE  
3 DECEMBER 31, 1997.

4           (2) TO ELECT TO BE A MEMBER OF THE LAW ENFORCEMENT OFFICERS'  
5 PENSION SYSTEM, AN INDIVIDUAL SHALL FILE A WRITTEN APPLICATION WITH THE  
6 STATE RETIREMENT AGENCY.

7           (3) IF AN INDIVIDUAL DOES NOT ELECT MEMBERSHIP DURING THE  
8 APPLICABLE PERIOD SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE  
9 INDIVIDUAL MAY NOT BECOME A MEMBER OF THE LAW ENFORCEMENT OFFICERS'  
10 PENSION SYSTEM.

11 26-203.1.

12           For members who transfer from the Employees' Pension System or the Employees'  
13 Retirement System, the Board of Trustees shall transfer to the accumulation fund of the  
14 Law Enforcement Officers' Pension System the employer contributions that were made to  
15 the Employees' Retirement System and the Employees' Pension System on behalf of  
16 those members who transferred, plus the interest earned on those contributions through  
17 the date of transfer.

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

20           **Article - State Personnel and Pensions**

21 26-201.

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

24           (1) an employee of the Department of Natural Resources commissioned by  
25 the Secretary of Natural Resources as:

26                     (i) a Natural Resources police officer; or

27                     (ii) a law enforcement officer, other than a Natural Resources police  
28 officer;

29           (2) a law enforcement officer employed by the Maryland Investigative  
30 Services Unit; [or]

31           (3) a member of the Maryland Transportation Authority Police Force who  
32 has the powers granted to a police officer under § 4-208 of the Transportation Article;

33 OR

34           (4) A MEMBER OF THE MARYLAND PORT ADMINISTRATION POLICE  
35 FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 6-210 OF  
36 THE TRANSPORTATION ARTICLE.

37           (b) This subtitle does not apply to a Maryland Transportation Authority police  
38 officer OR A MARYLAND PORT ADMINISTRATION POLICE OFFICER who transferred

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1 from the Employees' Retirement System to the Employees' Pension System on or after  
2 December 1, 1996.

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 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law  
8 Enforcement Officers' Pension System is optional for an individual described in § 26-201  
9 of this subtitle:

10 (i) who was employed by the Department of Natural Resources on  
11 July 1, 1990 and who elects membership on or before December 31, 1997;

12 (ii) who was employed by the Maryland Investigative Services Unit on  
13 June 30, 1995 and who elects membership on or before December 31, 1997; [or]

14 (iii) who was employed by the Maryland Transportation Authority on  
15 June 30, 1997 and who elects membership on or before December 31, 1997; OR

16 (IV) WHO WAS EMPLOYED BY THE MARYLAND PORT  
17 ADMINISTRATION ON JUNE 30, 1998 AND WHO ELECTS MEMBERSHIP ON OR BEFORE  
18 DECEMBER 31, 1998.

19 (2) To elect to be a member of the Law Enforcement Officers' Pension  
20 System an individual shall file a written application with the State Retirement Agency.

21 (3) If an individual does not elect membership during the applicable period  
22 specified under paragraph (1) of this subsection, the individual may not become a  
23 member of the Law Enforcement Officers' Pension System.

24 SECTION 2- 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act  
25 shall take effect July 1, 1997.

26 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
27 take effect July 1, 1998.