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By: **Delegates Harkins, McIntosh, Bonsack, Slade, Stup, Bozman, Edwards,  
Comeau, Conway, and Hecht**

Introduced and read first time: February 18, 1998

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Fire Marshal and Deputies - Pensions and Retirement**

3 FOR the purpose of authorizing the State Fire Marshal and certain deputy State fire  
4 marshals to become members of the Law Enforcement Officers' Pension System;  
5 providing for certain exceptions; making stylistic changes; and generally  
6 relating to membership of the State Fire Marshal in the Law Enforcement  
7 Officers' Pension System.

8 BY repealing and reenacting, with amendments,  
9 Article - State Personnel and Pensions  
10 Section 26-201 and 26-202  
11 Annotated Code of Maryland  
12 (1997 Replacement Volume)

13 BY repealing and reenacting, without amendments,  
14 Article - State Personnel and Pensions  
15 Section 26-203.1  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume)

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

20 **Article - State Personnel and Pensions**

21 26-201.

22 (a) Except as provided in [subsections (b) and (c)] SUBSECTION (B) of this  
23 section, this subtitle applies only to:

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

26 (i) a Natural Resources police officer; or

1 (ii) a law enforcement officer, other than a Natural Resources police  
2 officer;

3 (2) a law enforcement officer employed by the Maryland Investigative  
4 Services Unit;

5 (3) a member of the Maryland Transportation Authority Police Force  
6 who has the powers granted to a police officer under § 4-208 of the Transportation  
7 Article; [or]

8 (4) a deputy sheriff employed by the Baltimore City Sheriff's  
9 Department; OR

10 (5) THE STATE FIRE MARSHAL OR A DEPUTY STATE FIRE MARSHAL.

11 (b) This subtitle does not apply to:

12 (1) a Maryland Transportation Authority police officer who transferred  
13 from the Employees' Retirement System to the Employees' Pension System on or after  
14 December 1, 1996[.

15 (c) This subtitle does not apply to];

16 (2) a deputy sheriff employed by the Baltimore City Sheriff's  
17 Department who transferred from the Employees' Retirement System to the  
18 Employees' Pension System on or after December 1, 1996; OR

19 (3) A STATE FIRE MARSHAL OR DEPUTY STATE FIRE MARSHAL WHO  
20 TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM TO THE EMPLOYEES'  
21 PENSION SYSTEM ON OR AFTER DECEMBER 1, 1996.

22 26-202.

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

26 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law  
27 Enforcement Officers' Pension System is optional for an individual described in §  
28 26-201 of this subtitle:

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

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

33 (iii) who was employed by the Maryland Transportation Authority  
34 on June 30, 1997 and who elects membership on or before December 31, 1997; [or]

1 (iv) who was employed by the Baltimore City Sheriff's Department  
2 on June 30, 1997 and who elects membership on or before December 31, 1997; OR

3 (V) WHO WAS EMPLOYED BY THE OFFICE OF THE STATE FIRE  
4 MARSHAL ON JUNE 30, 1998 AND WHO ELECTS MEMBERSHIP ON OR BEFORE  
5 DECEMBER 31, 1998.

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

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

12 26-203.1.

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 July 1, 1998.