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

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Assigned to: Rules and Executive Nominations

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Committee Report: Favorable

House action: Adopted

Read second time: March 28, 1998

CHAPTER _____

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:

1 **Article - State Personnel and Pensions**

2 26-201.

3 (a) Except as provided in [subsections (b) and (c)] SUBSECTION (B) of this
4 section, this subtitle applies only to:5 (1) an employee of the Department of Natural Resources commissioned
6 by the Secretary of Natural Resources as:

7 (i) a Natural Resources police officer; or

8 (ii) a law enforcement officer, other than a Natural Resources police
9 officer;10 (2) a law enforcement officer employed by the Maryland Investigative
11 Services Unit;12 (3) a member of the Maryland Transportation Authority Police Force
13 who has the powers granted to a police officer under § 4-208 of the Transportation
14 Article; [or]15 (4) a deputy sheriff employed by the Baltimore City Sheriff's
16 Department; OR

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

18 (b) This subtitle does not apply to:

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

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

23 (2) a deputy sheriff employed by the Baltimore City Sheriff's
24 Department who transferred from the Employees' Retirement System to the
25 Employees' Pension System on or after December 1, 1996; OR26 (3) A STATE FIRE MARSHAL OR DEPUTY STATE FIRE MARSHAL WHO
27 TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM TO THE EMPLOYEES'
28 PENSION SYSTEM ON OR AFTER DECEMBER 1, 1996.

29 26-202.

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

1 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
2 Enforcement Officers' Pension System is optional for an individual described in §
3 26-201 of this subtitle:

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

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

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

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

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

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

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

21 26-203.1.

22 For members who transfer from the Employees' Pension System or the
23 Employees' Retirement System, the Board of Trustees shall transfer to the
24 accumulation fund of the Law Enforcement Officers' Pension System the employer
25 contributions that were made to the Employees' Retirement System and the
26 Employees' Pension System on behalf of those members who transferred, plus the
27 interest earned on those contributions through the date of transfer.

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