
By: **Delegates Boston and Minnick**
Introduced and read first time: February 18, 1998
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Fire and Police Employees Retirement System - Employees**
3 **of Maryland Aviation Administration Fire Rescue Service**

4 FOR the purpose of providing for certain full-time employees of the Maryland
5 Aviation Administration Fire Rescue Service to become members of the
6 Baltimore City Fire and Police Employees Retirement System; providing that
7 those employees who are eligible to be members of the Baltimore City system
8 are ineligible to be members of the Employees' Pension System; and generally
9 relating to membership in the Baltimore City Fire and Police Employees
10 Retirement System by certain employees of the Maryland Aviation
11 Administration Fire Rescue Service.

12 BY repealing and reenacting, with amendments,
13 Article - State Personnel and Pensions
14 Section 23-201
15 Annotated Code of Maryland
16 (1997 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 5-413(a)
20 Annotated Code of Maryland
21 (1993 Replacement Volume and 1997 Supplement)

22 BY repealing and reenacting, with amendments,
23 The Charter of Baltimore City
24 Article II - General Powers
25 Section (26)
26 (1996 Edition, as amended)

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

1 **Article - State Personnel and Pensions**

2 23-201.

3 (a) Except as provided in subsection (b) of this section, §§ 23-202 through
4 23-205 of this subtitle apply only to:5 (1) a regular employee whose compensation is provided by State
6 appropriation or paid from State funds;

7 (2) an appointed or elected official of the State, including:

8 (i) a clerk of the circuit court;

9 (ii) a register of wills;

10 (iii) a State's Attorney; and

11 (iv) a sheriff;

12 (3) an employee or official of a participating governmental unit who is
13 eligible to participate under Title 31, Subtitle 1 of this article;

14 (4) an employee of the Office of the Sheriff of Baltimore City;

15 (5) an additional employee or agent of the State Racing Commission
16 authorized by § 11-207 of the Business Regulation Article;17 (6) a permanent employee of the board of supervisors of elections of a
18 county;19 (7) a full-time master in chancery or in juvenile causes who is appointed
20 on or after July 1, 1989, in any county by the circuit court for that county;21 (8) an employee of the Maryland Environmental Service who is a
22 member of the Employees' Pension System on June 30, 1993, or transfers from the
23 Employees' Retirement System on or after July 1, 1993;24 (9) a full-time employee of the Maryland Aviation Administration Fire
25 Rescue Service who becomes an employee on or after October 1, 1993, AND WHO ON
26 OR AFTER OCTOBER 1, 1998 IS NOT ELIGIBLE TO BE A MEMBER OF THE BALTIMORE
27 CITY FIRE AND POLICE EMPLOYEES RETIREMENT SYSTEM IN ACCORDANCE WITH
28 ARTICLE II, § (26) OF THE BALTIMORE CITY CHARTER OR § 5-413(A) OF THE
29 TRANSPORTATION ARTICLE;30 (10) an employee of Dorchester County who is not a member of the
31 County's general pension and retirement program;32 (11) a former Baltimore City jail employee who became an employee of the
33 Baltimore City Detention Center and a member of the Employees' Pension System on
34 July 1, 1991;

1 (12) an employee of the Baltimore City Community College who is not a
2 clerical or professional employee; and

3 (13) a court reporter for the Circuit Court for Charles County who is a
4 member of the Employees' Pension System on July 1, 1994, or transfers from the
5 Employees' Retirement System on or after July 1, 1994.

6 (b) Sections 23-202 through 23-205 of this subtitle do not apply to:

7 (1) an individual who is or is entitled to be a member of any State system
8 other than the Employees' Pension System;

9 (2) a contractual, emergency, or temporary extra employee;

10 (3) an individual who is employed under a federal public service
11 employment program;

12 (4) an assessor who is a member of a retirement or pension system
13 operated by a political subdivision of the State;

14 (5) an employee of a board of supervisors of elections who chose to stay in
15 a local merit system under Article 33, § 2-6 of the Code; [or]

16 (6) a nonclerical or nonprofessional employee of the Baltimore City
17 Community College who:

18 (i) was an employee of the New Community College of Baltimore
19 during the 1989-1990 academic year;

20 (ii) was employed by the New Community College of Baltimore on
21 or before December 31, 1990, as a "Class A" member of the Baltimore City Retirement
22 Plan; and

23 (iii) elected to remain a member of the Baltimore City Retirement
24 Plan; OR

25 (7) A FULL-TIME EMPLOYEE OF THE MARYLAND AVIATION
26 ADMINISTRATION FIRE RESCUE SERVICE WHO IS ELIGIBLE TO BE A MEMBER OF THE
27 BALTIMORE CITY FIRE AND POLICE EMPLOYEES RETIREMENT SYSTEM IN
28 ACCORDANCE WITH ARTICLE II, § (26) OF THE BALTIMORE CITY CHARTER OR §
29 5-413(A) OF THE TRANSPORTATION ARTICLE.

30 **Article - Transportation**

31 5-413.

32 (a) (1) Any person who:

33 (I) [is] IS or becomes a full-time employee of the Maryland
34 Aviation Administration Fire Rescue Service on or before September 30, 1993 shall

1 remain or become a member of the Baltimore City Fire and Police Employees
2 Retirement System; OR

3 (II) BECOMES ELIGIBLE TO BE A MEMBER OF THE BALTIMORE CITY
4 FIRE AND POLICE EMPLOYEES RETIREMENT SYSTEM UNDER ARTICLE II, § (26) OF
5 THE BALTIMORE CITY CHARTER SHALL REMAIN A MEMBER OF THAT SYSTEM.

6 (2) The Administration shall reimburse the City for the employer's cost
7 of the pension coverage.

8 **The Charter of Baltimore City**

9 Article II - General Powers

10 The Mayor and City Council of Baltimore shall have full power and authority to
11 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
12 Maryland or by any Public General or Public Local Laws of the State of Maryland;
13 and in particular, without limitation upon the foregoing, shall have power by
14 ordinance, or such other method as may be provided for in its Charter, subject to the
15 provisions of said Constitution and Public General Laws:

16 (26) To establish and maintain a separate system of pensions and retirement
17 benefits for such officers and employees of the Department of Aviation, of the Police
18 Department and of the Fire Department of Baltimore City as may be designated or
19 described by ordinance of the Mayor and City Council of Baltimore AND FOR
20 FULL-TIME EMPLOYEES OF THE MARYLAND AVIATION ADMINISTRATION FIRE
21 RESCUE SERVICE WHO ARE EXEMPT FROM COVERAGE UNDER THE FEDERAL OLD
22 AGE AND SURVIVORS' INSURANCE ACT; to fix the terms of and restrictions on
23 admission to such system and the classifications therein; to provide that persons
24 eligible for admission in such pension system shall not be eligible except as
25 hereinafter provided for admission to any other pension system, the revenues of
26 which are derived wholly or in part from appropriations made by the City, from
27 license fees or from fines and forfeitures imposed under the laws or ordinances in
28 force in Baltimore City; to provide for the optional transfer to such pension system of
29 any officer or employee of either the Department of Aviation, the Police Department
30 or the Fire Department of Baltimore City who is eligible to join such separate pension
31 system, from any other system of pensions and retirement benefits operated and
32 maintained by the Mayor and City Council of Baltimore; to provide in connection with
33 such pension system, a system of benefits payable to the beneficiaries and dependents
34 of any participant in such pension system after the death of such participant
35 (whether accidental or otherwise and/or whether occurring in the actual performance
36 of duty or otherwise), subject to such exceptions, conditions, restrictions and
37 classifications as may be provided by ordinance; provided, however, (1) that upon the
38 adoption of an ordinance providing for their participation in such pension system,
39 eligible officers and employees of the Department of Aviation, of the Police
40 Department and of the Fire Department who do not elect to participate in such
41 pension system, shall be entitled to the pensions, retirement benefits, other benefits
42 or allowances for themselves, their widows or dependents, under the laws or
43 ordinances in force immediately prior to the adoption of such ordinance; (2) nothing in

1 this subsection shall operate or be construed to diminish in any way the rights of any
2 eligible members of the Police Department or of the Fire Department who are not
3 participants in the presently existing general pension system of the City of Baltimore,
4 their widows or dependents, to pensions, retirement benefits, other benefits or
5 allowances provided for by laws or ordinances in force as of January 1, 1926. Until
6 amended by ordinance, the presently existing pension and retirement systems of the
7 City shall remain in force. The provisions of this subsection shall be deemed to be in
8 addition to and not in substitution of any other powers or authorizations now
9 conferred upon the Mayor and City Council of Baltimore.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1998.