

SENATE BILL 13

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1999 Regular Session
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(PRE-FILED)

By: **Chairman, Budget and Taxation Committee (Departmental - Morgan State University) and Senator McFadden**

Requested: July 27, 1998

Introduced and read first time: January 13, 1999

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 2, 1999

CHAPTER _____

1 AN ACT concerning

2 **Morgan State University - Police Officers - Pensions and Retirement**

3 FOR the purpose of authorizing certain Morgan State University police officers to
4 become members of the Law Enforcement Officers' Pension System; providing
5 for certain exceptions; and generally relating to membership of Morgan State
6 University police officers in the Law Enforcement Officers' Pension System.

7 BY repealing and reenacting, with amendments,
8 Article - State Personnel and Pensions
9 Section 26-201 and 26-202
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1998 Supplement)
12 (As enacted by Chapter 390 of the Acts of the General Assembly of 1998)

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 and 1998 Supplement)

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 subsection (b) of this section, this subtitle applies
4 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;15 (4) a deputy sheriff employed by the Baltimore City Sheriff's
16 Department;17 (5) a member of the University of Maryland Police Force who has the
18 powers granted to a police officer under § 13-601 of the Education Article;19 (6) a law enforcement officer employed by a participating governmental
20 unit that on or after July 1, 1999 has elected to participate in the Law Enforcement
21 Officers' Pension System; [or]

22 (7) the State Fire Marshal or a Deputy State Fire Marshal; OR

23 (8) A MEMBER OF THE MORGAN STATE UNIVERSITY POLICE FORCE WHO
24 HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 14-106 OF THE
25 EDUCATION ARTICLE.

26 (b) This subtitle does not apply to:

27 (1) a Maryland Transportation Authority police officer who transferred
28 from the Employees' Retirement System to the Employees' Pension System on or after
29 December 1, 1996;30 (2) a deputy sheriff employed by the Baltimore City Sheriff's
31 Department who transferred from the Employees' Retirement System to the
32 Employees' Pension System on or after December 1, 1996;33 (3) a member of the University of Maryland Police Force who transferred
34 from the Employees' Retirement System to the Employees' Pension System on or after
35 December 1, 1997;

1 (4) a law enforcement officer employed by a participating governmental
2 unit who transferred from the Employees' Retirement System to the Employees'
3 Pension System on or after December 1, 1997;

4 (5) a Maryland Port Administration police officer who transferred from
5 the Employees' Retirement System to the Employees' Pension System on or after
6 December 1, 1997; [or]

7 (6) a State Fire Marshal or Deputy State Fire Marshal who transferred
8 from the Employees' Retirement System to the Employees' Pension System on or after
9 December 1, 1996; OR

10 (7) A MEMBER OF THE MORGAN STATE UNIVERSITY POLICE FORCE WHO
11 TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM TO THE EMPLOYEES'
12 PENSION SYSTEM ON OR AFTER DECEMBER 1, 1997.

13 26-202.

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

17 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
18 Enforcement Officers' Pension System is optional for an individual described in §
19 26-201 of this subtitle:

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

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

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

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

28 (v) who was employed by the University of Maryland Police Force
29 on June 30, 1999 and who elects membership on or before December 31, 1999;

30 (vi) who is employed by a participating governmental unit on the
31 effective date of participation on or after July 1, 1999 for that participating
32 government unit and who elects membership within 6 months of the effective date of
33 participation;

34 (vii) who was employed by the Maryland Port Administration Police
35 Force and was subsequently transferred to and employed by the Maryland
36 Transportation Authority Police Force on July 1, 1998 and who elects membership on
37 or before December 31, 1998; [or]

1 (viii) who was employed by the office of the State Fire Marshal on
2 June 30, 1998 and who elects membership on or before December 31, 1998; OR

3 (IX) WHO WAS EMPLOYED BY THE MORGAN STATE UNIVERSITY
4 POLICE FORCE ON JUNE 30, 1999 AND WHO ELECTS MEMBERSHIP ON OR BEFORE
5 DECEMBER 31, 1999.

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 (a) 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 (b) (1) For members who transfer from a local pension system, the local
20 pension system shall transfer to the Board of Trustees the employer contributions
21 that were made to the local pension system on behalf of those members who
22 transferred, plus the interest earned on those contributions through the date of
23 transfer.

24 (2) The Board of Trustees shall deposit any funds transferred under
25 paragraph (1) of this subsection in the accumulation fund of the Law Enforcement
26 Officers' Pension System.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 1999.