

HOUSE BILL 605

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K4

2000 Regular Session  
(01r0158)

*ENROLLED BILL*  
*-- Appropriations/Budget and Taxation --*

Introduced by **Chairman, Appropriations Committee (Departmental - Budget and Management)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Police Officers and Fire Rescue**  
3 **Employees - Membership**

4 FOR the purpose of providing certain fire rescue personnel of the Maryland Aviation  
5 Administration and certain police officers of the Department of Health and  
6 Mental Hygiene, the Department of General Services, the Motor Vehicle  
7 Administration, and the Department of Labor, Licensing, and Regulation  
8 membership in the Law Enforcement Officers' Pension System; repealing  
9 certain provisions of law allowing certain employees of the Maryland Aviation  
10 Administration Fire Rescue Service to be members of the Employees'  
11 Retirement System or Employees' Pension System; requiring the transfer of  
12 certain employee contributions and interest to the accumulation fund of the Law  
13 Enforcement Officers' Pension System; and generally relating to the  
14 membership of certain fire rescue personnel and certain police officers of the  
15 Department of Health and Mental Hygiene, the Department of General  
16 Services, the Motor Vehicle Administration, and the Department of Labor,

1 Licensing, and Regulation in the Law Enforcement Officers' Pension System.

2 BY repealing and reenacting, with amendments,

3 Article - State Personnel and Pensions

4 Section 22-201(a), 23-201(a), 26-201, 26-202, and 26-203.1

5 Annotated Code of Maryland

6 (1997 Replacement Volume and 1999 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - State Personnel and Pensions**

10 22-201.

11 (a) Except as provided in subsection (b) of this section, §§ 22-202 through  
12 22-204 of this subtitle apply only to:

13 (1) a regular employee whose compensation is provided by State  
14 appropriation or paid from State funds;

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

16 (i) a clerk of the circuit court;

17 (ii) a register of wills;

18 (iii) a State's Attorney; and

19 (iv) a sheriff;

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

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

23 (5) a permanent employee of the board of supervisors of elections of a  
24 county;

25 (6) an employee of the Maryland Environmental Service who is a  
26 member of the Employees' Retirement System on June 30, 1993;

27 (7) [a full-time employee of the Maryland Aviation Administration Fire  
28 Rescue Service who becomes an employee on or after October 1, 1993, and who before  
29 employment with the Maryland Aviation Administration Fire Rescue Service was a  
30 member of the Employees' Retirement System;

31 (8)] an employee of Dorchester County who is not a member of the  
32 County's general pension and retirement program and who is a member of the  
33 Employees' Retirement System;

1            [(9)]    (8)    a court reporter for the Circuit Court for Charles County who is  
2 a member of the Employees' Retirement System on July 1, 1994; and

3            [(10)]   (9)    a staff employee of the University System of Maryland, Morgan  
4 State University, or St. Mary's College who is a member of the Employees' Retirement  
5 System as of January 1, 1998.

6 23-201.

7        (a)    Except as provided in subsection (b) of this section, §§ 23-202 through  
8 23-205 of this subtitle apply only to:

9            (1)    a regular employee whose compensation is provided by State  
10 appropriation or paid from State funds;

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

12                  (i)    a clerk of the circuit court;

13                  (ii)   a register of wills;

14                  (iii)  a State's Attorney; and

15                  (iv)   a sheriff;

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

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

19          (5)    an additional employee or agent of the State Racing Commission  
20 authorized by § 11-207 of the Business Regulation Article;

21          (6)    a permanent employee of the board of supervisors of elections of a  
22 county;

23          (7)    a full-time master in chancery or in juvenile causes who is appointed  
24 on or after July 1, 1989, in any county by the circuit court for that county;

25          (8)    an employee of the Maryland Environmental Service who is a  
26 member of the Employees' Pension System on June 30, 1993, or transfers from the  
27 Employees' Retirement System on or after July 1, 1993;

28          (9)    [a full-time employee of the Maryland Aviation Administration Fire  
29 Rescue Service who becomes an employee on or after October 1, 1993;

30          (10)]   an employee of Dorchester County who is not a member of the  
31 County's general pension and retirement program;

1 [(11)] (10) a former Baltimore City jail employee who became an employee  
2 of the Baltimore City Detention Center and a member of the Employees' Pension  
3 System on July 1, 1991;

4 [(12)] (11) an employee of the Baltimore City Community College who is  
5 not a clerical or professional employee;

6 [(13)] (12) a court reporter for the Circuit Court for Charles County who is  
7 a member of the Employees' Pension System on July 1, 1994, or transfers from the  
8 Employees' Retirement System on or after July 1, 1994; and

9 [(14)] (13) a staff employee of the University System of Maryland, Morgan  
10 State University, or St. Mary's College who is:

11 (i) a member of the Employees' Pension System on January 1,  
12 1998, or transfers from the Employees' Retirement System on or after January 1,  
13 1998; or

14 (ii) a staff employee of the University System of Maryland, Morgan  
15 State University, or St. Mary's College who becomes an employee on or after January  
16 1, 1998.

17 26-201.

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

20 (1) an employee of the Department of Natural Resources commissioned  
21 by the Secretary of Natural Resources as:

22 (i) a Natural Resources police officer; or

23 (ii) a law enforcement officer, other than a Natural Resources police  
24 officer;

25 (2) a law enforcement officer employed by the Maryland Investigative  
26 Services Unit;

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

30 (4) a deputy sheriff employed by the Baltimore City Sheriff's  
31 Department;

32 (5) a member of the University of Maryland Police Force who has the  
33 powers granted to a police officer under § 13-601 of the Education Article;

34 (6) a law enforcement officer employed by a participating governmental  
35 unit that on or after July 1, 1999 has elected to participate in the Law Enforcement  
36 Officers' Pension System;

1 (7) the State Fire Marshal or a Deputy State Fire Marshal; [or]

2 (8) a member of the Morgan State University Police Force who has the  
3 powers granted to a police officer under § 14-106 of the Education Article;

4 (9) ~~A MEMBER OF THE MARYLAND AVIATION ADMINISTRATION FIRE~~  
5 ~~RESCUE SERVICE~~ BWI AIRPORT FIRE & RESCUE DEPARTMENT;

6 (10) A MEMBER OF THE DEPARTMENT OF GENERAL SERVICES POLICE  
7 FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 4-605 OF  
8 THE STATE FINANCE AND PROCUREMENT ARTICLE;

9 (11) AN EMPLOYEE OF THE DEPARTMENT OF HEALTH AND MENTAL  
10 HYGIENE COMMISSIONED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE AS  
11 A HEALTH AND MENTAL HYGIENE POLICE OFFICER;

12 (12) AN EMPLOYEE OF THE MOTOR VEHICLE ADMINISTRATION  
13 COMMISSIONED BY THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AS  
14 A MOTOR VEHICLE ADMINISTRATION POLICE OFFICER; OR

15 (13) AN EMPLOYEE OF THE DEPARTMENT OF LABOR, LICENSING, AND  
16 REGULATION COMMISSIONED BY THE SECRETARY OF LABOR, LICENSING, AND  
17 REGULATION AS A LABOR, LICENSING, AND REGULATION POLICE OFFICER.

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

25 (3) a member of the University of Maryland Police Force who transferred  
26 from the Employees' Retirement System to the Employees' Pension System on or after  
27 December 1, 1997;

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

31 (5) a Maryland Port Administration police officer who transferred from  
32 the Employees' Retirement System to the Employees' Pension System on or after  
33 December 1, 1997;

34 (6) a State Fire Marshal or Deputy State Fire Marshal who transferred  
35 from the Employees' Retirement System to the Employees' Pension System on or after  
36 December 1, 1996; [or]

1 (7) a member of the Morgan State University Police Force who  
2 transferred from the Employees' Retirement System to the Employees' Pension  
3 System on or after December 1, 1997;

4 (8) A MEMBER OF THE ~~MARYLAND AVIATION ADMINISTRATION FIRE~~  
5 ~~RESCUE SERVICE BWI AIRPORT FIRE & RESCUE DEPARTMENT~~ WHO TRANSFERRED  
6 FROM THE EMPLOYEES' RETIREMENT SYSTEM TO THE EMPLOYEES' PENSION  
7 SYSTEM ON OR AFTER APRIL 1, 1998; OR

8 (9) A MEMBER OF THE DEPARTMENT OF GENERAL SERVICES,  
9 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, MOTOR VEHICLE  
10 ADMINISTRATION, OR DEPARTMENT OF LABOR, LICENSING, AND REGULATION  
11 POLICE FORCE WHO TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM  
12 TO THE EMPLOYEES' PENSION SYSTEM ON OR AFTER APRIL 1, 1998.

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 governmental unit and who elects membership within 6 months of the effective date  
33 of 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;

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 Police Force  
4 on June 30, 1999 and who elects membership on or before December 31, 1999;

5 (X) WHO WAS EMPLOYED BY THE MARYLAND AVIATION  
6 ~~ADMINISTRATION FIRE RESCUE SERVICE~~ BWI AIRPORT FIRE & RESCUE  
7 DEPARTMENT ON JUNE 30, 2000, AND WHO ELECTS MEMBERSHIP ON OR BEFORE  
8 DECEMBER 29, 2000; OR

9 (XI) WHO WAS EMPLOYED BY THE DEPARTMENT OF GENERAL  
10 SERVICES, DEPARTMENT OF HEALTH AND MENTAL HYGIENE, MOTOR VEHICLE  
11 ADMINISTRATION, AND DEPARTMENT OF LABOR, LICENSING, AND REGULATION  
12 POLICE FORCE ON JUNE 30, 2000 AND WHO ELECTS MEMBERSHIP ON OR BEFORE  
13 DECEMBER 29, 2000.

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

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

20 26-203.1.

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

27 (B) FOR THOSE FULL-TIME EMPLOYEES OF THE MARYLAND AVIATION  
28 ~~ADMINISTRATION FIRE RESCUE SERVICE~~ BWI AIRPORT FIRE & RESCUE  
29 DEPARTMENT WHO WERE EMPLOYED ON OR AFTER OCTOBER 1, 1993 AND WHO  
30 ELECT MEMBERSHIP IN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM ON  
31 OR BEFORE DECEMBER 31, 2000, THE BOARD OF TRUSTEES SHALL TRANSFER TO THE  
32 ACCUMULATION FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM  
33 THE EMPLOYER CONTRIBUTIONS MADE TO THE EMPLOYEES' RETIREMENT SYSTEM  
34 AND THE EMPLOYEES' PENSION SYSTEM ON BEHALF OF THOSE TRANSFERRING  
35 MEMBERS, PLUS THE INTEREST EARNED ON THOSE CONTRIBUTIONS THROUGH THE  
36 DATE OF TRANSFER.

37 [(b)] (C) (1) For members who transfer from a local pension system, the  
38 local pension system shall transfer to the Board of Trustees the employer  
39 contributions that were made to the local pension system on behalf of those members  
40 who transferred, plus the interest earned on those contributions through the date of  
41 transfer.

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

4       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
5 effect July 1, 2000.