
By: **Chairman, Appropriations Committee (Departmental - Budget and Management)**

Introduced and read first time: February 9, 2000

Assigned to: Appropriations

A BILL ENTITLED

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

18 BY repealing and reenacting, with amendments,
19 Article - State Personnel and Pensions
20 Section 22-201(a), 23-201(a), 26-201, 26-202, and 26-203.1
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 1999 Supplement)

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

25 **Article - State Personnel and Pensions**

26 22-201.

27 (a) Except as provided in subsection (b) of this section, §§ 22-202 through
28 22-204 of this subtitle apply only to:

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

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

4 (i) a clerk of the circuit court;

5 (ii) a register of wills;

6 (iii) a State's Attorney; and

7 (iv) a sheriff;

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

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

11 (5) a permanent employee of the board of supervisors of elections of a
12 county;

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

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

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

22 [(9)] (8) a court reporter for the Circuit Court for Charles County who is
23 a member of the Employees' Retirement System on July 1, 1994; and

24 [(10)] (9) a staff employee of the University System of Maryland, Morgan
25 State University, or St. Mary's College who is a member of the Employees' Retirement
26 System as of January 1, 1998.

27 23-201.

28 (a) Except as provided in subsection (b) of this section, §§ 23-202 through
29 23-205 of this subtitle apply only to:

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

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

33 (i) a clerk of the circuit court;

- 1 (ii) a register of wills;
- 2 (iii) a State's Attorney; and
- 3 (iv) a sheriff;
- 4 (3) an employee or official of a participating governmental unit who is
5 eligible to participate under Title 31, Subtitle 1 of this article;
- 6 (4) an employee of the Office of the Sheriff of Baltimore City;
- 7 (5) an additional employee or agent of the State Racing Commission
8 authorized by § 11-207 of the Business Regulation Article;
- 9 (6) a permanent employee of the board of supervisors of elections of a
10 county;
- 11 (7) a full-time master in chancery or in juvenile causes who is appointed
12 on or after July 1, 1989, in any county by the circuit court for that county;
- 13 (8) an employee of the Maryland Environmental Service who is a
14 member of the Employees' Pension System on June 30, 1993, or transfers from the
15 Employees' Retirement System on or after July 1, 1993;
- 16 (9) [a full-time employee of the Maryland Aviation Administration Fire
17 Rescue Service who becomes an employee on or after October 1, 1993;
- 18 (10)] an employee of Dorchester County who is not a member of the
19 County's general pension and retirement program;
- 20 [(11)] (10) a former Baltimore City jail employee who became an employee
21 of the Baltimore City Detention Center and a member of the Employees' Pension
22 System on July 1, 1991;
- 23 [(12)] (11) an employee of the Baltimore City Community College who is
24 not a clerical or professional employee;
- 25 [(13)] (12) a court reporter for the Circuit Court for Charles County who is
26 a member of the Employees' Pension System on July 1, 1994, or transfers from the
27 Employees' Retirement System on or after July 1, 1994; and
- 28 [(14)] (13) a staff employee of the University System of Maryland, Morgan
29 State University, or St. Mary's College who is:
- 30 (i) a member of the Employees' Pension System on January 1,
31 1998, or transfers from the Employees' Retirement System on or after January 1,
32 1998; or
- 33 (ii) a staff employee of the University System of Maryland, Morgan
34 State University, or St. Mary's College who becomes an employee on or after January
35 1, 1998.

1 26-201.

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

4 (1) an employee of the Department of Natural Resources commissioned
5 by the Secretary of Natural Resources as:

6 (i) a Natural Resources police officer; or

7 (ii) a law enforcement officer, other than a Natural Resources police
8 officer;

9 (2) a law enforcement officer employed by the Maryland Investigative
10 Services Unit;

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

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

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

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

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

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

24 (9) A MEMBER OF THE MARYLAND AVIATION ADMINISTRATION FIRE
25 RESCUE SERVICE;

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

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

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

1 (13) AN EMPLOYEE OF THE DEPARTMENT OF LABOR, LICENSING, AND
2 REGULATION COMMISSIONED BY THE SECRETARY OF LABOR, LICENSING, AND
3 REGULATION AS A LABOR, LICENSING, AND REGULATION POLICE OFFICER.

4 (b) This subtitle does not apply to:

5 (1) a Maryland Transportation Authority police officer who transferred
6 from the Employees' Retirement System to the Employees' Pension System on or after
7 December 1, 1996;

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

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

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

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

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

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

26 (8) A MEMBER OF THE MARYLAND AVIATION ADMINISTRATION FIRE
27 RESCUE SERVICE WHO TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM
28 TO THE EMPLOYEES' PENSION SYSTEM ON OR AFTER APRIL 1, 1998; OR

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

34 26-202.

35 (a) Except as provided in subsection (b) of this section, an individual described
36 in § 26-201 of this subtitle is a member of the Law Enforcement Officers' Pension
37 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;

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;

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

14 (vi) who is employed by a participating governmental unit on the
15 effective date of participation on or after July 1, 1999 for that participating
16 governmental unit and who elects membership within 6 months of the effective date
17 of participation;

18 (vii) who was employed by the Maryland Port Administration Police
19 Force and was subsequently transferred to and employed by the Maryland
20 Transportation Authority Police Force on July 1, 1998 and who elects membership on
21 or before December 31, 1998;

22 (viii) who was employed by the office of the State Fire Marshal on
23 June 30, 1998 and who elects membership on or before December 31, 1998; [or]

24 (ix) who was employed by the Morgan State University Police Force
25 on June 30, 1999 and who elects membership on or before December 31, 1999;

26 (X) WHO WAS EMPLOYED BY THE MARYLAND AVIATION
27 ADMINISTRATION FIRE RESCUE SERVICE ON JUNE 30, 2000, AND WHO ELECTS
28 MEMBERSHIP ON OR BEFORE DECEMBER 29, 2000; OR

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

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

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

4 26-203.1.

5 (a) For members who transfer from the Employees' Pension System or the
6 Employees' Retirement System, the Board of Trustees shall transfer to the
7 accumulation fund of the Law Enforcement Officers' Pension System the employer
8 contributions that were made to the Employees' Retirement System and the
9 Employees' Pension System on behalf of those members who transferred, plus the
10 interest earned on those contributions through the date of transfer.

11 (B) FOR THOSE FULL-TIME EMPLOYEES OF THE MARYLAND AVIATION
12 ADMINISTRATION FIRE RESCUE SERVICE WHO WERE EMPLOYED ON OR AFTER
13 OCTOBER 1, 1993 AND WHO ELECT MEMBERSHIP IN THE LAW ENFORCEMENT
14 OFFICERS' PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2000, THE BOARD OF
15 TRUSTEES SHALL TRANSFER TO THE ACCUMULATION FUND OF THE LAW
16 ENFORCEMENT OFFICERS' PENSION SYSTEM THE EMPLOYER CONTRIBUTIONS MADE
17 TO THE EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM
18 ON BEHALF OF THOSE TRANSFERRING MEMBERS, PLUS THE INTEREST EARNED ON
19 THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.

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

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

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