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

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Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2000

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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,  
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:

1 **Article - State Personnel and Pensions**

2 22-201.

3 (a) Except as provided in subsection (b) of this section, §§ 22-202 through  
4 22-204 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) a permanent employee of the board of supervisors of elections of a  
16 county;17 (6) an employee of the Maryland Environmental Service who is a  
18 member of the Employees' Retirement System on June 30, 1993;19 (7) [a full-time employee of the Maryland Aviation Administration Fire  
20 Rescue Service who becomes an employee on or after October 1, 1993, and who before  
21 employment with the Maryland Aviation Administration Fire Rescue Service was a  
22 member of the Employees' Retirement System;23 (8)] an employee of Dorchester County who is not a member of the  
24 County's general pension and retirement program and who is a member of the  
25 Employees' Retirement System;26 [(9)] (8) a court reporter for the Circuit Court for Charles County who is  
27 a member of the Employees' Retirement System on July 1, 1994; and28 [(10)] (9) a staff employee of the University System of Maryland, Morgan  
29 State University, or St. Mary's College who is a member of the Employees' Retirement  
30 System as of January 1, 1998.

31 23-201.

32 (a) Except as provided in subsection (b) of this section, §§ 23-202 through  
33 23-205 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) an additional employee or agent of the State Racing Commission  
12 authorized by § 11-207 of the Business Regulation Article;
- 13 (6) a permanent employee of the board of supervisors of elections of a  
14 county;
- 15 (7) a full-time master in chancery or in juvenile causes who is appointed  
16 on or after July 1, 1989, in any county by the circuit court for that county;
- 17 (8) an employee of the Maryland Environmental Service who is a  
18 member of the Employees' Pension System on June 30, 1993, or transfers from the  
19 Employees' Retirement System on or after July 1, 1993;
- 20 (9) [a full-time employee of the Maryland Aviation Administration Fire  
21 Rescue Service who becomes an employee on or after October 1, 1993;
- 22 (10)] an employee of Dorchester County who is not a member of the  
23 County's general pension and retirement program;
- 24 [(11)] (10) a former Baltimore City jail employee who became an employee  
25 of the Baltimore City Detention Center and a member of the Employees' Pension  
26 System on July 1, 1991;
- 27 [(12)] (11) an employee of the Baltimore City Community College who is  
28 not a clerical or professional employee;
- 29 [(13)] (12) a court reporter for the Circuit Court for Charles County who is  
30 a member of the Employees' Pension System on July 1, 1994, or transfers from the  
31 Employees' Retirement System on or after July 1, 1994; and
- 32 [(14)] (13) a staff employee of the University System of Maryland, Morgan  
33 State University, or St. Mary's College who is:

1 (i) a member of the Employees' Pension System on January 1,  
2 1998, or transfers from the Employees' Retirement System on or after January 1,  
3 1998; or

4 (ii) a staff employee of the University System of Maryland, Morgan  
5 State University, or St. Mary's College who becomes an employee on or after January  
6 1, 1998.

7 26-201.

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

10 (1) an employee of the Department of Natural Resources commissioned  
11 by the Secretary of Natural Resources as:

12 (i) a Natural Resources police officer; or

13 (ii) a law enforcement officer, other than a Natural Resources police  
14 officer;

15 (2) a law enforcement officer employed by the Maryland Investigative  
16 Services Unit;

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

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

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

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

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

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

30 (9) A MEMBER OF THE MARYLAND AVIATION ADMINISTRATION FIRE  
31 RESCUE SERVICE;

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

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

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

7 (13) AN EMPLOYEE OF THE DEPARTMENT OF LABOR, LICENSING, AND  
8 REGULATION COMMISSIONED BY THE SECRETARY OF LABOR, LICENSING, AND  
9 REGULATION AS A LABOR, LICENSING, AND REGULATION POLICE OFFICER.

10 (b) This subtitle does not apply to:

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

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

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

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

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

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

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

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

35 (9) A MEMBER OF THE DEPARTMENT OF GENERAL SERVICES,  
36 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, MOTOR VEHICLE  
37 ADMINISTRATION, OR DEPARTMENT OF LABOR, LICENSING, AND REGULATION

1 POLICE FORCE WHO TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM  
2 TO THE EMPLOYEES' PENSION SYSTEM ON OR AFTER APRIL 1, 1998.

3 26-202.

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

7 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law  
8 Enforcement Officers' Pension System is optional for an individual described in §  
9 26-201 of this subtitle:

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

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

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

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

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

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

24 (vii) who was employed by the Maryland Port Administration Police  
25 Force and was subsequently transferred to and employed by the Maryland  
26 Transportation Authority Police Force on July 1, 1998 and who elects membership on  
27 or before December 31, 1998;

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

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

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

35 (XI) WHO WAS EMPLOYED BY THE DEPARTMENT OF GENERAL  
36 SERVICES, DEPARTMENT OF HEALTH AND MENTAL HYGIENE, MOTOR VEHICLE

1 ADMINISTRATION, AND DEPARTMENT OF LABOR, LICENSING, AND REGULATION  
2 POLICE FORCE ON JUNE 30, 2000 AND WHO ELECTS MEMBERSHIP ON OR BEFORE  
3 DECEMBER 29, 2000.

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

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

10 26-203.1.

11 (a) For members who transfer from the Employees' Pension System or the  
12 Employees' Retirement System, the Board of Trustees shall transfer to the  
13 accumulation fund of the Law Enforcement Officers' Pension System the employer  
14 contributions that were made to the Employees' Retirement System and the  
15 Employees' Pension System on behalf of those members who transferred, plus the  
16 interest earned on those contributions through the date of transfer.

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

26 [(b)] (C) (1) For members who transfer from a local pension system, the  
27 local pension system shall transfer to the Board of Trustees the employer  
28 contributions that were made to the local pension system on behalf of those members  
29 who transferred, plus the interest earned on those contributions through the date of  
30 transfer.

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

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

