
By: **Chairman, Appropriations Committee (By Request - Departmental -
Public Safety and Correctional Services)**

Introduced and read first time: February 4, 2004

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Membership - Internal**
3 **Investigative Unit Investigators**

4 FOR the purpose of providing that certain members of the Department of Public
5 Safety and Correctional Services Internal Investigative Unit are members of the
6 Law Enforcement Officers' Pension System; transferring certain members of the
7 Internal Investigative Unit from the Correctional Officers' Retirement System
8 to the Law Enforcement Officers' Pension System under certain circumstances;
9 requiring the Board of Trustees to transfer certain funds to the Law
10 Enforcement Officers' Pension System accumulation fund; providing for certain
11 members of the Department of Public Safety and Correctional Services Internal
12 Investigative Unit to transfer service credit into the Law Enforcement Officers'
13 Pension System; requiring certain members of the Internal Investigative Unit to
14 make certain deposits; and generally relating to Law Enforcement Officers'
15 Pension System.

16 BY repealing and reenacting, with amendments,
17 Article - State Personnel and Pensions
18 Section 26-201(a), 26-202, 26-203.1, and 37-201
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 2003 Supplement)

21 BY adding to
22 Article - State Personnel and Pensions
23 Section 26-203.2
24 Annotated Code of Maryland
25 (1997 Replacement Volume and 2003 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 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 Field Enforcement
11 Division;

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;

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

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

25 (9) a member of the BWI Airport Fire & Rescue Department;

26 (10) a member of the Department of General Services Police Force who
27 has the powers granted to a police officer under § 4-605 of the State Finance and
28 Procurement Article;

29 (11) an employee of the Department of Health and Mental Hygiene
30 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
31 Hygiene police officer;

32 (12) an employee of the Motor Vehicle Administration commissioned by
33 the Secretary of the Department of Transportation as a Motor Vehicle Administration
34 police officer;

1 (13) an employee of the Department of Labor, Licensing, and Regulation
2 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
3 Licensing, and Regulation police officer;

4 (14) a firefighter for the Martin State Airport employed by the Military
5 Department; [or]

6 (15) a police officer employed by the Division of Rehabilitation Services in
7 the Department of Education, certified in accordance with the Maryland Police and
8 Correctional Training Commissions; OR

9 (16) A MEMBER OF THE DEPARTMENT OF PUBLIC SAFETY AND
10 CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT WHO HAS THE POWERS
11 GRANTED TO A POLICE OFFICER UNDER § 10-701 OF THE CORRECTIONAL SERVICES
12 ARTICLE.

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, 2002;

22 (ii) who was employed by the Field Enforcement Division on June
23 30, 1995 and who elects membership on or before December 31, 2002;

24 (iii) who was employed by the Maryland Transportation Authority
25 on June 30, 1997 and who elects membership on or before December 31, 2002;

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, 2002;

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, 2002;

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, 2002;

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, 2002;

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, 2002;

5 (x) who was employed by the BWI Airport Fire & Rescue
6 Department on June 30, 2000, and who elects membership on or before December 31,
7 2002;

8 (xi) who was employed by the Department of General Services,
9 Department of Health and Mental Hygiene, Motor Vehicle Administration, and
10 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and
11 who elects membership on or before December 31, 2002;

12 (xii) who was employed by the Military Department as a firefighter
13 at Martin State Airport on June 30, 2001, and who elects membership on or before
14 December 31, 2002; [or]

15 (xiii) who was employed on June 30, 2002, by the Division of
16 Rehabilitation Services in the Department of Education as a police officer certified in
17 accordance with the Maryland Police and Correctional Training Commissions, and
18 who elects membership on or before December 31, 2002; OR

19 (XIV) WHO WAS A MEMBER OF THE MARYLAND DEPARTMENT OF
20 PUBLIC SAFETY AND CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT
21 WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 10-701 OF THE
22 CORRECTIONAL SERVICES ARTICLE ON JUNE 30, 2004, AND WHO ELECTS
23 MEMBERSHIP ON OR BEFORE DECEMBER 31, 2004.

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

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

30 26-203.1.

31 (a) For members who transfer from the Employees' Pension System or the
32 Employees' Retirement System, the Board of Trustees shall transfer to the
33 accumulation fund of the Law Enforcement Officers' Pension System the employer
34 contributions that were made to the Employees' Retirement System and the
35 Employees' Pension System on behalf of those members who transferred, plus the
36 interest earned on those contributions through the date of transfer.

37 (b) For those full-time employees of the BWI Airport Fire & Rescue
38 Department who were employed on or after October 1, 1993 and who elect
39 membership in the Law Enforcement Officers' Pension System on or before December

1 31, 2000, the Board of Trustees shall transfer to the accumulation fund of the Law
2 Enforcement Officers' Pension System the employer contributions made to the
3 Employees' Retirement System and the Employees' Pension System on behalf of those
4 transferring members, plus the interest earned on those contributions through the
5 date of transfer.

6 (c) (1) For members who transfer from a local pension system, the local
7 pension system shall transfer to the Board of Trustees the employer contributions
8 that were made to the local pension system on behalf of those members who
9 transferred, plus the interest earned on those contributions through the date of
10 transfer.

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

14 (D) (1) THIS SUBSECTION APPLIES TO MEMBERS OF THE DEPARTMENT OF
15 PUBLIC SAFETY AND CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT
16 WHO:

17 (I) HAVE THE POWERS GRANTED TO A POLICE OFFICER UNDER §
18 10-701 OF THE CORRECTIONAL SERVICES ARTICLE; AND

19 (II) TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION
20 SYSTEM ON OR BEFORE DECEMBER 31, 2004.

21 (2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE ACCUMULATION
22 FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM THE EMPLOYER
23 CONTRIBUTIONS MADE TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON
24 BEHALF OF THOSE MEMBERS UNDER PARAGRAPH (1) OF THIS SUBSECTION, PLUS
25 THE INTEREST EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF
26 TRANSFER.

27 26-203.2.

28 (A) THIS SECTION APPLIES TO A MEMBER OF THE DEPARTMENT OF PUBLIC
29 SAFETY AND CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT WHO:

30 (1) HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 10-701
31 OF THE CORRECTIONAL SERVICES ARTICLE; AND

32 (2) WHO TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION
33 SYSTEM ON OR BEFORE DECEMBER 31, 2004.

34 (B) A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE LAW
35 ENFORCEMENT OFFICERS' PENSION SYSTEM CONTRIBUTIONS AT THE RATE OF 4% OF
36 THE INDIVIDUAL'S EARNABLE COMPENSATION AFTER JULY 1, 2000, INCLUDING
37 REGULAR INTEREST ON THE CONTRIBUTIONS AT THE RATE OF 5% PER YEAR
38 COMPOUNDED ANNUALLY.

1 37-201.

2 (a) Subject to subsection (b) of this section, this title applies to transfers from
3 a State or local retirement or pension system to another State or local retirement or
4 pension system only if:

5 (1) each system is operated on an actuarial basis; and

6 (2) under each system contributions that are computed to be sufficient to
7 provide the reserves needed to cover the benefits payable on account of the system's
8 members are made during the employment of members.

9 (b) This title does not apply to:

10 (1) a transfer to the Judges' Retirement System of the State of Maryland;

11 (2) a transfer to or from the Legislative Pension Plan of the State of
12 Maryland except to the extent provided by the Joint Resolution submitted to the
13 General Assembly by the General Assembly Compensation Commission under Article
14 III, § 15 of the Maryland Constitution;

15 (3) a transfer from the Employees' Retirement System of the State of
16 Maryland to the Employees' Pension System of the State of Maryland under § 22-212
17 or § 22-213 of this article;

18 (4) a transfer from the Teachers' Retirement System of the State of
19 Maryland to the Teachers' Pension System of the State of Maryland under § 22-212 or
20 § 22-213 of this article;

21 (5) a transfer between the Employees' Retirement System of the State of
22 Maryland and the Teachers' Retirement System of the State of Maryland;

23 (6) a transfer between the Employees' Pension System of the State of
24 Maryland and the Teachers' Pension System of the State of Maryland if the member
25 is not subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of
26 this article in the previous and current system; [or]

27 (7) a transfer between the Employees' Pension System of the State of
28 Maryland and the Teachers' Pension System of the State of Maryland if the member
29 is subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of this
30 article in the previous and current system; OR

31 (8) A TRANSFER FROM THE CORRECTIONAL OFFICERS' RETIREMENT
32 SYSTEM OF THE STATE OF MARYLAND TO THE LAW ENFORCEMENT OFFICERS'
33 PENSION SYSTEM OF THE STATE OF MARYLAND UNDER § 26-203.2 OF THIS ARTICLE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 July 1, 2004.