

HOUSE BILL 1255

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2004 Regular Session
4r2049
CF 4r1582

By: **Delegates Conway, Bozman, Cane, Eckardt, Elmore, and Haddaway**
Introduced and read first time: February 13, 2004
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Membership - Salisbury Fire**
3 **Department**

4 FOR the purpose of providing that certain firefighters and paramedics who are
5 employed by the Salisbury Fire Department are eligible for membership in the
6 Law Enforcement Officers' Pension System under certain circumstances;
7 specifying the procedural requirements that a certain participating
8 governmental unit must meet to have its firefighters or paramedics participate
9 in the Law Enforcement Officers' Pension System; and generally relating to
10 pensions for firefighters and paramedics who are employed by the Salisbury
11 Fire Department.

12 BY repealing and reenacting, with amendments,
13 Article - State Personnel and Pensions
14 Section 26-201, 26-202, and 31-2A-03 through 31-2A-05
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 2003 Supplement)

17 **Preamble**

18 WHEREAS, The recruitment and retention of qualified and trained firefighters,
19 emergency medical technicians, and paramedics is competitive and often influenced
20 by employee benefits; and

21 WHEREAS, The opportunity for promotion and mobility within any emergency
22 services organization is influenced by the available retirement options; and

23 WHEREAS, A recent survey has shown that the retirement benefits available to
24 employees in the Salisbury Fire Department are not competitive with benefits
25 available in other fire departments in the region; and

26 WHEREAS, In order to encourage timely retirement for fire department
27 members, retain members who are not yet ready to retire, and aid in the attraction of
28 new members, it is necessary for the Salisbury Fire Department to offer an adequate
29 and competitive retirement program; and

1 WHEREAS, The Law Enforcement Officers' Pension System offers a level of
2 benefits that is comparable to the retirement benefits offered to fire department
3 members in other agencies within the region; now, therefore,

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

6 **Article - State Personnel and Pensions**

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 Field Enforcement
16 Division;

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;

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 BWI Airport Fire & Rescue Department;

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

1 (11) an employee of the Department of Health and Mental Hygiene
2 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
3 Hygiene police officer;

4 (12) an employee of the Motor Vehicle Administration commissioned by
5 the Secretary of the Department of Transportation as a Motor Vehicle Administration
6 police officer;

7 (13) an employee of the Department of Labor, Licensing, and Regulation
8 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
9 Licensing, and Regulation police officer;

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

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

15 (16) A FIREFIGHTER OR PARAMEDIC EMPLOYED BY THE SALISBURY FIRE
16 DEPARTMENT WHO IS ELIGIBLE TO BE A MEMBER AS PROVIDED IN TITLE 31,
17 SUBTITLE 2A OF THIS ARTICLE.

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;

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 BWI Airport Fire & Rescue Department who
5 transferred from the Employees' Retirement System to the Employees' Pension
6 System on or after April 1, 1998;

7 (9) a member of the Department of General Services, Department of
8 Health and Mental Hygiene, Motor Vehicle Administration, or Department of Labor,
9 Licensing, and Regulation Police Force who transferred from the Employees'
10 Retirement System to the Employees' Pension System on or after April 1, 1998;

11 (10) a firefighter for the Martin State Airport employed by the Military
12 Department who transferred from the Employees' Retirement System to the
13 Employees' Pension System on or after April 1, 1998; [or]

14 (11) a police officer employed by the Division of Rehabilitation Services in
15 the Department of Education who:

16 (i) is certified in accordance with the Maryland Police and
17 Correctional Training Commissions; and

18 (ii) transferred from the Employees' Retirement System to the
19 Employees' Pension System on or after April 1, 1998; OR

20 (12) A FIREFIGHTER OR PARAMEDIC EMPLOYED BY THE SALISBURY FIRE
21 DEPARTMENT WHO TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM TO
22 THE EMPLOYEES' PENSION SYSTEM ON OR AFTER APRIL 1, 1998.

23 26-202.

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

27 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
28 Enforcement Officers' Pension System is optional for an individual described in §
29 26-201 of this subtitle:

30 (i) who was employed by the Department of Natural Resources on
31 July 1, 1990 and who elects membership on or before December 31, 2002;

32 (ii) who was employed by the Field Enforcement Division on June
33 30, 1995 and who elects membership on or before December 31, 2002;

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

1 (iv) who was employed by the Baltimore City Sheriff's Department
2 on June 30, 1997 and who elects membership on or before December 31, 2002;

3 (v) who was employed by the University of Maryland Police Force
4 on June 30, 1999 and who elects membership on or before December 31, 2002;

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

9 (vii) who was employed by the Maryland Port Administration Police
10 Force and was subsequently transferred to and employed by the Maryland
11 Transportation Authority Police Force on July 1, 1998 and who elects membership on
12 or before December 31, 2002;

13 (viii) who was employed by the office of the State Fire Marshal on
14 June 30, 1998 and who elects membership on or before December 31, 2002;

15 (ix) who was employed by the Morgan State University Police Force
16 on June 30, 1999 and who elects membership on or before December 31, 2002;

17 (x) who was employed by the BWI Airport Fire & Rescue
18 Department on June 30, 2000, and who elects membership on or before December 31,
19 2002;

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

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

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

31 (XIV) WHO WAS EMPLOYED ON JUNE 30, 2004, BY THE SALISBURY
32 FIRE DEPARTMENT AS A FIREFIGHTER OR PARAMEDIC AND WHO ELECTS
33 MEMBERSHIP ON OR BEFORE DECEMBER 31, 2004, IF ELIGIBLE UNDER TITLE 31,
34 SUBTITLE 2A OF THIS ARTICLE.

35 (2) To elect to be a member of the Law Enforcement Officers' Pension
36 System, an individual shall file a written application with the State Retirement
37 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 31-2A-03.

5 (A) If at least 60% of the law enforcement officers of an eligible governmental
6 unit who are members of a local pension system petition to become members of the
7 Law Enforcement Officers' Pension System, the legislative body of the eligible
8 governmental unit may approve the participation of these law enforcement officers in
9 the Law Enforcement Officers' Pension System as though the local pension system
10 were not in operation.

11 (B) IF AT LEAST 60% OF THE FIREFIGHTERS AND PARAMEDICS EMPLOYED BY
12 THE SALISBURY FIRE DEPARTMENT PETITION TO BECOME MEMBERS OF THE LAW
13 ENFORCEMENT OFFICERS' PENSION SYSTEM, THE LEGISLATIVE BODY OF THE CITY
14 OF SALISBURY, AS AN ELIGIBLE GOVERNMENTAL UNIT, MAY APPROVE THE
15 PARTICIPATION OF THESE FIREFIGHTERS AND PARAMEDICS IN THE LAW
16 ENFORCEMENT OFFICERS' PENSION SYSTEM.

17 31-2A-04.

18 If a law enforcement officer, FIREFIGHTER, OR PARAMEDIC joins the Law
19 Enforcement Officers' Pension System within 6 months after the effective date, the
20 member is entitled to credit for employment with the participating governmental unit
21 before the effective date.

22 31-2A-05.

23 (a) If an eligible governmental unit approves participation in the Law
24 Enforcement Officers' Pension System, the operation of the local pension system with
25 respect to the law enforcement officers, FIREFIGHTERS, OR PARAMEDICS terminates
26 on the effective date.

27 (b) (1) On the effective date:

28 (i) the assets to the credit of the local pension system that relate to
29 the law enforcement officers, FIREFIGHTERS, OR PARAMEDICS who elect to become
30 members shall be transferred to the Law Enforcement Officers' Pension System; and

31 (ii) the trustee or other administrative head of the local pension
32 system shall certify the proportion of the funds of the local pension system that
33 represents the accumulated contributions of the members as of that date.

34 (2) The accumulated contributions shall be credited to the respective
35 annuity savings accounts of the members in the Law Enforcement Officers' Pension
36 System.

37 (3) The balance of the funds transferred to the Law Enforcement
38 Officers' Pension System shall be offset against the special accrued liability to be

1 funded by the participating governmental unit as provided by § 21-306.1(d) of this
2 article.

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