

HOUSE BILL 1255

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

Committee Report: Favorable
House action: Adopted
Read second time: March 22, 2004

CHAPTER _____

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

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

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

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

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

13 **Article - State Personnel and Pensions**

14 26-201.

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

17 (1) an employee of the Department of Natural Resources commissioned
18 by the Secretary of Natural Resources as:

19 (i) a Natural Resources police officer; or

20 (ii) a law enforcement officer, other than a Natural Resources police
21 officer;

22 (2) a law enforcement officer employed by the Field Enforcement
23 Division;

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

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

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

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

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

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

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

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

7 (11) an employee of the Department of Health and Mental Hygiene
8 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
9 Hygiene police officer;

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

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

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

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

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

24 (b) This subtitle does not apply to:

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

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

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

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

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

4 (6) a State Fire Marshal or Deputy State Fire Marshal who transferred
5 from the Employees' Retirement System to the Employees' Pension System on or after
6 December 1, 1996;

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

10 (8) a member of the BWI Airport Fire & Rescue Department who
11 transferred from the Employees' Retirement System to the Employees' Pension
12 System on or after April 1, 1998;

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

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

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

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

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

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

29 26-202.

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

33 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
34 Enforcement Officers' Pension System is optional for an individual described in §
35 26-201 of this subtitle:

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

1 (ii) who was employed by the Field Enforcement Division on June
2 30, 1995 and who elects membership on or before December 31, 2002;

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

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

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

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

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

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

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

21 (x) who was employed by the BWI Airport Fire & Rescue
22 Department on June 30, 2000, and who elects membership on or before December 31,
23 2002;

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

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

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

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

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

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

7 31-2A-03.

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

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

20 31-2A-04.

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

25 31-2A-05.

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

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

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

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

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

4 (3) The balance of the funds transferred to the Law Enforcement
5 Officers' Pension System shall be offset against the special accrued liability to be
6 funded by the participating governmental unit as provided by § 21-306.1(d) of this
7 article.

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