

SENATE BILL 929

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2004 Regular Session
4r3240
CF 4r3229

By: **Senator Astle**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 9, 2004

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Membership - Maryland Forest**
3 **and Parks Service Managers**

4 FOR the purpose of authorizing membership for certain law enforcement officers of
5 the Maryland Forest and Parks Service who are employed by the Department of
6 Natural Resources in the Law Enforcement Officers' Pension System; and
7 generally relating to pensions for supervisory and managerial law enforcement
8 officers of the Maryland Forest and Parks Service who are employed by the
9 Department of Natural Resources.

10 BY repealing and reenacting, with amendments,
11 Article - State Personnel and Pensions
12 Section 26-201 and 26-202
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 2003 Supplement)

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

17 **Article - State Personnel and Pensions**

18 26-201.

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

21 (1) an employee of the Department of Natural Resources commissioned
22 by the Secretary of Natural Resources as:

23 (i) a Natural Resources police officer; [or]

24 (ii) a law enforcement officer, other than a Natural Resources police
25 officer; OR

1 (III) A SUPERVISORY OR MANAGERIAL LAW ENFORCEMENT
2 OFFICER OF THE MARYLAND FOREST AND PARKS SERVICE ON OR BEFORE JANUARY
3 1, 2004;

4 (2) a law enforcement officer employed by the Field Enforcement
5 Division;

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

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

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

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

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

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

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

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

23 (11) an employee of the Department of Health and Mental Hygiene
24 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
25 Hygiene police officer;

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

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

32 (14) a firefighter for the Martin State Airport employed by the Military
33 Department; or

34 (15) a police officer employed by the Division of Rehabilitation Services in
35 the Department of Education, certified in accordance with the Maryland Police and
36 Correctional Training Commissions.

1 (b) This subtitle does not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (12) AN EMPLOYEE OF THE DEPARTMENT OF NATURAL RESOURCES
4 COMMISSIONED BY THE SECRETARY OF NATURAL RESOURCES AS A SUPERVISORY
5 OR MANAGERIAL LAW ENFORCEMENT OFFICER OF THE MARYLAND FOREST AND
6 PARKS SERVICE ON OR BEFORE JANUARY 1, 2004, WHO TRANSFERRED FROM THE
7 EMPLOYEES' RETIREMENT SYSTEM TO THE EMPLOYEES' PENSION SYSTEM ON OR
8 AFTER APRIL 1, 1998.

9 26-202.

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

13 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
14 Enforcement Officers' Pension System is optional for an individual described in §
15 26-201 of this subtitle:

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

18 (ii) who was employed by the Field Enforcement Division on June
19 30, 1995 and who elects membership on or before December 31, 2002;

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

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

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

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

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

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

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

1 (x) who was employed by the BWI Airport Fire & Rescue
2 Department on June 30, 2000, and who elects membership on or before December 31,
3 2002;

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

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

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

15 (XIV) WHO AS AN EMPLOYEE OF THE DEPARTMENT OF NATURAL
16 RESOURCES WAS COMMISSIONED BY THE SECRETARY OF NATURAL RESOURCES AS A
17 SUPERVISORY OR MANAGERIAL LAW ENFORCEMENT OFFICER OF THE MARYLAND
18 FOREST AND PARKS SERVICE ON OR BEFORE JANUARY 1, 2004, AND WHO ELECTS
19 MEMBERSHIP ON OR BEFORE DECEMBER 31, 2004.

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

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

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