
By: **Harford County Delegation**

Introduced and read first time: February 10, 2006

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Membership - Harford County**
3 **Sheriff's Office**

4 FOR the purpose of providing that an individual serving as the Harford County
5 Sheriff may elect to participate in the Employees' Pension System; providing
6 that an individual serving as the Harford County Sheriff who does not elect
7 membership in the Employees' Pension System within a certain period of time is
8 required to join the Law Enforcement Officers' Pension System; providing that
9 certain deputy sheriffs employed by the Harford County Sheriff's Office are
10 eligible to participate in the Law Enforcement Officers' Pension System;
11 providing for the application of this Act; and generally relating to members of
12 the Harford County Sheriff's Office participating in the Law Enforcement
13 Officers' Pension System.

14 BY repealing and reenacting, without amendments,
15 Article - State Personnel and Pensions
16 Section 23-201(a)(2), 26-201(b)(4), and 31-2A-02
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2005 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - State Personnel and Pensions
21 Section 23-204, 26-201(a), 26-202, and 31-2A-01
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2005 Supplement)

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

1 **Article - State Personnel and Pensions**

2 23-201.

3 (a) Except as provided in subsection (b) of this section, §§ 23-203 through
4 23-205 of this subtitle apply only to:

5 (2) an appointed or elected official of the State, including:

6 (i) a clerk of the circuit court;

7 (ii) a register of wills;

8 (iii) a State's Attorney; and

9 (iv) a sheriff;

10 23-204.

11 (a) (1) This [section] SUBSECTION applies to an individual who on June 30,
12 2004, receives an annual salary and who is:

13 (i) an elected or appointed official;

14 (ii) an employee of the Governor's office;

15 (iii) an employee of the Senate or House of Delegates;

16 (iv) a member of the Prince George's County Board of License
17 Commissioners; or18 (v) an employee of Dorchester County who is not a member of the
19 county's general pension and retirement program.20 (2) Membership in the Employees' Pension System is optional for an
21 individual under paragraph (1) of this subsection while the individual remains
22 employed in the position the individual held on June 30, 2004.23 (b) (1) (i) Except as provided in paragraph (2) of this subsection, this
24 subsection applies only to the employees of a participating governmental unit who:25 1. are employed by the participating governmental unit on
26 June 30, 2004; and27 2. were employed by the participating governmental unit on
28 the effective date of participation in the State systems.29 (ii) Except as provided in paragraph (2) of this subsection,
30 membership in the Employees' Pension System is optional for an individual under
31 subparagraph (i) of this paragraph until the individual ceases employment with the
32 participating governmental unit that was employing the individual on June 30, 2004.

1 (2) Membership in the Employees' Pension System is not optional for
2 individuals who are:

3 (i) supportive service employees of the Board of Education of Kent
4 County; or

5 (ii) employees of the Town of Oakland.

6 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MEMBERSHIP IN
7 THE EMPLOYEES' PENSION SYSTEM IS OPTIONAL FOR AN INDIVIDUAL DESCRIBED IN
8 § 23-201(A)(2)(IV) OF THIS SUBTITLE WHO IS ELECTED OR APPOINTED AS THE
9 HARFORD COUNTY SHERIFF.

10 (2) AN INDIVIDUAL WHO IS ELECTED OR APPOINTED AS THE HARFORD
11 COUNTY SHERIFF AND WHO DOES NOT ELECT TO JOIN THE EMPLOYEES' PENSION
12 SYSTEM IS A MEMBER OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM
13 UNDER TITLE 26 OF THIS ARTICLE AS A CONDITION OF EMPLOYMENT.

14 (3) TO ELECT TO BE A MEMBER OF THE EMPLOYEES' PENSION SYSTEM
15 UNDER THIS SUBSECTION, AN INDIVIDUAL SHALL FILE A WRITTEN APPLICATION
16 WITH THE STATE RETIREMENT AGENCY.

17 (4) AN INDIVIDUAL WHO DOES NOT ELECT MEMBERSHIP IN THE
18 EMPLOYEES' PENSION SYSTEM WITHIN 6 MONTHS OF THE DATE THE INDIVIDUAL
19 BEGINS SERVING AS THE HARFORD COUNTY SHERIFF, SHALL BECOME A MEMBER OF
20 THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM.

21 26-201.

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

24 (1) an employee of the Department of Natural Resources commissioned
25 by the Secretary of Natural Resources as:

26 (i) a Natural Resources police officer; or

27 (ii) a law enforcement officer, other than a Natural Resources police
28 officer;

29 (2) a law enforcement officer employed by the Field Enforcement
30 Bureau;

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

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

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

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

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

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

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

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

13 (11) an employee of the Department of Health and Mental Hygiene
14 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
15 Hygiene police officer;

16 (12) an employee of the Motor Vehicle Administration commissioned by
17 the Secretary of Transportation as a Motor Vehicle Administration police officer;

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

21 (14) a firefighter for the Martin State Airport employed by the Military
22 Department;

23 (15) a police officer employed by the Division of Rehabilitation Services in
24 the Department of Education, certified in accordance with the Maryland Police and
25 Correctional Training Commissions;

26 (16) a firefighter or paramedic employed by the Salisbury Fire
27 Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this
28 article;

29 (17) an aviator employed by the Department of State Police to operate an
30 aircraft for the State Emergency Medical System; [or]

31 (18) a member of the Maryland Transit Administration Police Force who
32 has the powers granted to a police officer under § 7-207 of the Transportation Article;

33 (19) AN INDIVIDUAL WHO IS ELECTED OR APPOINTED AS THE HARFORD
34 COUNTY SHERIFF AND WHO DOES NOT ELECT TO JOIN THE EMPLOYEES' PENSION
35 SYSTEM UNDER TITLE 23 OF THIS ARTICLE WITHIN 6 MONTHS OF THE DATE THE
36 INDIVIDUAL BEGINS SERVING AS THE HARFORD COUNTY SHERIFF.

1 (b) This subtitle does not apply to:

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

5 26-202.

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

9 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
10 Enforcement Officers' Pension System is optional for an individual described in §
11 26-201 of this subtitle:

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

14 (ii) who was employed by the Field Enforcement Division on June
15 30, 1995 and who elects membership on or before December 31, 2002;

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

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

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

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

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

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

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

34 (x) who was employed by the BWI Airport Fire & Rescue
35 Department on June 30, 2000, and who elects membership on or before December 31,
36 2002;

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

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

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

12 (xiv) who was employed on June 30, 2004, by the Salisbury Fire
13 Department as a firefighter or paramedic and who elects membership on or before
14 December 31, 2004, if eligible under Title 31, Subtitle 2A of this article; [or]

15 (xv) who was employed on June 30, 2005, by the Department of
16 State Police as an aviator operating an aircraft for the State Emergency Medical
17 System, and who elects membership on or before December 31, 2005; OR

18 (XVI) WHO WAS EMPLOYED ON JUNE 30, 2006, BY THE HARFORD
19 COUNTY SHERIFF'S OFFICE AS A DEPUTY SHERIFF, AND WHO ELECTS MEMBERSHIP
20 ON OR BEFORE DECEMBER 31, 2006.

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

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

27 31-2A-01.

28 (a) In this subtitle the following words have the meanings indicated.

29 (b) "Effective date" means the date that an eligible governmental unit
30 commenced or commences participation in the Law Enforcement Officers' Pension
31 System.

32 (c) "Eligible governmental unit" means a governmental unit that is eligible to
33 participate in the Law Enforcement Officers' Pension System under § 31-2A-02 of
34 this subtitle.

35 (d) (1) "Firefighter" means:

36 (i) a paid firefighter, as determined by the eligible governmental
37 unit; or

1 (ii) a paid paramedic, as determined by the eligible governmental
2 unit.

3 (2) "Firefighter" does not include:

4 (i) a volunteer firefighter; or

5 (ii) a volunteer paramedic.

6 (e) "Law enforcement officer" means an individual WHO:

7 (1) IS certified by the Maryland Police Training Commission as a law
8 enforcement officer; OR

9 (2) IS A DEPUTY SHERIFF EMPLOYED BY THE HARFORD COUNTY
10 SHERIFF'S OFFICE.

11 (f) (1) "Local pension system" means a retirement or pension system of an
12 eligible governmental unit.

13 (2) "Local pension system" includes the Employees' Retirement System
14 and the Employees' Pension System if the eligible governmental unit participates
15 under Subtitle 1 of this title.

16 31-2A-02.

17 Subject to § 31-2A-03 of this subtitle, the governmental units that are eligible
18 to participate in the Law Enforcement Officers' Pension System are:

19 (1) counties; and

20 (2) municipal corporations.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies to any
22 individual serving as the Harford County Sheriff on the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2006.