
By: **Delegate Goodwin**

Introduced and read first time: February 22, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Participation - Baltimore City**
3 **Sheriff**

4 FOR the purpose of providing that certain individuals serving as the Baltimore City
5 Sheriff may elect to participate in the Employees' Pension System; providing
6 that certain individuals serving as the Baltimore City Sheriff who do not elect
7 membership in the Employees' Pension System within a certain period of time
8 are required to join the Law Enforcement Officers' Pension System; providing
9 that certain individuals serving as the Baltimore City Sheriff on a certain date
10 may elect membership in the Law Enforcement Officers' Pension System;
11 requiring that certain individuals serving as the Baltimore City Sheriff who
12 elect membership in the Law Enforcement Officers' Pension System submit
13 certain documents by a certain date to the State Retirement Agency; and
14 generally relating to the Baltimore City Sheriff participating in the Law
15 Enforcement Officers' Pension System.

16 BY repealing and reenacting, without amendments,
17 Article - State Personnel and Pensions
18 Section 23-201(a)(2)
19 Annotated Code of Maryland
20 (2004 Replacement Volume and 2005 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - State Personnel and Pensions
23 Section 23-204 and 26-201(a)
24 Annotated Code of Maryland
25 (2004 Replacement Volume and 2005 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 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 BALTIMORE CITY SHERIFF.

10 (2) AN INDIVIDUAL WHO IS ELECTED OR APPOINTED AS THE
11 BALTIMORE CITY SHERIFF AND WHO DOES NOT ELECT TO JOIN THE EMPLOYEES'
12 PENSION SYSTEM IS A MEMBER OF THE LAW ENFORCEMENT OFFICERS' PENSION
13 SYSTEM 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 WITHIN 6
18 MONTHS OF THE DATE THE INDIVIDUAL BEGINS SERVING AS THE BALTIMORE CITY
19 SHERIFF SHALL BECOME A MEMBER OF THE LAW ENFORCEMENT OFFICERS'
20 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 OR

34 (19) AN INDIVIDUAL WHO IS ELECTED OR APPOINTED AS THE
35 BALTIMORE CITY SHERIFF AND WHO DOES NOT ELECT TO JOIN THE EMPLOYEES'

1 PENSION SYSTEM UNDER TITLE 23 OF THIS ARTICLE WITHIN 6 MONTHS OF THE DATE
2 THE INDIVIDUAL BEGINS SERVING AS THE BALTIMORE CITY SHERIFF.

3 SECTION 2. AND BE IT FURTHER ENACTED, That:

4 (a) This section applies to any individual serving as the Baltimore City Sheriff
5 on the effective date of this Act and who is a member of the Employees' Pension
6 System.

7 (b) (1) An individual described under subsection (a) of this section may elect
8 to join the Law Enforcement Officers' Pension System.

9 (2) An individual who elects membership in the Law Enforcement
10 Officers' Pension System under this subsection shall file a written application with
11 the State Retirement Agency on or before December 31, 2006.

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