

# HOUSE BILL 432

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By: **Delegate James**

Introduced and read first time: February 5, 2007

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System – Department of Public Safety**  
3 **and Correctional Services Internal Investigative Unit Investigators**

4 FOR the purpose of authorizing certain members of the Department of Public Safety  
5 and Correctional Services Internal Investigative Unit to become members of the  
6 Law Enforcement Officers' Pension System; requiring the Board of Trustees for  
7 the State Retirement and Pension System to transfer certain funds to the Law  
8 Enforcement Officers' Pension System Accumulation Fund; requiring certain  
9 members of the Department of Public Safety and Correctional Services Internal  
10 Investigative Unit to deposit certain amounts in the Annuity Savings Fund of  
11 the Law Enforcement Officers' Pension System; exempting certain transfers of  
12 service credit from the provisions of Title 37 of the State Personnel and  
13 Pensions Article; and generally relating to the Law Enforcement Officers'  
14 Pension System.

15 BY repealing and reenacting, with amendments,  
16 Article – State Personnel and Pensions  
17 Section 26–201(a), 26–202, 26–203.1, and 37–201  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume and 2006 Supplement)

20 BY adding to  
21 Article – State Personnel and Pensions  
22 Section 26–203.3  
23 Annotated Code of Maryland  
24 (2004 Replacement Volume and 2006 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Personnel and Pensions**

4 26–201.

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

7 (1) an employee of the Department of Natural Resources  
8 commissioned by the Secretary of Natural Resources as:

9 (i) a Natural Resources police officer; or

10 (ii) a law enforcement officer, other than a Natural Resources  
11 police officer;

12 (2) a law enforcement officer employed by the Field Enforcement  
13 Bureau;

14 (3) a member of the Maryland Transportation Authority Police Force  
15 who has the powers granted to a police officer under § 4–208 of the Transportation  
16 Article;

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

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

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

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

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

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

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

4           (11) an employee of the Department of Health and Mental Hygiene  
5 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental  
6 Hygiene police officer;

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

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

12           (14) a firefighter for the Martin State Airport employed by the Military  
13 Department;

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

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

20           (17) an aviator employed by the Department of State Police to operate  
21 an aircraft for the State Emergency Medical System;

22           (18) a member of the Maryland Transit Administration Police Force  
23 who has the powers granted to a police officer under § 7–207 of the Transportation  
24 Article; [or]

25           (19) an individual who is elected or appointed as the Baltimore City  
26 Sheriff and who does not elect to join the Employees' Pension System under Title 23 of  
27 this article within 6 months of the date the individual begins serving as the Baltimore  
28 City Sheriff; **OR**

29           **(20) A MEMBER OF THE DEPARTMENT OF PUBLIC SAFETY AND**  
30 **CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT WHO HAS THE**  
31 **POWERS GRANTED TO A POLICE OFFICER UNDER § 10–701 OF THE**  
32 **CORRECTIONAL SERVICES ARTICLE.**

1 26–202.

2 (a) Except as provided in subsection (b) of this section, an individual  
3 described in § 26–201 of this subtitle is a member of the Law Enforcement Officers’  
4 Pension System as a condition of employment.

5 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law  
6 Enforcement Officers’ Pension System is optional for an individual described in §  
7 26–201 of this subtitle:

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

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

12 (iii) who was employed by the Maryland Transportation  
13 Authority on June 30, 1997 and who elects membership on or before December 31,  
14 2002;

15 (iv) who was employed by the Baltimore City Sheriff’s  
16 Department on June 30, 1997 and who elects membership on or before December 31,  
17 2002;

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

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

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

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

30 (ix) who was employed by the Morgan State University Police  
31 Force 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  
9 firefighter at Martin State Airport on June 30, 2001, and who elects membership on or  
10 before December 31, 2002;

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;

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

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

21 **(XVI) WHO WAS A MEMBER OF THE DEPARTMENT OF PUBLIC**  
22 **SAFETY AND CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT WHO**  
23 **HAS POWERS GRANTED TO A POLICE OFFICER UNDER § 10-701 OF THE**  
24 **CORRECTIONAL SERVICES ARTICLE ON JUNE 30, 2007, AND WHO ELECTS**  
25 **MEMBERSHIP ON OR BEFORE DECEMBER 31, 2007.**

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

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

32 26-203.1.

1 (a) For members who transfer from the Employees' Pension System or the  
2 Employees' Retirement System, the Board of Trustees shall transfer to the  
3 accumulation fund of the Law Enforcement Officers' Pension System the employer  
4 contributions that were made to the Employees' Retirement System and the  
5 Employees' Pension System on behalf of those members who transferred, plus the  
6 interest earned on those contributions through the date of transfer.

7 (b) For those full-time employees of the BWI Airport Fire & Rescue  
8 Department who were employed on or after October 1, 1993 and who elect  
9 membership in the Law Enforcement Officers' Pension System on or before December  
10 31, 2000, the Board of Trustees shall transfer to the accumulation fund of the Law  
11 Enforcement Officers' Pension System the employer contributions made to the  
12 Employees' Retirement System and the Employees' Pension System on behalf of those  
13 transferring members, plus the interest earned on those contributions through the  
14 date of transfer.

15 (c) (1) For members who transfer from a local pension system, the local  
16 pension system shall transfer to the Board of Trustees the employer contributions that  
17 were made to the local pension system on behalf of those members who transferred,  
18 plus the interest earned on those contributions through the date of transfer.

19 (2) The Board of Trustees shall deposit any funds transferred under  
20 paragraph (1) of this subsection in the accumulation fund of the Law Enforcement  
21 Officers' Pension System.

22 (d) (1) On or before January 1, 2006, for members who transfer from the  
23 Maryland Transit Administration Pension System established under § 7-603 of the  
24 Transportation Article, the Maryland Transit Administration shall transfer to the  
25 Board of Trustees the employer contributions made to the pension system established  
26 under § 7-603 of the Transportation Article on behalf of those members who transfer,  
27 plus the interest earned on those contributions through July 1, 2005.

28 (2) The Board of Trustees shall deposit any funds transferred under  
29 paragraph (1) of this subsection in the accumulation fund of the Law Enforcement  
30 Officers' Pension System.

31 **(E) (1) THIS SUBSECTION APPLIES TO MEMBERS OF THE**  
32 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES INTERNAL**  
33 **INVESTIGATIVE UNIT WHO:**

1 (I) HAVE THE POWERS GRANTED TO A POLICE OFFICER  
2 UNDER § 10-701 OF THE CORRECTIONAL SERVICES ARTICLE; AND

3 (II) TRANSFER TO THE LAW ENFORCEMENT OFFICERS'  
4 PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2007.

5 (2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE  
6 ACCUMULATION FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION  
7 SYSTEM THE EMPLOYER CONTRIBUTIONS MADE TO THE CORRECTIONAL  
8 OFFICERS' RETIREMENT SYSTEM ON BEHALF OF THOSE MEMBERS UNDER  
9 PARAGRAPH (1) OF THIS SUBSECTION, PLUS THE INTEREST EARNED ON THOSE  
10 CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.

11 **26-203.3.**

12 (A) THIS SECTION APPLIES TO MEMBERS OF THE DEPARTMENT OF  
13 PUBLIC SAFETY AND CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE  
14 UNIT WHO:

15 (1) HAVE THE POWERS GRANTED TO A POLICE OFFICER UNDER §  
16 10-701 OF THE CORRECTIONAL SERVICES ARTICLE; AND

17 (2) TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION  
18 SYSTEM ON OR BEFORE DECEMBER 31, 2007.

19 (B) A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE  
20 LAW ENFORCEMENT OFFICERS' PENSION SYSTEM CONTRIBUTIONS AT THE  
21 RATE OF 4% OF THE INDIVIDUAL'S EARNABLE COMPENSATION AFTER JULY 1,  
22 2000, INCLUDING REGULAR INTEREST ON THE CONTRIBUTIONS AT THE RATE OF  
23 5% PER YEAR COMPOUNDED ANNUALLY.

24 **37-201.**

25 (a) Subject to subsection (b) of this section, this title applies to transfers from  
26 a State or local retirement or pension system to another State or local retirement or  
27 pension system only if:

28 (1) each system is operated on an actuarial basis; and

1                   (2)     under each system contributions that are computed to be sufficient  
2 to provide the reserves needed to cover the benefits payable on account of the system's  
3 members are made during the employment of members.

4           (b)     This title does not apply to:

5                   (1)     a transfer to the Judges' Retirement System of the State of  
6 Maryland;

7                   (2)     a transfer to or from the Legislative Pension Plan of the State of  
8 Maryland except to the extent provided by the Joint Resolution submitted to the  
9 General Assembly by the General Assembly Compensation Commission under Article  
10 III, § 15 of the Maryland Constitution;

11                   (3)     a transfer from the Employees' Retirement System of the State of  
12 Maryland to the Employees' Pension System of the State of Maryland on or before  
13 December 31, 2004;

14                   (4)     a transfer from the Teachers' Retirement System of the State of  
15 Maryland to the Teachers' Pension System of the State of Maryland on or before  
16 December 31, 2004;

17                   (5)     a transfer between the Employees' Retirement System of the State  
18 of Maryland and the Teachers' Retirement System of the State of Maryland;

19                   (6)     a transfer between the Employees' Pension System of the State of  
20 Maryland and the Teachers' Pension System of the State of Maryland if the member is  
21 not subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of this  
22 article in the previous and current system; [or]

23                   (7)     a transfer between the Employees' Pension System of the State of  
24 Maryland and the Teachers' Pension System of the State of Maryland if the member is  
25 subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of this  
26 article in the previous and current system; **OR**

27                   **(8)     A TRANSFER BETWEEN THE CORRECTIONAL OFFICERS'**  
28 **RETIREMENT SYSTEM TO THE LAW ENFORCEMENT OFFICERS' PENSION**  
29 **SYSTEM UNDER §§ 26-203.1(E) AND 26-203.3 OF THIS SUBTITLE.**

30           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 2007.