

HOUSE BILL 432

K4

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By: **Delegate James**

Introduced and read first time: February 5, 2007

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2007

CHAPTER _____

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – State Personnel and Pensions
3 Section 26–203.3
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2006 Supplement)

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

8 **Article – State Personnel and Pensions**

9 26–201.

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

12 (1) an employee of the Department of Natural Resources
13 commissioned by the Secretary of Natural Resources as:

14 (i) a Natural Resources police officer; or

15 (ii) a law enforcement officer, other than a Natural Resources
16 police officer;

17 (2) a law enforcement officer employed by the Field Enforcement
18 Bureau;

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

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

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

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

29 (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 Transportation as a Motor Vehicle Administration police officer;

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

15 (14) a firefighter for the Martin State Airport employed by the Military
16 Department;

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

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

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

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

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

1 **(20) A MEMBER OF THE DEPARTMENT OF PUBLIC SAFETY AND**
2 **CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT WHO HAS THE**
3 **POWERS GRANTED TO A POLICE OFFICER UNDER § 10-701 OF THE**
4 **CORRECTIONAL SERVICES ARTICLE.**

5 26-202.

6 (a) Except as provided in subsection (b) of this section, an individual
7 described in § 26-201 of this subtitle is a member of the Law Enforcement Officers'
8 Pension 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
13 on July 1, 1990 and who elects membership on or before December 31, 2002;

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

16 (iii) who was employed by the Maryland Transportation
17 Authority on June 30, 1997 and who elects membership on or before December 31,
18 2002;

19 (iv) who was employed by the Baltimore City Sheriff's
20 Department on June 30, 1997 and who elects membership on or before December 31,
21 2002;

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

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

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

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

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

5 (x) who was employed by the BWI Airport Fire & Rescue
6 Department on June 30, 2000, and who elects membership on or before December 31,
7 2002;

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

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

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

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

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

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

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

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

4 26-203.1.

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

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

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

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

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

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

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

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

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

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

15 **26-203.3.**

16 **(A) THIS SECTION APPLIES TO MEMBERS OF THE DEPARTMENT OF**
17 **PUBLIC SAFETY AND CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE**
18 **UNIT WHO:**

19 **(1) HAVE THE POWERS GRANTED TO A POLICE OFFICER UNDER §**
20 **10-701 OF THE CORRECTIONAL SERVICES ARTICLE; AND**

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

23 **(B) A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE**
24 **LAW ENFORCEMENT OFFICERS' PENSION SYSTEM CONTRIBUTIONS AT THE**
25 **RATE OF 4% OF THE INDIVIDUAL'S EARNABLE COMPENSATION AFTER JULY 1,**
26 **2000, INCLUDING REGULAR INTEREST ON THE CONTRIBUTIONS AT THE RATE OF**
27 **5% PER YEAR COMPOUNDED ANNUALLY.**

28 **37-201.**

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

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

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

8 (b) This title does not apply to:

9 (1) a transfer to the Judges' Retirement System of the State of
10 Maryland;

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

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

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

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

23 (6) 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 not 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 (7) a transfer between the Employees' Pension System of the State of
28 Maryland and the Teachers' Pension System of the State of Maryland if the member is
29 subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of this
30 article in the previous and current system; **OR**

1 (8) A TRANSFER BETWEEN THE CORRECTIONAL OFFICERS'
2 **RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM TO THE LAW**
3 **ENFORCEMENT OFFICERS' PENSION SYSTEM UNDER §§ 26-203.1(E) AND**
4 **26-203.3 OF THIS SUBTITLE.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.