

CHAPTER 405

(House Bill 432)

AN ACT concerning

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

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

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

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

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

Article – State Personnel and Pensions

26–201.

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

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

(i) a Natural Resources police officer; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26-202.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26-203.1.

(a) For members who transfer from the Employees' Pension System or the Employees' Retirement System, the Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions that were made to the Employees' Retirement System and the

Employees' Pension System on behalf of those members who transferred, plus the interest earned on those contributions through the date of transfer.

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

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

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

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

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

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

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

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

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

26-203.3.

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

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

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

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

37-201.

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

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

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

(b) This title does not apply to:

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 8, 2007.