

# SENATE BILL 496

K4  
SB 803/08 – B&T

9lr2120  
CF HB 918

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By: **Senators Robey, DeGrange, Garagiola, Glassman, Jacobs, Klausmeier, Madaleno, McFadden, Middleton, Munson, Muse, Peters, Pugh, Raskin, and ~~Zirkin~~ Zirkin, Kittleman, and Stone**

Introduced and read first time: February 4, 2009  
Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 17, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System – Membership – Retired Pilots**  
3 **with the Maryland State Police**

4 FOR the purpose of providing certain retirees who are reemployed by the Maryland  
5 State Police Aviation Command as helicopter pilots with membership in the  
6 Law Enforcement Officers' Pension System; making membership in the Law  
7 Enforcement Officers' Pension System a condition of employment for certain  
8 retirees of the State Police Retirement System; providing a certain exception for  
9 certain retirees of the State Police Retirement System who are reemployed as  
10 Maryland State Police Aviation Command helicopter pilots; allowing certain  
11 members of the Law Enforcement Officers' Pension System to purchase service  
12 credit for certain periods of employment at a certain rate; requiring that certain  
13 members of the Law Enforcement Officers' Pension System who purchase  
14 service credit to complete and file certain forms; providing for the application of  
15 this Act; and generally relating to pension benefits for certain retired pilots who  
16 are reemployed by the Maryland State Police Aviation Command.

17 BY repealing and reenacting, with amendments,  
18 Article – State Personnel and Pensions  
19 Section 24–406 and 26–201(a)  
20 Annotated Code of Maryland  
21 (2004 Replacement Volume and 2008 Supplement)

22 BY adding to

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### 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 Article – State Personnel and Pensions  
 2 Section 26–307.2  
 3 Annotated Code of Maryland  
 4 (2004 Replacement Volume and 2008 Supplement)

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

7 **Article – State Personnel and Pensions**

8 24–406.

9 (a) A member may be entitled to benefits under Title 29 of this article other  
 10 than, or in addition to, the service retirement benefits provided under this subtitle.

11 (b) (1) This subsection does not apply to an individual receiving a service  
 12 retirement allowance or a vested allowance from the State Police Retirement System  
 13 who is:

14 (i) serving as a sheriff or State’s Attorney for a county that is a  
 15 participating governmental unit; [or]

16 (ii) elected or appointed to the General Assembly and eligible to  
 17 enroll in the Legislative Pension Plan; **OR**

18 **(III) REEMPLOYED AS A MARYLAND STATE POLICE**  
 19 **AVIATION COMMAND HELICOPTER PILOT AND A MEMBER OF THE LAW**  
 20 **ENFORCEMENT OFFICERS’ PENSION SYSTEM.**

21 (2) A member is not entitled to receive a pension or retirement  
 22 allowance from another pension or retirement system supported wholly or in part by  
 23 the State.

24 (c) An individual receiving a service retirement allowance or a vested  
 25 allowance from the State Police Retirement System who is elected or appointed to the  
 26 General Assembly and eligible to join the Legislative Pension Plan, may only receive  
 27 an additional retirement allowance from the Legislative Pension Plan.

28 26–201.

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

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

33 (i) a Natural Resources police officer; or

- 1 (ii) a law enforcement officer, other than a Natural Resources  
2 police officer;
- 3 (2) a law enforcement officer employed by the Field Enforcement  
4 Bureau;
- 5 (3) a member of the Maryland Transportation Authority Police Force  
6 who has the powers granted to a police officer under § 4-208 of the Transportation  
7 Article;
- 8 (4) a deputy sheriff employed by the Baltimore City Sheriff's  
9 Department;
- 10 (5) a member of the University of Maryland Police Force who has the  
11 powers granted to a police officer under § 13-601 of the Education Article;
- 12 (6) a law enforcement officer or firefighter employed by a participating  
13 governmental unit that on or after July 1, 1999 has elected to participate in the Law  
14 Enforcement Officers' Pension System;
- 15 (7) the State Fire Marshal or a Deputy State Fire Marshal;
- 16 (8) a member of the Morgan State University Police Force who has the  
17 powers granted to a police officer under § 14-106 of the Education Article;
- 18 (9) a member of the BWI Airport Fire & Rescue Department;
- 19 (10) a member of the Department of General Services Police Force who  
20 has the powers granted to a police officer under § 4-605 of the State Finance and  
21 Procurement Article;
- 22 (11) an employee of the Department of Health and Mental Hygiene  
23 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental  
24 Hygiene police officer;
- 25 (12) an employee of the Motor Vehicle Administration commissioned by  
26 the Secretary of Transportation as a Motor Vehicle Administration police officer;
- 27 (13) an employee of the Department of Labor, Licensing, and  
28 Regulation commissioned by the Secretary of Labor, Licensing, and Regulation as a  
29 Labor, Licensing, and Regulation police officer;
- 30 (14) a firefighter or law enforcement officer for the Martin State Airport  
31 employed by the Military Department;

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

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

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

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

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

16 (20) a member of the Department of Public Safety and Correctional  
17 Services Internal Investigative Unit who has the powers granted to a police officer  
18 under § 10-701 of the Correctional Services Article; [or]

19 (21) a police officer employed by the Baltimore City Community College  
20 who has the power granted to a police officer under § 16-513 of the Education Article;  
21 **OR**

22 **(22) A RETIREE OF THE STATE POLICE RETIREMENT SYSTEM WHO**  
23 **IS REEMPLOYED BY THE MARYLAND STATE POLICE AVIATION COMMAND AS A**  
24 **HELICOPTER PILOT.**

25 **26-307.2.**

26 **(A) THIS SECTION APPLIES ONLY TO A MEMBER WHO:**

27 **(1) IS A RETIREE OF THE STATE POLICE RETIREMENT SYSTEM;**  
28 **AND**

29 **(2) AS A RETIREE OF THE STATE POLICE RETIREMENT SYSTEM,**  
30 **IS REEMPLOYED AS A MARYLAND STATE POLICE AVIATION COMMAND**  
31 **HELICOPTER PILOT AS OF JUNE 30, 2009.**

32 **(B) A MEMBER DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION**  
33 **MAY PURCHASE CREDIT FOR ELIGIBILITY SERVICE AS PROVIDED IN THIS**

1 SECTION FOR PERIODS OF EMPLOYMENT DESCRIBED IN SUBSECTION (C) OF  
2 THIS SECTION FOR WHICH THE MEMBER IS NOT OTHERWISE ENTITLED.

3 (C) A MEMBER DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION  
4 MAY PURCHASE SERVICE CREDIT EQUAL TO 2 YEARS OF EMPLOYMENT AS A  
5 REEMPLOYED MARYLAND STATE POLICE AVIATION COMMAND HELICOPTER  
6 PILOT FOR EVERY 1 YEAR THE MEMBER WAS REEMPLOYED AS A MARYLAND  
7 STATE POLICE AVIATION COMMAND HELICOPTER PILOT PRIOR TO JULY 1,  
8 2009.

9 (D) (1) A MEMBER WHO PURCHASES SERVICE CREDIT UNDER THIS  
10 SECTION SHALL:

11 (I) COMPLETE AND FILE A CLAIM FOR THE SERVICE CREDIT  
12 WITH THE BOARD OF TRUSTEES ON A FORM THAT THE BOARD OF TRUSTEES  
13 PROVIDES; AND

14 (II) PAY TO THE BOARD OF TRUSTEES THE MEMBER  
15 CONTRIBUTIONS THE MEMBER WOULD HAVE MADE FOR EACH YEAR OF SERVICE  
16 FOR THE PERIOD OF EMPLOYMENT FOR WHICH SERVICE CREDIT IS BEING  
17 PURCHASED PLUS REGULAR INTEREST TO THE DATE OF PAYMENT.

18 (2) A MEMBER MAY PAY FOR SERVICE CREDIT PURCHASED  
19 UNDER THIS SECTION AT ANY TIME BEFORE RETIREMENT.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be applied  
21 retroactively and shall be applied to and interpreted to affect a retiree of the State  
22 Police Retirement System who:

23 (1) is reemployed as a Maryland State Police Aviation Command  
24 helicopter pilot as of June 30, 2008; and

25 (2) ~~continues to be reemployed as a Maryland State Police Aviation~~  
26 ~~Command helicopter pilot on July 1, 2009~~ died on or after June 30, 2008, while  
27 reemployed as a Maryland State Police Aviation Command helicopter pilot:

28 (i) without willful negligence by the individual; and

29 (ii) with death arising out of or in the course of the actual  
30 performance of duty.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 July 1, 2009.