

HOUSE BILL 1336

K4, A1

1r1966
CF SB 761

By: **Delegate Proctor**

Introduced and read first time: February 11, 2021

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Alcohol and Tobacco Commission – Executive Director – Clarification**

3 FOR the purpose of requiring the Executive Director of the Alcohol and Tobacco
4 Commission to be a sworn police officer with certain powers; specifying that the
5 Executive Director is a member of the Law Enforcement Officers’ Pension System as
6 a condition of employment; requiring the Board of Trustees for the State Retirement
7 and Pension System to transfer certain service earned under certain circumstances;
8 requiring the Board of Trustees to transfer certain employer and member
9 contributions from the Employees’ Pension System to the Law Enforcement Officers’
10 Pension System; and generally relating to the Executive Director of the Alcohol and
11 Tobacco Commission.

12 BY repealing and reenacting, without amendments,
13 Article – Alcoholic Beverages
14 Section 1–302 and 1–313(b)(2)
15 Annotated Code of Maryland
16 (2016 Volume and 2020 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Alcoholic Beverages
19 Section 1–309(c)
20 Annotated Code of Maryland
21 (2016 Volume and 2020 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – State Personnel and Pensions
24 Section 26–101 and 26–202(a)
25 Annotated Code of Maryland
26 (2015 Replacement Volume and 2020 Supplement)

27 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Personnel and Pensions
2 Section 26–201(a)(20) and (21)
3 Annotated Code of Maryland
4 (2015 Replacement Volume and 2020 Supplement)

5 BY adding to
6 Article – State Personnel and Pensions
7 Section 26–201(a)(22)
8 Annotated Code of Maryland
9 (2015 Replacement Volume and 2020 Supplement)

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

12 **Article – Alcoholic Beverages**

13 1–302.

14 There is an Alcohol and Tobacco Commission.

15 1–309.

16 (c) The Executive Director shall:

17 (1) have the training and experience, including knowledge of the Maryland
18 alcohol regulatory system, that is needed to direct the work of the Commission; [and]

19 (2) **BE A SWORN POLICE OFFICER WITH THE POWERS GRANTED TO AN**
20 **OFFICER OR EMPLOYEE OF THE FIELD ENFORCEMENT DIVISION UNDER § 1–313 OF**
21 **THIS SUBTITLE; AND**

22 (3) devote full time to the duties of office and may not engage in another
23 profession or occupation.

24 1–313.

25 (b) (2) The officers and employees of the Field Enforcement Division:

26 (i) shall be sworn police officers;

27 (ii) shall have the powers, duties, and responsibilities of peace
28 officers to enforce the provisions of this article relating to:

29 1. the unlawful importation of alcoholic beverages and
30 tobacco into the State;

1 2. the unlawful manufacture of alcoholic beverages and
2 tobacco in the State;

3 3. the transportation and distribution throughout the State
4 of alcoholic beverages and tobacco that are manufactured illegally and on which any
5 alcoholic beverages taxes or tobacco taxes imposed by the State are due and unpaid; and

6 4. the manufacture, sale, barter, transportation,
7 distribution, or other form of owning, handling, or dispersing alcoholic beverages or tobacco
8 by any person not licensed or authorized under this article, provisions of the Tax – General
9 Article relating to alcoholic beverages or tobacco, or provisions of the Business Regulation
10 Article relating to tobacco; and

11 (iii) may make cooperative arrangements for and work and cooperate
12 with the Office of the Comptroller, local State’s Attorneys, sheriffs, bailiffs, police, and other
13 prosecuting and peace officers to enforce this article.

14 **Article – State Personnel and Pensions**

15 26–101.

16 This title applies to the Law Enforcement Officers’ Pension System.

17 26–201.

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

20 (20) a police officer employed by the Baltimore City Community College who
21 has the power granted to a police officer under § 16–513 of the Education Article; [or]

22 (21) an employee of the Warrant Apprehension Unit of the Division of Parole
23 and Probation in the Department of Public Safety and Correctional Services who has the
24 powers granted to a peace officer or police officer under § 6–106 of the Correctional Services
25 Article; **OR**

26 **(22) THE EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO**
27 **COMMISSION.**

28 26–202.

29 (a) Except as provided in subsection (b) of this section, an individual described in
30 § 26–201 of this subtitle is a member of the Law Enforcement Officers’ Pension System as
31 a condition of employment.

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

1 (a) This section applies to an individual who:

2 (1) on May 31, 2021, is serving in the position of Executive Director of the
3 Alcohol and Tobacco Commission and remains in that position on June 1, 2021; and

4 (2) before December 1, 2020, was a member of the Law Enforcement
5 Officers' Pension System.

6 (b) The Board of Trustees for the State Retirement and Pension System shall
7 transfer any service earned by an individual described under subsection (a) of this section
8 in the Employees' Pension System from December 1, 2020, through May 31, 2021, to the
9 Law Enforcement Officers' Pension System.

10 (c) For service credit transferred under subsection (b) of this section, the Board
11 of Trustees shall transfer:

12 (1) to the accumulation fund of the Law Enforcement Officers' Pension
13 System the employer contributions that were made to the Employees' Pension System, plus
14 the interest earned on those contributions; and

15 (2) the member contributions from the annuity savings fund of the
16 Employees' Pension System to the annuity savings fund of the Law Enforcement Officers'
17 Pension System.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
19 1, 2021.