

SENATE BILL 974

K4

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By: **Senators Colburn and Kittleman**

Introduced and read first time: February 19, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Optional Retirement Program – State and Participating Governmental Unit**
3 **Employees – Participation**

4 FOR the purpose of providing that only certain individuals serving as Governor are
5 eligible for a certain defined benefit retirement allowance; providing that, on or
6 after a certain date, certain individuals are not eligible to join the Employees'
7 Pension System, the Teachers' Pension System, the State Police Retirement
8 System, the Correctional Officers' Retirement System, the Law Enforcement
9 Officers' Pension System, or the Judges' Retirement System; requiring that, on
10 or after a certain date, certain individuals are required to join the optional
11 retirement program as a condition of employment; providing that certain
12 supervising employers are not responsible for the payment of certain benefits
13 payable under the optional retirement program; requiring certain supervising
14 employers to administer certain aspects of the participation of certain
15 employees participating in the optional retirement program; providing that
16 certain employees are eligible to participate in the optional retirement program;
17 requiring that certain employees who elect to participate in the optional
18 retirement program make such an election within a certain period of time and
19 in a certain manner; requiring certain participating governmental units that
20 elect to participate in the State Retirement and Pension System on or after a
21 certain date to participate in the optional retirement program; requiring certain
22 participating governmental units that elect to participate in the optional
23 retirement program to make such an election in a certain manner; providing for
24 the effective date of participation for certain participating governmental units
25 that elect to participate in the optional retirement program; prohibiting a
26 participating governmental unit from transferring certain service credit of
27 certain employees of the participating governmental unit to the optional
28 retirement program; providing that a legislative body of certain participating
29 governmental units may withdraw from the optional retirement program in a
30 certain manner; defining certain terms; making a stylistic change; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 generally relating to providing State employees and employees of participating
2 governmental units with a defined contribution retirement benefit.

3 BY repealing and reenacting, with amendments,

4 Article – State Personnel and Pensions

5 Section 22–405, 23–203, 23–204(c) and (d), 23–208, 24–202, 24–203, 25–202,
6 26–202(a), 30–101, 30–201, 30–202, 30–207, 30–210, 30–301, 30–302,
7 30–303, 30–305, 30–307(e), 31–101(c), (d), and (h), 31–102, 31–109,
8 31–113, 31–2A–01(b) and (c), 31–2A–02, 31–2A–03, 31–2A–05,
9 31–2B–01(b) and (c), 31–2B–02, 31–2B–03, 31–2B–05, 31–301, 31–302,
10 31–304, and 31–306

11 Annotated Code of Maryland

12 (2009 Replacement Volume and 2009 Supplement)

13 BY adding to

14 Article – State Personnel and Pensions

15 Section 27–201.1, 31–109.2, 31–109.3, 31–111.7, 31–112.1, 31–2A–03.2,
16 31–2A–03.3, 31–2A–04.1, 31–2B–03.1, and 31–2B–04.1

17 Annotated Code of Maryland

18 (2009 Replacement Volume and 2009 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – State Personnel and Pensions

21 Section 31–101(a), 31–2A–01(a), and 31–2B–01(a)

22 Annotated Code of Maryland

23 (2009 Replacement Volume and 2009 Supplement)

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

26 **Article – State Personnel and Pensions**

27 22–405.

28 (a) **(1) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO SERVES**
29 **AS GOVERNOR ON OR BEFORE JANUARY 18, 2011.**

30 **(2) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO**
31 **SERVES AS GOVERNOR ON OR AFTER JANUARY 19, 2011.**

32 **(B)** Subject to subsection [(d)] **(E)** of this section, if a Governor serves for at
33 least:

34 (1) one full term, the Governor is entitled to receive a retirement
35 allowance equal to one-third of the annual salary received by the current Governor in
36 office; or

1 (2) two full terms, the Governor is entitled to receive a retirement
2 allowance equal to one-half of the annual salary received by the current Governor in
3 office.

4 **[(b)] (C)** The Board of Trustees shall suspend a retirement allowance
5 received under this section during any period when the former Governor is employed
6 by a unit of State government.

7 **[(c)] (D)** Except as provided in subsection **[(d)] (E)** of this section, a
8 Governor may not receive a retirement allowance under this subsection until the
9 Governor is at least 55 years old.

10 **[(d)] (E)** (1) A Governor who leaves office because of physical or mental
11 disability, under Article II, Section 6(c) of the Maryland Constitution, shall
12 immediately receive a disability retirement allowance equal to the amount the
13 Governor would have received had the Governor completed the current term and
14 become 55 years old.

15 (2) If the physical or mental disability ends before the former
16 Governor becomes 55 years old, the Board of Trustees shall stop the disability
17 retirement allowance, but the former Governor shall receive the normal retirement
18 allowance at age 55 if otherwise qualified.

19 **[(e)] (F)** On the death of a former Governor, the surviving spouse of the
20 former Governor shall receive an allowance that is equal to one-half of the former
21 Governor's retirement allowance.

22 **[(f)] (G)** On the death of a Governor while in office, the deceased Governor's
23 surviving spouse shall receive one-half of the retirement allowance that the deceased
24 Governor would have been entitled to receive had the deceased Governor completed
25 the current term and become 55 years old.

26 23-203.

27 **(A)** Except as provided in § 23-204 of this subtitle, an individual described in
28 § 23-201(a) of this subtitle who becomes an employee of a participating employer on or
29 after January 1, 1980, **AND ON OR BEFORE JUNE 30, 2010**, or who transfers
30 membership from the Employees' Retirement System **ON OR BEFORE JUNE 30,**
31 **2010**, is a member of the Employees' Pension System as a condition of employment.

32 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
33 **SUBSECTION, AN INDIVIDUAL WHO IS NOT A MEMBER OF THE EMPLOYEES'**
34 **PENSION SYSTEM ON JUNE 30, 2010, IS NOT ELIGIBLE FOR MEMBERSHIP IN**
35 **THE EMPLOYEES' PENSION SYSTEM.**

1 **(2) AN INDIVIDUAL IS A MEMBER OF THE EMPLOYEES' PENSION**
2 **SYSTEM IF THE INDIVIDUAL COMMENCES EMPLOYMENT ON OR AFTER JULY 1,**
3 **2010, FOR A PARTICIPATING GOVERNMENTAL UNIT THAT ELECTED TO JOIN THE**
4 **EMPLOYEES' PENSION SYSTEM ON OR BEFORE JUNE 30, 2010.**

5 23-204.

6 (c) (1) Subject to paragraph (2) of this subsection, membership in the
7 Employees' Pension System is optional for an individual described in § 23-201(a)(2)(iv)
8 of this subtitle who is elected or appointed as the Baltimore City Sheriff **ON OR**
9 **BEFORE JUNE 30, 2010.**

10 (2) An individual who is elected or appointed as the Baltimore City
11 Sheriff **ON OR BEFORE JUNE 30, 2010**, and who does not elect to join the Employees'
12 Pension System is a member of the [Law Enforcement Officers' Pension System]
13 **OPTIONAL RETIREMENT PROGRAM** under Title [26] **30** of this article as a condition
14 of employment.

15 (3) To elect to be a member of the Employees' Pension System under
16 this subsection, an individual shall file a written application with the State
17 Retirement Agency.

18 (4) An individual who does not elect membership within 6 months of
19 the date the individual begins serving as the Baltimore City Sheriff shall become a
20 member of the [Law Enforcement Officers' Pension System] **OPTIONAL RETIREMENT**
21 **PROGRAM.**

22 (d) (1) This subsection applies to an individual described in §
23 23-201(a)(2)(iv) of this subtitle who elects membership in the Employees' Pension
24 System under this section.

25 (2) An individual described in paragraph (1) of this subsection may
26 elect membership in the Law Enforcement Officers' Pension System if the county
27 employing the individual elects to become an eligible governmental unit in the Law
28 Enforcement Officers' Pension System **ON OR BEFORE JUNE 30, 2010, AND** in
29 accordance with § 31-2A-02 through § 31-2A-05 of this article.

30 (3) If an individual transfers to the Law Enforcement Officers' Pension
31 System under this subsection, the eligible governmental unit is responsible for all
32 employer contributions required for the individual under § 21-306.1 of this article.

33 23-208.

34 **(A)** Except as provided in § 23-209 of this subtitle, an individual described in
35 § 23-206(a) of this subtitle who becomes employed by a participating employer on or
36 after January 1, 1980, **AND ON OR BEFORE JUNE 30, 2010**, or who transfers

1 membership from the Teachers' Retirement System **ON OR BEFORE JUNE 30, 2010**,
2 is a member of the Teachers' Pension System as a condition of employment.

3 **(B) AN INDIVIDUAL WHO IS NOT A MEMBER OF THE TEACHERS'**
4 **PENSION SYSTEM ON JUNE 30, 2010, IS NOT ELIGIBLE FOR MEMBERSHIP IN**
5 **THE TEACHERS' PENSION SYSTEM.**

6 24-202.

7 **(A)** Except as provided in § 24-203 of this subtitle, an individual described in
8 § 24-201 of this subtitle **WHO BECOMES A POLICE EMPLOYEE OR A MARYLAND**
9 **STATE POLICE CADET ON OR BEFORE JUNE 30, 2010**, is a member of the State
10 Police Retirement System as a condition of employment.

11 **(B) AN INDIVIDUAL WHO IS NOT A MEMBER OF THE STATE POLICE**
12 **RETIREMENT SYSTEM ON JUNE 30, 2010, IS NOT ELIGIBLE FOR MEMBERSHIP IN**
13 **THE STATE POLICE RETIREMENT SYSTEM.**

14 24-203.

15 The Secretary of State Police may waive membership in the State Police
16 Retirement System and elect to become a member of the [Employees' Pension System]
17 **OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE.**

18 25-202.

19 **(a) (1)** Except as provided in subsection (b) of this section, an individual
20 described in § 25-201(a) of this subtitle is a member of the Correctional Officers'
21 Retirement System as a condition of employment **IF THE INDIVIDUAL BEGAN**
22 **EMPLOYMENT IN A POSITION DESCRIBED IN § 25-201(A) OF THIS SUBTITLE ON**
23 **OR BEFORE JUNE 30, 2010.**

24 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
25 **PARAGRAPH, AN INDIVIDUAL WHO IS NOT A MEMBER OF THE CORRECTIONAL**
26 **OFFICERS' RETIREMENT SYSTEM ON JUNE 30, 2010, IS NOT ELIGIBLE FOR**
27 **MEMBERSHIP IN THE STATE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM.**

28 **(II) AN INDIVIDUAL IS A MEMBER OF THE CORRECTIONAL**
29 **OFFICERS' RETIREMENT SYSTEM IF THE INDIVIDUAL COMMENCES**
30 **EMPLOYMENT ON OR AFTER JULY 1, 2010, FOR A PARTICIPATING**
31 **GOVERNMENTAL UNIT THAT ELECTED TO JOIN THE CORRECTIONAL OFFICERS'**
32 **RETIREMENT SYSTEM ON OR BEFORE JUNE 30, 2010.**

33 **(b) (1)** Subject to paragraph (2) of this subsection, membership in the
34 Correctional Officers' Retirement System is optional for an individual described in §

1 25–201 of this subtitle who was employed by a participating governmental unit as a
2 local detention center officer on the effective date of participation on or after July 1,
3 2006, for that participating governmental unit and who elects membership within 6
4 months of the effective date of participation.

5 (2) To elect to be a member of the Correctional Officers' Retirement
6 System, an individual shall file a written application with the State Retirement
7 Agency.

8 (3) If an individual does not elect membership during the applicable
9 period specified under paragraph (1) of this subsection, the individual may not become
10 a member of the Correctional Officers' Retirement System.

11 26–202.

12 (a) (1) Except as provided in subsection (b) of this section, an individual
13 described in § 26–201 of this subtitle is a member of the Law Enforcement Officers'
14 Pension System as a condition of employment **IF THE INDIVIDUAL BEGAN**
15 **EMPLOYMENT IN A POSITION DESCRIBED IN § 26–201 OF THIS SUBTITLE ON OR**
16 **BEFORE JUNE 30, 2010.**

17 (2) (I) **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
18 **PARAGRAPH, AN INDIVIDUAL WHO IS NOT A MEMBER OF THE LAW**
19 **ENFORCEMENT OFFICERS' PENSION SYSTEM ON JUNE 30, 2010, IS NOT**
20 **ELIGIBLE FOR MEMBERSHIP IN THE LAW ENFORCEMENT OFFICERS' PENSION**
21 **SYSTEM.**

22 (II) **AN INDIVIDUAL IS A MEMBER OF THE CORRECTIONAL**
23 **LAW ENFORCEMENT OFFICERS' PENSION SYSTEM IF THE INDIVIDUAL**
24 **COMMENCES EMPLOYMENT ON OR AFTER JULY 1, 2010, FOR A PARTICIPATING**
25 **GOVERNMENTAL UNIT THAT ELECTED TO JOIN THE LAW ENFORCEMENT**
26 **OFFICERS' PENSION SYSTEM ON OR BEFORE JUNE 30, 2010.**

27 27–201.1.

28 **AN INDIVIDUAL WHO IS NOT A MEMBER OF THE JUDGES' RETIREMENT**
29 **SYSTEM ON JUNE 30, 2010, IS NOT ELIGIBLE FOR MEMBERSHIP IN THE JUDGES'**
30 **RETIREMENT SYSTEM.**

31 30–101.

32 (a) In this title the following words have the meanings indicated.

33 (b) (1) "Annuity contract" means a fixed or variable annuity contract or
34 combination of fixed or variable annuity contracts authorized under § 403(a) or (b) of
35 the Internal Revenue Code.

1 (2) “Annuity contract” includes a custodial account to be invested in
2 regulated investment company stock as provided in § 401(f) or § 403(b)(7) of the
3 Internal Revenue Code.

4 (c) “Designated company” means an entity that:

5 (1) on or before March 1, 1993, was designated by the governing board
6 of an employing institution to offer annuity contracts under the program; or

7 (2) is designated by the Board of Trustees.

8 (d) “Eligible employee” means an individual eligible to participate in the
9 program.

10 (e) “Employing institution” means:

11 (1) the University System of Maryland;

12 (2) Morgan State University;

13 (3) St. Mary’s College;

14 (4) the Maryland Higher Education Commission with respect to
15 eligible employees of the Commission; and

16 (5) any community college or regional community college established
17 under Title 16 of the Education Article.

18 (f) “Participating employee” means an eligible employee who elects to
19 participate in the program.

20 (g) “Pension system” means the Employees’ Pension System or the Teachers’
21 Pension System.

22 (h) “Program” means the optional retirement program established under §
23 30–201 of this title.

24 (i) “Retirement system” means the Employees’ Retirement System or the
25 Teachers’ Retirement System.

26 **(J) “SUPERVISING EMPLOYER” MEANS:**

27 **(1) ANY UNIT OF STATE GOVERNMENT;**

28 **(2) A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY**
29 **BOARD OF SCHOOL COMMISSIONERS;**

1 (3) A LIBRARY THAT IS ESTABLISHED UNDER THE EDUCATION
2 ARTICLE;

3 (4) AN EMPLOYING INSTITUTION;

4 (5) A PARTICIPATING GOVERNMENTAL UNIT THAT IS ELIGIBLE TO
5 PARTICIPATE UNDER TITLE 31, SUBTITLE 1 OF THIS ARTICLE AND ELECTS TO
6 JOIN THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER JULY 1, 2010;

7 (6) THE OFFICE OF THE SHERIFF OF BALTIMORE CITY;

8 (7) A BOARD OF SUPERVISORS OF ELECTIONS OF A COUNTY;

9 (8) THE STATE RACING COMMISSION AUTHORIZED BY § 11-207
10 OF THE BUSINESS REGULATION ARTICLE;

11 (9) A CIRCUIT COURT FOR ANY COUNTY;

12 (10) THE MARYLAND ENVIRONMENTAL SERVICE;

13 (11) THE BALTIMORE CITY DETENTION CENTER;

14 (12) THE CLIFTON T. PERKINS HOSPITAL CENTER;

15 (13) THE FIELD ENFORCEMENT BUREAU;

16 (14) THE UNIVERSITY OF MARYLAND POLICE FORCE;

17 (15) THE MORGAN STATE UNIVERSITY POLICE FORCE;

18 (16) THE BWI AIRPORT FIRE & RESCUE DEPARTMENT;

19 (17) THE MILITARY DEPARTMENT; OR

20 (18) THE SALISBURY FIRE DEPARTMENT.

21 [(j)] (k) “Supplemental retirement plans” means plans established
22 pursuant to § 30-401 of this title.

23 30-201.

24 (a) There is an optional retirement program in which eligible employees may
25 participate.

1 (b) Under the program, annuity contracts offered by a designated company
2 that provide retirement and death benefits may be purchased for participating
3 employees.

4 (c) (1) The Board of Trustees shall administer the program to the extent
5 provided in this title.

6 (2) The State Retirement Agency shall carry out the administrative
7 duties of the Board of Trustees.

8 (d) The program shall be offered by each [employing institution]
9 **SUPERVISING EMPLOYER.**

10 30-202.

11 (a) The Board of Trustees may designate not more than four companies, in
12 addition to the company that was designated by a governing board of an employing
13 institution on or before March 1, 1993, from which annuity contracts are to be
14 purchased under the program.

15 (b) (1) The Board of Trustees shall approve the form and contents of
16 annuity contracts to be offered by a company that is designated by the Board of
17 Trustees under subsection (a) of this section.

18 (2) The Board of Trustees may also approve the form and contents of
19 additional types of annuity contracts to be offered for the first time after October 1,
20 1993, by the company designated by the governing board of an employing institution
21 on or before March 1, 1993.

22 (c) In making the designation and giving approval under this section, the
23 Board of Trustees shall consider:

24 (1) the nature and extent of the rights and benefits to be provided by
25 the annuity contracts for participating employees and their beneficiaries;

26 (2) the relation of those rights and benefits to the amount of
27 contributions to be made;

28 (3) the suitability of the rights and benefits to the needs of the
29 participating employees and the interests of the [employing institutions]
30 **SUPERVISING EMPLOYERS** in the recruitment and retention of participating
31 employees;

32 (4) the ability of the company to provide for suitable rights and
33 benefits under the annuity contracts;

1 (5) the selection of annuity contracts offered by the company;

2 (6) the financial stability of the company and whether the company
3 meets minimum financial criteria, if any, including a minimum net worth
4 requirement, if any, established by the Board of Trustees; and

5 (7) the effect of any fees, commissions, or other charges imposed or
6 collected in connection with an annuity contract.

7 30-207.

8 Benefits under the program:

9 (1) shall be payable to participating employees or their beneficiaries in
10 accordance with the terms of the annuity contracts; and

11 (2) are not payable by [the State or governing board of an employing
12 institution] **A SUPERVISING EMPLOYER.**

13 30-210.

14 With respect to a participating employee who is employed by [an employing
15 institution or an institution over which the employing institution has administrative
16 authority, the employing institution] **A SUPERVISING EMPLOYER, THE**
17 **SUPERVISING EMPLOYER** shall administer the participating employee's enrollment,
18 termination, or retirement under the program.

19 30-301.

20 (a) An individual is [eligible to participate in the program if the individual is
21 eligible for membership in a retirement system or a pension system and] **AN**
22 **ELIGIBLE EMPLOYEE IF THE INDIVIDUAL** is:

23 (1) a member of the faculty of an employing institution;

24 (2) a professional employee at a community college or regional
25 community college established under Title 16 of the Education Article;

26 (3) an employee of the University System of Maryland who is in a
27 position designated as exempt under a policy adopted by the University System of
28 Maryland Board of Regents;

29 (4) an employee of Morgan State University who is in a position
30 designated as professional or administrative by the Board of Regents of Morgan State
31 University; or

1 (5) an employee of St. Mary's College of Maryland who is in a position
2 determined by the Board of Trustees of the College to be a professional or faculty
3 position;

4 **(6) SERVING AS GOVERNOR ON OR AFTER JANUARY 19, 2011;**

5 **(7) A REGULAR EMPLOYEE WHOSE COMPENSATION IS PROVIDED**
6 **BY STATE APPROPRIATION OR PAID FROM STATE FUNDS;**

7 **(8) AN APPOINTED OR ELECTED OFFICIAL OF THE STATE,**
8 **INCLUDING:**

9 **(I) A CLERK OF THE CIRCUIT COURT;**

10 **(II) A REGISTER OF WILLS;**

11 **(III) A STATE'S ATTORNEY; AND**

12 **(IV) A SHERIFF;**

13 **(9) AN EMPLOYEE OF A DAY SCHOOL IN THE STATE UNDER THE**
14 **AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE**
15 **BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS EMPLOYED AS:**

16 **(I) A CLERK;**

17 **(II) A HELPING TEACHER;**

18 **(III) A PRINCIPAL;**

19 **(IV) A SUPERINTENDENT;**

20 **(V) A SUPERVISOR; OR**

21 **(VI) A TEACHER;**

22 **(10) A LIBRARIAN OR CLERICAL EMPLOYEE OF A LIBRARY THAT IS**
23 **ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE;**

24 **(11) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF**
25 **MARYLAND, MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE WHO IS A**
26 **MEMBER OF THE TEACHERS' PENSION SYSTEM AS OF JANUARY 1, 1998, OR**
27 **WHO TRANSFERRED FROM THE TEACHERS' RETIREMENT SYSTEM ON OR AFTER**
28 **JANUARY 1, 1998;**

1 **(12) AN EMPLOYEE OR OFFICIAL OF A PARTICIPATING**
2 **GOVERNMENTAL UNIT THAT, ON OR AFTER JULY 1, 2010, HAS ELECTED TO**
3 **PARTICIPATE IN THE OPTIONAL RETIREMENT PROGRAM;**

4 **(13) AN EMPLOYEE OF THE OFFICE OF THE SHERIFF OF**
5 **BALTIMORE CITY;**

6 **(14) AN EMPLOYEE OR AGENT OF THE STATE RACING**
7 **COMMISSION AUTHORIZED BY § 11-207 OF THE BUSINESS REGULATION**
8 **ARTICLE;**

9 **(15) A PERMANENT EMPLOYEE OF THE BOARD OF SUPERVISORS OF**
10 **ELECTIONS OF A COUNTY;**

11 **(16) A FULL-TIME MASTER IN CHANCERY OR IN JUVENILE CAUSES**
12 **WHO WAS APPOINTED ON OR AFTER JULY 1, 1989, IN ANY COUNTY BY THE**
13 **CIRCUIT COURT FOR THAT COUNTY;**

14 **(17) A NONFACULTY EMPLOYEE OF THE BALTIMORE CITY**
15 **COMMUNITY COLLEGE;**

16 **(18) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF**
17 **MARYLAND, MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE;**

18 **(19) A POLICE EMPLOYEE AS DEFINED IN § 2-101 OF THE PUBLIC**
19 **SAFETY ARTICLE;**

20 **(20) A MARYLAND STATE POLICE CADET;**

21 **(21) A CORRECTIONAL OFFICER SERVING IN ANY OF THE FIRST SIX**
22 **JOB CLASSIFICATIONS;**

23 **(22) A SECURITY ATTENDANT AT THE CLIFTON T. PERKINS**
24 **HOSPITAL CENTER;**

25 **(23) A DETENTION CENTER OFFICER EMPLOYED BY A**
26 **PARTICIPATING GOVERNMENTAL UNIT THAT, ON OR AFTER JULY 1, 2010, HAS**
27 **ELECTED TO PARTICIPATE IN THE OPTIONAL RETIREMENT PROGRAM;**

28 **(24) A CORRECTIONAL DIETARY, MAINTENANCE, LAUNDRY, OR**
29 **SUPPLY OFFICER;**

1 **(25) A MARYLAND CORRECTIONAL ENTERPRISES OFFICER,**
2 **OFFICER TRAINEE, PLANT SUPERVISOR, PLANT MANAGER, OR REGIONAL**
3 **MANAGER;**

4 **(26) AN EMPLOYEE OF THE DEPARTMENT OF NATURAL**
5 **RESOURCES COMMISSIONED BY THE SECRETARY OF NATURAL RESOURCES AS:**

6 **(I) A NATURAL RESOURCES POLICE OFFICER; OR**

7 **(II) A LAW ENFORCEMENT OFFICER OTHER THAN A**
8 **NATURAL RESOURCES POLICE OFFICER;**

9 **(27) A LAW ENFORCEMENT OFFICER EMPLOYED BY THE FIELD**
10 **ENFORCEMENT BUREAU;**

11 **(28) A MEMBER OF THE MARYLAND TRANSPORTATION**
12 **AUTHORITY POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE**
13 **OFFICER UNDER § 4-208 OF THE TRANSPORTATION ARTICLE;**

14 **(29) A DEPUTY SHERIFF EMPLOYED BY THE BALTIMORE CITY**
15 **SHERIFF'S DEPARTMENT;**

16 **(30) A MEMBER OF THE UNIVERSITY OF MARYLAND POLICE**
17 **FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 13-601**
18 **OF THE EDUCATION ARTICLE;**

19 **(31) A LAW ENFORCEMENT OFFICER OR FIREFIGHTER EMPLOYED**
20 **BY A PARTICIPATING GOVERNMENTAL UNIT THAT, ON OR AFTER JULY 1, 2010,**
21 **HAS ELECTED TO PARTICIPATE IN THE OPTIONAL RETIREMENT PROGRAM;**

22 **(32) THE STATE FIRE MARSHAL OR A DEPUTY STATE FIRE**
23 **MARSHAL;**

24 **(33) A MEMBER OF THE MORGAN STATE UNIVERSITY POLICE**
25 **FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 14-106**
26 **OF THE EDUCATION ARTICLE;**

27 **(34) A MEMBER OF THE BWI AIRPORT FIRE & RESCUE**
28 **DEPARTMENT;**

29 **(35) A MEMBER OF THE DEPARTMENT OF GENERAL SERVICES**
30 **POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER**
31 **§ 4-605 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

1 **(36) AN EMPLOYEE OF THE DEPARTMENT OF HEALTH AND**
2 **MENTAL HYGIENE COMMISSIONED BY THE SECRETARY OF HEALTH AND**
3 **MENTAL HYGIENE AS A HEALTH AND MENTAL HYGIENE POLICE OFFICER;**

4 **(37) AN EMPLOYEE OF THE MOTOR VEHICLE ADMINISTRATION**
5 **COMMISSIONED BY THE SECRETARY OF TRANSPORTATION AS A MOTOR**
6 **VEHICLE ADMINISTRATION POLICE OFFICER;**

7 **(38) AN EMPLOYEE OF THE DEPARTMENT OF LABOR, LICENSING,**
8 **AND REGULATION COMMISSIONED BY THE SECRETARY OF LABOR, LICENSING,**
9 **AND REGULATION AS A LABOR, LICENSING, AND REGULATION POLICE**
10 **OFFICER;**

11 **(39) A FIREFIGHTER OR LAW ENFORCEMENT OFFICER FOR THE**
12 **MARTIN STATE AIRPORT EMPLOYED BY THE MILITARY DEPARTMENT;**

13 **(40) A POLICE OFFICER EMPLOYED BY THE DIVISION OF**
14 **REHABILITATION SERVICES IN THE DEPARTMENT OF EDUCATION, CERTIFIED**
15 **IN ACCORDANCE WITH THE MARYLAND POLICE AND CORRECTIONAL TRAINING**
16 **COMMISSION;**

17 **(41) A FIREFIGHTER OR PARAMEDIC EMPLOYED BY THE**
18 **SALISBURY FIRE DEPARTMENT WHO IS ELIGIBLE TO BE A MEMBER OF A**
19 **PARTICIPATING GOVERNMENTAL UNIT, AS PROVIDED IN TITLE 31, SUBTITLE 2A**
20 **OF THIS ARTICLE;**

21 **(42) AN AVIATOR EMPLOYED BY THE DEPARTMENT OF STATE**
22 **POLICE TO OPERATE AN AIRCRAFT FOR THE STATE EMERGENCY MEDICAL**
23 **SYSTEM;**

24 **(43) A MEMBER OF THE MARYLAND TRANSIT ADMINISTRATION**
25 **POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER**
26 **§ 7-207 OF THE TRANSPORTATION ARTICLE;**

27 **(44) A MEMBER OF THE DEPARTMENT OF PUBLIC SAFETY AND**
28 **CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT WHO HAS THE**
29 **POWERS GRANTED TO A POLICE OFFICER UNDER § 10-701 OF THE**
30 **CORRECTIONAL SERVICES ARTICLE;**

31 **(45) A POLICE OFFICER EMPLOYED BY THE BALTIMORE CITY**
32 **COMMUNITY COLLEGE WHO HAS THE POWER GRANTED TO A POLICE OFFICER**
33 **UNDER § 16-513 OF THE EDUCATION ARTICLE;**

1 **(46) A JUDGE OF THE COURT OF APPEALS, THE COURT OF**
2 **SPECIAL APPEALS, A CIRCUIT COURT OF A COUNTY, OR THE DISTRICT COURT**
3 **OF MARYLAND; OR**

4 **(47) A MEMBER OF THE STATE WORKERS' COMPENSATION**
5 **COMMISSION.**

6 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
7 **SUBSECTION, AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION**
8 **WHO BECOMES AN EMPLOYEE OF A SUPERVISING EMPLOYER ON OR AFTER JULY**
9 **1, 2010, IS A MEMBER OF THE OPTIONAL RETIREMENT PROGRAM AS A**
10 **CONDITION OF EMPLOYMENT.**

11 **(2) (I) MEMBERSHIP IN THE OPTIONAL RETIREMENT**
12 **PROGRAM IS OPTIONAL FOR:**

13 **1. A MEMBER OF THE FACULTY OF AN EMPLOYING**
14 **INSTITUTION ON JUNE 30, 2010;**

15 **2. A PROFESSIONAL EMPLOYEE AT A COMMUNITY**
16 **COLLEGE OR REGIONAL COMMUNITY COLLEGE, ESTABLISHED UNDER TITLE 16**
17 **OF THE EDUCATION ARTICLE, ON JUNE 30, 2010;**

18 **3. AN EMPLOYEE OF THE UNIVERSITY SYSTEM OF**
19 **MARYLAND WHO IS IN A POSITION DESIGNATED AS EXEMPT UNDER A POLICY**
20 **ADOPTED BY THE UNIVERSITY SYSTEM OF MARYLAND BOARD OF REGENTS ON**
21 **JUNE 30, 2010;**

22 **4. AN EMPLOYEE OF MORGAN STATE UNIVERSITY**
23 **WHO IS IN A POSITION DESIGNATED AS PROFESSIONAL OR ADMINISTRATIVE BY**
24 **THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY ON JUNE 30, 2010;**
25 **OR**

26 **5. AN EMPLOYEE OF ST. MARY'S COLLEGE OF**
27 **MARYLAND WHO IS IN A POSITION DETERMINED BY THE BOARD OF TRUSTEES**
28 **OF THE COLLEGE TO BE A PROFESSIONAL OR FACULTY POSITION ON JUNE 30,**
29 **2010.**

30 **(II) AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (I) OF**
31 **THIS PARAGRAPH IS SUBJECT TO §§ 30-302 THROUGH 30-306 OF THIS**
32 **SUBTITLE.**

33 **[(b)] (C) (1) This subsection applies to an individual who:**

1 (i) on August 22, 2004, was eligible to participate in the
2 program; and

3 (ii) is in a position that, as of August 23, 2004, was reclassified
4 by the University System of Maryland Board of Regents or the Board of Regents of
5 Morgan State University and would no longer be eligible for participation in the
6 program under subsection (a) of this section.

7 (2) An individual described under paragraph (1) of this subsection may
8 continue to participate in the program if the individual:

9 (i) would otherwise be eligible for membership in a system
10 under the State Retirement and Pension System; and

11 (ii) is employed by an employing institution.

12 30–302.

13 (a) An election to participate in the program shall be made by an eligible
14 employee within 1 year of first becoming an eligible employee of [an employing
15 institution] **A SUPERVISING EMPLOYER**.

16 (b) An eligible employee's election to participate in the program is a
17 one-time irrevocable election.

18 30–303.

19 (a) An eligible employee shall elect to:

20 (1) join a pension or retirement system in accordance with the
21 provisions of this Division II applicable to that system; or

22 (2) participate in the program.

23 (b) An eligible employee shall:

24 (1) make an election under this section in writing; and

25 (2) file the election with the Board of Trustees and the [employing
26 institution] **SUPERVISING EMPLOYER** within 1 year of first becoming an eligible
27 employee of [an employing institution] **A SUPERVISING EMPLOYER**.

28 (c) An eligible employee may not participate in the program if both the
29 Board of Trustees and the [employing institution] **SUPERVISING EMPLOYER** have
30 not received the eligible employee's written election required under subsection (b) of
31 this section, within 1 year of first becoming an eligible employee with [an employing
32 institution] **A SUPERVISING EMPLOYER**.

1 (d) The effective date of the election shall be the first day of the month after
2 the election.

3 30–305.

4 (a) This section applies only to a State employee who becomes eligible to
5 elect participation in the program if the employee is appointed, promoted, transferred,
6 or reclassified to a position as an eligible employee.

7 (b) A State employee described in subsection (a) of this section may elect to
8 participate in the program.

9 (c) An eligible employee shall:

10 (1) make an election under this section in writing; and

11 (2) file the election with the Board of Trustees and the [employing
12 institution] **SUPERVISING EMPLOYER** within 1 year of first becoming an eligible
13 employee of [an employing institution] **A SUPERVISING EMPLOYER**.

14 (d) An eligible employee may not participate in the program if both the
15 Board of Trustees and the [employing institution] **SUPERVISING EMPLOYER** have
16 not received the eligible employee's written election required under subsection (c) of
17 this section, within 1 year of first becoming an eligible employee with [an employing
18 institution] **A SUPERVISING EMPLOYER**.

19 30–307.

20 (e) A participating employee is ineligible for membership in a retirement
21 system or pension system while the participating employee is employed in any eligible
22 position by any [employing institution] **SUPERVISING EMPLOYER**.

23 31–101.

24 (a) In this subtitle the following words have the meanings indicated.

25 (c) “Effective date” means the date that an eligible governmental unit
26 commenced or commences participation in an employees’ system **OR THE OPTIONAL**
27 **RETIREMENT PROGRAM**.

28 (d) “Eligible governmental unit” means:

29 (1) a governmental unit that is eligible to participate in the employees’
30 systems under § 31–102 of this subtitle **ON OR BEFORE JUNE 30, 2010; OR**

1 **(2) A GOVERNMENTAL UNIT THAT IS ELIGIBLE TO PARTICIPATE**
2 **IN THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER JULY 1, 2010.**

3 (h) “Local pension system” means a retirement or pension system of an
4 eligible governmental unit that exists before participation by the governmental unit in
5 the employees’ systems **OR THE OPTIONAL RETIREMENT PROGRAM.**

6 31–102.

7 Subject to § 22–202(b) of this article, the governmental units that are eligible to
8 participate in the employees’ systems **OR THE OPTIONAL RETIREMENT PROGRAM**
9 are:

10 (1) a political subdivision of the State, including:

11 (i) a county;

12 (ii) a municipal corporation; and

13 (iii) a special taxing area; and

14 (2) the following governmental units:

15 (i) an agency on aging, as designated by the legislative body of
16 the agency on aging;

17 (ii) the Allegany County Transit Authority;

18 (iii) subject to § 31–104 of this subtitle, the Baltimore
19 Metropolitan Council;

20 (iv) a board or commission created by an Act of the General
21 Assembly for public purpose and not for the profit of a private person;

22 (v) subject to § 31–105 of this subtitle, the Canal Place
23 Preservation and Development Authority;

24 (vi) the Chesapeake Bay Commission;

25 (vii) a cooperative library commission;

26 (viii) subject to § 31–103 of this subtitle, a community action
27 agency, as designated by the legislative body of the community action agency;

28 (ix) a fire department that receives any of its funds from or
29 through a county, municipal corporation, special taxing area, or other political
30 subdivision of the State;

- 1 (x) the Health Planning Council of Appalachia;
- 2 (xi) the Howard County Economic Development Authority;
- 3 (xii) the Interstate Commission on the Potomac River Basin;
- 4 (xiii) the Lower Shore Private Industry Council, Inc.;
- 5 (xiv) the Maryland Environmental Service;
- 6 (xv) subject to § 31–106 of this subtitle, the Maryland Stadium
7 Authority;
- 8 (xvi) a public library association or organization;
- 9 (xvii) the St. Mary’s County Nursing Home;
- 10 (xviii) the Tri–County Council for Western Maryland, Inc.;
- 11 (xix) the Tri–County Council for Southern Maryland;
- 12 (xx) subject to § 31–107 of this subtitle, the University of
13 Maryland Medical System Corporation;
- 14 (xxi) the Upper Potomac River Commission;
- 15 (xxii) subject to § 31–106.1 of this subtitle, the Maryland African
16 American Museum Corporation; and
- 17 (xxiii) the Garrett County Office for Children, Youth and Families.

18 31–109.

19 Except as provided in § 31–110 of this subtitle, an employee of an eligible
20 governmental unit is entitled to be a member of the Employees’ Pension System if:

- 21 (1) (i) the employee is not a member of a local pension system; and
- 22 (ii) the legislative body of the eligible governmental unit
23 approves participation of the eligible governmental unit in the Employees’ Pension
24 System **ON OR BEFORE JUNE 30, 2010**; or
- 25 (2) (i) the employee is a member of a local pension system;

1 (ii) at least 60% of the members of the local pension system
2 petition to become members of the Employees' Pension System **ON OR BEFORE JUNE**
3 **30, 2010**; and

4 (iii) the legislative body of the eligible governmental unit
5 approves participation of the eligible governmental unit in the Employees' Pension
6 System **ON OR BEFORE JUNE 30, 2010**, as though the local pension system were not
7 in operation.

8 **31-109.2.**

9 **AN EMPLOYEE OF AN ELIGIBLE GOVERNMENTAL UNIT IS ENTITLED TO BE**
10 **A MEMBER OF THE OPTIONAL RETIREMENT PROGRAM IF:**

11 **(1) (I) THE EMPLOYEE IS NOT A MEMBER OF A LOCAL PENSION**
12 **SYSTEM; AND**

13 **(II) THE LEGISLATIVE BODY OF THE ELIGIBLE**
14 **GOVERNMENTAL UNIT APPROVES PARTICIPATION OF THE ELIGIBLE**
15 **GOVERNMENTAL UNIT IN THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER**
16 **JULY 1, 2010; OR**

17 **(2) (I) THE EMPLOYEE IS A MEMBER OF A LOCAL PENSION**
18 **SYSTEM;**

19 **(II) AT LEAST 60% OF THE MEMBERS OF THE LOCAL**
20 **PENSION SYSTEM PETITION TO BECOME MEMBERS OF THE OPTIONAL**
21 **RETIREMENT PROGRAM ON OR AFTER JULY 1, 2010; AND**

22 **(III) THE LEGISLATIVE BODY OF THE ELIGIBLE**
23 **GOVERNMENTAL UNIT APPROVES PARTICIPATION OF THE ELIGIBLE**
24 **GOVERNMENTAL UNIT IN THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER**
25 **JULY 1, 2010, AS THOUGH THE LOCAL PENSION SYSTEM WERE NOT IN**
26 **OPERATION.**

27 **31-109.3.**

28 **THE EFFECTIVE DATE OF PARTICIPATION FOR AN ELIGIBLE**
29 **GOVERNMENTAL UNIT IS JULY 1 OF THE YEAR FOLLOWING THE FISCAL YEAR IN**
30 **WHICH THE ELIGIBLE GOVERNMENTAL UNIT ELECTS TO PARTICIPATE IN THE**
31 **OPTIONAL RETIREMENT PROGRAM.**

32 **31-111.7.**

1 **IF AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT JOINS THE**
2 **OPTIONAL RETIREMENT PROGRAM ON THE EFFECTIVE DATE, THE EMPLOYEE IS**
3 **NOT ENTITLED TO SERVICE CREDIT FOR EMPLOYMENT WITH THE**
4 **PARTICIPATING GOVERNMENTAL UNIT BEFORE THE EFFECTIVE DATE.**

5 **31-112.1.**

6 **AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT WHO IS A**
7 **MEMBER OF THE OPTIONAL RETIREMENT PROGRAM IS ENTITLED TO THE**
8 **BENEFITS TO WHICH STATE EMPLOYEES ARE ENTITLED UNDER THAT SYSTEM.**

9 31-113.

10 (a) Except as provided in subsection (b) of this section, the operation of the
11 local pension system of an eligible governmental unit terminates on the effective date.

12 (b) (1) An eligible governmental unit may elect to continue to operate a
13 local pension system after the effective date of participation in the Employees' Pension
14 System **OR THE OPTIONAL RETIREMENT PROGRAM** to provide benefits to a person
15 who:

16 (i) is receiving benefits from the local pension system;

17 (ii) is eligible to receive benefits from the local pension system
18 on account of the person's previous employment by the eligible governmental unit; or

19 (iii) did not elect to join the Employees' Pension System under §
20 23-204(b) of this article.

21 (2) A person may not be enrolled in the local pension system of a
22 participating governmental unit electing to continue to operate its system under
23 paragraph (1) of this subsection if the person becomes employed or is rehired by the
24 participating governmental unit on or after the effective date of participation of the
25 participating governmental unit in the Employees' Pension System **OR THE**
26 **OPTIONAL RETIREMENT PROGRAM.**

27 (c) The liability for the continuation of benefits under subsection (b) of this
28 section shall be included in the computation of the special accrued liability as provided
29 by § 21-305.3 of this article.

30 (d) (1) On the effective date:

31 (i) the assets to the credit of the local pension system of the
32 participating governmental unit that are attributable to the employees of the
33 participating governmental unit who elect to become members of the Employees'
34 Pension System under § 23-204(b) of this article shall be transferred to the
35 Employees' Pension System; and

1 (ii) the trustee or other administrative head of the local pension
2 system shall certify the proportion of the funds of the local pension system that
3 represents the accumulated contributions of the members as of that date.

4 (2) The accumulated contributions shall be credited to the respective
5 annuity savings accounts of the members in the Employees' Pension System.

6 (3) Any balance of the funds transferred to the Employees' Pension
7 System shall be offset against the special accrued liability to be funded by the
8 participating governmental unit as provided by § 21-305.3 of this article.

9 31-2A-01.

10 (a) In this subtitle the following words have the meanings indicated.

11 (b) "Effective date" means the date that an eligible governmental unit
12 commenced or commences participation in the Law Enforcement Officers' Pension
13 System **OR THE OPTIONAL RETIREMENT PROGRAM.**

14 (c) "Eligible governmental unit" means:

15 (1) a governmental unit that is eligible to participate in the Law
16 Enforcement Officers' Pension System under § 31-2A-02 of this subtitle **ON OR**
17 **BEFORE JUNE 30, 2010; OR**

18 (2) **A GOVERNMENTAL UNIT THAT IS ELIGIBLE TO PARTICIPATE**
19 **IN THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER JULY 1, 2010.**

20 31-2A-02.

21 Subject to § 31-2A-03 of this subtitle, the governmental units that are eligible
22 to participate in the Law Enforcement Officers' Pension System **OR THE OPTIONAL**
23 **RETIREMENT PROGRAM** are:

24 (1) counties; and

25 (2) municipal corporations.

26 31-2A-03.

27 (a) If at least 60% of the law enforcement officers of an eligible governmental
28 unit who are members of a local pension system petition to become members of the
29 Law Enforcement Officers' Pension System **ON OR BEFORE JUNE 30, 2010**, the
30 legislative body of the eligible governmental unit may approve the participation of
31 these law enforcement officers in the Law Enforcement Officers' Pension System as
32 though the local pension system were not in operation.

1 (b) If at least 60% of the firefighters and paramedics employed by the
2 Salisbury Fire Department petition to become members of the Law Enforcement
3 Officers' Pension System **ON OR BEFORE JUNE 30, 2010**, the legislative body of the
4 City of Salisbury, as an eligible governmental unit, may approve the participation of
5 these firefighters and paramedics in the Law Enforcement Officers' Pension System.

6 (c) If at least 60% of the firefighters of an eligible governmental unit who are
7 members of a local pension system petition to become members of the Law
8 Enforcement Officers' Pension System **ON OR BEFORE JUNE 30, 2010**, the legislative
9 body of the eligible governmental unit may approve the participation of these
10 firefighters in the Law Enforcement Officers' Pension System as though the local
11 pension system were not in operation.

12 **31-2A-03.2.**

13 (A) **IF AT LEAST 60% OF THE LAW ENFORCEMENT OFFICERS OF AN**
14 **ELIGIBLE GOVERNMENTAL UNIT WHO ARE MEMBERS OF A LOCAL PENSION**
15 **SYSTEM PETITION TO BECOME MEMBERS OF THE OPTIONAL RETIREMENT**
16 **PROGRAM ON OR AFTER JULY 1, 2010, THE LEGISLATIVE BODY OF THE**
17 **ELIGIBLE GOVERNMENTAL UNIT MAY APPROVE THE PARTICIPATION OF THESE**
18 **LAW ENFORCEMENT OFFICERS IN THE LAW ENFORCEMENT OFFICERS'**
19 **PENSION SYSTEM AS THOUGH THE LOCAL PENSION SYSTEM WERE NOT IN**
20 **OPERATION.**

21 (B) **IF AT LEAST 60% OF THE FIREFIGHTERS AND PARAMEDICS**
22 **EMPLOYED BY THE SALISBURY FIRE DEPARTMENT PETITION TO BECOME**
23 **MEMBERS OF THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER JULY 1,**
24 **2010, THE LEGISLATIVE BODY OF THE CITY OF SALISBURY, AS AN ELIGIBLE**
25 **GOVERNMENTAL UNIT, MAY APPROVE THE PARTICIPATION OF THESE**
26 **FIREFIGHTERS AND PARAMEDICS IN THE LAW ENFORCEMENT OFFICERS'**
27 **PENSION SYSTEM.**

28 (C) **IF AT LEAST 60% OF THE FIREFIGHTERS OF AN ELIGIBLE**
29 **GOVERNMENTAL UNIT WHO ARE MEMBERS OF A LOCAL PENSION SYSTEM**
30 **PETITION TO BECOME MEMBERS OF THE OPTIONAL RETIREMENT PROGRAM ON**
31 **OR AFTER JULY 1, 2010, THE LEGISLATIVE BODY OF THE ELIGIBLE**
32 **GOVERNMENTAL UNIT MAY APPROVE THE PARTICIPATION OF THESE**
33 **FIREFIGHTERS IN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM AS**
34 **THOUGH THE LOCAL PENSION SYSTEM WERE NOT IN OPERATION.**

35 **31-2A-03.3.**

36 **THE EFFECTIVE DATE OF PARTICIPATION FOR AN ELIGIBLE**
37 **GOVERNMENTAL UNIT IS JULY 1 OF THE YEAR FOLLOWING THE FISCAL YEAR IN**

1 WHICH THE ELIGIBLE GOVERNMENTAL UNIT ELECTS TO PARTICIPATE IN THE
2 OPTIONAL RETIREMENT PROGRAM.

3 **31-2A-04.1.**

4 IF A LAW ENFORCEMENT OFFICER, FIREFIGHTER, OR PARAMEDIC JOINS
5 THE OPTIONAL RETIREMENT PROGRAM ON THE EFFECTIVE DATE, THE MEMBER
6 IS NOT ENTITLED TO CREDIT FOR EMPLOYMENT WITH THE PARTICIPATING
7 GOVERNMENTAL UNIT BEFORE THE EFFECTIVE DATE.

8 31-2A-05.

9 (a) If an eligible governmental unit approves participation in the Law
10 Enforcement Officers' Pension System **OR THE OPTIONAL RETIREMENT PROGRAM**,
11 the operation of the local pension system with respect to the law enforcement officers,
12 firefighters, or paramedics terminates on the effective date.

13 (b) (1) On the effective date:

14 (i) the assets to the credit of the local pension system that
15 relate to the law enforcement officers, firefighters, or paramedics who elect to become
16 members **OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM** shall be
17 transferred to the Law Enforcement Officers' Pension System; and

18 (ii) the trustee or other administrative head of the local pension
19 system shall certify the proportion of the funds of the local pension system that
20 represents the accumulated contributions of the members as of that date.

21 (2) The accumulated contributions shall be credited to the respective
22 annuity savings accounts of the members in the Law Enforcement Officers' Pension
23 System.

24 (3) The balance of the funds transferred to the Law Enforcement
25 Officers' Pension System shall be offset against the special accrued liability to be
26 funded by the participating governmental unit as provided by § 21-306.1(d) of this
27 article.

28 31-2B-01.

29 (a) In this subtitle the following words have the meanings indicated.

30 (b) "Effective date" means the date that an eligible governmental unit
31 commenced or commences participation in the Correctional Officers' Retirement
32 System **OR THE OPTIONAL RETIREMENT PROGRAM**.

33 (c) "Eligible governmental unit" means:

1 **(1)** a governmental unit that is eligible to participate in the
2 Correctional Officers' Retirement System under § 31-2B-02 of this subtitle **ON OR**
3 **BEFORE JUNE 30, 2010; OR**

4 **(2)** **A GOVERNMENTAL UNIT THAT IS ELIGIBLE TO PARTICIPATE**
5 **IN THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER JULY 1, 2010.**

6 31-2B-02.

7 Subject to § 31-2B-03 of this subtitle, the governmental units that are eligible
8 to participate in the Correctional Officers' Retirement System **OR THE OPTIONAL**
9 **RETIREMENT PROGRAM** are:

10 (1) counties; and

11 (2) municipal corporations.

12 31-2B-03.

13 If at least 60% of the local detention center officers of an eligible governmental
14 unit who are members of a local pension system petition to become members of the
15 Correctional Officers' Retirement System **ON OR BEFORE JUNE 30, 2010**, the
16 legislative body of the eligible governmental unit may approve the participation of
17 these local detention center officers in the Correctional Officers' Retirement System as
18 though the local pension system were not in operation.

19 **31-2B-03.1.**

20 **IF AT LEAST 60% OF THE LOCAL DETENTION CENTER OFFICERS OF AN**
21 **ELIGIBLE GOVERNMENTAL UNIT WHO ARE MEMBERS OF A LOCAL PENSION**
22 **SYSTEM PETITION TO BECOME MEMBERS OF THE OPTIONAL RETIREMENT**
23 **PROGRAM ON OR AFTER JULY 1, 2010, THE LEGISLATIVE BODY OF THE**
24 **ELIGIBLE GOVERNMENTAL UNIT MAY APPROVE THE PARTICIPATION OF THESE**
25 **LOCAL DETENTION CENTER OFFICERS IN THE OPTIONAL RETIREMENT**
26 **PROGRAM AS THOUGH THE LOCAL PENSION SYSTEM WERE NOT IN OPERATION.**

27 **31-2B-04.1.**

28 **IF A LOCAL DETENTION CENTER OFFICER JOINS THE OPTIONAL**
29 **RETIREMENT PROGRAM ON THE EFFECTIVE DATE, THE MEMBER IS NOT**
30 **ENTITLED TO CREDIT FOR EMPLOYMENT WITH THE PARTICIPATING**
31 **GOVERNMENTAL UNIT BEFORE THE EFFECTIVE DATE.**

32 31-2B-05.

1 (a) If an eligible governmental unit approves participation in the
2 Correctional Officers' Retirement System **OR THE OPTIONAL RETIREMENT**
3 **PROGRAM**, the operation of the local pension system with respect to the local
4 detention center officers terminates on the effective date.

5 (b) (1) On the effective date:

6 (i) the assets to the credit of the local pension system that
7 relate to the local detention center officers who elect to become members **OF THE**
8 **CORRECTIONAL OFFICERS' RETIREMENT SYSTEM** shall be transferred to the
9 Correctional Officers' Retirement System; and

10 (ii) the trustee or other administrative head of the local pension
11 system shall certify the proportion of the funds of the local pension system that
12 represents the accumulated contributions of the members as of that date.

13 (2) The accumulated contributions shall be credited to the respective
14 annuity savings accounts of the members in the Correctional Officers' Retirement
15 System.

16 (3) The balance of the funds transferred to the Correctional Officers'
17 Retirement System shall be offset against the special accrued liability to be funded by
18 the participating governmental unit as provided by § 21-306.1(d) of this article.

19 31-301.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) "Employees' system" has the meaning stated in § 31-101 of this title.

22 (c) "Legislative body" has the meaning stated in § 31-101 of this title.

23 (d) (1) "Local pension system" means a retirement or pension system of an
24 eligible governmental unit.

25 (2) "Local pension system" includes the Employees' Retirement
26 System, Employees' Pension System, Law Enforcement Officers' Pension System, [or]
27 Correctional Officers' Retirement System, **OR THE OPTIONAL RETIREMENT**
28 **PROGRAM** if the eligible governmental unit participates under this title.

29 (e) "Withdrawal date" means the date that a withdrawal by a participating
30 governmental unit from the employees' systems, the Local Fire and Police System, the
31 Law Enforcement Officers' Pension System, [or] the Correctional Officers' Retirement
32 System, **OR THE OPTIONAL RETIREMENT PROGRAM** takes effect.

33 31-302.

1 (a) The legislative body of a participating governmental unit may withdraw
2 from participation in the employees' systems and transfer to a local pension system
3 any of the following groups of employees of the governmental unit who consent to the
4 withdrawal:

5 (1) all employees of the participating governmental unit;

6 (2) [fire fighters] **FIREFIGHTERS**;

7 (3) law enforcement personnel; or

8 (4) subject to the approval of the Board of Trustees, a homogeneous
9 unit of at least 10 employees.

10 (b) The legislative body of a participating governmental unit may withdraw
11 from participation in the Local Fire and Police System and shall transfer to a local
12 pension system all employees of the participating governmental unit.

13 (c) The legislative body of a participating governmental unit may withdraw
14 from participation in the Law Enforcement Officers' Pension System and transfer to a
15 local pension system the law enforcement officers of the participating governmental
16 unit who consent to the withdrawal.

17 (d) The legislative body of a participating governmental unit may withdraw
18 from participation in the Correctional Officers' Retirement System and transfer to a
19 local pension system the detention center officers of the participating governmental
20 unit who consent to the withdrawal.

21 **(E) THE LEGISLATIVE BODY OF A PARTICIPATING GOVERNMENTAL**
22 **UNIT MAY WITHDRAW FROM PARTICIPATION IN THE OPTIONAL RETIREMENT**
23 **PROGRAM AND TRANSFER TO A LOCAL PENSION SYSTEM THE DETENTION**
24 **CENTER OFFICERS OF THE PARTICIPATING GOVERNMENTAL UNIT WHO**
25 **CONSENT TO THE WITHDRAWAL.**

26 31-304.

27 If a participating governmental unit withdraws from the employees' systems,
28 the Local Fire and Police System, the Law Enforcement Officers' Pension System, [or]
29 the Correctional Officers' Retirement System, **OR THE OPTIONAL RETIREMENT**
30 **PROGRAM**, the accumulated contributions of the withdrawn employees shall be
31 transferred on the withdrawal date to the administrative board of the local pension
32 system and credited to the account of those employees.

33 31-306.

1 A participating governmental unit shall pay all administrative costs involved in
2 the withdrawal or reentry if the participating governmental unit:

3 (1) withdraws its employees from the employees' systems, Local Fire
4 and Police System, Law Enforcement Officers' Pension System, [or] the Correctional
5 Officers' Retirement System, **OR OPTIONAL RETIREMENT PROGRAM**; or

6 (2) elects to participate in the employees' systems, Local Fire and
7 Police System, Law Enforcement Officers' Pension System, [or] the Correctional
8 Officers' Retirement System, **OR OPTIONAL RETIREMENT PROGRAM** for employees
9 who were previously withdrawn.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2010.