

# SENATE BILL 735

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By: **Senators Pipkin and Brinkley**

Introduced and read first time: February 4, 2011

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pension System – Optional Retirement Program – New**  
3 **Employees**

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

30 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Personnel and Pensions  
 2 Section 23–203, 23–204(c) and (d), 23–208, 24–202, 24–203, 25–202, 26–202(a),  
 3 30–101, 30–201, 30–202, 30–207, 30–210, 30–301, 30–302,  
 4 30–303, 30–305, 30–306, 30–307(e), 31–101(c) and (d), 31–102, 31–109,  
 5 31–113, 31–2A–01(b) and (c), 31–2A–02, 31–2A–03, 31–2A–05,  
 6 31–2B–01(b) and (c), 31–2B–02, 31–2B–03, and 31–2B–05  
 7 Annotated Code of Maryland  
 8 (2009 Replacement Volume and 2010 Supplement)

9 BY adding to  
 10 Article – State Personnel and Pensions  
 11 Section 27–201.1, 31–109.2, 31–109.3, 31–111.7, 31–112.1, 31–2A–03.2,  
 12 31–2A–03.3, 31–2A–04.1, 31–2B–03.2, and 31–2B–04.1  
 13 Annotated Code of Maryland  
 14 (2009 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, without amendments,  
 16 Article – State Personnel and Pensions  
 17 Section 31–101(a), 31–2A–01(a), and 31–2B–01(a)  
 18 Annotated Code of Maryland  
 19 (2009 Replacement Volume and 2010 Supplement)

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

22 **Article – State Personnel and Pensions**

23 23–203.

24 (A) Except as provided in § 23–204 of this subtitle, an individual described in  
 25 § 23–201(a) of this subtitle who becomes an employee of a participating employer on or  
 26 after January 1, 1980, **AND ON OR BEFORE JUNE 30, 2011**, or who transfers  
 27 membership from the Employees’ Retirement System **ON OR BEFORE JUNE 30,**  
 28 **2011**, is a member of the Employees’ Pension System as a condition of employment.

29 (B) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
 30 **SUBSECTION, AN INDIVIDUAL WHO IS NOT A MEMBER OF THE EMPLOYEES’**  
 31 **PENSION SYSTEM ON JUNE 30, 2011, IS NOT ELIGIBLE FOR MEMBERSHIP IN**  
 32 **THE EMPLOYEES’ PENSION SYSTEM.**

33 (2) **AN INDIVIDUAL IS A MEMBER OF THE EMPLOYEES’ PENSION**  
 34 **SYSTEM IF THE INDIVIDUAL COMMENCES EMPLOYMENT ON OR AFTER JULY 1,**  
 35 **2011, FOR A PARTICIPATING GOVERNMENTAL UNIT THAT ELECTED TO JOIN THE**  
 36 **EMPLOYEES’ PENSION SYSTEM ON OR BEFORE JUNE 30, 2011.**

37 23–204.

1 (c) (1) Subject to paragraph (2) of this subsection, membership in the  
2 Employees' Pension System is optional for an individual described in § 23–201(a)(2)(iv)  
3 of this subtitle who is elected or appointed as the Baltimore City Sheriff **ON OR**  
4 **BEFORE JUNE 30, 2011.**

5 (2) An individual who is elected or appointed as the Baltimore City  
6 Sheriff **ON OR BEFORE JUNE 30, 2011**, and who does not elect to join the Employees'  
7 Pension System is a member of the Law Enforcement Officers' Pension System under  
8 Title 26 of this article as a condition of employment.

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

12 (4) An individual who does not elect membership within 6 months of  
13 the date the individual begins serving as the Baltimore City Sheriff shall become a  
14 member of the Law Enforcement Officers' Pension System.

15 (d) (1) This subsection applies to an individual described in §  
16 23–201(a)(2)(iv) of this subtitle who elects membership in the Employees' Pension  
17 System under this section.

18 (2) An individual described in paragraph (1) of this subsection may  
19 elect membership in the Law Enforcement Officers' Pension System if the county  
20 employing the individual elects to become an eligible governmental unit in the Law  
21 Enforcement Officers' Pension System **ON OR BEFORE JUNE 30, 2011**, **AND** in  
22 accordance with §§ 31–2A–02 through 31–2A–05 of this article.

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

26 23–208.

27 (A) Except as provided in § 23–209 of this subtitle, an individual described in  
28 § 23–206(a) of this subtitle who becomes employed by a participating employer on or  
29 after January 1, 1980, **AND ON OR BEFORE JUNE 30, 2011**, or who transfers  
30 membership from the Teachers' Retirement System **ON OR BEFORE JUNE 30, 2011**,  
31 is a member of the Teachers' Pension System as a condition of employment.

32 (B) **AN INDIVIDUAL WHO IS NOT A MEMBER OF THE TEACHERS'**  
33 **PENSION SYSTEM ON JUNE 30, 2011, IS NOT ELIGIBLE FOR MEMBERSHIP IN**  
34 **THE TEACHERS' PENSION SYSTEM.**

35 24–202.

1           **(A)** Except as provided in § 24–203 of this subtitle, an individual described in  
2 § 24–201 of this subtitle **WHO BECOMES A POLICE EMPLOYEE OR A MARYLAND**  
3 **STATE POLICE CADET ON OR BEFORE JUNE 30, 2011**, is a member of the State  
4 Police Retirement System as a condition of employment.

5           **(B)** **AN INDIVIDUAL WHO IS NOT A MEMBER OF THE STATE POLICE**  
6 **RETIREMENT SYSTEM ON JUNE 30, 2011, IS NOT ELIGIBLE FOR MEMBERSHIP IN**  
7 **THE STATE POLICE RETIREMENT SYSTEM.**

8 24–203.

9           **[The] ON OR BEFORE JUNE 30, 2011, THE** Secretary of State Police may  
10 waive membership in the State Police Retirement System and elect to become a  
11 member of the Employees' Pension System.

12 25–202.

13           **(a)** **(1)** Except as provided in subsection (b) of this section, an individual  
14 described in § 25–201(a) of this subtitle is a member of the Correctional Officers'  
15 Retirement System as a condition of employment **IF THE INDIVIDUAL BEGAN**  
16 **EMPLOYMENT IN A POSITION DESCRIBED IN § 25–201(A) OF THIS SUBTITLE ON**  
17 **OR BEFORE JUNE 30, 2011.**

18           **(2)** **(I)** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
19 **PARAGRAPH, AN INDIVIDUAL WHO IS NOT A MEMBER OF THE CORRECTIONAL**  
20 **OFFICERS' RETIREMENT SYSTEM ON JUNE 30, 2011, IS NOT ELIGIBLE FOR**  
21 **MEMBERSHIP IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM.**

22           **(II)** **AN INDIVIDUAL IS A MEMBER OF THE CORRECTIONAL**  
23 **OFFICERS' RETIREMENT SYSTEM IF THE INDIVIDUAL COMMENCES**  
24 **EMPLOYMENT ON OR AFTER JULY 1, 2011, FOR A PARTICIPATING**  
25 **GOVERNMENTAL UNIT THAT ELECTED TO JOIN THE CORRECTIONAL OFFICERS'**  
26 **RETIREMENT SYSTEM ON OR BEFORE JUNE 30, 2011.**

27           **(b)** **(1)** Subject to paragraph (2) of this subsection, membership in the  
28 Correctional Officers' Retirement System is optional for an individual described in §  
29 25–201 of this subtitle who was employed by a participating governmental unit as a  
30 local detention center officer on the effective date of participation on or after July 1,  
31 2006, for that participating governmental unit and who elects membership within 6  
32 months of the effective date of participation.

33           **(2)** To elect to be a member of the Correctional Officers' Retirement  
34 System, an individual shall file a written application with the State Retirement  
35 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 Correctional Officers' Retirement System.

4 26–202.

5 (a) (1) Except as provided in subsection (b) of this section, an individual  
6 described in § 26–201 of this subtitle is a member of the Law Enforcement Officers'  
7 Pension System as a condition of employment **IF THE INDIVIDUAL BEGAN**  
8 **EMPLOYMENT IN A POSITION DESCRIBED IN § 26–201 OF THIS SUBTITLE ON OR**  
9 **BEFORE JUNE 30, 2011.**

10 (2) (i) **EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS**  
11 **PARAGRAPH, AN INDIVIDUAL WHO IS NOT A MEMBER OF THE LAW**  
12 **ENFORCEMENT OFFICERS' PENSION SYSTEM ON JUNE 30, 2011, IS NOT**  
13 **ELIGIBLE FOR MEMBERSHIP IN THE LAW ENFORCEMENT OFFICERS' PENSION**  
14 **SYSTEM.**

15 (ii) **AN INDIVIDUAL IS A MEMBER OF THE LAW**  
16 **ENFORCEMENT OFFICERS' PENSION SYSTEM IF THE INDIVIDUAL COMMENCES**  
17 **EMPLOYMENT ON OR AFTER JULY 1, 2011, FOR A PARTICIPATING**  
18 **GOVERNMENTAL UNIT THAT ELECTED TO JOIN THE LAW ENFORCEMENT**  
19 **OFFICERS' PENSION SYSTEM ON OR BEFORE JUNE 30, 2011.**

20 27–201.1.

21 **AN INDIVIDUAL WHO IS NOT A MEMBER OF THE JUDGES' RETIREMENT**  
22 **SYSTEM ON JUNE 30, 2011, IS NOT ELIGIBLE FOR MEMBERSHIP IN THE JUDGES'**  
23 **RETIREMENT SYSTEM.**

24 30–101.

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

26 (b) (1) "Annuity contract" means a fixed or variable annuity contract or  
27 combination of fixed or variable annuity contracts authorized under **§ 401(A) OR §**  
28 **403(a) or (b) of the Internal Revenue Code.**

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

32 (c) "Designated company" means an entity that:

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

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

2 (d) "Eligible employee" means an individual eligible to participate in the  
3 program.

4 (e) "Employing institution" means:

5 (1) the University System of Maryland;

6 (2) Morgan State University;

7 (3) St. Mary's College;

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

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

12 (f) "Participating employee" means an eligible employee who:

13 (1) **ON OR BEFORE JUNE 30, 2011**, elects to participate in the  
14 program; **AND**

15 (2) **ON OR AFTER JULY 1, 2011, IS REQUIRED TO ENROLL IN THE**  
16 **PROGRAM AS A CONDITION OF EMPLOYMENT.**

17 (g) "Pension system" means the Employees' Pension System or the Teachers'  
18 Pension System.

19 (h) "Program" means the optional retirement program established under §  
20 30-201 of this title.

21 (i) "Retirement system" means the Employees' Retirement System or the  
22 Teachers' Retirement System.

23 **(J) "SUPERVISING EMPLOYER" MEANS:**

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

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

27 **(3) A LIBRARY THAT IS ESTABLISHED UNDER THE EDUCATION**  
28 **ARTICLE;**

- 1           **(4) AN EMPLOYING INSTITUTION;**
- 2           **(5) A PARTICIPATING GOVERNMENTAL UNIT THAT IS ELIGIBLE TO**  
3 **PARTICIPATE UNDER TITLE 31, SUBTITLE 1 OF THIS ARTICLE AND ELECTS TO**  
4 **JOIN THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER JULY 1, 2011;**
- 5           **(6) THE OFFICE OF THE SHERIFF OF BALTIMORE CITY;**
- 6           **(7) A BOARD OF SUPERVISORS OF ELECTIONS OF A COUNTY;**
- 7           **(8) THE STATE RACING COMMISSION AUTHORIZED BY § 11-207**  
8 **OF THE BUSINESS REGULATION ARTICLE;**
- 9           **(9) A CIRCUIT COURT FOR ANY COUNTY;**
- 10           **(10) THE MARYLAND ENVIRONMENTAL SERVICE;**
- 11           **(11) THE BALTIMORE CITY DETENTION CENTER;**
- 12           **(12) THE CLIFTON T. PERKINS HOSPITAL CENTER;**
- 13           **(13) THE FIELD ENFORCEMENT BUREAU;**
- 14           **(14) THE UNIVERSITY OF MARYLAND POLICE FORCE;**
- 15           **(15) THE MORGAN STATE UNIVERSITY POLICE FORCE;**
- 16           **(16) THE BWI AIRPORT FIRE & RESCUE DEPARTMENT;**
- 17           **(17) THE MILITARY DEPARTMENT; OR**
- 18           **(18) THE SALISBURY FIRE DEPARTMENT.**

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

21 30-201.

22           (a) There is an optional retirement program [in which eligible employees  
23 may 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;

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



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

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

6 30-207.

7           Benefits under the program:

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

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

12 30-210.

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

18 30-301.

19           **(a) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**  
20 **ELIGIBLE EMPLOYEE WHO, ON OR AFTER JULY 1, 2011, BECOMES AN EMPLOYEE**  
21 **OF A PARTICIPATING EMPLOYER IS A MEMBER OF THE OPTIONAL RETIREMENT**  
22 **PROGRAM AS A CONDITION OF EMPLOYMENT.**

23           **(b) An [individual is eligible to participate in the program if the individual is**  
24 **eligible for membership in a retirement system or a pension system and is] ELIGIBLE**  
25 **EMPLOYEE IS AN INDIVIDUAL WHO:**

26           (1) **IS** a member of the faculty of an employing institution;

27           (2) **IS** a professional employee at a community college or regional  
28 community college established under Title 16 of the Education Article;

29           (3) **IS** an employee of the University System of Maryland who is in a  
30 position designated as exempt under a policy adopted by the University System of  
31 Maryland Board of Regents;

1           (4) IS an employee of Morgan State University who is in a position  
2 designated as professional or administrative by the Board of Regents of Morgan State  
3 University; [or]

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

7           **(6) ON OR AFTER JULY 1, 2011, BECOMES AN EMPLOYEE OF A**  
8 **PARTICIPATING EMPLOYER AS:**

9                   **(I) A REGULAR EMPLOYEE WHOSE COMPENSATION IS**  
10 **PROVIDED BY STATE APPROPRIATION OR PAID FROM STATE FUNDS;**

11                   **(II) AN APPOINTED OR ELECTED OFFICIAL OF THE STATE**  
12 **WHO IS APPOINTED OR ELECTED FOR A TERM OF OFFICE THAT BEGINS ON OR**  
13 **AFTER JULY 1, 2011, INCLUDING:**

14                           1. A CLERK OF THE CIRCUIT COURT;

15                           2. A REGISTER OF WILLS;

16                           3. A STATE'S ATTORNEY; AND

17                           4. A SHERIFF;

18                   **(III) AN EMPLOYEE OF A DAY SCHOOL IN THE STATE UNDER**  
19 **THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE**  
20 **BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS EMPLOYED AS:**

21                           1. A CLERK;

22                           2. A HELPING TEACHER;

23                           3. A PRINCIPAL;

24                           4. A SUPERINTENDENT;

25                           5. A SUPERVISOR; OR

26                           6. A TEACHER;

27                   **(IV) A LIBRARIAN OR CLERICAL EMPLOYEE OF A LIBRARY**  
28 **THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE;**

1                   (V) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF  
2 MARYLAND, MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE OF  
3 MARYLAND WHO IS A MEMBER OF THE TEACHERS' PENSION SYSTEM AS OF  
4 JANUARY 1, 1998, OR WHO TRANSFERRED FROM THE TEACHERS' RETIREMENT  
5 SYSTEM ON OR AFTER JANUARY 1, 1998;

6                   (VI) AN EMPLOYEE OR OFFICIAL OF A PARTICIPATING  
7 GOVERNMENTAL UNIT THAT, ON OR AFTER JULY 1, 2011, HAS ELECTED TO  
8 PARTICIPATE IN THE OPTIONAL RETIREMENT PROGRAM;

9                   (VII) AN EMPLOYEE OF THE OFFICE OF THE SHERIFF OF  
10 BALTIMORE CITY;

11                   (VIII) AN EMPLOYEE OR AGENT OF THE STATE RACING  
12 COMMISSION AUTHORIZED BY § 11-207 OF THE BUSINESS REGULATION  
13 ARTICLE;

14                   (IX) A PERMANENT EMPLOYEE OF THE BOARD OF  
15 SUPERVISORS OF ELECTIONS OF A COUNTY;

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

19                   (XI) A NONFACULTY EMPLOYEE OF THE BALTIMORE CITY  
20 COMMUNITY COLLEGE;

21                   (XII) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF  
22 MARYLAND, MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE OF  
23 MARYLAND;

24                   (XIII) A POLICE EMPLOYEE AS DEFINED IN § 2-101 OF THE  
25 PUBLIC SAFETY ARTICLE;

26                   (XIV) A MARYLAND STATE POLICE CADET;

27                   (XV) A CORRECTIONAL OFFICER SERVING IN ANY OF THE  
28 FIRST SIX JOB CLASSIFICATIONS;

29                   (XVI) A SECURITY ATTENDANT AT THE CLIFTON T. PERKINS  
30 HOSPITAL CENTER;

1                   **(XVII) A DETENTION CENTER OFFICER EMPLOYED BY A**  
2 **PARTICIPATING GOVERNMENTAL UNIT THAT, ON OR AFTER JULY 1, 2011, HAS**  
3 **ELECTED TO PARTICIPATE IN THE OPTIONAL RETIREMENT PROGRAM;**

4                   **(XVIII) A CORRECTIONAL DIETARY, MAINTENANCE,**  
5 **LAUNDRY, OR SUPPLY OFFICER;**

6                   **(XIX) A MARYLAND CORRECTIONAL ENTERPRISES OFFICER,**  
7 **OFFICER TRAINEE, PLANT SUPERVISOR, PLANT MANAGER, OR REGIONAL**  
8 **MANAGER;**

9                   **(XX) AN EMPLOYEE OF THE DEPARTMENT OF NATURAL**  
10 **RESOURCES COMMISSIONED BY THE SECRETARY OF NATURAL RESOURCES AS:**

11                           **1. A NATURAL RESOURCES POLICE OFFICER; OR**

12                           **2. A LAW ENFORCEMENT OFFICER OTHER THAN A**  
13 **NATURAL RESOURCES POLICE OFFICER;**

14                   **(XXI) A LAW ENFORCEMENT OFFICER EMPLOYED BY THE**  
15 **FIELD ENFORCEMENT BUREAU;**

16                   **(XXII) A MEMBER OF THE MARYLAND TRANSPORTATION**  
17 **AUTHORITY POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE**  
18 **OFFICER UNDER § 4-208 OF THE TRANSPORTATION ARTICLE;**

19                   **(XXIII) A DEPUTY SHERIFF EMPLOYED BY THE**  
20 **BALTIMORE CITY SHERIFF'S DEPARTMENT;**

21                   **(XXIV) A MEMBER OF THE UNIVERSITY OF MARYLAND**  
22 **POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER**  
23 **§ 13-601 OF THE EDUCATION ARTICLE;**

24                   **(XXV) A LAW ENFORCEMENT OFFICER OR FIREFIGHTER**  
25 **EMPLOYED BY A PARTICIPATING GOVERNMENTAL UNIT THAT, ON OR AFTER**  
26 **JULY 1, 2011, HAS ELECTED TO PARTICIPATE IN THE OPTIONAL RETIREMENT**  
27 **PROGRAM;**

28                   **(XXVI) THE STATE FIRE MARSHAL OR A DEPUTY STATE**  
29 **FIRE MARSHAL;**

30                   **(XXVII) A MEMBER OF THE MORGAN STATE UNIVERSITY**  
31 **POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER**  
32 **§ 14-106 OF THE EDUCATION ARTICLE;**

1                   **(XXVIII) A MEMBER OF THE BWI AIRPORT FIRE &**  
2 **RESCUE DEPARTMENT;**

3                   **(XXIX) A MEMBER OF THE DEPARTMENT OF GENERAL**  
4 **SERVICES POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE**  
5 **OFFICER UNDER § 4-605 OF THE STATE FINANCE AND PROCUREMENT**  
6 **ARTICLE;**

7                   **(XXX) AN EMPLOYEE OF THE DEPARTMENT OF HEALTH AND**  
8 **MENTAL HYGIENE COMMISSIONED BY THE SECRETARY OF HEALTH AND**  
9 **MENTAL HYGIENE AS A HEALTH AND MENTAL HYGIENE POLICE OFFICER;**

10                   **(XXXI) AN EMPLOYEE OF THE MOTOR VEHICLE**  
11 **ADMINISTRATION COMMISSIONED BY THE SECRETARY OF TRANSPORTATION AS**  
12 **A MOTOR VEHICLE ADMINISTRATION POLICE OFFICER;**

13                   **(XXXII) AN EMPLOYEE OF THE DEPARTMENT OF LABOR,**  
14 **LICENSING, AND REGULATION COMMISSIONED BY THE SECRETARY OF LABOR,**  
15 **LICENSING, AND REGULATION AS A LABOR, LICENSING, AND REGULATION**  
16 **POLICE OFFICER;**

17                   **(XXXIII) A FIREFIGHTER OR LAW ENFORCEMENT OFFICER**  
18 **FOR THE MARTIN STATE AIRPORT EMPLOYED BY THE MILITARY DEPARTMENT;**

19                   **(XXXIV) A POLICE OFFICER EMPLOYED BY THE DIVISION**  
20 **OF REHABILITATION SERVICES IN THE DEPARTMENT OF EDUCATION,**  
21 **CERTIFIED IN ACCORDANCE WITH THE MARYLAND POLICE AND**  
22 **CORRECTIONAL TRAINING COMMISSION;**

23                   **(XXXV) A FIREFIGHTER OR PARAMEDIC EMPLOYED BY**  
24 **THE SALISBURY FIRE DEPARTMENT WHO IS ELIGIBLE TO BE A MEMBER OF A**  
25 **PARTICIPATING GOVERNMENTAL UNIT, AS PROVIDED IN TITLE 31, SUBTITLE 2A**  
26 **OF THIS ARTICLE;**

27                   **(XXXVI) AN AVIATOR EMPLOYED BY THE DEPARTMENT OF**  
28 **STATE POLICE TO OPERATE AN AIRCRAFT FOR THE STATE EMERGENCY**  
29 **MEDICAL SYSTEM;**

30                   **(XXXVII) A MEMBER OF THE MARYLAND TRANSIT**  
31 **ADMINISTRATION POLICE FORCE WHO HAS THE POWERS GRANTED TO A**  
32 **POLICE OFFICER UNDER § 7-207 OF THE TRANSPORTATION ARTICLE;**

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

5 (XXXIX) A POLICE OFFICER EMPLOYED BY THE  
6 BALTIMORE CITY COMMUNITY COLLEGE WHO HAS THE POWER GRANTED TO A  
7 POLICE OFFICER UNDER § 16-513 OF THE EDUCATION ARTICLE;

8 (XL) A JUDGE OF THE COURT OF APPEALS, THE COURT OF  
9 SPECIAL APPEALS, A CIRCUIT COURT OF A COUNTY, OR THE DISTRICT COURT  
10 OF MARYLAND; OR

11 (XLI) A MEMBER OF THE STATE WORKERS' COMPENSATION  
12 COMMISSION.

13 (C) (1) MEMBERSHIP IN THE OPTIONAL RETIREMENT PROGRAM IS  
14 OPTIONAL FOR:

15 (I) A MEMBER OF THE FACULTY OF AN EMPLOYING  
16 INSTITUTION ON JUNE 30, 2011;

17 (II) A PROFESSIONAL EMPLOYEE AT A COMMUNITY  
18 COLLEGE OR REGIONAL COMMUNITY COLLEGE, ESTABLISHED UNDER TITLE 16  
19 OF THE EDUCATION ARTICLE, ON JUNE 30, 2011;

20 (III) AN EMPLOYEE OF THE UNIVERSITY SYSTEM OF  
21 MARYLAND ON JUNE 30, 2011, WHO IS IN A POSITION DESIGNATED AS EXEMPT  
22 UNDER A POLICY ADOPTED BY THE UNIVERSITY SYSTEM OF MARYLAND BOARD  
23 OF REGENTS;

24 (IV) AN EMPLOYEE OF MORGAN STATE UNIVERSITY ON  
25 JUNE 30, 2011, WHO IS IN A POSITION DESIGNATED AS PROFESSIONAL OR  
26 ADMINISTRATIVE BY THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY;  
27 OR

28 (V) AN EMPLOYEE OF ST. MARY'S COLLEGE OF MARYLAND  
29 ON JUNE 30, 2011, WHO IS IN A POSITION DETERMINED BY THE BOARD OF  
30 TRUSTEES OF THE COLLEGE TO BE A PROFESSIONAL OR FACULTY POSITION.

31 (2) AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS  
32 SUBSECTION IS SUBJECT TO §§ 30-302 THROUGH 30-306 OF THIS SUBTITLE.

33 [(b)] (D) (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 **UNDER § 30-301(C)(1) OF THIS SUBTITLE** within 1 year of first becoming  
15 an eligible employee of [an employing institution] **A SUPERVISING EMPLOYER**.

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

18 30-303.

19 (a) An eligible employee **UNDER § 30-301(C)(1) OF THIS SUBTITLE** shall  
20 elect to:

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

23 (2) participate in the program.

24 (b) An eligible employee **UNDER § 30-301(C)(1) OF THIS SUBTITLE** shall:

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

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

29 (c) An eligible employee **UNDER § 30-301(C)(1) OF THIS SUBTITLE** may  
30 not participate in the program if both the Board of Trustees and the [employing  
31 institution] **SUPERVISING EMPLOYER** have not received the eligible employee's

1 written election required under subsection (b) of this section, within 1 year of first  
2 becoming an eligible employee with [an employing institution] **A SUPERVISING**  
3 **EMPLOYER.**

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

6 30–305.

7 (a) This section applies only to a State employee who becomes eligible to  
8 elect participation in the program if the employee is appointed, promoted, transferred,  
9 or reclassified to a position as an eligible employee **ON OR BEFORE JUNE 30, 2011.**

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

12 (c) An eligible employee shall:

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

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

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

22 30–306.

23 An election of the program by an eligible employee **UNDER § 30–301(C)(1) OF**  
24 **THIS SUBTITLE** is only effective when the election is accompanied by an appropriate  
25 application, if required, for the issuance of an annuity contract under the program.

26 30–307.

27 (e) [A participating employee] **AN ELIGIBLE EMPLOYEE UNDER §**  
28 **30–301(C)(1) OF THIS SUBTITLE** is ineligible for membership in a retirement system  
29 or pension system while the [participating employee] **ELIGIBLE EMPLOYEE** is  
30 employed in any eligible position by any [employing institution] **SUPERVISING**  
31 **EMPLOYER.**

32 31–101.



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

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

5 (d) “Eligible governmental unit” means:

6 (1) a governmental unit that is eligible to participate in the employees’  
7 systems under § 31–102 of this subtitle **ON OR BEFORE JUNE 30, 2011; OR**

8 (2) **A GOVERNMENTAL UNIT THAT IS ELIGIBLE TO PARTICIPATE**  
9 **IN THE OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE**  
10 **ON OR AFTER JULY 1, 2011.**

11 31–102.

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

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

16 (i) a county;

17 (ii) a municipal corporation; and

18 (iii) a special taxing area; and

19 (2) the following governmental units:

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

22 (ii) the Allegany County Transit Authority;

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

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

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

29 (vi) the Chesapeake Bay Commission;

- 1 (vii) a cooperative library commission;
- 2 (viii) subject to § 31–103 of this subtitle, a community action  
3 agency, as designated by the legislative body of the community action agency;
- 4 (ix) a fire department that receives any of its funds from or  
5 through a county, municipal corporation, special taxing area, or other political  
6 subdivision of the State;
- 7 (x) the Health Planning Council of Appalachia;
- 8 (xi) the Howard County Economic Development Authority;
- 9 (xii) the Interstate Commission on the Potomac River Basin;
- 10 (xiii) the Lower Shore Private Industry Council, Inc.;
- 11 (xiv) the Maryland Environmental Service;
- 12 (xv) subject to § 31–106 of this subtitle, the Maryland Stadium  
13 Authority;
- 14 (xvi) a public library association or organization;
- 15 (xvii) the St. Mary’s County Nursing Home;
- 16 (xviii) the Tri–County Council for Western Maryland, Inc.;
- 17 (xix) the Tri–County Council for Southern Maryland;
- 18 (xx) subject to § 31–107 of this subtitle, the University of  
19 Maryland Medical System Corporation;
- 20 (xxi) the Upper Potomac River Commission;
- 21 (xxii) subject to § 31–106.1 of this subtitle, the Maryland African  
22 American Museum Corporation; and
- 23 (xxiii) the Garrett County Office for Children, Youth and Families.
- 24 31–109.

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

- 27 (1) (i) the employee is not a member of a local pension system; and

1 (ii) the legislative body of the eligible governmental unit  
2 approves participation of the eligible governmental unit in the Employees' Pension  
3 System **ON OR BEFORE JUNE 30, 2011**; or

4 (2) (i) the employee is a member of a local pension system;

5 (ii) at least 60% of the members of the local pension system  
6 petition to become members of the Employees' Pension System **ON OR BEFORE JUNE**  
7 **30, 2011**; and

8 (iii) the legislative body of the eligible governmental unit  
9 approves participation of the eligible governmental unit in the Employees' Pension  
10 System **ON OR BEFORE JUNE 30, 2011**, as though the local pension system were not  
11 in operation.

12 **31-109.2.**

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

15 **(1) (I) THE EMPLOYEE IS NOT A MEMBER OF A LOCAL PENSION**  
16 **SYSTEM OR STATE SYSTEM; AND**

17 **(II) THE LEGISLATIVE BODY OF THE ELIGIBLE**  
18 **GOVERNMENTAL UNIT APPROVES PARTICIPATION OF THE ELIGIBLE**  
19 **GOVERNMENTAL UNIT IN THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER**  
20 **JULY 1, 2011; OR**

21 **(2) (I) THE EMPLOYEE IS A MEMBER OF A LOCAL PENSION**  
22 **SYSTEM OR STATE SYSTEM;**

23 **(II) AT LEAST 60% OF THE MEMBERS OF THE LOCAL**  
24 **PENSION SYSTEM OR STATE SYSTEM PETITION TO BECOME MEMBERS OF THE**  
25 **OPTIONAL RETIREMENT PROGRAM ON OR AFTER JULY 1, 2011; AND**

26 **(III) THE LEGISLATIVE BODY OF THE ELIGIBLE**  
27 **GOVERNMENTAL UNIT APPROVES PARTICIPATION OF THE ELIGIBLE**  
28 **GOVERNMENTAL UNIT IN THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER**  
29 **JULY 1, 2011, AS THOUGH THE LOCAL PENSION SYSTEM OR STATE SYSTEM**  
30 **WERE NOT IN OPERATION.**

31 **31-109.3.**

32 **THE EFFECTIVE DATE OF PARTICIPATION FOR AN ELIGIBLE**  
33 **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 31-111.7.

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

8 31-112.1.

9 AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT WHO IS A  
10 MEMBER OF THE OPTIONAL RETIREMENT PROGRAM IS ENTITLED TO THE  
11 BENEFITS TO WHICH STATE EMPLOYEES ARE ENTITLED UNDER THAT SYSTEM.

12 31-113.

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

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

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

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

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

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

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

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

1 (i) the assets to the credit of the local pension system of the  
2 participating governmental unit that are attributable to the employees of the  
3 participating governmental unit who elect to become members of the Employees'  
4 Pension System under § 23-204(b) of this article shall be transferred to the  
5 Employees' Pension System; and

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

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

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

14 31-2A-01.

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

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

19 (c) "Eligible governmental unit" means:

20 (1) a governmental unit that is eligible to participate in the Law  
21 Enforcement Officers' Pension System under § 31-2A-02 of this subtitle **ON OR**  
22 **BEFORE JUNE 30, 2011; OR**

23 (2) **A GOVERNMENTAL UNIT THAT IS ELIGIBLE TO PARTICIPATE**  
24 **IN THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER JULY 1, 2011.**

25 31-2A-02.

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

29 (1) counties; and

30 (2) municipal corporations.

31 31-2A-03.

1 (a) If at least 60% of the law enforcement officers of an eligible governmental  
2 unit who are members of a local pension system or State system petition to become  
3 members of the Law Enforcement Officers' Pension System **ON OR BEFORE JUNE 30,**  
4 **2011**, the legislative body of the eligible governmental unit may approve the  
5 participation of these law enforcement officers in the Law Enforcement Officers'  
6 Pension System as though the local pension system were not in operation.

7 (b) If at least 60% of the firefighters and paramedics employed by the  
8 Salisbury Fire Department petition to become members of the Law Enforcement  
9 Officers' Pension System **ON OR BEFORE JUNE 30, 2011**, the legislative body of the  
10 City of Salisbury, as an eligible governmental unit, may approve the participation of  
11 these firefighters and paramedics in the Law Enforcement Officers' Pension System.

12 (c) If at least 60% of the firefighters of an eligible governmental unit who are  
13 members of a local pension system or State system petition to become members of the  
14 Law Enforcement Officers' Pension System **ON OR BEFORE JUNE 30, 2011**, the  
15 legislative body of the eligible governmental unit may approve the participation of  
16 these firefighters in the Law Enforcement Officers' Pension System as though the local  
17 pension system were not in operation.

18 **31-2A-03.2.**

19 (A) **IF AT LEAST 60% OF THE LAW ENFORCEMENT OFFICERS OF AN**  
20 **ELIGIBLE GOVERNMENTAL UNIT WHO ARE MEMBERS OF A LOCAL PENSION**  
21 **SYSTEM OR STATE SYSTEM PETITION TO BECOME MEMBERS OF THE OPTIONAL**  
22 **RETIREMENT PROGRAM ON OR AFTER JULY 1, 2011, THE LEGISLATIVE BODY OF**  
23 **THE ELIGIBLE GOVERNMENTAL UNIT MAY APPROVE THE PARTICIPATION OF**  
24 **THESE LAW ENFORCEMENT OFFICERS IN THE OPTIONAL RETIREMENT**  
25 **PROGRAM AS THOUGH THE LOCAL PENSION SYSTEM OR STATE SYSTEM WERE**  
26 **NOT IN OPERATION.**

27 (B) **IF AT LEAST 60% OF THE FIREFIGHTERS AND PARAMEDICS**  
28 **EMPLOYED BY THE SALISBURY FIRE DEPARTMENT PETITION TO BECOME**  
29 **MEMBERS OF THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER JULY 1,**  
30 **2011, THE LEGISLATIVE BODY OF THE CITY OF SALISBURY, AS AN ELIGIBLE**  
31 **GOVERNMENTAL UNIT, MAY APPROVE THE PARTICIPATION OF THESE**  
32 **FIREFIGHTERS AND PARAMEDICS IN THE OPTIONAL RETIREMENT PROGRAM.**

33 (C) **IF AT LEAST 60% OF THE FIREFIGHTERS OF AN ELIGIBLE**  
34 **GOVERNMENTAL UNIT WHO ARE MEMBERS OF A LOCAL PENSION SYSTEM OR**  
35 **STATE SYSTEM PETITION TO BECOME MEMBERS OF THE OPTIONAL**  
36 **RETIREMENT PROGRAM ON OR AFTER JULY 1, 2011, THE LEGISLATIVE BODY OF**  
37 **THE ELIGIBLE GOVERNMENTAL UNIT MAY APPROVE THE PARTICIPATION OF**  
38 **THESE FIREFIGHTERS IN THE OPTIONAL RETIREMENT PROGRAM AS THOUGH**  
39 **THE LOCAL PENSION SYSTEM OR STATE SYSTEM WERE NOT IN OPERATION.**

1    **31-2A-03.3.**

2           **THE EFFECTIVE DATE OF PARTICIPATION FOR AN ELIGIBLE**  
3 **GOVERNMENTAL UNIT IS JULY 1 OF THE YEAR FOLLOWING THE FISCAL YEAR IN**  
4 **WHICH THE ELIGIBLE GOVERNMENTAL UNIT ELECTS TO PARTICIPATE IN THE**  
5 **OPTIONAL RETIREMENT PROGRAM.**

6    **31-2A-04.1.**

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

11    **31-2A-05.**

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

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

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

21                   (ii)   the trustee or other administrative head of the local pension  
22 system or State system shall certify the proportion of the funds of the local pension  
23 system or State system that represents the accumulated contributions of the members  
24 as of that date.

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

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

32    **31-2B-01.**

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

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

4 (c) "Eligible governmental unit" means:

5 (1) a governmental unit that is eligible to participate in the  
6 Correctional Officers' Retirement System under § 31-2B-02 of this subtitle **ON OR**  
7 **BEFORE JUNE 30, 2011; OR**

8 (2) **A GOVERNMENTAL UNIT THAT IS ELIGIBLE TO PARTICIPATE**  
9 **IN THE OPTIONAL RETIREMENT PROGRAM ON OR AFTER JULY 1, 2011.**

10 31-2B-02.

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

14 (1) counties; and

15 (2) municipal corporations.

16 31-2B-03.

17 If at least 60% of the local detention center officers of an eligible governmental  
18 unit who are members of a local pension system or State system petition to become  
19 members of the Correctional Officers' Retirement System **ON OR BEFORE JUNE 30,**  
20 **2011**, the legislative body of the eligible governmental unit may approve the  
21 participation of these local detention center officers in the Correctional Officers'  
22 Retirement System as though the local pension system were not in operation.

23 **31-2B-03.2.**

24 **IF AT LEAST 60% OF THE LOCAL DETENTION CENTER OFFICERS OF AN**  
25 **ELIGIBLE GOVERNMENTAL UNIT WHO ARE MEMBERS OF A LOCAL PENSION**  
26 **SYSTEM OR STATE SYSTEM PETITION TO BECOME MEMBERS OF THE OPTIONAL**  
27 **RETIREMENT PROGRAM ON OR AFTER JULY 1, 2011, THE LEGISLATIVE BODY OF**  
28 **THE ELIGIBLE GOVERNMENTAL UNIT MAY APPROVE THE PARTICIPATION OF**  
29 **THESE LOCAL DETENTION CENTER OFFICERS IN THE OPTIONAL RETIREMENT**  
30 **PROGRAM AS THOUGH THE LOCAL PENSION SYSTEM OR STATE SYSTEM WERE**  
31 **NOT IN OPERATION.**

32 **31-2B-04.1.**



1           **IF A LOCAL DETENTION CENTER OFFICER JOINS THE OPTIONAL**  
2 **RETIREMENT PROGRAM ON THE EFFECTIVE DATE, THE MEMBER IS NOT**  
3 **ENTITLED TO CREDIT FOR EMPLOYMENT WITH THE PARTICIPATING**  
4 **GOVERNMENTAL UNIT BEFORE THE EFFECTIVE DATE.**

5 31-2B-05.

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

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

11                   (i) the assets to the credit of the local pension system or State  
12 system that relate to the local detention center officers who elect to become members  
13 **OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM** shall be transferred to  
14 the Correctional Officers' Retirement System; and

15                   (ii) the trustee or other administrative head of the local pension  
16 system or State system shall certify the proportion of the funds of the local pension  
17 system that represents the accumulated contributions of the members as of that date.

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

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

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 July 1, 2011.