

# SENATE BILL 761

K4, A1

1r1967  
CF 1r1966

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By: **Senator Elfreth**

Introduced and read first time: February 5, 2021

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

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

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

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

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

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

27 BY repealing and reenacting, with amendments,

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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 26–201(a)(20) and (21)  
 3 Annotated Code of Maryland  
 4 (2015 Replacement Volume and 2020 Supplement)

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

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

12 **Article – Alcoholic Beverages**

13 1–302.

14 There is an Alcohol and Tobacco Commission.

15 1–309.

16 (c) The Executive Director shall:

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

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

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

24 1–313.

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

26 (i) shall be sworn police officers;

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

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



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

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

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

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

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

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

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

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