

SENATE BILL 234

AN ACT to repeal Sections 948, 949, 950, 951, 951A, 953, 954, 955, 956, 957 and 957A of Article 4 of the Code of Public Local Laws of Maryland and Baltimore City Charter (1938 Edition), title "Baltimore City", sub-title "Special Fund", and all amendments to said sections and to enact in lieu thereof a new section, to be known as Section 948 and to follow immediately after Section 947 of said Article, relating to employees of the Police Department of Baltimore City who are included in the pension system of said Department.

A study of this bill indicates it will create difficulties and confusion in connection with the recent provisions made for taking employees of the Baltimore Police Department into the Employees Retirement System of the City.

The City pension laws now in effect make it compulsory for persons employed by the Police Department after January 1, 1947, to become members of the Employees Retirement System of Baltimore. It is optional with those who were employees before January 1, 1947, to come into the general City Pension System or remain under the Special Police Retirement Plan. The old Police System would pass out of existence when those who were members before January 1, 1947, retire.

The provisions of this bill are in conflict with this plan for a single City Pension System in that it authorizes the Police Commissioner to include new employees in the System and opens it up so that those employees who decline to join the Police System upon appointment, may now become members of this Special Police System by making up the contributions they would have paid. These provisions are in conflict for an overall plan for a General Pension System for all City employees.

The Board of Trustees of the Employees Retirement System of Baltimore is very apprehensive about the effect this measure would have on the Pension System and is very much opposed to it.

Since the City has full power to set up a General Pension System, including the Police Department, it is doubtful whether this bill would be constitutional in view of the restrictions imposed by Article XI-A, Section 4, of the Constitution, which forbids the Maryland General Assembly to enact any local law for the City of Baltimore on any subject covered by express powers granted in its Charter.

For the above reasons, the bill will be vetoed.