
By: **Delegates Hubers, Proctor, Stocksdales, Turner, and D'Amato**

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Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2001

CHAPTER _____

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Membership - Martin State**
3 **Airport Firefighters**

4 FOR the purpose of ~~requiring~~ allowing certain firefighters for the Martin State
5 Airport who are employed by the Military Department to become members of
6 the Law Enforcement Officers' Pension System; ~~providing for the transfer of~~
7 ~~certain funds from the Employees' Retirement System or the Employees'~~
8 ~~Pension System to the Law Enforcement Officers' Pension System;~~ and
9 generally relating to pensions for firefighters for the Martin State Airport who
10 are employed by the Military Department.

11 BY repealing and reenacting, with amendments,
12 Article - State Personnel and Pensions
13 Section 26-201~~(a)~~ and 26-202
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2000 Supplement)

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

18 **Article - State Personnel and Pensions**

19 26-201.

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

1 (1) an employee of the Department of Natural Resources commissioned
2 by the Secretary of Natural Resources as:

3 (i) a Natural Resources police officer; or

4 (ii) a law enforcement officer, other than a Natural Resources police
5 officer;

6 (2) a law enforcement officer employed by the Maryland Investigative
7 Services Unit;

8 (3) a member of the Maryland Transportation Authority Police Force
9 who has the powers granted to a police officer under § 4-208 of the Transportation
10 Article;

11 (4) a deputy sheriff employed by the Baltimore City Sheriff's
12 Department;

13 (5) a member of the University of Maryland Police Force who has the
14 powers granted to a police officer under § 13-601 of the Education Article;

15 (6) a law enforcement officer employed by a participating governmental
16 unit that on or after July 1, 1999 has elected to participate in the Law Enforcement
17 Officers' Pension System;

18 (7) the State Fire Marshal or a Deputy State Fire Marshal;

19 (8) a member of the Morgan State University Police Force who has the
20 powers granted to a police officer under § 14-106 of the Education Article;

21 (9) a member of the BWI Airport Fire & Rescue Department;

22 (10) a member of the Department of General Services Police Force who
23 has the powers granted to a police officer under § 4-605 of the State Finance and
24 Procurement Article;

25 (11) an employee of the Department of Health and Mental Hygiene
26 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
27 Hygiene police officer;

28 (12) an employee of the Motor Vehicle Administration commissioned by
29 the Secretary of the Department of Transportation as a Motor Vehicle Administration
30 police officer; [or]

31 (13) an employee of the Department of Labor, Licensing, and Regulation
32 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
33 Licensing, and Regulation police officer; OR

34 (14) A FIREFIGHTER FOR THE MARTIN STATE AIRPORT EMPLOYED BY
35 THE MILITARY DEPARTMENT.

1 (b) This subtitle does not apply to:

2 (1) a Maryland Transportation Authority police officer who transferred
3 from the Employees' Retirement System to the Employees' Pension System on or after
4 December 1, 1996;

5 (2) a deputy sheriff employed by the Baltimore City Sheriff's
6 Department who transferred from the Employees' Retirement System to the
7 Employees' Pension System on or after December 1, 1996;

8 (3) a member of the University of Maryland Police Force who transferred
9 from the Employees' Retirement System to the Employees' Pension System on or after
10 December 1, 1997;

11 (4) a law enforcement officer employed by a participating governmental
12 unit who transferred from the Employees' Retirement System to the Employees'
13 Pension System on or after December 1, 1997;

14 (5) a Maryland Port Administration police officer who transferred from
15 the Employees' Retirement System to the Employees' Pension System on or after
16 December 1, 1997;

17 (6) a State Fire Marshal or Deputy State Fire Marshal who transferred
18 from the Employees' Retirement System to the Employees' Pension System on or after
19 December 1, 1996;

20 (7) a member of the Morgan State University Police Force who
21 transferred from the Employees' Retirement System to the Employees' Pension
22 System on or after December 1, 1997;

23 (8) a member of the BWI Airport Fire & Rescue Department who
24 transferred from the Employees' Retirement System to the Employees' Pension
25 System on or after April 1, 1998; [or]

26 (9) a member of the Department of General Services, Department of
27 Health and Mental Hygiene, Motor Vehicle Administration, or Department of Labor,
28 Licensing, and Regulation Police Force who transferred from the Employees'
29 Retirement System to the Employees' Pension System on or after April 1, 1998; OR

30 (10) A FIREFIGHTER FOR THE MARTIN STATE AIRPORT EMPLOYED BY
31 THE MILITARY DEPARTMENT WHO TRANSFERRED FROM THE EMPLOYEES'
32 RETIREMENT SYSTEM TO THE EMPLOYEES' PENSION SYSTEM ON OR AFTER APRIL 1,
33 1998.

34 26-202.

35 (a) Except as provided in subsection (b) of this section, an individual described
36 in § 26-201 of this subtitle is a member of the Law Enforcement Officers' Pension
37 System as a condition of employment.

- 1 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
2 Enforcement Officers' Pension System is optional for an individual described in §
3 26-201 of this subtitle:
- 4 (i) who was employed by the Department of Natural Resources on
5 July 1, 1990 and who elects membership on or before December 31, 1997;
- 6 (ii) who was employed by the Maryland Investigative Services Unit
7 on June 30, 1995 and who elects membership on or before December 31, 1997;
- 8 (iii) who was employed by the Maryland Transportation Authority
9 on June 30, 1997 and who elects membership on or before December 31, 1997;
- 10 (iv) who was employed by the Baltimore City Sheriff's Department
11 on June 30, 1997 and who elects membership on or before December 31, 1997;
- 12 (v) who was employed by the University of Maryland Police Force
13 on June 30, 1999 and who elects membership on or before December 31, 1999;
- 14 (vi) who is employed by a participating governmental unit on the
15 effective date of participation on or after July 1, 1999 for that participating
16 governmental unit and who elects membership within 6 months of the effective date
17 of participation;
- 18 (vii) who was employed by the Maryland Port Administration Police
19 Force and was subsequently transferred to and employed by the Maryland
20 Transportation Authority Police Force on July 1, 1998 and who elects membership on
21 or before December 31, 1998;
- 22 (viii) who was employed by the office of the State Fire Marshal on
23 June 30, 1998 and who elects membership on or before December 31, 1998;
- 24 (ix) who was employed by the Morgan State University Police Force
25 on June 30, 1999 and who elects membership on or before December 31, 1999;
- 26 (x) who was employed by the BWI Airport Fire & Rescue
27 Department on June 30, 2000, and who elects membership on or before December 29,
28 2000; [or]
- 29 (xi) who was employed by the Department of General Services,
30 Department of Health and Mental Hygiene, Motor Vehicle Administration, and
31 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and
32 who elects membership on or before December 29, 2000; OR
- 33 (XII) WHO WAS EMPLOYED BY THE MILITARY DEPARTMENT AS A
34 FIREFIGHTER AT MARTIN STATE AIRPORT ON JUNE 30, 2001, AND WHO ELECTS
35 MEMBERSHIP ON OR BEFORE DECEMBER 31, 2001.

1 (2) To elect to be a member of the Law Enforcement Officers' Pension
2 System, an individual shall file a written application with the State Retirement
3 Agency.

4 (3) If an individual does not elect membership during the applicable
5 period specified under paragraph (1) of this subsection, the individual may not
6 become a member of the Law Enforcement Officers' Pension System.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 ~~October~~ July 1, 2001.