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By: **Senator Collins**  
Introduced and read first time: February 2, 2001  
Assigned to: Budget and Taxation

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Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 21, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of providing certain firefighters for the Martin State Airport who  
5 are employed by the Military Department membership in the Law Enforcement  
6 Officers' Pension System; and generally relating to pensions for firefighters for  
7 the Martin State Airport who are employed by the Military Department.

8 BY repealing and reenacting, with amendments,  
9 Article - State Personnel and Pensions  
10 Section 26-201 and 26-202  
11 Annotated Code of Maryland  
12 (1997 Replacement Volume and 2000 Supplement)

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

15 **Article - State Personnel and Pensions**

16 26-201.

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

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

21 (i) a Natural Resources police officer; or

1 (ii) a law enforcement officer, other than a Natural Resources police  
2 officer;

3 (2) a law enforcement officer employed by the Maryland Investigative  
4 Services Unit;

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

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

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

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

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

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

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

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

22 (11) an employee of the Department of Health and Mental Hygiene  
23 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental  
24 Hygiene police officer;

25 (12) an employee of the Motor Vehicle Administration commissioned by  
26 the Secretary of the Department of Transportation as a Motor Vehicle Administration  
27 police officer; [or]

28 (13) an employee of the Department of Labor, Licensing, and Regulation  
29 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,  
30 Licensing, and Regulation police officer; OR

31 (14) A FIREFIGHTER FOR THE MARTIN STATE AIRPORT EMPLOYED BY  
32 THE MILITARY DEPARTMENT.

33 (b) This subtitle does not apply to:

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

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

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

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

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

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

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

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

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

26          (10)    A FIREFIGHTER FOR THE MARTIN STATE AIRPORT EMPLOYED BY  
27 THE MILITARY DEPARTMENT WHO TRANSFERRED FROM THE EMPLOYEES'  
28 RETIREMENT SYSTEM TO THE EMPLOYEES' PENSION SYSTEM ON OR AFTER APRIL 1,  
29 1998.

30 26-202.

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

34       (b)     (1)     Subject to paragraph (2) of this subsection, membership in the Law  
35 Enforcement Officers' Pension System is optional for an individual described in §  
36 26-201 of this subtitle:

37               (i)     who was employed by the Department of Natural Resources on  
38 July 1, 1990 and who elects membership on or before December 31, 1997;

1 (ii) who was employed by the Maryland Investigative Services Unit  
2 on June 30, 1995 and who elects membership on or before December 31, 1997;

3 (iii) who was employed by the Maryland Transportation Authority  
4 on June 30, 1997 and who elects membership on or before December 31, 1997;

5 (iv) who was employed by the Baltimore City Sheriff's Department  
6 on June 30, 1997 and who elects membership on or before December 31, 1997;

7 (v) who was employed by the University of Maryland Police Force  
8 on June 30, 1999 and who elects membership on or before December 31, 1999;

9 (vi) who is employed by a participating governmental unit on the  
10 effective date of participation on or after July 1, 1999 for that participating  
11 governmental unit and who elects membership within 6 months of the effective date  
12 of participation;

13 (vii) who was employed by the Maryland Port Administration Police  
14 Force and was subsequently transferred to and employed by the Maryland  
15 Transportation Authority Police Force on July 1, 1998 and who elects membership on  
16 or before December 31, 1998;

17 (viii) who was employed by the office of the State Fire Marshal on  
18 June 30, 1998 and who elects membership on or before December 31, 1998;

19 (ix) who was employed by the Morgan State University Police Force  
20 on June 30, 1999 and who elects membership on or before December 31, 1999;

21 (x) who was employed by the BWI Airport Fire & Rescue  
22 Department on June 30, 2000, and who elects membership on or before December 29,  
23 2000; [or]

24 (xi) who was employed by the Department of General Services,  
25 Department of Health and Mental Hygiene, Motor Vehicle Administration, and  
26 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and  
27 who elects membership on or before December 29, 2000; OR

28 (XII) WHO WAS EMPLOYED BY THE MILITARY DEPARTMENT AS A  
29 FIREFIGHTER AT MARTIN STATE AIRPORT ON JUNE 30, 2001, AND WHO ELECTS  
30 MEMBERSHIP ON OR BEFORE DECEMBER 31, 2001.

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

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

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