K4   5lr2238
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By: **Delegates G. Clagett, Boschert, Cardin, Costa, Glassman, Jennings,**
      Parrott, Proctor, Rudolph, Smigiel, Sossi, and Wood
Introduced and read first time: February 10, 2005
Assigned to: Appropriations

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Committee Report: Favorable
House action: Adopted
Read second time: March 26, 2005

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<div align="center">CHAPTER_____</div>

1 AN ACT concerning

2   **Law Enforcement Officers' Pension System - Membership - Aviators with**
3   **the Department of State Police**

4 FOR the purpose of providing certain aviators who are employed by the Department
5   of State Police to operate an aircraft for the State Emergency Medical System
6   with membership in the Law Enforcement Officers' Pension System; making
7   membership optional for certain aviators; and generally relating to retirement
8   benefits for aviators who operate aircraft for the State Emergency Medical
9   System.

10 BY repealing and reenacting, with amendments,
11   Article - State Personnel and Pensions
12   Section 26-201 and 26-202
13   Annotated Code of Maryland
14   (2004 Replacement Volume)

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

17   **Article - State Personnel and Pensions**

18 26-201.

19   (a)   Except as provided in subsection (b) of this section, this subtitle applies
20 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 Field Enforcement
7 Division;

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 or firefighter employed by a participating
16 governmental unit that on or after July 1, 1999 has elected to participate in the Law
17 Enforcement 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;

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;

34   (14)   a firefighter for the Martin State Airport employed by the Military
35 Department;

1   (15)   a police officer employed by the Division of Rehabilitation Services in
2 the Department of Education, certified in accordance with the Maryland Police and
3 Correctional Training Commissions; [or]

4   (16)   a firefighter or paramedic employed by the Salisbury Fire
5 Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this
6 article; OR

7   (17)   AN AVIATOR EMPLOYED BY THE DEPARTMENT OF STATE POLICE TO
8 OPERATE AN AIRCRAFT FOR THE STATE EMERGENCY MEDICAL SYSTEM.

9   (b)   This subtitle does not apply to:

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

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

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

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

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

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

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

31   (8)   a member of the BWI Airport Fire & Rescue Department who
32 transferred from the Employees' Retirement System to the Employees' Pension
33 System on or after April 1, 1998;

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

1   (10)   a firefighter for the Martin State Airport employed by the Military
2 Department who transferred from the Employees' Retirement System to the
3 Employees' Pension System on or after April 1, 1998;

4   (11)   a police officer employed by the Division of Rehabilitation Services in
5 the Department of Education who:

6   (i)   is certified in accordance with the Maryland Police and
7 Correctional Training Commissions; and

8   (ii)   transferred from the Employees' Retirement System to the
9 Employees' Pension System on or after April 1, 1998; [or]

10   (12)   a firefighter or paramedic employed by the Salisbury Fire
11 Department who transferred from the Employees' Retirement System to the
12 Employees' Pension System on or after April 1, 1998; OR

13   (13)   AN AVIATOR EMPLOYED BY THE DEPARTMENT OF STATE POLICE TO
14 OPERATE AN AIRCRAFT FOR THE STATE EMERGENCY MEDICAL SYSTEM WHO
15 TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM TO THE EMPLOYEES'
16 PENSION SYSTEM ON OR AFTER APRIL 1, 1998.

17 26-202.

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

21   (b)   (1)   Subject to paragraph (2) of this subsection, membership in the Law
22 Enforcement Officers' Pension System is optional for an individual described in §
23 26-201 of this subtitle:

24   (i)   who was employed by the Department of Natural Resources on
25 July 1, 1990 and who elects membership on or before December 31, 2002;

26   (ii)   who was employed by the Field Enforcement Division on June
27 30, 1995 and who elects membership on or before December 31, 2002;

28   (iii)   who was employed by the Maryland Transportation Authority
29 on June 30, 1997 and who elects membership on or before December 31, 2002;

30   (iv)   who was employed by the Baltimore City Sheriff's Department
31 on June 30, 1997 and who elects membership on or before December 31, 2002;

32   (v)   who was employed by the University of Maryland Police Force
33 on June 30, 1999 and who elects membership on or before December 31, 2002;

34   (vi)   who is employed by a participating governmental unit on the
35 effective date of participation on or after July 1, 1999 for that participating

1 governmental unit and who elects membership within 6 months of the effective date
2 of participation;

3   (vii)   who was employed by the Maryland Port Administration Police
4 Force and was subsequently transferred to and employed by the Maryland
5 Transportation Authority Police Force on July 1, 1998 and who elects membership on
6 or before December 31, 2002;

7   (viii)   who was employed by the office of the State Fire Marshal on
8 June 30, 1998 and who elects membership on or before December 31, 2002;

9   (ix)   who was employed by the Morgan State University Police Force
10 on June 30, 1999 and who elects membership on or before December 31, 2002;

11   (x)   who was employed by the BWI Airport Fire & Rescue
12 Department on June 30, 2000, and who elects membership on or before December 31,
13 2002;

14   (xi)   who was employed by the Department of General Services,
15 Department of Health and Mental Hygiene, Motor Vehicle Administration, and
16 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and
17 who elects membership on or before December 31, 2002;

18   (xii)   who was employed by the Military Department as a firefighter
19 at Martin State Airport on June 30, 2001, and who elects membership on or before
20 December 31, 2002;

21   (xiii)   who was employed on June 30, 2002, by the Division of
22 Rehabilitation Services in the Department of Education as a police officer certified in
23 accordance with the Maryland Police and Correctional Training Commissions, and
24 who elects membership on or before December 31, 2002; [or]

25   (xiv)   who was employed on June 30, 2004, by the Salisbury Fire
26 Department as a firefighter or paramedic and who elects membership on or before
27 December 31, 2004, if eligible under Title 31, Subtitle 2A of this article; OR

28   (XV)   WHO WAS EMPLOYED ON JUNE 30, 2005, BY THE DEPARTMENT
29 OF STATE POLICE AS AN AVIATOR OPERATING AN AIRCRAFT FOR THE STATE
30 EMERGENCY MEDICAL SYSTEM, AND WHO ELECTS MEMBERSHIP ON OR BEFORE
31 DECEMBER 31, 2005.

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

35   (3)   If an individual does not elect membership during the applicable
36 period specified under paragraph (1) of this subsection, the individual may not
37 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, 2005.