

HOUSE BILL 152

K4

71r0840

By: **Delegates Weir, Aumann, Boteler, Cardin, Frank, McDonough, Minnick, Olszewski, and Schuler**

Introduced and read first time: January 25, 2007

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

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

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

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 (2004 Replacement Volume and 2006 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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) an employee of the Department of Natural Resources
2 commissioned 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
5 police officer;
- 6 (2) a law enforcement officer employed by the Field Enforcement
7 Bureau;
- 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 Transportation as a Motor Vehicle Administration police officer;

1 (13) an employee of the Department of Labor, Licensing, and
2 Regulation commissioned by the Secretary of Labor, Licensing, and Regulation as a
3 Labor, Licensing, and Regulation police officer;

4 (14) a firefighter **OR LAW ENFORCEMENT OFFICER** for the Martin
5 State Airport employed by the Military Department;

6 (15) a police officer employed by the Division of Rehabilitation Services
7 in the Department of Education, certified in accordance with the Maryland Police and
8 Correctional Training Commissions;

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

12 (17) an aviator employed by the Department of State Police to operate
13 an aircraft for the State Emergency Medical System;

14 (18) a member of the Maryland Transit Administration Police Force
15 who has the powers granted to a police officer under § 7-207 of the Transportation
16 Article; or

17 (19) an individual who is elected or appointed as the Baltimore City
18 Sheriff and who does not elect to join the Employees' Pension System under Title 23 of
19 this article within 6 months of the date the individual begins serving as the Baltimore
20 City Sheriff.

21 (b) This subtitle does not apply to:

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

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

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

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

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

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

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

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

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

20 (10) a firefighter **OR LAW ENFORCEMENT OFFICER** for the Martin
21 State Airport employed by the Military Department who transferred from the
22 Employees' Retirement System to the Employees' Pension System on or after April 1,
23 1998;

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

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

28 (ii) transferred from the Employees' Retirement System to the
29 Employees' Pension System on or after April 1, 1998;

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

1 (13) an aviator employed by the Department of State Police to operate
2 an aircraft for the State Emergency Medical System who transferred from the
3 Employees' Retirement System to the Employees' Pension System on or after April 1,
4 1998.

5 26–202.

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

9 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
10 Enforcement Officers' Pension System is optional for an individual described in §
11 26–201 of this subtitle:

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

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

16 (iii) who was employed by the Maryland Transportation
17 Authority on June 30, 1997 and who elects membership on or before December 31,
18 2002;

19 (iv) who was employed by the Baltimore City Sheriff's
20 Department on June 30, 1997 and who elects membership on or before December 31,
21 2002;

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

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

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

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

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

5 (x) who was employed by the BWI Airport Fire & Rescue
6 Department on June 30, 2000, and who elects membership on or before December 31,
7 2002;

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

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

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

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

22 (xv) who was employed on June 30, 2005, by the Department of
23 State Police as an aviator operating an aircraft for the State Emergency Medical
24 System, and who elects membership on or before December 31, 2005; **OR**

25 **(XVI) WHO WAS EMPLOYED BY THE MILITARY DEPARTMENT**
26 **AS A LAW ENFORCEMENT OFFICER AT MARTIN STATE AIRPORT ON JUNE 30,**
27 **2007, AND WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 2007.**

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2007.