

# 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

---

Committee Report: Favorable

House action: Adopted

Read second time: March 9, 2007

---

## CHAPTER \_\_\_\_\_

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.

---

### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

5                           (i)     a Natural Resources police officer; or

6                           (ii)    a law enforcement officer, other than a Natural Resources  
7 police officer;

8                   (2)     a law enforcement officer employed by the Field Enforcement  
9 Bureau;

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

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

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

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

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

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

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

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

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

1           (12) an employee of the Motor Vehicle Administration commissioned by  
2 the Secretary of Transportation as a Motor Vehicle Administration police officer;

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

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

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

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

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

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

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

23           (b) This subtitle does not apply to:

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

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

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

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

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

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

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

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

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

23          (10) a firefighter **OR LAW ENFORCEMENT OFFICER** for the Martin  
24 State Airport employed by the Military Department who transferred from the  
25 Employees' Retirement System to the Employees' Pension System on or after April 1,  
26 1998;

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

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

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

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

4           (13) an aviator employed by the Department of State Police to operate  
5 an aircraft for the State Emergency Medical System who transferred from the  
6 Employees' Retirement System to the Employees' Pension System on or after April 1,  
7 1998.

8 26–202.

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

12           (b) (1) Subject to paragraph (2) of this subsection, membership in the Law  
13 Enforcement Officers' Pension System is optional for an individual described in §  
14 26–201 of this subtitle:

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

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

19                       (iii) who was employed by the Maryland Transportation  
20 Authority on June 30, 1997 and who elects membership on or before December 31,  
21 2002;

22                       (iv) who was employed by the Baltimore City Sheriff's  
23 Department on June 30, 1997 and who elects membership on or before December 31,  
24 2002;

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

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

31                       (vii) who was employed by the Maryland Port Administration  
32 Police Force and was subsequently transferred to and employed by the Maryland

1 Transportation Authority Police Force on July 1, 1998 and who elects membership on  
2 or before December 31, 2002;

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

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

7 (x) who was employed by the BWI Airport Fire & Rescue  
8 Department on June 30, 2000, and who elects membership on or before December 31,  
9 2002;

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

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

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

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

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

27 **(XVI) WHO WAS EMPLOYED BY THE MILITARY DEPARTMENT**  
28 **AS A LAW ENFORCEMENT OFFICER AT MARTIN STATE AIRPORT ON JUNE 30,**  
29 **2007, AND WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 2007.**

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

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.