

SENATE BILL 320

K4

71r2269
CF HB 152

By: **Senator Stone**

Introduced and read first time: January 31, 2007

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: March 1, 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.

President of the Senate.

Speaker of the House of Delegates.