

contributions. The term "employee" also shall, on and after June 1, 1961, include any person who is regularly employed by the State Military Department as a National Guard technician, although paid by or from federal appropriated funds, provided the employer's contribution to the retirement system, when and as payable, shall be made by the United States, or otherwise, and provided the State shall not be responsible for payment of such employer's contribution. The term "employee" also includes all the several classes of assessors, including supervisors and assistants, for whom the State pays a portion of annual salary under the provisions of the subtitle "State Department of Assessments and Taxation" in Article 81 of this Code; but the term "employee" does not include any such assessor who is a member of a retirement or pension system operated by a political subdivision of this State. The term "employee" also includes regular and full-time staff members of the Commission to Revise the Annotated Code and of any successor agency or agencies. In all cases of doubt, the board of trustees, provided for in § 12 of this article, shall determine whether any person is an employee as defined in this article, irrespective of the method of payment. The term "employee" also includes "additional employees" of the Maryland Racing Commission as that term is defined in § 5(a) of Article 78B of the Code. However, eligibility for membership of these "additional employees" shall be determined by the board of trustees. The term "employee" does not include a person who is employed pursuant to a federal Comprehensive Employment and Training Act (CETA) public service employment program.

3.

The membership of the retirement system shall consist of the following:

(8) (a) Any person who is a member of the retirement system, established by this subtitle, on December 31, 1979 shall continue to be a member unless on January 1, 1980 or the first day of any month thereafter he becomes a member of the Pension System for Employees of the State of Maryland by filing with the board of trustees, at least 90 days before, on the form the board requires an executed waiver of all benefits which might inure to him under this retirement system.

(b) Any person who is not a member of the retirement system, established under this article, on December 31, 1979 or who becomes an employee on or after that date may not be eligible for membership in this retirement system.

[(c) Paragraphs (a) and (b) of this subsection do not apply to any judge as defined in subtitle "Pensions of Judges and Their Surviving Spouses" in this article.]