

HOUSE BILL 795

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R2

1998 Regular Session
8lr2327
CF 8lr2151

By: **Delegates McHale, Slade, T. Murphy, and Heller**

Introduced and read first time: February 12, 1998

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - Police Forces - Maryland Transportation Authority Police**

3 FOR the purpose of consolidating the Maryland Port Administration Police Force into
4 the Maryland Transportation Authority Police Force; authorizing the Maryland
5 Transportation Authority Police Force to exercise certain powers and provide
6 certain services; providing that certain members of the Maryland Port
7 Administration Police Force shall become members of the Maryland
8 Transportation Authority Police Force without diminution of certain rights and
9 benefits under certain conditions; authorizing certain Maryland Port Authority
10 Police officers to become members of the Law Enforcement Officers' Pension
11 System by a certain date; providing for certain exceptions; and generally
12 relating to the Maryland Transportation Authority Police Force.

13 BY repealing and reenacting, with amendments,
14 Article - State Personnel and Pensions
15 Section 26-201 and 26-202
16 Annotated Code of Maryland
17 (1997 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article - Transportation
20 Section 4-208 and 6-211
21 Annotated Code of Maryland
22 (1993 Replacement Volume and 1997 Supplement)

23 BY repealing
24 Article - Transportation
25 Section 6-210
26 Annotated Code of Maryland
27 (1993 Replacement Volume and 1997 Supplement)

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

1 **Article - State Personnel and Pensions**

2 26-201.

3 (a) Except as provided in subsections (b) [and (c)] THROUGH (D) of this
4 section, this subtitle applies only to:

5 (1) an employee of the Department of Natural Resources commissioned
6 by the Secretary of Natural Resources as:

7 (i) a Natural Resources police officer; or

8 (ii) a law enforcement officer, other than a Natural Resources police
9 officer;

10 (2) a law enforcement officer employed by the Maryland Investigative
11 Services Unit;

12 (3) a member of the Maryland Transportation Authority Police Force
13 who has the powers granted to a police officer under § 4-208 of the Transportation
14 Article; or

15 (4) a deputy sheriff employed by the Baltimore City Sheriff's
16 Department.

17 (b) This subtitle does not apply to a Maryland Transportation Authority police
18 officer who transferred from the Employees' Retirement System to the Employees'
19 Pension System on or after December 1, 1996.

20 (c) This subtitle does not apply to a deputy sheriff employed by the Baltimore
21 City Sheriff's Department who transferred from the Employees' Retirement System
22 to the Employees' Pension System on or after December 1, 1996.

23 (D) THIS SUBTITLE DOES NOT APPLY TO A MARYLAND PORT ADMINISTRATION
24 POLICE OFFICER WHO TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM
25 TO THE EMPLOYEES' PENSION SYSTEM ON OR AFTER DECEMBER 1, 1997.

26 26-202.

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

30 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
31 Enforcement Officers' Pension System is optional for an individual described in §
32 26-201 of this subtitle:

33 (i) who was employed by the Department of Natural Resources on
34 July 1, 1990 and who elects membership on or before December 31, 1997;

1 (ii) who was employed by the Maryland Investigative Services Unit
2 on June 30, 1995 and who elects membership on or before December 31, 1997;

3 (iii) who was employed by the Maryland Transportation Authority
4 on June 30, 1997 and who elects membership on or before December 31, 1997; [or]

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

7 (V) WHO WAS EMPLOYED BY THE MARYLAND PORT
8 ADMINISTRATION POLICE FORCE AND WAS SUBSEQUENTLY TRANSFERRED TO AND
9 EMPLOYED BY THE MARYLAND TRANSPORTATION AUTHORITY POLICE FORCE ON
10 OCTOBER 1, 1998 AND WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 1998.

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

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

17 **Article - Transportation**

18 4-208.

19 (a) There is a Maryland Transportation Authority Police Force.

20 (b) (1) A Maryland Transportation Authority police officer has all the
21 powers granted to a peace officer and a police officer of this State.

22 (2) However, the Maryland Transportation Authority police officer may
23 exercise these powers only on property owned, leased, or operated by or under the
24 control of the Maryland Transportation Authority [and the], Maryland Aviation
25 Administration, AND MARYLAND PORT ADMINISTRATION.

26 (3) The police officer may not exercise these powers on any other
27 property unless:

28 (i) Engaged in fresh pursuit of a suspected offender;

29 (ii) Specially requested or permitted to do so in a political
30 subdivision by its chief executive officer or its chief police officer; OR

31 (iii) [Specially requested or permitted to do so on property owned,
32 leased, or operated by or under the control of the Maryland Port Administration by its
33 chief police officer; or

34 (iv)] Ordered to do so by the Governor.

1 (c) (1) In consultation with the Secretary of the State Police and the
2 Maryland Police Training Commission, the Secretary of Transportation shall adopt
3 standards, qualifications, and prerequisites of character, training, education, human
4 and public relations, and experience for Maryland Transportation Authority police
5 officers, including standards for the performance of their duties.

6 (2) To the extent practicable, the Secretary of Transportation shall adopt
7 standards that are similar to the standards adopted for the Department of State
8 Police.

9 (3) Standards adopted on or after July 1, 1974, on minimum hiring
10 qualifications of Maryland Transportation Authority police officers may not affect the
11 status of any individual who was a qualified toll facilities police officer on that date.

12 (d) The Authority shall adopt rules and regulations governing the operation
13 and conduct of the Maryland Transportation Authority Police Force and of Maryland
14 Transportation Authority police officers. These rules and regulations shall be
15 consistent with the standards established by the Secretary.

16 [(e) (1) A member of the Maryland Transportation Authority Police Force is
17 entitled to the salary provided in the State budget.

18 (2) (i) A member of the Maryland Transportation Authority Police
19 Force is a special appointment in the State Personnel Management System.

20 (ii) However, a member of the Maryland Transportation Authority
21 Police Force is subject to Division I of the State Personnel and Pensions Article to the
22 same extent that a member of the Department of State Police is subject to that law.]

23 [(f) (E) The Maryland Transportation Authority Police Force shall provide
24 police services to the Authority [and], to the Maryland Aviation Administration, AND
25 TO THE MARYLAND PORT ADMINISTRATION.

26 [(g) (F) (1) Any person who was a member in good standing, as of July 1,
27 1977, of the Maryland Aviation Administration Police Force of the Department [of
28 Transportation] and subsequently an airport police employee of the State Police,
29 shall become a member of the Maryland Transportation Authority Police Force, and
30 shall continue as such without diminution in salary, except for shift differential, until
31 retirement, resignation, or termination, and shall be paid in accordance with the
32 Maryland Transportation Authority Police Force pay plan.

33 (2) Each employee described in paragraph (1) of this subsection shall
34 remain a member of the Baltimore City fire and police employees retirement system.
35 The Authority shall reimburse the City for the employer's cost of the pension
36 coverage.

37 (G) (1) ANY PERSON WHO IS A MEMBER IN GOOD STANDING, AS OF
38 OCTOBER 1, 1998, OF THE MARYLAND PORT ADMINISTRATION POLICE FORCE OF THE
39 DEPARTMENT SHALL BECOME A MEMBER OF THE MARYLAND TRANSPORTATION
40 AUTHORITY POLICE FORCE AND SHALL CONTINUE AS SUCH WITHOUT DIMINUTION

1 IN SALARY UNTIL RETIREMENT, RESIGNATION, OR TERMINATION OF EMPLOYMENT,
2 AND SHALL BE PAID IN ACCORDANCE WITH THE MARYLAND TRANSPORTATION
3 AUTHORITY POLICE FORCE PLAN.

4 (2) EACH EMPLOYEE DESCRIBED IN PARAGRAPH (1) OF THIS
5 SUBSECTION MAY ELECT TO JOIN THE LAW ENFORCEMENT OFFICERS' PENSION
6 SYSTEM UNDER THE PROVISION OF TITLE 26 OF THE STATE PERSONNEL AND
7 PENSIONS ARTICLE.

8 [6-210.

9 (a) There is a Maryland Port Administration police force in the
10 Administration.

11 (b) (1) A Maryland Port Administration police officer has all the power
12 granted to a peace officer and a police officer of this State.

13 (2) However, the Maryland Port Administration police officer may
14 exercise these powers only on property owned, leased, or operated by or under the
15 control of the Administration. The police officer may not exercise these powers on any
16 other property unless:

17 (i) Engaged in fresh pursuit of a suspected offender;

18 (ii) Specially requested or permitted to do so in a political
19 subdivision by its chief executive officer or its chief police officer;

20 (iii) Specially requested or permitted to do so on property owned,
21 leased, or operated by or under the control of the Maryland Transportation Authority
22 by its chief police officer; or

23 (iv) Ordered to do so by the Governor.

24 (c) (1) In consultation with the Secretary of the State Police and the
25 Maryland Police Training Commission, the Secretary of Transportation shall adopt
26 standards, qualifications, and prerequisites of character, training, education, human
27 and public relations, and experience for Maryland Port Administration police officers,
28 including standards for the performance of their duties.

29 (2) Standards adopted on or after July 1, 1976, on minimum hiring
30 qualifications of Maryland Port Administration police officers may not affect the
31 status of any individual who was a qualified Maryland Port Administration police
32 officer on that date.]

33 6-211.

34 (a) The Commission may adopt and enforce regulations for the parking and
35 operation of motor vehicles in and on its port facilities.

36 (b) The regulations shall:

1 (1) Be reasonably necessary for the safety of persons and property or for
2 the efficient operation of the port facilities;

3 (2) Provide for a uniform system for accessible parking for individuals
4 with disabilities to enhance the safety of people with disabilities in conformity with
5 the "Uniform System for Parking for Persons with Disabilities" (23 CFR Part 1235)
6 and the "Americans with Disabilities Act Accessibility Guidelines for Buildings and
7 Facilities" (Appendix A to 28 CFR Part 36 and 36 CFR Part 1191.1); and

8 (3) Include procedures for the voluntary payment of fines directly to the
9 Administration in uncontested parking cases.

10 (c) The Maryland [Port Administration police force] TRANSPORTATION
11 AUTHORITY POLICE FORCE may issue citations for violations of the motor vehicle
12 regulations adopted under this section.

13 (d) (1) Any person who violates a parking regulation adopted under this
14 section is subject to a fine not exceeding \$50. A violation of a parking regulation is not
15 a misdemeanor.

16 (2) Any person who violates any other regulation adopted under this
17 section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
18 \$500.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1998.