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

Introduced and read first time: February 12, 1998

Assigned to: Commerce and Government Matters

Reassigned: Appropriations, February 18, 1998

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 28, 1998

CHAPTER _____

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

1 Article - Transportation
2 Section 6-210
3 Annotated Code of Maryland
4 (1993 Replacement Volume and 1997 Supplement)

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

7 **Article - State Personnel and Pensions**

8 26-201.

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

11 (1) an employee of the Department of Natural Resources commissioned
12 by the Secretary of Natural Resources as:

13 (i) a Natural Resources police officer; or

14 (ii) a law enforcement officer, other than a Natural Resources police
15 officer;

16 (2) a law enforcement officer employed by the Maryland Investigative
17 Services Unit;

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

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

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

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

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

32 26-202.

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

1 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
 2 Enforcement Officers' Pension System is optional for an individual described in §
 3 26-201 of this subtitle:

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

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

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

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

12 (V) WHO WAS EMPLOYED BY THE MARYLAND PORT
 13 ADMINISTRATION POLICE FORCE AND WAS SUBSEQUENTLY TRANSFERRED TO AND
 14 EMPLOYED BY THE MARYLAND TRANSPORTATION AUTHORITY POLICE FORCE ON
 15 ~~OCTOBER 1~~ JULY 1, 1998 AND WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER
 16 31, 1998.

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

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

23 **Article - Transportation**

24 4-208.

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

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

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

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

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

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

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

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

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

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

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

18 (d) The Authority shall adopt rules and regulations governing the operation
19 and conduct of the Maryland Transportation Authority Police Force and of Maryland
20 Transportation Authority police officers. These rules and regulations shall be
21 consistent with the standards established by the Secretary.

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

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

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

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

32 [(g) (F) (1) Any person who was a member in good standing, as of July 1,
33 1977, of the Maryland Aviation Administration Police Force of the Department [of
34 Transportation] and subsequently an airport police employee of the State Police,
35 shall become a member of the Maryland Transportation Authority Police Force, and
36 shall continue as such without diminution in salary, except for shift differential, until
37 retirement, resignation, or termination, and shall be paid in accordance with the
38 Maryland Transportation Authority Police Force pay plan.

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

5 (G) (1) ANY PERSON WHO IS A MEMBER IN GOOD STANDING, AS OF
6 ~~OCTOBER 1~~ JULY 1, 1998, OF THE MARYLAND PORT ADMINISTRATION POLICE FORCE
7 OF THE DEPARTMENT SHALL BECOME A MEMBER OF THE MARYLAND
8 TRANSPORTATION AUTHORITY POLICE FORCE AND SHALL CONTINUE AS SUCH
9 WITHOUT DIMINUTION IN SALARY UNTIL RETIREMENT, RESIGNATION, OR
10 TERMINATION OF EMPLOYMENT, AND SHALL BE PAID IN ACCORDANCE WITH THE
11 MARYLAND TRANSPORTATION AUTHORITY POLICE FORCE PLAN.

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

16 [6-210.

17 (a) There is a Maryland Port Administration police force in the
18 Administration.

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

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

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

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

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

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

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

37 (2) Standards adopted on or after July 1, 1976, on minimum hiring
38 qualifications of Maryland Port Administration police officers may not affect the

1 status of any individual who was a qualified Maryland Port Administration police
2 officer on that date.]

3 6-211.

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

6 (b) The regulations shall:

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

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

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

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

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

22 (2) Any person who violates any other regulation adopted under this
23 section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
24 \$500.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 ~~October 1~~ July 1, 1998.