
By: **Chairman, Budget and Taxation Committee (Departmental -
Transportation)**

Introduced and read first time: January 23, 2002

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Transfers of Members of the**
3 **Maryland Transit Administration Police Force**

4 FOR the purpose of transferring certain members of the Maryland Transit
5 Administration Police Force from the Maryland Transit Administration Pension
6 System to the Law Enforcement Officers' Pension System; requiring the Board
7 of Trustees to transfer certain funds to the Law Enforcement Officers' Pension
8 System Accumulation Fund; and generally relating to the transfer of certain
9 members of the Maryland Transit Administration Police Force from the
10 Maryland Transit Administration Pension System to the Law Enforcement
11 Officers' Pension System.

12 BY repealing and reenacting, with amendments,
13 Article - State Personnel and Pensions
14 Section 26-201(a) and 26-203.1
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Transportation
19 Section 7-207
20 Annotated Code of Maryland
21 (2001 Replacement Volume)

22 BY repealing and reenacting, with amendments,
23 Article - Transportation
24 Section 7-603
25 Annotated Code of Maryland
26 (2001 Replacement Volume)

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

Article - State Personnel and Pensions

26-201.

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

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

(i) a Natural Resources police officer; or

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

(2) a law enforcement officer employed by the Field Enforcement Division;

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

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

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

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

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

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

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

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

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

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

1 (13) an employee of the Department of Labor, Licensing, and Regulation
2 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
3 Licensing, and Regulation police officer; [or]

4 (14) a firefighter for the Martin State Airport employed by the Military
5 Department; OR

6 (15) A MEMBER OF THE MARYLAND TRANSIT ADMINISTRATION POLICE
7 FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 7-207 OF
8 THE TRANSPORTATION ARTICLE.

9 26-203.1.

10 (a) For members who transfer from the Employees' Pension System or the
11 Employees' Retirement System, the Board of Trustees shall transfer to the
12 accumulation fund of the Law Enforcement Officers' Pension System the employer
13 contributions that were made to the Employees' Retirement System and the
14 Employees' Pension System on behalf of those members who transferred, plus the
15 interest earned on those contributions through the date of transfer.

16 (b) For those full-time employees of the BWI Airport Fire & Rescue
17 Department who were employed on or after October 1, 1993 and who elect
18 membership in the Law Enforcement Officers' Pension System on or before December
19 31, 2000, the Board of Trustees shall transfer to the accumulation fund of the Law
20 Enforcement Officers' Pension System the employer contributions made to the
21 Employees' Retirement System and the Employees' Pension System on behalf of those
22 transferring members, plus the interest earned on those contributions through the
23 date of transfer.

24 (c) (1) For members who transfer from a local pension system, the local
25 pension system shall transfer to the Board of Trustees the employer contributions
26 that were made to the local pension system on behalf of those members who
27 transferred, plus the interest earned on those contributions through the date of
28 transfer.

29 (2) The Board of Trustees shall deposit any funds transferred under
30 paragraph (1) of this subsection in the accumulation fund of the Law Enforcement
31 Officers' Pension System.

32 (D) (1) THIS SUBSECTION APPLIES TO MEMBERS OF THE MARYLAND
33 TRANSIT ADMINISTRATION POLICE FORCE WHO HAVE THE POWERS GRANTED TO A
34 POLICE OFFICER UNDER § 7-207 OF THE TRANSPORTATION ARTICLE.

35 (2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE ACCUMULATION
36 FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM THE EMPLOYER
37 CONTRIBUTIONS MADE TO THE PENSION SYSTEM UNDER § 7-603 OF THE
38 TRANSPORTATION ARTICLE ON BEHALF OF THOSE MEMBERS UNDER PARAGRAPH (1)
39 OF THIS SUBSECTION, PLUS THE INTEREST EARNED ON THOSE CONTRIBUTIONS
40 THROUGH THE DATE OF TRANSFER.

1

Article - Transportation

2 7-207.

3 (a) The Administration shall establish and maintain a police force to provide
4 protection for its patrons, personnel, and all railroad facilities and transit facilities
5 owned, leased, or operated upon, by, or under the control of the Administration. The
6 police force is charged with the responsibility of enforcing the applicable laws,
7 ordinances and regulations of the State and political subdivisions and the rules and
8 regulations of the Administration.

9 (b) (1) A Maryland Transit Administration police officer has all the powers
10 granted to a peace officer and a police officer of this State. These powers may be
11 exercised only on property owned, leased, or operated upon, by, or under the control of
12 the Administration and not on any other property unless:

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

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

16 (iii) Ordered to do so by the Governor.

17 (2) Members of the police force have concurrent jurisdiction in the
18 performance of their duties with the law enforcement agencies of the State and of the
19 political subdivisions in which any transit facility or railroad facility of the
20 Administration is located or in which the Administration operates any transit service
21 or railroad service. Nothing contained in this section relieves the State or a political
22 subdivision or agency thereof from a duty to provide police, fire and other public
23 safety service and protection or affects the jurisdiction of other police, fire, and public
24 safety agencies.

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

30 (2) The Administrator shall adopt standards similar to the standards
31 adopted for the Department of State Police.

32 (d) The Administrator with the approval of the Secretary shall adopt rules and
33 regulations governing the operation and conduct of the Maryland Transit
34 Administration police force.

35 (e) The Administration may enter into agreements with railroad companies,
36 political subdivisions, and public safety agencies, including those of the federal
37 government, for the delineation of the functions and responsibilities of the
38 Administration's police force.

1 (f) The Maryland Transit Administration police force may issue citations for
2 violations of the rules and regulations adopted by the Administration under this title.
3 7-603.

4 (A) THIS SECTION DOES NOT APPLY TO A MEMBER OF THE MARYLAND
5 TRANSIT ADMINISTRATION POLICE FORCE WHO HAS THE POWERS GRANTED TO A
6 POLICE OFFICER UNDER § 7-207 OF THIS ARTICLE.

7 [(a)] (B) The Administration may establish and maintain a system of pensions
8 and retirement benefits for any of its employees.

9 [(b)] (C) The Administration may:

10 (1) Fix the terms of and restrictions on admission to the system and the
11 classifications in it;

12 (2) Provide that individuals eligible for admission to the system are not
13 eligible for admission to or eligible to receive any benefits from any other pension
14 system, except Social Security benefits, if the other system is financed or funded,
15 whether wholly or partially or directly or indirectly, by funds paid or appropriated by
16 the Administration; and

17 (3) Provide a system of benefits payable to the beneficiaries and
18 dependents of any participant in the system after the death of the participant,
19 whether accidental or not and whether occurring in the performance of duty or not,
20 subject to any exceptions, conditions, restrictions, and classifications that the
21 Administration provides.

22 [(c)] (D) Unless the Administration determines otherwise, no employee of the
23 Administration and no beneficiary or dependent of any employee of the
24 Administration is eligible to receive any pension, retirement, or other benefit both
25 under the Administration's system and under any other pension or retirement system
26 established by an acquired transportation system or provided for under any collective
27 bargaining agreement between the Administration and the authorized
28 representatives of its employees.

29 [(d)] (E) The pension system shall be financed or funded as the
30 Administration determines economically feasible.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
32 effect July 1, 2002.