

HOUSE BILL 1035

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2003 Regular Session
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By: **Delegates DeBoy, Boteler, Conway, Donoghue, Elmore, Frank,
Hennessy, Jameson, Jennings, Malone, Nathan-Pulliam, Niemann,
Paige, and Proctor**

Introduced and read first time: February 18, 2003
Assigned to: Rules and Executive Nominations

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; providing for certain members of the Mass Transit
9 Police Force to transfer service credit into the Law Enforcement Officers'
10 Pension System; providing that certain members of the Mass Transit Police
11 Force shall deposit contributions at a certain rate for a certain period of time
12 into the annuity savings fund for the Law Enforcement Officers' Pension
13 System; reducing a retirement allowance for certain members of the Mass
14 Transit Police Force who transfer into the Law Enforcement Officers' Pension
15 System and do not make certain contributions; excluding certain members from
16 having to participate in the Mass Transit Police Force; and generally relating to
17 the transfer of certain members of the Maryland Transit Administration Police
18 Force from the Maryland Transit Administration Pension System to the Law
19 Enforcement Officers' Pension System.

20 BY adding to
21 Article - State Personnel and Pensions
22 Section 26-203.2
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 2002 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - State Personnel and Pensions
27 Section 26-201(a), 26-202, 26-203.1, and 37-201
28 Annotated Code of Maryland
29 (1997 Replacement Volume and 2002 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Transportation
3 Section 7-207
4 Annotated Code of Maryland
5 (2001 Replacement Volume and 2002 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - Transportation
8 Section 7-603
9 Annotated Code of Maryland
10 (2001 Replacement Volume and 2002 Supplement)

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

13 **Article - State Personnel and Pensions**

14 26-201.

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

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

19 (i) a Natural Resources police officer; or

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

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

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

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

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

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

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

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

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

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

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

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

13 (13) an employee of the Department of Labor, Licensing, and Regulation
14 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
15 Licensing, and Regulation police officer;

16 (14) a firefighter for the Martin State Airport employed by the Military
17 Department; [or]

18 (15) a police officer employed by the Division of Rehabilitation Services in
19 the Department of Education, certified in accordance with the Maryland Police and
20 Correctional Training Commissions; OR

21 (16) A MEMBER OF THE MARYLAND TRANSIT ADMINISTRATION POLICE
22 FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 7-207 OF
23 THE TRANSPORTATION ARTICLE.

24 26-202.

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

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

31 (i) who was employed by the Department of Natural Resources on
32 July 1, 1990 and who elects membership on or before December 31, 2002;

33 (ii) who was employed by the Field Enforcement Division on June
34 30, 1995 and who elects membership on or before December 31, 2002;

35 (iii) who was employed by the Maryland Transportation Authority
36 on June 30, 1997 and who elects membership on or before December 31, 2002;

1 (iv) who was employed by the Baltimore City Sheriff's Department
2 on June 30, 1997 and who elects membership on or before December 31, 2002;

3 (v) who was employed by the University of Maryland Police Force
4 on June 30, 1999 and who elects membership on or before December 31, 2002;

5 (vi) who is employed by a participating governmental unit on the
6 effective date of participation on or after July 1, 1999 for that participating
7 governmental unit and who elects membership within 6 months of the effective date
8 of participation;

9 (vii) who was employed by the Maryland Port Administration Police
10 Force and was subsequently transferred to and employed by the Maryland
11 Transportation Authority Police Force on July 1, 1998 and who elects membership on
12 or before December 31, 2002;

13 (viii) who was employed by the office of the State Fire Marshal on
14 June 30, 1998 and who elects membership on or before December 31, 2002;

15 (ix) who was employed by the Morgan State University Police Force
16 on June 30, 1999 and who elects membership on or before December 31, 2002;

17 (x) who was employed by the BWI Airport Fire & Rescue
18 Department on June 30, 2000, and who elects membership on or before December 31,
19 2002;

20 (xi) who was employed by the Department of General Services,
21 Department of Health and Mental Hygiene, Motor Vehicle Administration, and
22 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and
23 who elects membership on or before December 31, 2002;

24 (xii) who was employed by the Military Department as a firefighter
25 at Martin State Airport on June 30, 2001, and who elects membership on or before
26 December 31, 2002; [or]

27 (xiii) who was employed on June 30, 2002, by the Division of
28 Rehabilitation Services in the Department of Education as a police officer certified in
29 accordance with the Maryland Police and Correctional Training Commissions, and
30 who elects membership on or before December 31, 2002; OR

31 (XIV) WHO WAS A MEMBER OF THE MARYLAND TRANSIT
32 ADMINISTRATION POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE
33 OFFICER UNDER § 7-207 OF THE TRANSPORTATION ARTICLE ON JUNE 30, 2003, AND
34 WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 2003.

35 (2) To elect to be a member of the Law Enforcement Officers' Pension
36 System, an individual shall file a written application with the State Retirement
37 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
3 become a member of the Law Enforcement Officers' Pension System.

4 26-203.1.

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

11 (b) For those full-time employees of the BWI Airport Fire & Rescue
12 Department who were employed on or after October 1, 1993 and who elect
13 membership in the Law Enforcement Officers' Pension System on or before December
14 31, 2000, the Board of Trustees shall transfer to the accumulation fund of the Law
15 Enforcement Officers' Pension System the employer contributions made to the
16 Employees' Retirement System and the Employees' Pension System on behalf of those
17 transferring members, plus the interest earned on those contributions through the
18 date of transfer.

19 (c) (1) For members who transfer from a local pension system, the local
20 pension system shall transfer to the Board of Trustees the employer contributions
21 that were made to the local pension system on behalf of those members who
22 transferred, plus the interest earned on those contributions through the date of
23 transfer.

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

27 (D) (1) THIS SUBSECTION APPLIES TO MEMBERS OF THE MASS TRANSIT
28 POLICE FORCE WHO:

29 (I) HAVE THE POWERS GRANTED TO A POLICE OFFICER UNDER §
30 7-207 OF THE TRANSPORTATION ARTICLE; AND

31 (II) TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION
32 SYSTEM ON OR BEFORE DECEMBER 31, 2003.

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

1 26-203.2.

2 (A) THIS SECTION APPLIES TO A MEMBER OF THE MASS TRANSIT POLICE
3 FORCE WHO:

4 (1) HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 7-207 OF
5 THE TRANSPORTATION ARTICLE; AND

6 (2) WHO TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION
7 SYSTEM ON OR BEFORE DECEMBER 31, 2003.

8 (B) A MEMBER MAY TRANSFER THE MEMBER'S ELIGIBILITY SERVICE
9 RECOGNIZED UNDER THE PENSION SYSTEM UNDER § 7-603 OF THE
10 TRANSPORTATION ARTICLE TO THE LAW ENFORCEMENT OFFICERS' PENSION
11 SYSTEM IF, WITHIN 1 YEAR AFTER BECOMING A MEMBER OF THE LAW
12 ENFORCEMENT OFFICERS' PENSION SYSTEM, THE INDIVIDUAL COMPLETES A CLAIM
13 FOR THE SERVICE CREDIT AND FILES IT WITH THE BOARD OF TRUSTEES ON A FORM
14 THAT THE ADMINISTRATOR PROVIDES.

15 (C) A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE LAW
16 ENFORCEMENT OFFICERS' PENSION SYSTEM CONTRIBUTIONS AT THE RATE OF 4% OF
17 THE INDIVIDUAL'S EARNABLE COMPENSATION WHILE A MEMBER OF THE PENSION
18 SYSTEM UNDER § 7-603 OF THE TRANSPORTATION ARTICLE AFTER JULY 1, 2000,
19 INCLUDING REGULAR INTEREST ON THE CONTRIBUTIONS AT THE RATE OF 5% PER
20 YEAR COMPOUNDED ANNUALLY.

21 (D) ON RETIREMENT FROM THE LAW ENFORCEMENT OFFICERS' PENSION
22 SYSTEM, A MEMBER'S RETIREMENT ALLOWANCE SHALL BE REDUCED BY THE
23 ACTUARIAL EQUIVALENT OF THE AMOUNT DETERMINED UNDER SUBSECTION (C) OF
24 THIS SECTION IF THE MEMBER ELECTS NOT TO DEPOSIT THOSE AMOUNTS IN THE
25 ANNUITY SAVINGS FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM.

26 37-201.

27 (a) Subject to subsection (b) of this section, this title applies to transfers from
28 a State or local retirement or pension system to another State or local retirement or
29 pension system only if:

30 (1) each system is operated on an actuarial basis; and

31 (2) under each system contributions that are computed to be sufficient to
32 provide the reserves needed to cover the benefits payable on account of the system's
33 members are made during the employment of members.

34 (b) This title does not apply to:

35 (1) a transfer to the Judges' Retirement System of the State of Maryland;

36 (2) a transfer to or from the Legislative Pension Plan of the State of
37 Maryland except to the extent provided by the Joint Resolution submitted to the

1 General Assembly by the General Assembly Compensation Commission under Article
2 III, § 15 of the Maryland Constitution;

3 (3) a transfer from the Employees' Retirement System of the State of
4 Maryland to the Employees' Pension System of the State of Maryland under § 22-212
5 or § 22-213 of this article;

6 (4) a transfer from the Teachers' Retirement System of the State of
7 Maryland to the Teachers' Pension System of the State of Maryland under § 22-212 or
8 § 22-213 of this article;

9 (5) a transfer between the Employees' Retirement System of the State of
10 Maryland and the Teachers' Retirement System of the State of Maryland;

11 (6) a transfer between the Employees' Pension System of the State of
12 Maryland and the Teachers' Pension System of the State of Maryland if the member
13 is not subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of
14 this article in the previous and current system; [or]

15 (7) a transfer between the Employees' Pension System of the State of
16 Maryland and the Teachers' Pension System of the State of Maryland if the member
17 is subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of this
18 article in the previous and current system; OR

19 (8) A TRANSFER BETWEEN THE PENSION SYSTEM UNDER § 7-603 OF THE
20 TRANSPORTATION ARTICLE TO THE LAW ENFORCEMENT OFFICERS' PENSION
21 SYSTEM UNDER § 26-203.2 OF THIS ARTICLE.

22 **Article - Transportation**

23 7-207.

24 (a) The Administration shall establish and maintain a police force to provide
25 protection for its patrons, personnel, and all railroad facilities and transit facilities
26 owned, leased, or operated upon, by, or under the control of the Administration. The
27 police force is charged with the responsibility of enforcing the applicable laws,
28 ordinances and regulations of the State and political subdivisions and the rules and
29 regulations of the Administration.

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

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

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

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

1 (2) Members of the police force have concurrent jurisdiction in the
2 performance of their duties with the law enforcement agencies of the State and of the
3 political subdivisions in which any transit facility or railroad facility of the
4 Administration is located or in which the Administration operates any transit service
5 or railroad service. Nothing contained in this section relieves the State or a political
6 subdivision or agency thereof from a duty to provide police, fire and other public
7 safety service and protection or affects the jurisdiction of other police, fire, and public
8 safety agencies.

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

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

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

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

23 (f) The Maryland Transit Administration police force may issue citations for
24 violations of the rules and regulations adopted by the Administration under this title.
25 7-603.

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

29 (B) The Administration may establish and maintain a system of pensions and
30 retirement benefits for any of its employees.

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

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

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

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

6 [(c)] (D) Unless the Administration determines otherwise, no employee of the
7 Administration and no beneficiary or dependent of any employee of the
8 Administration is eligible to receive any pension, retirement, or other benefit both
9 under the Administration's system and under any other pension or retirement system
10 established by an acquired transportation system or provided for under any collective
11 bargaining agreement between the Administration and the authorized
12 representatives of its employees.

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2003.