

SENATE BILL 804

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HB 1035/03 - APP

2004 Regular Session
4r3082
CF HB 1027

By: **Senator Klausmeier**

Introduced and read first time: February 16, 2004

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; 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 repealing and reenacting, with amendments,
21 Article - State Personnel and Pensions
22 Section 26-201(a), 26-202, 26-203.1, and 37-201
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 2003 Supplement)

25 BY adding to
26 Article - State Personnel and Pensions
27 Section 26-203.2
28 Annotated Code of Maryland
29 (1997 Replacement Volume and 2003 Supplement)

30 BY repealing and reenacting, without amendments,
31 Article - Transportation

1 Section 7-207
2 Annotated Code of Maryland
3 (2001 Replacement Volume and 2003 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Transportation
6 Section 7-603
7 Annotated Code of Maryland
8 (2001 Replacement Volume and 2003 Supplement)

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

11 **Article - State Personnel and Pensions**

12 26-201.

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

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

17 (i) a Natural Resources police officer; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 26-202.

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

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

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

31 (ii) who was employed by the Field Enforcement Division on June
32 30, 1995 and who elects membership on or before December 31, 2002;

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

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

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

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

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

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

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

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

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

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

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

29 (XIV) WHO WAS A MEMBER OF THE MARYLAND TRANSIT
30 ADMINISTRATION POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE
31 OFFICER UNDER § 7-207 OF THE TRANSPORTATION ARTICLE ON JUNE 30, 2004, AND
32 WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 2004.

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

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

1 26-203.1.

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

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

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

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

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

26 (I) HAVE THE POWERS GRANTED TO A POLICE OFFICER UNDER §
27 7-207 OF THE TRANSPORTATION ARTICLE; AND

28 (II) TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION
29 SYSTEM ON OR BEFORE DECEMBER 31, 2004.

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

36 26-203.2.

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

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

3 (2) WHO TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION
4 SYSTEM ON OR BEFORE DECEMBER 31, 2004.

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

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

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

23 37-201.

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

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

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

31 (b) This title does not apply to:

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

33 (2) a transfer to or from the Legislative Pension Plan of the State of
34 Maryland except to the extent provided by the Joint Resolution submitted to the
35 General Assembly by the General Assembly Compensation Commission under Article
36 III, § 15 of the Maryland Constitution;

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

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

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

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

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

17 (8) A TRANSFER BETWEEN THE MARYLAND TRANSIT ADMINISTRATION
18 PENSION SYSTEM UNDER § 7-603 OF THE TRANSPORTATION ARTICLE TO THE LAW
19 ENFORCEMENT OFFICERS' PENSION SYSTEM UNDER § 26-203.2 OF THIS ARTICLE.

20 **Article - Transportation**

21 7-207.

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

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

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

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

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

36 (2) Members of the police force have concurrent jurisdiction in the
37 performance of their duties with the law enforcement agencies of the State and of the

1 political subdivisions in which any transit facility or railroad facility of the
2 Administration is located or in which the Administration operates any transit service
3 or railroad service. Nothing contained in this section relieves the State or a political
4 subdivision or agency thereof from a duty to provide police, fire and other public
5 safety service and protection or affects the jurisdiction of other police, fire, and public
6 safety agencies.

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

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

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

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

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

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

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

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

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

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

37 (3) Provide a system of benefits payable to the beneficiaries and
38 dependents of any participant in the system after the death of the participant,

1 whether accidental or not and whether occurring in the performance of duty or not,
2 subject to any exceptions, conditions, restrictions, and classifications that the
3 Administration provides.

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2004.