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By: **Senator Klausmeier**

Introduced and read first time: February 24, 2005

Assigned to: Rules

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

21 BY repealing and reenacting, with amendments,  
22 Article - State Personnel and Pensions  
23 Section 26-201(a), 26-202, 26-203.1, and 37-201  
24 Annotated Code of Maryland  
25 (2004 Replacement Volume)

26 BY adding to  
27 Article - State Personnel and Pensions  
28 Section 26-203.2  
29 Annotated Code of Maryland  
30 (2004 Replacement Volume)

31 BY repealing and reenacting, without amendments,

1 Article - Transportation  
2 Section 7-207  
3 Annotated Code of Maryland  
4 (2001 Replacement Volume and 2004 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article - Transportation  
7 Section 7-603  
8 Annotated Code of Maryland  
9 (2001 Replacement Volume and 2004 Supplement)

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

12 **Article - State Personnel and Pensions**

13 26-201.

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

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

18 (i) a Natural Resources police officer; or

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

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

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

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

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

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

33 (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;

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 firefighter or paramedic employed by the Salisbury Fire  
22 Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this  
23 article; OR

24 (17) A SWORN MEMBER OF THE MARYLAND TRANSIT ADMINISTRATION  
25 POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER §  
26 7-207 OF THE TRANSPORTATION ARTICLE.

27 26-202.

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

31 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law  
32 Enforcement Officers' Pension System is optional for an individual described in §  
33 26-201 of this subtitle:

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

1 (ii) who was employed by the Field Enforcement Division on June  
2 30, 1995 and who elects membership on or before December 31, 2002;

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

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, 2002;

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

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

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

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

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

21 (x) who was employed by the BWI Airport Fire & Rescue  
22 Department on June 30, 2000, and who elects membership on or before December 31,  
23 2002;

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

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

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

35 (xiv) who was employed on June 30, 2004, by the Salisbury Fire  
36 Department as a firefighter or paramedic and who elects membership on or before  
37 December 31, 2004, if eligible under Title 31, Subtitle 2A of this article; OR

1 (XV) WHO WAS A SWORN MEMBER OF THE MARYLAND TRANSIT  
2 ADMINISTRATION POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE  
3 OFFICER UNDER § 7-207 OF THE TRANSPORTATION ARTICLE ON JUNE 30, 2005, AND  
4 WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 2005.

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

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

11 26-203.1.

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

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

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

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

34 (D) (1) THIS SUBSECTION APPLIES TO SWORN MEMBERS OF THE MASS  
35 TRANSIT ADMINISTRATION POLICE FORCE WHO:

36 (I) HAVE THE POWERS GRANTED TO A POLICE OFFICER UNDER §  
37 7-207 OF THE TRANSPORTATION ARTICLE; AND

38 (II) TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION  
39 SYSTEM ON OR BEFORE DECEMBER 31, 2005.

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

7 26-203.2.

8 (A) THIS SECTION APPLIES TO A SWORN MEMBER OF THE MASS TRANSIT  
9 ADMINISTRATION POLICE FORCE WHO:

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

12 (2) WHO TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION  
13 SYSTEM ON OR BEFORE DECEMBER 31, 2005.

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

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

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

32 37-201.

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

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

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

1 (b) This title does not apply to:

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

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

7 (3) a transfer from the Employees' Retirement System of the State of  
8 Maryland to the Employees' Pension System of the State of Maryland on or before  
9 December 31, 2004;

10 (4) a transfer from the Teachers' Retirement System of the State of  
11 Maryland to the Teachers' Pension System of the State of Maryland on or before  
12 December 31, 2004;

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

15 (6) 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 not subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of  
18 this article in the previous and current system; [or]

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

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

26 **Article - Transportation**

27 7-207.

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

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

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

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

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

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

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

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

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

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

27 (f) The Maryland Transit Administration police force may issue citations for  
28 violations of the rules and regulations adopted by the Administration under this title.  
29 7-603.

30 (a) THIS SECTION DOES NOT APPLY TO A SWORN MEMBER OF THE MARYLAND  
31 TRANSIT ADMINISTRATION POLICE FORCE WHO HAS THE POWERS GRANTED TO A  
32 POLICE OFFICER UNDER § 7-207 OF THIS TITLE IF THAT INDIVIDUAL:

33 (1) BECOMES A SWORN OFFICER ON OR AFTER JULY 1, 2005; OR

34 (2) ELECTED TO JOIN THE LAW ENFORCEMENT OFFICERS' PENSION  
35 SYSTEM UNDER § 26-202 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

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



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

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

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

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

14 [(c)] (D) Unless the Administration determines otherwise, no employee of the  
15 Administration and no beneficiary or dependent of any employee of the  
16 Administration is eligible to receive any pension, retirement, or other benefit both  
17 under the Administration's system and under any other pension or retirement system  
18 established by an acquired transportation system or provided for under any collective  
19 bargaining agreement between the Administration and the authorized  
20 representatives of its employees.

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 July 1, 2005.