
By: **Senator Klausmeier**

Introduced and read first time: February 24, 2005

Assigned to: Rules

Re-referred to: Budget and Taxation, March 4, 2005

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 3, 2005

CHAPTER _____

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
7 Maryland Transit Administration to pay to the Board of Trustees for the State
8 Retirement and Pension System certain employer contributions and to transfer
9 certain employer contributions to the Board of Trustees; requiring the Board of
10 Trustees to ~~transfer~~ deposit certain funds to the Law Enforcement Officers'
11 Pension System Accumulation Fund; providing for certain members of the ~~Mass~~
12 Maryland Transit Administration Police Force to transfer service credit into the
13 Law Enforcement Officers' Pension System; providing that certain members of
14 the ~~Mass~~ Maryland Transit Administration Police Force shall ~~deposit~~ make a
15 certain election regarding payment of certain contributions at a certain rate for
16 a certain period of time into the annuity savings fund for the Law Enforcement
17 Officers' Pension System in a certain manner; requiring the Maryland Transit
18 Administration to perform certain calculations and compile certain information
19 for the Board of Trustees of the State Retirement and Pension System;
20 specifying certain methods for calculating and paying certain member
21 contributions; requiring the Maryland Transit Administration to make certain
22 payments to the Board of Trustees of the State Retirement and Pension System
23 under certain circumstances; requiring that the retirement allowance of certain
24 members of the Maryland Transit Administration be reduced by a certain
25 amount; reducing a retirement allowance for certain members of the ~~Mass~~
26 Maryland Transit Administration Police Force who transfer into the Law
27 Enforcement Officers' Pension System and do not make certain contributions;

1 excluding certain members from having to participate in the ~~Mass~~ Maryland
 2 Transit Administration Police Force; providing that certain transfers of
 3 members from the Maryland Transit Administration Pension System to the Law
 4 Enforcement Officers' Pension System is the result of a collectively bargained
 5 agreement; requiring the Maryland Transit Administration to provide certain
 6 assistance to the Board of Trustees for the State Retirement and Pension
 7 System; and generally relating to the transfer of certain members of the
 8 Maryland Transit Administration Police Force from the Maryland Transit
 9 Administration Pension System to the Law Enforcement Officers' Pension
 10 System.

11 BY repealing and reenacting, with amendments,
 12 Article - State Personnel and Pensions
 13 Section ~~26-201(a), 26-202, 26-203.1, and 37-204~~ and 26-203.1
 14 Annotated Code of Maryland
 15 (2004 Replacement Volume)

16 BY adding to
 17 Article - State Personnel and Pensions
 18 Section 21-307(m) and 26-203.2
 19 Annotated Code of Maryland
 20 (2004 Replacement Volume)

21 BY repealing and reenacting, without amendments,
 22 Article - Transportation
 23 Section 7-207
 24 Annotated Code of Maryland
 25 (2001 Replacement Volume and 2004 Supplement)

26 BY repealing and reenacting, with amendments,
 27 Article - Transportation
 28 Section 7-603
 29 Annotated Code of Maryland
 30 (2001 Replacement Volume and 2004 Supplement)

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

33 **Article - State Personnel and Pensions**

34 21-307.

35 (M) FOR EACH EMPLOYEE OF THE MARYLAND TRANSIT ADMINISTRATION WHO
 36 IS A MEMBER OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, THE
 37 MARYLAND TRANSIT ADMINISTRATION SHALL PAY TO THE BOARD OF TRUSTEES THE

1 EMPLOYER CONTRIBUTIONS OTHERWISE REQUIRED TO BE MADE BY THE STATE ON
2 BEHALF OF THE MEMBER.

3 26-201.

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

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

8 (i) a Natural Resources police officer; or

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

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

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

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

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

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

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

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

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

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

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

33 (12) an employee of the Motor Vehicle Administration commissioned by
34 the Secretary of the Department of Transportation as a Motor Vehicle Administration
35 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;

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

6 (15) a police officer employed by the Division of Rehabilitation Services in
7 the Department of Education, certified in accordance with the Maryland Police and
8 Correctional Training Commissions; [or]

9 (16) a firefighter or paramedic employed by the Salisbury Fire
10 Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this
11 article; OR

12 (17) A ~~SWORN~~ MEMBER OF THE MARYLAND TRANSIT ADMINISTRATION
13 POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER §
14 7-207 OF THE TRANSPORTATION ARTICLE.

15 ~~26-202.~~

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

19 (b) (1) ~~Subject to paragraph (2) of this subsection, membership in the Law~~
20 ~~Enforcement Officers' Pension System is optional for an individual described in §~~
21 ~~26-201 of this subtitle:~~

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

24 (ii) ~~who was employed by the Field Enforcement Division on June~~
25 ~~30, 1995 and who elects membership on or before December 31, 2002;~~

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

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

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

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

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

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

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

9 (x) who was employed by the BWI Airport Fire & Rescue
 10 Department on June 30, 2000, and who elects membership on or before December 31,
 11 2002;

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

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

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

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

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

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

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

36 26-203.1.

37 (a) For members who transfer from the Employees' Pension System or the
 38 Employees' Retirement System, the Board of Trustees shall transfer to the

1 accumulation fund of the Law Enforcement Officers' Pension System the employer
 2 contributions that were made to the Employees' Retirement System and the
 3 Employees' Pension System on behalf of those members who transferred, plus the
 4 interest earned on those contributions through the date of transfer.

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

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

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

21 ~~(D) (1) THIS SUBSECTION APPLIES TO SWORN MEMBERS OF THE MASS
 22 TRANSIT ADMINISTRATION POLICE FORCE WHO:~~

23 ~~(I) HAVE THE POWERS GRANTED TO A POLICE OFFICER UNDER §
 24 7-207 OF THE TRANSPORTATION ARTICLE; AND~~

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

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

33 (D) (1) ON OR BEFORE JANUARY 1, 2006, FOR MEMBERS WHO TRANSFER
 34 FROM THE MARYLAND TRANSIT ADMINISTRATION PENSION SYSTEM ESTABLISHED
 35 UNDER § 7-603 OF THE TRANSPORTATION ARTICLE, THE MARYLAND TRANSIT
 36 ADMINISTRATION SHALL TRANSFER TO THE BOARD OF TRUSTEES THE EMPLOYER
 37 CONTRIBUTIONS MADE TO THE PENSION SYSTEM ESTABLISHED UNDER § 7-603 OF
 38 THE TRANSPORTATION ARTICLE ON BEHALF OF THOSE MEMBERS WHO TRANSFER,
 39 PLUS THE INTEREST EARNED ON THOSE CONTRIBUTIONS THROUGH JULY 1, 2005.

1 (2) THE BOARD OF TRUSTEES SHALL DEPOSIT ANY FUNDS
2 TRANSFERRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN THE ACCUMULATION
3 FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM.

4 26-203.2.

5 (A) THIS SECTION APPLIES TO A ~~SWORN~~ MEMBER OF THE ~~MASS~~ MARYLAND
6 TRANSIT ADMINISTRATION POLICE FORCE WHO:

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

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

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

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

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

29 (B) BEFORE THE TRANSFER OF A MEMBER TO THE LAW ENFORCEMENT
30 OFFICERS' PENSION SYSTEM, THE MARYLAND TRANSIT ADMINISTRATION SHALL
31 PERFORM ALL CALCULATIONS AND COMPILE ALL NECESSARY INFORMATION AND
32 DOCUMENTATION AS DIRECTED OR REQUIRED BY THE STATE RETIREMENT AND
33 PENSION SYSTEM FOR THE TRANSFER OF EACH INDIVIDUAL ACCOUNT.

34 (C) (1) AT LEAST 60 DAYS BEFORE TRANSFERRING TO THE LAW
35 ENFORCEMENT OFFICERS' PENSION SYSTEM, A MEMBER OF THE MARYLAND
36 TRANSIT ADMINISTRATION POLICE FORCE MAY ELECT TO PAY ALL OR A PORTION OF
37 THE MEMBER CONTRIBUTION THAT WOULD HAVE BEEN PAID BY A MEMBER OF THE
38 LAW ENFORCEMENT OFFICERS' PENSION SYSTEM FOR THE PERIOD OF TIME THE
39 MEMBER OF THE MARYLAND TRANSIT ADMINISTRATION POLICE FORCE WAS
40 EMPLOYED WITH THE MARYLAND TRANSIT ADMINISTRATION FROM JULY 1, 2000
41 THROUGH DECEMBER 31, 2005.

1 (2) A MEMBER WHO ELECTS TO PAY ALL OR A PORTION OF THE MEMBER
2 CONTRIBUTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION, SHALL PAY THE
3 MARYLAND TRANSIT ADMINISTRATION IN ACCORDANCE WITH SUBSECTION (E)(1) OF
4 THIS SECTION.

5 (3) THE MEMBER SHALL COMPLETE AND FILE WITH THE MARYLAND
6 TRANSIT ADMINISTRATION A FORM STATING THE MEMBER'S INTENT TO PAY ALL OR
7 A PORTION OF THE MEMBER CONTRIBUTIONS UNDER THIS SUBSECTION.

8 (4) THE MARYLAND TRANSIT ADMINISTRATION SHALL COORDINATE
9 AND MANAGE THE MEMBER'S ELECTION TO PAY ALL OR A PORTION OF THE MEMBER
10 CONTRIBUTIONS UNDER THIS SUBSECTION.

11 (D) IF A MEMBER ELECTS NOT TO PAY ALL OR A PORTION OF THE MEMBER
12 CONTRIBUTIONS AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:

13 (1) THE MARYLAND TRANSIT ADMINISTRATION MAY NOT PAY ANY
14 AMOUNT OF MEMBER CONTRIBUTIONS DUE FOR PRIOR SERVICE CREDIT FOR THAT
15 MEMBER TO THE BOARD OF TRUSTEES; AND

16 (2) ON RETIREMENT FROM THE LAW ENFORCEMENT OFFICERS'
17 PENSION SYSTEM, THE MEMBER'S RETIREMENT ALLOWANCE SHALL BE REDUCED BY
18 THE ACTUARIAL EQUIVALENT OF THE MEMBER CONTRIBUTIONS THAT WOULD HAVE
19 BEEN DEDUCTED IF THE MEMBER HAD EARNED THE SERVICE CREDIT UNDER THE
20 LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, INCLUDING INTEREST ON THOSE
21 CONTRIBUTIONS.

22 (E) (1) IF A MEMBER ELECTS TO PAY FOR ALL OR A PORTION OF THE
23 MEMBER CONTRIBUTIONS AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE
24 MEMBER SHALL PAY THE MARYLAND TRANSIT ADMINISTRATION 4% OF THE
25 MEMBER'S MARYLAND TRANSIT ADMINISTRATION ANNUAL SALARY ON FEBRUARY
26 23, 2005, MULTIPLIED BY 50% OF THE MEMBER'S NUMBER OF YEARS OF SERVICE,
27 INCLUDING PARTIAL YEARS, FROM JULY 1, 2000 THROUGH JULY 1, 2005.

28 (2) PAYMENTS MADE UNDER THIS SUBSECTION SHALL BEGIN THE
29 FIRST PAY PERIOD OF 2006 AND CONTINUE UNTIL THE TOTAL AMOUNT OWED BY THE
30 MEMBER IS PAID.

31 (3) THE MARYLAND TRANSIT ADMINISTRATION SHALL ADMINISTER AND
32 MANAGE THE PAYMENTS AS FOLLOWS:

33 (I) THE MEMBER SHALL PAY TO THE MARYLAND TRANSIT
34 ADMINISTRATION, THROUGH PAYROLL DEDUCTIONS, THE SUM OF \$30 PER WEEK
35 UNTIL THE AMOUNT AS CALCULATED BY THE MARYLAND TRANSIT ADMINISTRATION
36 IS PAID;

37 (II) THE MEMBER SHALL PAY THE MARYLAND TRANSIT
38 ADMINISTRATION ANY REMAINING BALANCE DUE AT THE TIME OF SEPARATION
39 FROM SERVICE WITH THE MARYLAND TRANSIT ADMINISTRATION; AND

1 (III) ANY AMOUNT REMAINING TO BE PAID BY A MEMBER WHO DIES
2 WHILE STILL EMPLOYED BY THE MARYLAND TRANSIT ADMINISTRATION SHALL BE
3 FORGIVEN BY THE MARYLAND TRANSIT ADMINISTRATION.

4 (4) FOR A MEMBER WHO ELECTS TO PAY A PORTION OF THE MEMBER
5 CONTRIBUTIONS UNDER THIS SECTION, THE STATE RETIREMENT AND PENSION
6 SYSTEM SHALL BILL THE MARYLAND TRANSIT ADMINISTRATION, AND THE
7 MARYLAND TRANSIT ADMINISTRATION SHALL PAY, THE ENTIRE AMOUNT OF
8 MEMBER CONTRIBUTIONS DUE FOR THE PERIOD OF JULY 1, 2000 THROUGH JULY 1,
9 2005, INCLUDING INTEREST, NO LATER THAN JANUARY 1, 2006, AS SPECIFIED BY THE
10 STATE RETIREMENT AND PENSION SYSTEM.

11 (F) (1) IF A MEMBER PARTICIPATED IN THE MARYLAND TRANSIT
12 ADMINISTRATION'S SUPPLEMENTAL PENSION PLAN IN ADDITION TO THE MARYLAND
13 TRANSIT ADMINISTRATION'S PENSION SYSTEM, THE MEMBER'S RETIREMENT
14 ALLOWANCE SHALL BE REDUCED BY THE SET-OFF AMOUNT THAT WAS FIXED UPON
15 TERMINATION OF THE SUPPLEMENTAL PENSION PLAN IN DECEMBER 2003.

16 (2) THE MARYLAND TRANSIT ADMINISTRATION SHALL PROVIDE THE
17 NAMES AND SET-OFF AMOUNTS FOR ALL MEMBERS TO THE STATE RETIREMENT AND
18 PENSION SYSTEM AT THE TIME OF RETIREMENT.

19 ~~37-201.~~

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

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

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

27 (b) This title does not apply to:

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

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

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

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

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

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

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

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

15 (f) The Maryland Transit Administration police force may issue citations for
 16 violations of the rules and regulations adopted by the Administration under this title.
 17 7-603.

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

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

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

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

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

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

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

34 (3) Provide a system of benefits payable to the beneficiaries and
 35 dependents of any participant in the system after the death of the participant,
 36 whether accidental or not and whether occurring in the performance of duty or not,

1 subject to any exceptions, conditions, restrictions, and classifications that the
2 Administration provides.

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That:

13 (a) The transfer of the members of the Maryland Transit Administration
14 Police Force into the Law Enforcement Officers' Pension System is the result of and
15 as provided in a collectively bargained agreement as required pursuant to § 7-602 of
16 the Transportation Article.

17 (b) The Maryland Transit Administration shall administer the preparations
18 for transferring employees into the Law Enforcement Officers' Pension System in a
19 manner to minimize the administrative burdens on the Board of Trustees of the State
20 Retirement and Pension System.

21 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect July 1, 2005.