

HOUSE BILL 791

P6

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CF SB 368

By: **Delegates Hornberger, Anderton, Boaf, Hartman, Hutchinson, Kaiser, and Qi**
Introduced and read first time: February 8, 2023
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System – Membership – Emergency Medical**
3 **Technicians**

4 FOR the purpose of authorizing membership in the Law Enforcement Officers' Pension
5 System for certain emergency medical technicians under certain circumstances; and
6 generally relating to membership in the Law Enforcement Officers' Pension System.

7 BY repealing and reenacting, with amendments,

8 Article – State Personnel and Pensions

9 Section 26–201, 31–2A–01, 31–2A–03, 31–2A–04, and 31–2A–05

10 Annotated Code of Maryland

11 (2015 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – State Personnel and Pensions

14 Section 31–2A–02 and 31–2A–03.1

15 Annotated Code of Maryland

16 (2015 Replacement Volume and 2022 Supplement)

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

19 **Article – State Personnel and Pensions**

20 26–201.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) a Natural Resources police officer; or
- 2 (ii) a law enforcement officer, other than a Natural Resources police
3 officer;
- 4 (2) a law enforcement officer employed by:
- 5 (i) the Field Enforcement Bureau; or
- 6 (ii) the Field Enforcement Division of the Alcohol and Tobacco
7 Commission;
- 8 (3) a member of the Maryland Transportation Authority Police Force who
9 has the powers granted to a police officer under § 4–208 of the Transportation Article;
- 10 (4) a deputy sheriff employed by the Baltimore City Sheriff’s Department;
- 11 (5) a member of the University System of Maryland Police Force who has
12 the powers granted to a police officer under § 13–601 of the Education Article;
- 13 (6) a law enforcement officer or firefighter employed by a participating
14 governmental unit that on or after July 1, 1999 has elected to participate in the Law
15 Enforcement Officers’ Pension System;
- 16 (7) the State Fire Marshal or a Deputy State Fire Marshal;
- 17 (8) a member of the Morgan State University Police Force who has the
18 powers granted to a police officer under § 14–106 of the Education Article;
- 19 (9) a member of the BWI Airport Fire & Rescue Department;
- 20 (10) a member of the Maryland Capitol Police of the Department of General
21 Services who has the powers granted to a police officer under § 4–605 of the State Finance
22 and Procurement Article;
- 23 (11) an employee of the Maryland Department of Health commissioned by
24 the Secretary of Health as a Maryland Department of Health police officer;
- 25 (12) an employee of the Motor Vehicle Administration commissioned by the
26 Secretary of Transportation as a Motor Vehicle Administration police officer;
- 27 (13) a firefighter or law enforcement officer for the Martin State Airport
28 employed by the Military Department;
- 29 (14) a police officer employed by the Division of Rehabilitation Services in
30 the Department of Education, certified in accordance with the Maryland Police and

1 Correctional Training Commissions;

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

4 (16) an aviator employed by the Department of State Police to operate an
5 aircraft for the State Emergency Medical System;

6 (17) a member of the Maryland Transit Administration Police Force who has
7 the powers granted to a police officer under § 7–207 of the Transportation Article;

8 (18) an individual who is elected or appointed as the Baltimore City Sheriff
9 and who does not elect to join the Employees' Pension System under Title 23 of this article
10 within 6 months of the date the individual begins serving as the Baltimore City Sheriff;

11 (19) a member of the Department of Public Safety and Correctional Services
12 Intelligence and Investigative Division who has the powers granted to a police officer under
13 § 10–701 of the Correctional Services Article;

14 (20) a police officer employed by the Baltimore City Community College who
15 has the power granted to a police officer under § 16–513 of the Education Article;

16 (21) an employee of the Warrant Apprehension Unit of the Intelligence and
17 Investigative Division in the Department of Public Safety and Correctional Services who
18 has the powers granted to a peace officer or police officer under § 10–702 of the Correctional
19 Services Article; [and]

20 (22) the Executive Director of the Alcohol and Tobacco Commission; AND

21 **(23) AN EMERGENCY MEDICAL TECHNICIAN EMPLOYED BY A**
22 **PARTICIPATING GOVERNMENTAL UNIT WHO IS ELIGIBLE TO BE A MEMBER AS**
23 **PROVIDED IN TITLE 31, SUBTITLE 2A OF THIS ARTICLE.**

24 (b) This subtitle does not apply to:

25 (1) a Maryland Transportation Authority police officer who transferred
26 from the Employees' Retirement System to the Employees' Pension System on or after
27 December 1, 1996;

28 (2) a deputy sheriff employed by the Baltimore City Sheriff's Department
29 who transferred from the Employees' Retirement System to the Employees' Pension System
30 on or after December 1, 1996;

31 (3) a member of the University System of Maryland Police Force who
32 transferred from the Employees' Retirement System to the Employees' Pension System on
33 or after December 1, 1997;

1 (4) a law enforcement officer [or], firefighter, **OR EMERGENCY MEDICAL**
2 **TECHNICIAN** employed by a participating governmental unit who transferred from the
3 Employees' Retirement System to the Employees' Pension System on or after December 1,
4 1997;

5 (5) a Maryland Port Administration police officer who transferred from the
6 Employees' Retirement System to the Employees' Pension System on or after December 1,
7 1997;

8 (6) a State Fire Marshal or Deputy State Fire Marshal who transferred
9 from the Employees' Retirement System to the Employees' Pension System on or after
10 December 1, 1996;

11 (7) a member of the Morgan State University Police Force who transferred
12 from the Employees' Retirement System to the Employees' Pension System on or after
13 December 1, 1997;

14 (8) a member of the BWI Airport Fire & Rescue Department who
15 transferred from the Employees' Retirement System to the Employees' Pension System on
16 or after April 1, 1998;

17 (9) a member of the Maryland Capitol Police of the Department of General
18 Services, Maryland Department of Health, or Motor Vehicle Administration who
19 transferred from the Employees' Retirement System to the Employees' Pension System on
20 or after April 1, 1998;

21 (10) a firefighter or law enforcement officer for the Martin State Airport
22 employed by the Military Department who transferred from the Employees' Retirement
23 System to the Employees' Pension System on or after April 1, 1998;

24 (11) a police officer employed by the Division of Rehabilitation Services in
25 the Department of Education who:

26 (i) is certified in accordance with the Maryland Police and
27 Correctional Training Commissions; and

28 (ii) transferred from the Employees' Retirement System to the
29 Employees' Pension System on or after April 1, 1998;

30 (12) a firefighter or paramedic employed by the Salisbury Fire Department
31 who transferred from the Employees' Retirement System to the Employees' Pension System
32 on or after April 1, 1998;

33 (13) an aviator employed by the Department of State Police to operate an
34 aircraft for the State Emergency Medical System who transferred from the Employees'
35 Retirement System to the Employees' Pension System on or after April 1, 1998; or

1 (14) a police officer employed by the Baltimore City Community College who
2 transferred from the Employees' Retirement System to the Employees' Pension System on
3 or after December 1, 1996.

4 31-2A-01.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) "Effective date" means the date that an eligible governmental unit commenced
7 or commences participation in the Law Enforcement Officers' Pension System.

8 (c) "Eligible governmental unit" means a governmental unit that is eligible to
9 participate in the Law Enforcement Officers' Pension System under § 31-2A-02 of this
10 subtitle.

11 **(D) (1) "EMERGENCY MEDICAL TECHNICIAN" MEANS A PAID EMERGENCY**
12 **MEDICAL TECHNICIAN, AS DETERMINED BY THE ELIGIBLE GOVERNMENTAL UNIT.**

13 **(2) "EMERGENCY MEDICAL TECHNICIAN" DOES NOT INCLUDE A**
14 **VOLUNTEER EMERGENCY MEDICAL TECHNICIAN.**

15 **[(d)] (E) (1) "Firefighter" means:**

16 (i) a paid firefighter, as determined by the eligible governmental
17 unit; or

18 (ii) a paid paramedic, as determined by the eligible governmental
19 unit.

20 (2) "Firefighter" does not include:

21 (i) a volunteer firefighter; or

22 (ii) a volunteer paramedic.

23 **[(e)] (F) "Law enforcement officer" means an individual certified by the**
24 **Maryland Police Training and Standards Commission as a law enforcement officer.**

25 **[(f)] (G) (1) "Local plan" means a plan or any other arrangement of an**
26 **eligible governmental unit that is described in § 219(g)(5) of the Internal Revenue Code.**

27 (2) "Local plan" does not include a plan established under § 457 of the
28 Internal Revenue Code.

29 **[(g)] (H) "State system" has the meaning stated in § 20-101(pp) of this article.**

1 31-2A-02.

2 Subject to § 31-2A-03 of this subtitle, the governmental units that are eligible to
3 participate in the Law Enforcement Officers' Pension System are:

4 (1) counties; and

5 (2) municipal corporations.

6 31-2A-03.

7 (a) Subject to subsection (b) of this section, the legislative body of an eligible
8 governmental unit may approve participation by its law enforcement officers [or],
9 firefighters, **OR EMERGENCY MEDICAL TECHNICIANS** in the Law Enforcement Officers'
10 Pension System if:

11 (1) the legislative body adopts a resolution in the form prescribed by the
12 Board of Trustees; and

13 (2) the eligible governmental unit participates in a State system or
14 operates a local plan, only if:

15 (i) at least 60% of the law enforcement officers [or], firefighters, **OR**
16 **EMERGENCY MEDICAL TECHNICIANS** of the eligible governmental unit petition to
17 become members of the Law Enforcement Officers' Pension System;

18 (ii) the eligible governmental unit satisfies the requirements in
19 subsection (b) of this section; and

20 (iii) the legislative body approves participation of its law enforcement
21 officers [or], firefighters, **OR EMERGENCY MEDICAL TECHNICIANS** in lieu of participation
22 in the State system or local plan.

23 (b) An eligible governmental unit that operates a local plan or participates in a
24 State system may approve participation of its law enforcement officers [or], firefighters,
25 **OR EMERGENCY MEDICAL TECHNICIANS** in the Law Enforcement Officers' Pension
26 System only if:

27 (1) the State system or local plan of the eligible governmental unit requires
28 member contributions at the same rate as the member contribution rate that would be
29 applicable to the law enforcement officers [or], firefighters, **OR EMERGENCY MEDICAL**
30 **TECHNICIANS** of the eligible governmental unit in the Law Enforcement Officers' Pension
31 System; or

32 (2) the eligible governmental unit:

1 (i) does not provide for the employer pickup of member
2 contributions to the State system or local plan within the meaning of § 414(h)(2) of the
3 Internal Revenue Code; and

4 (ii) certifies that it will not become an approved employer under §
5 21–313 of this article on or after the effective date of participation.

6 (c) (1) If an eligible governmental unit does not satisfy the requirements
7 under subsection (b) of this section, the eligible governmental unit may submit a request to
8 the Board of Trustees to participate in the Law Enforcement Officers' Pension System.

9 (2) The Board of Trustees shall consider a request made under paragraph
10 (1) of this subsection and determine whether any legislation is necessary to allow the
11 eligible governmental unit to participate in the Law Enforcement Officers' Pension System.

12 (3) The Board of Trustees shall make recommendations to the Joint
13 Committee on Pensions regarding any legislation that it determines is necessary to allow
14 the eligible governmental unit to participate in the Law Enforcement Officers' Pension
15 System.

16 31–2A–03.1.

17 (a) Except as provided in subsection (b) of this section, the effective date of
18 participation for an eligible governmental unit is July 1 of the year following the fiscal year
19 in which the eligible governmental unit elects to participate in the Law Enforcement
20 Officers' Pension System.

21 (b) If an eligible governmental unit does not provide the Board of Trustees with
22 the necessary documentation to join the Law Enforcement Officers' Pension System on or
23 before the effective date for the eligible governmental unit, the effective date shall be
24 postponed until July 1 of the second year following the fiscal year in which the eligible
25 governmental unit elects to participate in the Law Enforcement Officers' Pension System.

26 31–2A–04.

27 If a law enforcement officer, firefighter, **EMERGENCY MEDICAL TECHNICIAN**, or
28 paramedic joins the Law Enforcement Officers' Pension System on the effective date, the
29 member is entitled to credit for employment with the participating governmental unit
30 before the effective date.

31 31–2A–05.

32 (a) This section applies only to a local plan that is a qualified plan under § 401(a)
33 of the Internal Revenue Code and provides a defined benefit to its participants.

34 (b) If an eligible governmental unit approves participation in the Law

1 Enforcement Officers' Pension System, the operation of the local plan or State system with
2 respect to the law enforcement officers, firefighters, **EMERGENCY MEDICAL**
3 **TECHNICIANS**, or paramedics terminates on the effective date.

4 (c) (1) On the effective date:

5 (i) the assets to the credit of the local plan or State system that
6 relate to the law enforcement officers, firefighters, **EMERGENCY MEDICAL TECHNICIANS**,
7 or paramedics who elect to become members shall be transferred to the Law Enforcement
8 Officers' Pension System; and

9 (ii) the trustee or other administrative head of the local plan or State
10 system shall certify the proportion of the funds of the local plan or State system that
11 represents the accumulated contributions of the members as of that date.

12 (2) The accumulated contributions shall be credited to the respective
13 annuity savings accounts of the members in the Law Enforcement Officers' Pension
14 System.

15 (3) The balance of the funds transferred to the Law Enforcement Officers'
16 Pension System shall be offset against the special accrued liability to be funded by the
17 participating governmental unit as provided by § 21-306.1(d) of this article.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2023.