

SENATE BILL 700

P6
SB 822/22 – B&T

4lr2741
CF 4lr2751

By: **Senator Carozza**

Introduced and read first time: January 30, 2024

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System – Membership – 9–1–1 Specialists**

3 FOR the purpose of authorizing certain 9–1–1 specialists to become members of the Law
4 Enforcement Officers' Pension System as employees of a participating governmental
5 unit; and generally relating to membership in the Law Enforcement Officers' Pension
6 System.

7 BY repealing and reenacting, with amendments,
8 Article – State Personnel and Pensions
9 Section 31–2A–01, 31–2A–03, 31–2A–04, and 31–2A–05
10 Annotated Code of Maryland
11 (2015 Replacement Volume and 2023 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 2023 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 31–2A–01.

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

22 (b) “Effective date” means the date that an eligible governmental unit commenced
23 or commences participation in the Law Enforcement Officers' Pension System.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (d) (1) "Emergency medical technician" means a paid emergency medical
5 technician, as determined by the eligible governmental unit.

6 (2) "Emergency medical technician" does not include a volunteer
7 emergency medical technician.

8 (e) (1) "Firefighter" means:

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

11 (ii) a paid paramedic, as determined by the eligible governmental
12 unit.

13 (2) "Firefighter" does not include:

14 (i) a volunteer firefighter; or

15 (ii) a volunteer paramedic.

16 (f) "Law enforcement officer" means an individual certified by the Maryland
17 Police Training and Standards Commission as a law enforcement officer.

18 (g) (1) "Local plan" means a plan or any other arrangement of an eligible
19 governmental unit that is described in § 219(g)(5) of the Internal Revenue Code.

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

22 (h) **"9-1-1 SPECIALIST" MEANS AN INDIVIDUAL WHO IS:**

23 **(1) EMPLOYED AS A 9-1-1 SPECIALIST; AND**

24 **(2) CERTIFIED BY THE MARYLAND POLICE TRAINING AND**
25 **STANDARDS COMMISSION AS A LAW ENFORCEMENT OFFICER.**

26 **(I)** "State system" has the meaning stated in § 20-101(pp) of this article.

27 31-2A-02.

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

1 (1) counties; and

2 (2) municipal corporations.

3 31-2A-03.

4 (a) Subject to subsection (b) of this section, the legislative body of an eligible
5 governmental unit may approve participation by its law enforcement officers, firefighters,
6 [or] emergency medical technicians, **OR 9-1-1 SPECIALISTS** in the Law Enforcement
7 Officers' Pension System if:

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

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

12 (i) at least 60% of the law enforcement officers, firefighters, [or]
13 emergency medical technicians, **OR 9-1-1 SPECIALISTS** of the eligible governmental unit
14 petition to become members of the Law Enforcement Officers' Pension System;

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

17 (iii) the legislative body approves participation of its law enforcement
18 officers, firefighters, [or] emergency medical technicians, **OR 9-1-1 SPECIALISTS** in lieu
19 of participation in the State system or local plan.

20 (b) An eligible governmental unit that operates a local plan or participates in a
21 State system may approve participation of its law enforcement officers, firefighters, [or]
22 emergency medical technicians, **OR 9-1-1 SPECIALISTS** in the Law Enforcement Officers'
23 Pension System only if:

24 (1) the State system or local plan of the eligible governmental unit requires
25 member contributions at the same rate as the member contribution rate that would be
26 applicable to the law enforcement officers, firefighters, [or] emergency medical technicians,
27 **OR 9-1-1 SPECIALISTS** of the eligible governmental unit in the Law Enforcement Officers'
28 Pension System; or

29 (2) the eligible governmental unit:

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

1 (ii) certifies that it will not become an approved employer under §
2 21-313 of this article on or after the effective date of participation.

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

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

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

13 31-2A-03.1.

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

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

23 31-2A-04.

24 If a law enforcement officer, firefighter, emergency medical technician, **9-1-1**
25 **SPECIALIST**, or paramedic joins the Law Enforcement Officers' Pension System on the
26 effective date, the member is entitled to credit for employment with the participating
27 governmental unit before the effective date.

28 31-2A-05.

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

31 (b) If an eligible governmental unit approves participation in the Law
32 Enforcement Officers' Pension System, the operation of the local plan or State system with
33 respect to the law enforcement officers, firefighters, emergency medical technicians,
34 **9-1-1 SPECIALISTS**, or paramedics terminates on the effective date.

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

1 (i) the assets to the credit of the local plan or State system that
2 relate to the law enforcement officers, firefighters, emergency medical technicians, **9-1-1**
3 **SPECIALISTS**, or paramedics who elect to become members shall be transferred to the Law
4 Enforcement Officers' Pension System; and

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2024.