

# HOUSE BILL 807

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CF SB 498

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By: **Delegate Griffith (Chair, Joint Committee on Pensions)**

Introduced and read first time: February 9, 2012

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pension System – Contribution Rates and**  
3 **Reinvestment of Savings – Technical Clarifications**

4 FOR the purpose of clarifying how certain contribution rates for the employees' and  
5 teachers' retirement and pension systems are calculated to reflect legislative  
6 changes that result in a change to normal cost or accrued liabilities; repealing a  
7 certain requirement that the Board of Trustees for the State Retirement and  
8 Pension System certify a calculation of the difference between certain  
9 contributions, resulting from certain legislative changes; altering the method for  
10 determining a certain amount of reinvested savings required to be included in  
11 the annual budget bill; altering certain definitions; defining certain terms; and  
12 generally relating to technical clarifications in connection with the  
13 determination of certain pension contribution rates and certain requirements to  
14 reinvest savings into the State Retirement and Pension System.

15 BY repealing and reenacting, with amendments,  
16 Article – State Personnel and Pensions  
17 Section 21–304(a), (e), and (f) and 21–308(a)  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2011 Supplement)

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

22 **Article – State Personnel and Pensions**

23 21–304.

24 (a) (1) In this section the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) ["Preliminary] "FULL funding rate" means the sum of:

2 (i) the aggregate normal rate that is based on the normal  
3 contribution rate calculated under subsection (c) of this section **AND ADJUSTED TO**  
4 **INCORPORATE LEGISLATIVE CHANGES IN BENEFITS TO REFLECT CHANGES TO**  
5 **THE NORMAL COST**; and

6 (ii) the aggregate unfunded accrued liability contribution rate  
7 that is based on the unfunded accrued liability contribution rate under subsection  
8 [(d)(1)(i) and (ii)1 and 2] **(D)(1)** and (2) of this section.

9 (3) "Funding ratio for the employees' systems" means the actuarial  
10 value of assets for the employees' systems divided by the actuarial accrued liability for  
11 the employees' systems.

12 (4) "Funding ratio for the teachers' systems" means the actuarial  
13 value of assets for the teachers' systems divided by the actuarial accrued liability for  
14 the teachers' systems.

15 **(5) "NEW LEGISLATIVE CHANGE" MEANS A LEGISLATIVE CHANGE**  
16 **THAT RESULTS IN AN ADJUSTMENT TO THE NORMAL COST OR ACCRUED**  
17 **LIABILITIES THAT HAS NOT PREVIOUSLY BEEN RECOGNIZED IN AN ACTUARIAL**  
18 **VALUATION UNDER § 21-125(B) OF THIS TITLE.**

19 **(6) "PRELIMINARY FUNDING RATE" MEANS THE FULL FUNDING**  
20 **RATE WITHOUT ANY ADJUSTMENT TO THE NORMAL COST OR ACCRUED**  
21 **LIABILITIES FOR A NEW LEGISLATIVE CHANGE.**

22 **[(5)] (7)** "State member" does not include a member on whose behalf  
23 a participating governmental unit is required to make an employer contribution under  
24 § 21-305 or § 21-306 of this subtitle.

25 (e) (1) When the funding ratio for the employees' systems is between 90%  
26 and 110%, inclusive, the employees' system contribution rate is the rate for the  
27 previous fiscal year, adjusted to reflect legislative changes that result in changes in  
28 normal cost and to amortize over 25 years any actuarial liabilities of the employees'  
29 systems.

30 (2) Subject to paragraph (4) of this subsection, when the funding ratio  
31 for the employees' systems is below 90%, the employees' system contribution rate shall  
32 be the sum of:

33 (i) the employees' system contribution rate for the previous  
34 fiscal year; and

1 (ii) 1. 20% of the difference between the [preliminary] FULL  
2 funding rate for the current fiscal year and the employees' system contribution rate for  
3 the previous fiscal year; OR

4 2. FOR A FISCAL YEAR FOR WHICH AN ADJUSTMENT  
5 TO NORMAL COST OR ACCRUED LIABILITIES FOR A NEW LEGISLATIVE CHANGE  
6 IS FIRST DETERMINED AS A RESULT OF AN ACTUARIAL VALUATION UNDER §  
7 21-125(B) OF THIS TITLE, 20% OF THE DIFFERENCE BETWEEN THE  
8 PRELIMINARY FUNDING RATE FOR THE CURRENT FISCAL YEAR AND THE  
9 EMPLOYEES' SYSTEM CONTRIBUTION RATE FOR THE PREVIOUS FISCAL YEAR.

10 (3) Subject to paragraph (4) of this subsection, when the funding ratio  
11 for the employees' systems is above 110%, the employees' system contribution rate  
12 shall be the difference between:

13 (i) the employees' system contribution rate for the previous  
14 fiscal year; and

15 (ii) 1. 20% of the difference between the employees' system  
16 contribution rate for the previous fiscal year and the [preliminary] FULL funding rate  
17 for the current fiscal year; OR

18 2. FOR A FISCAL YEAR FOR WHICH AN ADJUSTMENT  
19 TO NORMAL COST OR ACCRUED LIABILITIES FOR A NEW LEGISLATIVE CHANGE  
20 IS FIRST DETERMINED AS A RESULT OF AN ACTUARIAL VALUATION UNDER §  
21 21-125(B) OF THIS TITLE, 20% OF THE DIFFERENCE BETWEEN THE EMPLOYEES'  
22 SYSTEM CONTRIBUTION RATE FOR THE PREVIOUS FISCAL YEAR AND THE  
23 PRELIMINARY FUNDING RATE FOR THE CURRENT FISCAL YEAR.

24 (4) [The] FOR A FISCAL YEAR FOR WHICH AN ADJUSTMENT TO  
25 NORMAL COST OR ACCRUED LIABILITIES FOR A NEW LEGISLATIVE CHANGE IS  
26 DETERMINED AS A RESULT OF AN ACTUARIAL VALUATION UNDER § 21-125(B)  
27 OF THIS TITLE, THE contribution rate for the employees' systems under paragraph (2)  
28 or (3) of this subsection shall be adjusted to FULLY reflect the cost or savings of THE  
29 NEW legislative changes that result in changes in normal contributions or accrued  
30 liabilities and to amortize over 25 years any changes in accrued liabilities of the  
31 employees' systems.

32 (f) (1) When the funding ratio for the teachers' systems is between 90%  
33 and 110%, the teachers' system contribution rate is the rate for the previous fiscal  
34 year, adjusted to reflect legislative changes that result in changes in normal cost and  
35 to amortize over 25 years any actuarial liabilities of the teachers' systems.

1           (2) Subject to paragraph (4) of this subsection, when the funding ratio  
2 for the teachers' systems is below 90%, the teachers' system contribution rate shall be  
3 the sum of:

4                   (i) the teachers' system contribution rate for the previous fiscal  
5 year; and

6                   (ii) 1. 20% of the difference between the [preliminary] FULL  
7 funding rate for the current fiscal year and the teachers' system contribution rate for  
8 the previous fiscal year; OR

9                               **2. FOR A FISCAL YEAR FOR WHICH AN ADJUSTMENT**  
10 **TO NORMAL COST OR ACCRUED LIABILITIES FOR A NEW LEGISLATIVE CHANGE**  
11 **IS FIRST DETERMINED AS A RESULT OF AN ACTUARIAL VALUATION UNDER §**  
12 **21-125(B) OF THIS TITLE, 20% OF THE DIFFERENCE BETWEEN THE**  
13 **PRELIMINARY FUNDING RATE FOR THE CURRENT FISCAL YEAR AND THE**  
14 **TEACHERS' SYSTEM CONTRIBUTION RATE FOR THE PREVIOUS FISCAL YEAR.**

15           (3) Subject to paragraph (4) of this subsection, when the funding ratio  
16 for the teachers' systems is above 110%, the teachers' system contribution rate shall be  
17 the difference between:

18                   (i) the teachers' system contribution rate for the previous fiscal  
19 year; and

20                   (ii) 1. 20% of the difference between the teachers' system  
21 contribution rate for the previous fiscal year and the [preliminary] FULL funding rate  
22 for the current fiscal year; OR

23                               **2. FOR A FISCAL YEAR FOR WHICH AN ADJUSTMENT**  
24 **TO NORMAL COST OR ACCRUED LIABILITIES FOR A NEW LEGISLATIVE CHANGE**  
25 **IS FIRST DETERMINED AS A RESULT OF AN ACTUARIAL VALUATION UNDER §**  
26 **21-125(B) OF THIS TITLE, 20% OF THE DIFFERENCE BETWEEN THE TEACHERS'**  
27 **SYSTEM CONTRIBUTION RATE FOR THE PREVIOUS FISCAL YEAR AND THE**  
28 **PRELIMINARY FUNDING RATE FOR THE CURRENT FISCAL YEAR.**

29           (4) [The] **FOR A FISCAL YEAR FOR WHICH AN ADJUSTMENT TO**  
30 **NORMAL COST OR ACCRUED LIABILITIES FOR A NEW LEGISLATIVE CHANGE IS**  
31 **DETERMINED AS A RESULT OF AN ACTUARIAL VALUATION UNDER § 21-125(B)**  
32 **OF THIS TITLE, THE contribution rate for the teachers' systems under paragraph (2)**  
33 **or (3) of this subsection shall be adjusted to FULLY reflect the cost or savings of THE**  
34 **NEW legislative changes that result in changes in normal contributions or accrued**  
35 **liabilities and to amortize over 25 years any changes in accrued liabilities of the**  
36 **teachers' systems.**

1 21-308.

2 (a) (1) On or before December 1 of each year, the Board of Trustees shall:

3 (i) certify to the Governor and the Secretary of Budget and  
4 Management the rates to be used to determine the amounts to be paid by the State to  
5 the accumulation fund of each of the several systems during the next fiscal year; and

6 (ii) provide to the Secretary of Budget and Management a  
7 statement of the total amount to be paid to the Teachers' Retirement System and the  
8 Teachers' Pension System expressed as a percentage of the payroll of all members of  
9 those State systems.

10 (2) The Governor shall include in the budget bill:

11 (i) the total amount of the State's contribution to each State  
12 system as ascertained based on the rates certified by the Board of Trustees under  
13 paragraph (1) of this subsection;

14 (ii) the additional amounts as ascertained under subsection (d)  
15 of this section for the State's payment to the professional and clerical employees of the  
16 Department of Public Libraries of Montgomery County who are members of the  
17 Employees' Retirement System of Montgomery County and are excluded from  
18 membership in the Teachers' Retirement System or the Teachers' Pension System;  
19 and

20 (iii) any additional amount required to be in the budget bill  
21 under § 3-501(c)(2)(ii) of this article.

22 (3) The amounts that the Governor is required to include in the budget  
23 bill under paragraph (2) of this subsection shall be reduced by the amount of  
24 administrative and operational expenses for the Board of Trustees and the State  
25 Retirement Agency that are to be paid by local employers under § 21-316 of this  
26 subtitle other than participating governmental units or employers who are required to  
27 make contributions under § 21-307 of this subtitle.

28 (4) [(i) On or before December 1, 2012, and each December 1  
29 thereafter, the Board of Trustees shall certify to the Governor and the Secretary of  
30 Budget and Management the amount of the difference between the total amount of the  
31 State's contribution required under paragraph (2) of this subsection and the amount  
32 that the Board determines would have been required had legislation increasing  
33 employee contributions to, and reducing the liabilities of, the State Retirement and  
34 Pension System not been enacted in 2011.

35 (ii) For fiscal year 2014 and each fiscal year thereafter, in  
36 addition to the amounts required under paragraph (2) of this subsection, the Governor  
37 shall include in the budget bill [the lesser of:

