

HOUSE BILL 163

P6
HB 1445/22 – APP

3lr1718
CF SB 68

By: **Delegate Otto**

Introduced and read first time: January 16, 2023

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System – Crisfield Police Department**

3 FOR the purpose of requiring membership in the Law Enforcement Officers' Pension
4 System for certain local law enforcement officers of the Crisfield Police Department
5 under certain circumstances; providing that a certain individual is entitled to
6 eligibility service and creditable service that was earned before the effective date of
7 the Crisfield Police Department's participation in the Law Enforcement Officers'
8 Pension System; providing that an individual who receives certain service credit is
9 not a member of and has no rights to a benefit in the Employees' Pension System;
10 providing for the transfer of creditable service for a certain individual; providing for
11 the transfer and crediting of certain assets on the effective date of participation; and
12 generally relating to the Crisfield Police Department's participation in the Law
13 Enforcement Officers' Pension System.

14 BY repealing and reenacting, without amendments,
15 Article – State Personnel and Pensions
16 Section 31–2A–05(c)
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2022 Supplement)

19 BY adding to
20 Article – State Personnel and Pensions
21 Section 31–2A–06
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2022 Supplement)

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

26 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 31-2A-05.

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

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

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

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

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

15 **31-2A-06.**

16 **(A) THIS SECTION APPLIES TO AN INDIVIDUAL WHO IS A LOCAL LAW**
17 **ENFORCEMENT OFFICER OF THE CRISFIELD POLICE DEPARTMENT:**

18 **(1) IN A PERMANENT FULL-TIME POSITION BEFORE THE EFFECTIVE**
19 **DATE, AND WHO REMAINS A LOCAL LAW ENFORCEMENT OFFICER OF THE CRISFIELD**
20 **POLICE DEPARTMENT IN A PERMANENT FULL-TIME POSITION THROUGH THE**
21 **EFFECTIVE DATE; OR**

22 **(2) IN A PERMANENT FULL-TIME POSITION AFTER THE EFFECTIVE**
23 **DATE.**

24 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE CRISFIELD**
25 **POLICE DEPARTMENT BECOMES A PARTICIPATING GOVERNMENTAL UNIT IN THE**
26 **LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, MEMBERSHIP IN THE LAW**
27 **ENFORCEMENT OFFICERS' PENSION SYSTEM IS MANDATORY FOR AN INDIVIDUAL**
28 **DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.**

29 **(C) IF THE CRISFIELD POLICE DEPARTMENT COMMENCES PARTICIPATION**
30 **IN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM IN ACCORDANCE WITH**
31 **SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL DESCRIBED UNDER SUBSECTION**
32 **(A)(1) OF THIS SECTION IS ENTITLED TO ELIGIBILITY SERVICE AND CREDITABLE**
33 **SERVICE IN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM FOR**
34 **EMPLOYMENT WITH THE CRISFIELD POLICE DEPARTMENT BEFORE THE EFFECTIVE**

1 DATE.

2 (D) ON JOINING THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM
3 AND RECEIVING SERVICE CREDIT AS PROVIDED UNDER SUBSECTION (C) OF THIS
4 SECTION, AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (A)(1) OF THIS SECTION
5 SHALL:

6 (1) NO LONGER BE A MEMBER OF THE EMPLOYEES' PENSION
7 SYSTEM; AND

8 (2) HAVE NO FURTHER RIGHTS TO ANY BENEFIT IN THE EMPLOYEES'
9 PENSION SYSTEM.

10 (E) THE TRANSFER OF CREDITABLE SERVICE FOR AN INDIVIDUAL
11 DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION WHO IS A MEMBER OF THE
12 EMPLOYEES' PENSION SYSTEM THROUGH THE EFFECTIVE DATE, AND WHO
13 TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM UNDER THIS
14 SECTION, IS NOT GOVERNED BY TITLE 37 OF THIS ARTICLE.

15 (F) IF THE CRISFIELD POLICE DEPARTMENT BECOMES A PARTICIPATING
16 GOVERNMENTAL UNIT IN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, §
17 31-2A-05(C) OF THIS SUBTITLE SHALL GOVERN THE TRANSFER AND CREDITING OF
18 ASSETS ON THE EFFECTIVE DATE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
20 1, 2023.