

# SENATE BILL 276

P6

3lr2197  
CF HB 792

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By: **Senator McKay**

Introduced and read first time: January 26, 2023

Assigned to: Budget and Taxation

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 22, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System – Frostburg City 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 Frostburg City Police  
5 Department under certain circumstances; providing that a certain individual is  
6 entitled to eligibility service and creditable service that was earned before the  
7 effective date of the Frostburg City Police Department's participation in the Law  
8 Enforcement Officers' Pension System; providing that an individual who receives  
9 certain service credit is not a member of and has no rights to a benefit in the  
10 Employees' Pension System; providing for the transfer of creditable service for a  
11 certain individual; providing for the transfer and crediting of certain assets on the  
12 effective date of participation; and generally relating to the Frostburg City Police  
13 Department's participation in the Law 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)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – State Personnel and Pensions**

4 31–2A–05.

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

6 (i) the assets to the credit of the local plan or State system that  
7 relate to the law enforcement officers, firefighters, or paramedics who elect to become  
8 members shall be transferred to the Law Enforcement 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 **31–2A–06.**

19 **(A) THIS SECTION APPLIES TO AN INDIVIDUAL WHO IS A LOCAL LAW**  
20 **ENFORCEMENT OFFICER OF THE FROSTBURG CITY POLICE DEPARTMENT:**

21 **(1) IN A PERMANENT FULL–TIME POSITION BEFORE THE EFFECTIVE**  
22 **DATE AND WHO REMAINS A LOCAL LAW ENFORCEMENT OFFICER OF THE**  
23 **FROSTBURG CITY POLICE DEPARTMENT IN A PERMANENT FULL–TIME POSITION**  
24 **THROUGH THE EFFECTIVE DATE; OR**

25 **(2) IN A PERMANENT FULL–TIME POSITION AFTER THE EFFECTIVE**  
26 **DATE.**

27 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE**  
28 **FROSTBURG CITY POLICE DEPARTMENT BECOMES A PARTICIPATING**  
29 **GOVERNMENTAL UNIT IN THE LAW ENFORCEMENT OFFICERS’ PENSION SYSTEM,**  
30 **MEMBERSHIP IN THE LAW ENFORCEMENT OFFICERS’ PENSION SYSTEM IS**  
31 **MANDATORY FOR AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (A) OF THIS**  
32 **SECTION.**

1 (C) IF THE FROSTBURG CITY POLICE DEPARTMENT COMMENCES  
2 PARTICIPATION IN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM IN  
3 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL DESCRIBED  
4 UNDER SUBSECTION (A)(1) OF THIS SECTION IS ENTITLED TO ELIGIBILITY SERVICE  
5 AND CREDITABLE SERVICE IN THE LAW ENFORCEMENT OFFICERS' PENSION  
6 SYSTEM FOR EMPLOYMENT WITH THE FROSTBURG CITY POLICE DEPARTMENT  
7 BEFORE THE EFFECTIVE DATE.

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

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

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

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

21 (F) IF THE FROSTBURG CITY POLICE DEPARTMENT BECOMES A  
22 PARTICIPATING GOVERNMENTAL UNIT IN THE LAW ENFORCEMENT OFFICERS'  
23 PENSION SYSTEM, § 31-2A-05(C) OF THIS SUBTITLE SHALL GOVERN THE TRANSFER  
24 AND CREDITING OF ASSETS ON THE EFFECTIVE DATE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
26 1, 2023.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.