

# SENATE BILL 368

P6

3lr2704  
CF HB 791

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By: ~~Senator Jackson~~ **Senators Jackson, Bailey, Benson, Elfreth, Hettleman,  
Rosapepe, and Salling**

Introduced and read first time: February 1, 2023

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2023

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

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**

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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 26–201.

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

4 (1) an employee of the Department of Natural Resources commissioned by  
5 the Secretary of Natural Resources as:

6 (i) a Natural Resources police officer; or

7 (ii) a law enforcement officer, other than a Natural Resources police  
8 officer;

9 (2) a law enforcement officer employed by:

10 (i) the Field Enforcement Bureau; or

11 (ii) the Field Enforcement Division of the Alcohol and Tobacco  
12 Commission;

13 (3) a member of the Maryland Transportation Authority Police Force who  
14 has the powers granted to a police officer under § 4–208 of the Transportation Article;

15 (4) a deputy sheriff employed by the Baltimore City Sheriff’s Department;

16 (5) a member of the University System of Maryland Police Force who has  
17 the powers granted to a police officer under § 13–601 of the Education Article;

18 (6) a law enforcement officer or firefighter employed by a participating  
19 governmental unit that on or after July 1, 1999 has elected to participate in the Law  
20 Enforcement Officers’ Pension System;

21 (7) the State Fire Marshal or a Deputy State Fire Marshal;

22 (8) a member of the Morgan State University Police Force who has the  
23 powers granted to a police officer under § 14–106 of the Education Article;

24 (9) a member of the BWI Airport Fire & Rescue Department;

25 (10) a member of the Maryland Capitol Police of the Department of General  
26 Services who has the powers granted to a police officer under § 4–605 of the State Finance  
27 and Procurement Article;

28 (11) an employee of the Maryland Department of Health commissioned by  
29 the Secretary of Health as a Maryland Department of Health police officer;

1 (12) an employee of the Motor Vehicle Administration commissioned by the  
2 Secretary of Transportation as a Motor Vehicle Administration police officer;

3 (13) a firefighter or law enforcement officer for the Martin State Airport  
4 employed by the Military Department;

5 (14) a police officer employed by the Division of Rehabilitation Services in  
6 the Department of Education, certified in accordance with the Maryland Police and  
7 Correctional Training Commissions;

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

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

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

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

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

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

22 (21) an employee of the Warrant Apprehension Unit of the Intelligence and  
23 Investigative Division in the Department of Public Safety and Correctional Services who  
24 has the powers granted to a peace officer or police officer under § 10-702 of the Correctional  
25 Services Article; [and]

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

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

30 (b) This subtitle does not apply to:

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

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

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

7           (4) a law enforcement officer [or], firefighter, **OR EMERGENCY MEDICAL**  
8 **TECHNICIAN** employed by a participating governmental unit who transferred from the  
9 Employees' Retirement System to the Employees' Pension System on or after December 1,  
10 1997;

11           (5) a Maryland Port Administration police officer who transferred from the  
12 Employees' Retirement System to the Employees' Pension System on or after December 1,  
13 1997;

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

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

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

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

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

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

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

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

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

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

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

10 31-2A-01.

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

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

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

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

19 **(2) "EMERGENCY MEDICAL TECHNICIAN" DOES NOT INCLUDE A**  
20 **VOLUNTEER EMERGENCY MEDICAL TECHNICIAN.**

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

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

24 (ii) a paid paramedic, as determined by the eligible governmental  
25 unit.

26 **(2) "Firefighter" does not include:**

27 (i) a volunteer firefighter; or

28 (ii) a volunteer paramedic.

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

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

3            (2)    “Local plan” does not include a plan established under § 457 of the  
4 Internal Revenue Code.

5            **[(g)] (H)**        “State system” has the meaning stated in § 20–101(pp) of this article.  
6 31–2A–02.

7            Subject to § 31–2A–03 of this subtitle, the governmental units that are eligible to  
8 participate in the Law Enforcement Officers’ Pension System are:

9            (1)    counties; and

10           (2)    municipal corporations.

11 31–2A–03.

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

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

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

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

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

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

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

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

6 (2) the eligible governmental unit:

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

10 (ii) certifies that it will not become an approved employer under §  
11 21–313 of this article on or after the effective date of participation.

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

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

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

22 31–2A–03.1.

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

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

32 31–2A–04.

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

1 31-2A-05.

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

4 (b) If an eligible governmental unit approves participation in the Law  
5 Enforcement Officers' Pension System, the operation of the local plan or State system with  
6 respect to the law enforcement officers, firefighters, **EMERGENCY MEDICAL**  
7 **TECHNICIANS**, or paramedics terminates on the effective date.

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

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
23 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.