SPONSOR: Rep. Lynn & Sen. Lawson & Sen. Pettyjohn
Reps. Briggs King, Mitchell, Outten; Sens. Ennis, Hocker, Richardson

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 179
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 5501, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 5501. Definitions. [Effective Jan. 1, 2018]

(m) "9-1-1 operator" means a call taker, dispatcher, manager, supervisor, or chief employed by the Delaware State Police or Delaware Capitol Police and responsible for the answering of 9-1-1 emergency line calls or dispatching law enforcement personnel and equipment, including personnel assigned to the Delaware State Police Headquarters Communication Center. Specific job titles included in the definition of "9-1-1 operator" are Manager, State Police Telecommunications; Assistant Manager, State Police Telecommunications; Emergency Communications Center Manager; Headquarters Communications Center Manager; Telecommunications Shift Supervisor; Senior Telecommunications Specialist (ERC); and Telecommunications Specialist (PSAP and HQ Communications).

Section 3. Amend § 5522, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5522. Eligibility for service pension. [Effective Jan. 1, 2019]

(a) An employee shall become eligible to receive a service pension, beginning with the month after the employee has terminated employment, if:

(6) The employee has 25 years of credited service, exclusive of service credited under § 5501(d)(4), (5), and (12) of this title, regardless of age, and is a 9-1-1 operator. The employee must have 25 years of credit service as a 9-1-1 operator.

Section 4. Amend § 5543, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

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§ 5543. Employee contributions.

(a)(1) Effective January 1, 1998, employee contributions to the Fund shall be 3% of total annual compensation in excess of $6,000 provided, however, that post-2011 employees will pay an employee contribution rate of 5% of total annual compensation in excess of $6,000. In no event shall total compensation during any calendar year in excess of $6,000 be exempt from contributions.

(2) The employee contribution for a correction officer or specified peace officer shall be 5% of annual compensation in excess of $6,000 provided, however, that a correction officer or specified peace officer who is also a post-2011 employee will pay an employee contribution rate of 7% of annual compensation in excess of $6,000.

(3) The employee contribution rate for a 9-1-1 operator is 5% of annual compensation in excess of $6,000; provided, however, that a 9-1-1 operator who is also a post-2011 employee must pay an employee contribution rate of 7% of annual compensation in excess of $6,000.

Section 5. This Act takes effect on January 1, 2019, following the Board of Pension's receipt of a legal opinion from the Board's tax counsel that the provisions of this Act should not have negative impact on the qualified status of the State Employees' Pension Plan. The Board of Pensions shall provide notice to the Registrar of Regulations that the Board has received the legal opinion. In the absence of a legal opinion being issued, this Act takes effect on January 1, 2019.

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