
By: **Delegates Goldwater, Kopp, and Bronrott**
Introduced and read first time: February 11, 2000
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pensions - Reinstatement of Suspended Allowance on**
3 **Recurrence of Disability**

4 FOR the purpose of allowing a disability retiree of a State retirement or pension
5 system to have a suspended disability allowance reinstated if the disability
6 recurs and the retiree terminates the employment that was the basis for the
7 suspension of the allowance.

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 29-115
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 1999 Supplement)

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

15 **Article - State Personnel and Pensions**

16 29-115.

17 (a) If a disability retiree is under normal retirement age, the Board of Trustees
18 may require the disability retiree to undergo a yearly medical examination.

19 (b) The retiree shall be examined by a physician chosen by the Board of
20 Trustees at a place agreed on by the retiree and the physician conducting the
21 examination.

22 (c) If a retiree who is under normal retirement age refuses a medical
23 examination, the Board of Trustees may stop payment of the retiree's allowance until
24 the retiree withdraws the refusal.

25 (d) If a retiree's refusal of a medical examination continues for 1 year, the
26 Board of Trustees may revoke the retiree's rights in the retiree's disability retirement
27 allowance.

1 (e) (1) The Board of Trustees may, after giving notice and an opportunity for
2 a hearing, suspend the retiree's allowance if:

3 (i) a retiree is employed by a participating employer at an annual
4 compensation that is at least equal to the retiree's average final compensation at
5 retirement;

6 (ii) a retiree is employed by a participating employer at an annual
7 compensation that is less than the retiree's average final compensation at retirement
8 in a position similar to the position held before retirement; or

9 (iii) the Board of Trustees determines that a retiree has refused to
10 accept from the retiree's employer at retirement an offer of reemployment in a
11 position comparable to the position held before retirement or a position with
12 compensation that is at least equal to the retiree's average final compensation at
13 retirement.

14 (2) A retiree whose allowance is suspended under this subsection may:

15 (I) HAVE THE ALLOWANCE REINSTATED IF THE DISABILITY
16 RECURS AND THE RETIREE TERMINATES THE EMPLOYMENT THAT WAS THE BASIS
17 FOR THE SUSPENSION; OR

18 (II) receive a vested allowance as provided under Title 29, Subtitle 3
19 of this article, if the retiree had at least 5 years of eligibility service at retirement.

20 (f) A member who retires on or after July 1, 1982, and receives a disability
21 retirement allowance shall provide yearly medical and earnings information on
22 request of the Board of Trustees until the retiree attains normal retirement age.

23 (g) If the retiree refuses to provide the information, the Board of Trustees
24 shall suspend the retiree's allowance until the information is provided.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2000.