

# HOUSE BILL 94

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By: **Delegates Rosenberg, Attar, and Bridges**

Introduced and read first time: January 18, 2019

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pension System – Accidental Disability Retirement**  
3 **Application**

4 FOR the purpose of authorizing the Board of Trustees for the State Retirement and Pension  
5 System to accept an application for an accidental disability retirement allowance  
6 from certain individuals within a certain period of time after the individuals'  
7 retirement; requiring that the accidental disability retirement allowance begin on a  
8 certain day under certain circumstances; providing for the termination of this Act;  
9 and generally relating to an application for an accidental disability retirement  
10 allowance.

11 BY repealing and reenacting, without amendments,  
12 Article – State Personnel and Pensions  
13 Section 29–104  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2018 Supplement)

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

18 **Article – State Personnel and Pensions**

19 29–104.

20 (a) Except as provided in subsections (c) and (d) of this section and subject to  
21 subsection (e) of this section, an application for disability retirement must be submitted  
22 before the date membership ends.

23 (b) (1) This subsection applies only to an application for an ordinary or  
24 accidental disability retirement allowance filed by a member of the Employees' Pension  
25 System or the Teachers' Pension System who is not subject to the contributory pension

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 benefit or the Alternate Contributory Pension Selection and who separated from  
2 employment on or before June 30, 2005.

3 (2) For the purpose of submitting an application for disability, membership  
4 continues for 4 years after paid employment ends.

5 (c) (1) Except as provided in paragraph (2) of this subsection, the Board of  
6 Trustees may accept an application for ordinary, accidental, or special disability retirement  
7 from a former member within 24 months after the month membership ended if the former  
8 member proves to the satisfaction of the medical board that failure to submit an application  
9 while a member was attributable solely to physical or mental incapacity during the filing  
10 period.

11 (2) The Board of Trustees may accept an application for ordinary or  
12 accidental disability retirement from a former member of the Teachers' Retirement System  
13 within 12 months after the month membership ended if the former member of the Teachers'  
14 Retirement System proves to the satisfaction of the medical board that failure to submit an  
15 application while a member of the Teachers' Retirement System was attributable solely to  
16 physical or mental incapacity during the filing period.

17 (3) If the Board of Trustees accepts a disability retirement application  
18 under this subsection and grants a disability retirement allowance, the retirement  
19 allowance begins as of the first day of the month after the Board of Trustees receives the  
20 application.

21 (d) (1) The Board of Trustees shall accept an application for ordinary,  
22 accidental, or special disability retirement from a surviving beneficiary of a deceased  
23 member, if a preliminary application for disability retirement or an application for  
24 disability retirement:

25 (i) is signed and dated by the deceased member within 7 days before  
26 the death of the member; and

27 (ii) is received by the Board of Trustees on or before 30 days after the  
28 date of the death of the member.

29 (2) If the Board of Trustees receives an application under paragraph (1) of  
30 this subsection:

31 (i) the medical board shall review the application to determine if the  
32 deceased member was mentally or physically incapacitated for the further performance of  
33 the normal duties of the individual's position; and

34 (ii) the Board of Trustees shall review the application to determine  
35 if the preliminary application for disability retirement or the application for disability  
36 retirement was signed by the deceased member before the death of the member.

1 (3) The Board of Trustees shall grant a disability retirement allowance, if:

2 (i) the medical board determines that the deceased member would  
3 have been eligible for disability retirement at the time the deceased member signed the  
4 disability application; and

5 (ii) the Board of Trustees determines that the signature is valid.

6 (4) In order for the signature to be valid, a surviving beneficiary shall  
7 submit to the Board of Trustees an affidavit signed by an individual who witnessed the  
8 deceased member signing the preliminary application for disability retirement or the  
9 application for disability retirement before the death of the member.

10 (5) If the Board of Trustees accepts a disability retirement application  
11 under this subsection and grants a disability retirement allowance, the retirement  
12 allowance begins as of the first day of the month after the Board of Trustees receives the  
13 application.

14 (e) (1) This subsection does not apply to an application for special disability  
15 under the State Police Retirement System or an application for accidental disability under  
16 the Law Enforcement Officers' Pension System or to an application for accidental disability  
17 under the Correctional Officers' Retirement System.

18 (2) The Board of Trustees may not accept an application for accidental  
19 disability filed by a member or former member more than 5 years after the date of the  
20 claimed accident.

21 SECTION 2. AND BE IT FURTHER ENACTED, That:

22 (a) This section applies to an individual who:

23 (1) began employment in 1995 as a family services caseworker in the  
24 Baltimore City Department of Social Services;

25 (2) filed a claim for workers' compensation on or before June 1, 2016;

26 (3) retired from the Baltimore City Department of Social Services on or  
27 before March 1, 2017, with at least 20 years of creditable service; and

28 (4) began receiving a service retirement allowance from the Employees'  
29 Pension System on or after March 1, 2017.

30 (b) (1) Notwithstanding § 29–104(a) of the State Personnel and Pensions  
31 Article, the Board of Trustees of the State Retirement and Pension System may accept an  
32 application for accidental disability retirement from an individual described under  
33 subsection (a) of this section within 3 years after the individual retired from the Employees'  
34 Pension System.

1                   (2) If the Board of Trustees accepts an accidental disability retirement  
2 application under this subsection and grants an accidental disability retirement allowance,  
3 the retirement allowance shall be converted to an accidental disability allowance beginning  
4 on the first day of the month after the Board of Trustees received the application.

5                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
6 1, 2019. It shall remain effective for a period of 1 year and, at the end of June 30, 2020, this  
7 Act, with no further action required by the General Assembly, shall be abrogated and of no  
8 further force and effect.