



HB1389/973926/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

29 FEB 24
09:00:39

BY: Delegate Lehman
(To be offered in the Appropriations Committee)

AMENDMENTS TO HOUSE BILL 1389
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Benefit**” and substitute “**and Disability Benefits**”; in line 5, after “benefits;” insert “altering the circumstances under which certain individuals are eligible for certain disability benefits;”; in line 6, after “death” insert “and disability”; in line 9, after “1–202” insert “and 7–202”; and after line 11, insert:

“BY repealing and reenacting, with amendments,
Article - State Personnel and Pensions
Section 29-109 and 29-111
Annotated Code of Maryland
(2015 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 7, after line 26, insert:

“7–202.

(a) (1) A member of a volunteer fire company or volunteer rescue squad is eligible for disability benefits from the Maryland State Firemen’s Association if:

(i) 1. the member’s fire company or rescue squad recommends that the member receive benefits; and

[(ii)] 2. the member is permanently or temporarily disabled:

[1.] A. as a direct result of actively participating in fighting a fire;

[2.] B. while going to or from a fire;

[3.] C. while performing other duties necessary to the operation or maintenance of the fire company;

[4.] D. while actively participating in the emergency medical services unit, or rescue work of a volunteer advanced life support unit or a volunteer fire, ambulance, or rescue company located in the State; or

[5.] E. while providing emergency or rescue assistance, whether acting alone or at the direction of or with a fire, ambulance, or rescue company or advanced life support unit; OR

(II) THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S POSITION AND:

1. THE MEMBER WAS DIAGNOSED BY A LICENSED MEDICAL OR MENTAL HEALTH PROFESSIONAL WITH POST-TRAUMATIC STRESS DISORDER, ACUTE STRESS DISORDER, OR A TRAUMA- AND STRESS-RELATED DISORDER;

2. THE DIAGNOSIS UNDER ITEM 1 OF THIS ITEM RESULTED DUE TO THE NATURE AND PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S POSITION;

3. THE INCAPACITY IS LIKELY TO BE PERMANENT;

AND

4. THE MEMBER SHOULD BE RETIRED.

(2) A benefit under this section shall be paid:

(i) regardless of the district in which the beneficiary was disabled; or

(ii) regardless of whether the beneficiary was disabled in this State, Delaware, the District of Columbia, Pennsylvania, Virginia, or West Virginia.

(b) The Board shall pay a benefit under this section from the treasury of the Maryland State Firemen's Association in the amount and in the manner that the Board determines until the beneficiary is no longer disabled.

(c) The secretary of the Board shall add the name of each beneficiary under this section to the Disabled Firemen's and Rescue Squadmen's List.

Article – State Personnel and Pensions

29–109.

(a) This section does not apply to the State Police Retirement System.

(b) Except as provided in subsection (c) of this section, the Board of Trustees shall grant an accidental disability retirement allowance to a member if:

(1) the member is totally and permanently incapacitated for duty as the natural and proximate result of an accident that occurred in the actual performance of duty at a definite time and place without willful negligence by the member; and

(Over)

(2) the medical board certifies that:

(i) the member is mentally or physically incapacitated for the further performance of the normal duties of the member's position;

(ii) the incapacity is likely to be permanent; and

(iii) the member should be retired.

(c) The Board of Trustees shall grant an accidental disability retirement allowance to a member of the Law Enforcement Officers' Pension System if:

(1) the member is totally and permanently incapacitated for duty arising out of or in the course of the actual performance of duty without willful negligence by the member; and

(2) the medical board certifies that:

(i) the member is totally incapacitated, either mentally or physically, for the further performance of duty;

(ii) the incapacity is likely to be permanent; and

(iii) the member should be retired.

(D) (1) THIS SUBSECTION APPLIES ONLY TO MEMBERS OF:

(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;

(II) THE LOCAL FIRE AND POLICE SYSTEM; AND

(III) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM.

(2) A MEMBER IDENTIFIED UNDER PARAGRAPH (1)(I) OR (II) OF THIS SUBSECTION SHALL BE PRESUMED TO BE TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY AS THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT THAT OCCURRED IN THE ACTUAL PERFORMANCE OF DUTY AND THE BOARD OF TRUSTEES SHALL GRANT AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE TO THE MEMBER IF THE MEDICAL BOARD CERTIFIES THAT:

(I) THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S POSITION;

(II) THE MEMBER WAS DIAGNOSED BY A LICENSED MEDICAL OR MENTAL HEALTH PROFESSIONAL WITH POST-TRAUMATIC STRESS DISORDER, ACUTE STRESS DISORDER, OR A TRAUMA- AND STRESS-RELATED DISORDER;

(III) THE DIAGNOSIS UNDER ITEM (II) OF THIS PARAGRAPH RESULTED DUE TO THE NATURE AND PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S POSITION;

(IV) THE INCAPACITY IS LIKELY TO BE PERMANENT; AND

(V) THE MEMBER SHOULD BE RETIRED.

(3) A MEMBER IDENTIFIED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL BE PRESUMED TO BE TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY ARISING OUT OF OR IN THE COURSE OF THE ACTUAL

PERFORMANCE OF DUTY AND THE BOARD OF TRUSTEES SHALL GRANT AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE TO THE MEMBER IF THE MEDICAL BOARD CERTIFIES THAT:

(I) THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S POSITION;

(II) THE MEMBER WAS DIAGNOSED BY A LICENSED MEDICAL OR MENTAL HEALTH PROFESSIONAL WITH POST-TRAUMATIC STRESS DISORDER, ACUTE STRESS DISORDER, OR A TRAUMA- AND STRESS-RELATED DISORDER;

(III) THE DIAGNOSIS UNDER ITEM (II) OF THIS PARAGRAPH RESULTED DUE TO THE NATURE AND PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S POSITION;

(IV) THE INCAPACITY IS LIKELY TO BE PERMANENT; AND

(V) THE MEMBER SHOULD BE RETIRED.

29-111.

(a) This section applies to the State Police Retirement System.

(b) Except as provided in § 24-401.1(k) of this article, the Board of Trustees shall grant a special disability retirement allowance to a member if:

(1) the member is totally and permanently incapacitated for duty arising out of or in the course of the actual performance of duty without willful negligence by the member; and

(2) the medical board certifies that:

(i) the member is totally incapacitated, either mentally or physically, for the further performance of duty;

(ii) the incapacity is likely to be permanent; and

(iii) the member should be retired.

(c) Except as provided in subsection (d) of this section, a special disability retirement allowance equals the lesser of:

(1) the member's average final compensation; or

(2) the sum of:

(i) an annuity that is the actuarial equivalent of the member's accumulated contributions at retirement; and

(ii) a pension equal to two-thirds of the member's average final compensation.

(d) (1) This subsection applies to a member who is at least normal retirement age.

(2) A special disability retirement allowance equals the greater of:

(i) a normal service retirement allowance; or

(ii) a special disability retirement allowance computed in accordance with subsection (c) of this section.

(E) A MEMBER SHALL BE PRESUMED TO BE TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY ARISING OUT OF OR IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY AND THE BOARD OF TRUSTEES SHALL GRANT AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE TO THE MEMBER IF THE MEDICAL BOARD CERTIFIES THAT:

(1) THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S POSITION;

(2) THE MEMBER WAS DIAGNOSED BY A LICENSED MEDICAL OR MENTAL HEALTH PROFESSIONAL WITH POST-TRAUMATIC STRESS DISORDER, ACUTE STRESS DISORDER, OR A TRAUMA- AND STRESS-RELATED DISORDER;

(3) THE DIAGNOSIS UNDER ITEM (2) OF THIS SUBSECTION RESULTED DUE TO THE NATURE AND PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S POSITION;

(4) THE INCAPACITY IS LIKELY TO BE PERMANENT; AND

(5) THE MEMBER SHOULD BE RETIRED."