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**By: Senator Hoffman**

Introduced and read first time: February 2, 1996

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Pensions - Death Benefits**

3 FOR the purpose of providing for certain changes in the law that relateto death benefits  
4 for surviving spouses of certain deceased members of the Employees' Pension  
5 System, Teachers' Pension System, or the Local Fire and Police System to apply  
6 retroactively.

7 BY repealing and reenacting, without amendments,  
8 Article - State Personnel and Pensions  
9 Section 29-206  
10 Annotated Code of Maryland  
11 (1994 Volume and 1995 Supplement)

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

14 **Article - State Personnel and Pensions**

15 29-206.

16 (a) This section applies to the surviving spouse of an individual who died while  
17 employed as a member of:

18 (1) the Employees' Pension System;

19 (2) the Teachers' Pension System; or

20 (3) the Local Fire and Police System, if the member had not transferred  
21 from the Employees' Retirement System.

22 (b) A surviving spouse may elect to receive one of the following:

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1 (1) the death benefit under § 29-202 of this subtitle; or

2 (2) an allowance equal to the amount payable under Option 2 as described  
3 in § 21-403 of this article, if:

4 (i) the spouse is the sole primary designated beneficiary;and

5 (ii) the member:

6 1. was eligible to retire;

7 2. had at least 25 years of eligibility service; or

8 3. was at least 55 years old with at least 15 years of eligibility  
9 service.

10 SECTION 2. AND BE IT FURTHER ENACTED, That Chapter ~~775~~ 567 of the  
11 Acts of the General Assembly of 1995 be construed retroactively and shall be applied to  
12 and interpreted to affect eligibility for benefits for a surviving spouse of a deceased  
13 member of the Employees' Pension System, the Teachers' Pension System, or the Local  
14 Fire and Police System ~~who had not transferred from the Employees' Retirement System;~~  
15 if the deceased member died on or after January 1, 1994.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 July 1, 1996.