
By: Delegate Heller

Introduced and read first time: February 7, 1997

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Disability Retirement Benefits - Employees of Boards of Education -**
3 **Offset for Workers' Compensation Benefits - Exclusion**

4 FOR the purpose of providing that a retiree who receives a disability retirement benefit
5 as a former employee of a county board of education or the Board of School
6 Commissioners of Baltimore City or a designated beneficiary of the retiree is not
7 subject to an offset of those benefits under a certain provision of the Code due to
8 receipt of workers' compensation benefits; providing that the retiree or designated
9 beneficiary is subject to an offset of the workers' compensation benefits under a
10 certain provision of the Code; and generally relating to the offset of benefits of a
11 retiree who receives a disability retirement benefit as a former employee of a county
12 board of education or the Board of School Commissioners of Baltimore City.

13 BY repealing and reenacting, with amendments,
14 Article - State Personnel and Pensions
15 Section 29-118
16 Annotated Code of Maryland
17 (1994 Volume and 1996 Supplement)

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

20 **Article - State Personnel and Pensions**

21 29-118.

22 (a) (1) [This] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,
23 THIS section applies to a retiree and any designated beneficiary.

24 (2) (I) THIS SECTION DOES NOT APPLY TO A RETIREE WHO RECEIVES
25 A DISABILITY RETIREMENT BENEFIT AS A FORMER EMPLOYEE OF A COUNTY
26 BOARD OF EDUCATION OR THE BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE
27 CITY OR A DESIGNATED BENEFICIARY OF THAT RETIREE.

28 (II) A RETIREE WHO RECEIVES A DISABILITY BENEFIT AS A
29 FORMER EMPLOYEE OF A COUNTY BOARD OF EDUCATION OR THE BOARD OF
30 SCHOOL COMMISSIONERS OF BALTIMORE CITY OR A DESIGNATED BENEFICIARY OF
31 THAT RETIREE IS SUBJECT TO § 9-610 OF THE LABOR AND EMPLOYMENT ARTICLE.

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1 (b) (1) The Board of Trustees shall reduce a disability retirement benefit by any
2 related workers' compensation benefits paid or payable after the effective date of
3 retirement if the workers' compensation benefits:

4 (i) are paid or payable while a pension is paid or payable; and

5 (ii) are for an accidental personal injury or occupational disease
6 arising out of and in the course of the retiree's employment by a participating employer.

7 (2) A retirement allowance may not be reduced to be less than the sum of
8 the retiree's annuity and the amount authorized to be deducted for health insurance
9 premiums.

10 (c) The retirement allowance to be reduced under this section is the retirement
11 allowance at retirement without any cost-of-living adjustment and is retroactive.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1997.