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**By: Delegate Heller**

Introduced and read first time: February 7, 1997

Assigned to: Appropriations

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Committee Report: Favorable

House action: Adopted

Read second time: March 20, 1997

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CHAPTER \_\_\_\_

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.

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

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

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

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

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

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

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

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