

EMERGENCY BILL

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By: ~~Senator Hoffman~~ Senators Hoffman, Amoss, Boozer, Currie, Hogan, Kasemeyer, Lawlah, McFadden, Middleton, Munson, Neall, Ruben, and Van Hollen

Introduced and read first time: January 8, 1997

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 28, 1997

CHAPTER _____

1 AN ACT concerning

2 **State Police Retirement System - Death Benefits**

3 FOR the purpose of providing that for certain deceased members of the State Police
 4 Retirement System, any allowance paid to the surviving spouse is to be based on an
 5 average final compensation in a certain manner; providing for the construction of
 6 this Act; making this Act an emergency measure; and generally relating to death
 7 benefits for members of the State Police Retirement System.

8 BY repealing and reenacting, without amendments,
 9 Article - State Personnel and Pensions
 10 Section 29-204
 11 Annotated Code of Maryland
 12 (1994 Volume and 1996 Supplement)

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

15 **Article - State Personnel and Pensions**

16 29-204.

17 (a) This section applies only to an individual who dies while employed as a
 18 member of the State Police Retirement System:

19 (1) without willful negligence by the member; and

20 (2) (i) with more than 2 years of eligibility service; or

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1 (ii) with death arising out of or in the course of the actual performance
2 of duty.

3 (b) When the Board of Trustees receives proof of death of a member and finds
4 that the death has occurred in the manner described in subsection (a) of this section, the
5 Board of Trustees shall pay:

6 (1) if the member is survived by a spouse, a child under the age of 18 years,
7 or a dependent parent:

8 (i) the member's accumulated contributions to the designated
9 beneficiary, or otherwise to the member's estate; and

10 (ii) an allowance of 50% of the member's average final compensation:

11 1. to the surviving spouse;

12 2. if there is no surviving spouse or if the surviving spouse dies
13 before the youngest child of the member is 18 years old, to all children under the age of
14 18 years; or

15 3. if there is no surviving spouse or children younger than 18
16 years of age, to the member's dependent parent to continue as the Board of Trustees may
17 direct for the rest of the parent's life; or

18 (2) if the member is not survived by a spouse, a child under the age of 18
19 years, or a dependent parent, the death benefit under § 29-202 of this subtitle.

20 (c) If the Board of Trustees pays an allowance under this section to more than
21 one child, the Board of Trustees shall divide the allowance among the children under the
22 age of 18 years in a manner that provides for payments to continue until each child dies
23 or becomes 18 years old.

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

25 (1) For members of the State Police Retirement System whose death arose
26 out of or in the course of the actual performance of duty during the period July 1, 1992
27 through June 30, 1996, any allowance paid to the surviving spouse under § 29-204 of the
28 State Personnel and Pensions Article shall be based on an average final compensation
29 that is computed to include the next annual step increment that the deceased members
30 would have been entitled to if their death had not occurred and any annual step
31 increments that the deceased members were denied in Fiscal Year 1992 and Fiscal Year
32 1993; and

33 (2) The computation of any allowances under this Act shall be effective
34 prospectively only from the effective date of this Act and may not be construed to
35 authorize any retroactive death benefit or salary adjustment.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
37 July 1, 1997 is an emergency measure, is necessary for the immediate preservation of the
38 public health and safety, has been passed by a yea and nay vote supported by three-fifths
39 of all of the members elected to each of the two Houses of the General Assembly, and
40 shall take effect from the date it is enacted.

