
By: **Delegate Proctor (Chairman, Joint Committee on Pensions)**

Introduced and read first time: January 29, 1998

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Disability Retirement Benefits - Employees of Participating Governmental**
3 **Units - Offset for Workers' Compensation Benefits - Exclusion**

4 FOR the purpose of providing that a retiree of the Employees' Pension System or the
5 Employees' Retirement System who receives a disability retirement benefit as a
6 former employee of a governmental unit that participates in the systems or a
7 designated beneficiary of the retiree is not subject to an offset of those benefits
8 under a certain provision of the Code due to receipt of workers' compensation
9 benefits, but is subject to an offset of the workers' compensation benefits; and
10 generally relating to the offset of benefits of a retiree of the Employees' Pension
11 System or the Employees' Retirement System who receives a disability
12 retirement benefit as a former employee of certain governmental units that
13 participate in the employees' systems.

14 BY repealing and reenacting, with amendments,
15 Article - State Personnel and Pensions
16 Section 29-118
17 Annotated Code of Maryland
18 (1997 Replacement Volume)

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

21 **Article - State Personnel and Pensions**

22 29-118.

23 (a) (1) Except as otherwise provided in this subsection, this section applies
24 to a retiree and any designated beneficiary.

25 (2) (i) This section does not apply to a retiree of the Employees'
26 Pension System or the Employees' Retirement System who receives a disability
27 retirement benefit as a former employee of a county board of education [or], the
28 Board of School Commissioners of Baltimore City, OR A PARTICIPATING
29 GOVERNMENTAL UNIT or a designated beneficiary of that retiree.

1 (ii) A retiree of the Employees' Pension System or the Employees'
2 Retirement System who receives a disability benefit as a former employee of a county
3 board of education [or], the Board of School Commissioners of Baltimore City, OR A
4 PARTICIPATING GOVERNMENTAL UNIT or a designated beneficiary of that retiree is
5 subject to § 9-610 of the Labor and Employment Article.

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

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

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

13 (2) A retirement allowance may not be reduced:

14 (i) to be less than the sum of the retiree's annuity and the amount
15 authorized to be deducted for health insurance premiums; or

16 (ii) for workers' compensation benefits that are reimbursements for
17 legal fees, medical expenses, or other payments made to third parties and not to the
18 retiree.

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 1998.