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

Introduced and read first time: January 29, 1998

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 1998

CHAPTER _____

1 AN ACT concerning

2 **Retirement and Pensions - Termination of Membership - Applications for**
3 **Disability Retirement**

4 FOR the purpose of altering the time for termination of membership of certain
5 members of the Employees' Retirement System; altering, for the purpose of
6 submitting an application for disability, the period during which membership
7 continues for members of the Employees' Pension System, Local Fire and Police
8 System, Law Enforcement Officers' Pension System, or the Teachers' Pension
9 System; altering the period during which the Board of Trustees for the State
10 Retirement and Pension System may accept disability retirement applications
11 from former members of certain State retirement and pension systems; and
12 generally relating to membership and applications for disability retirement of
13 members of certain State retirement and pension systems.

14 BY repealing and reenacting, with amendments,
15 Article - State Personnel and Pensions
16 Section 22-216 and 29-104
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:

1 **Article - State Personnel and Pensions**

2 22-216.

3 Membership ends if the member:

4 (1) is separated from employment for more than:

5 (i) [except as provided in subsection (1)(ii) of this section, 2 years,
6 if a member of the Employees' Retirement System;7 (ii)] 3 years, if [a State employee and] a member of the Employees'
8 Retirement System; or

9 [(iii)] (II) 5 years, if a member of the Teachers' Retirement System;

10 (2) withdraws the member's accumulated contributions;

11 (3) transfers to the Employees' Pension System or Teachers' Pension
12 System;

13 (4) becomes a retiree; or

14 (5) dies.

15 29-104.

16 (a) Except as provided in subsection (c) of this section and subject to
17 subsection (d) of this section, an application for disability retirement must be
18 submitted before the date membership ends.19 (b) (1) This subsection applies only to an application for an ordinary or
20 accidental disability retirement allowance under the Employees' Pension System,
21 Local Fire and Police System, Law Enforcement Officers' Pension System, or the
22 Teachers' Pension System.23 (2) For the purpose of submitting an application for disability,
24 membership continues for [2] 3 years after paid employment ends.25 (c) (1) [This subsection applies only to an application for disability
26 retirement from a former member of:

27 (i) the Correctional Officers' Retirement System;

28 (ii) the Employees' Pension System;

29 (iii) the Employees' Retirement System;

30 (iv) the Local Fire and Police System;

31 (v) the Law Enforcement Officers' Pension System; and

1 (vi) the Teachers' Pension System.

2 (2) The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
3 THE Board of Trustees may accept an application for ordinary [or], accidental, OR
4 SPECIAL disability retirement from a former member within 36 months after the
5 month membership ended if the former member proves to the satisfaction of the
6 medical board that failure to submit an application while a member was attributable
7 solely to physical or mental incapacity during the filing period.

8 (2) THE BOARD OF TRUSTEES MAY ACCEPT AN APPLICATION FOR
9 ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT FROM A FORMER MEMBER OF
10 THE TEACHERS' RETIREMENT SYSTEM WITHIN 12 MONTHS AFTER THE MONTH
11 MEMBERSHIP ENDED IF THE FORMER MEMBER OF THE TEACHERS' RETIREMENT
12 SYSTEM PROVES TO THE SATISFACTION OF THE MEDICAL BOARD THAT FAILURE TO
13 SUBMIT AN APPLICATION WHILE A MEMBER OF THE TEACHERS' RETIREMENT
14 SYSTEM WAS ATTRIBUTABLE SOLELY TO PHYSICAL OR MENTAL INCAPACITY DURING
15 THE FILING PERIOD.

16 (3) If the Board of Trustees accepts a disability retirement application
17 under this subsection and grants a disability retirement allowance, the retirement
18 allowance begins as of the first day of the month after the Board of Trustees receives
19 the application.

20 (d) (1) This subsection does not apply to an application for special disability
21 under the State Police Retirement System.

22 (2) The Board of Trustees may not accept an application for accidental
23 disability filed by a member or former member more than 5 years after the date of the
24 claimed accident.

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