

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 1442

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Special"; in line 6, after "System;" insert "clarifying the formula for computing the retirement allowance to be paid to the surviving beneficiaries of members of the State Police Retirement System;"; in line 7, strike "special"; in line 12, after "29-203" insert "and 29-204"; and strike in their entirety lines 15 through 22, inclusive.

AMENDMENT NO. 2

On page 2, in line 3, after "(a)" insert "(1)"; in the same line, strike "section" and substitute "SUBSECTION"; in line 5, strike "(1)" and substitute "(I)"; in line 6, strike "(2) (i)" and substitute "(II)"; strike beginning with the semicolon in line 6 down through "duty" in line 8; in line 9, strike "(b)" and substitute "(2)"; in line 10, strike "subsection (a)" and substitute "PARAGRAPH (1)"; in the same line, strike "section" and substitute "SUBSECTION"; in lines 12 and 20, strike "(1)" and "(2)", respectively, and substitute "(I)" and "(II)", respectively; in lines 13 and 14, in each instance, strike the bracket; strike beginning with "TWO-THIRDS" in line 14 down through the colon in line 15; in lines 16 and 17, strike "(i)" and "(ii)", respectively, and substitute "1." and "2.", respectively; and after line 21, insert:

"(B) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO DIES WHILE EMPLOYED AS A MEMBER OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM:

(I) WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND

(II) WITH DEATH ARISING OUT OF OR IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY.

(2) WHEN THE BOARD OF TRUSTEES RECEIVES PROOF OF DEATH OF

(Over)

A MEMBER AND FINDS THAT THE DEATH HAS OCCURRED IN THE MANNER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL PAY:

(I) IF THE MEMBER IS SURVIVED BY A SPOUSE OR CHILD UNDER THE AGE OF 18 YEARS, AN ALLOWANCE OF TWO-THIRDS OF THE MEMBER'S AVERAGE FINAL COMPENSATION:

1. TO THE SURVIVING SPOUSE; OR

2. IF THERE IS NO SURVIVING SPOUSE OR IF THE SURVIVING SPOUSE DIES BEFORE THE YOUNGEST CHILD OF THE MEMBER IS 18 YEARS OLD, TO ANY CHILDREN OF THE DECEASED MEMBER WHO ARE UNDER THE AGE OF 18 YEARS; OR

(II) IF THE MEMBER IS NOT SURVIVED BY A SPOUSE OR CHILD UNDER THE AGE OF 18 YEARS, THE DEATH BENEFIT UNDER § 29-202 OF THIS SUBTITLE.”.

AMENDMENT NO. 3

On page 2, in line 27, after “(a)” insert “(1)”; in the same line, strike “section” and substitute “SUBSECTION”; in line 29, strike “(1)” and substitute “(I)”; in line 30, strike “(2) (i)” and substitute “(II)”; strike beginning with the semicolon in line 30 down through “duty” in line 32.

On page 3, in line 1, strike “(b)” and substitute “(2)”; in line 2, strike “subsection (a)” and substitute “PARAGRAPH (1)”; in the same line, strike “section” and substitute “SUBSECTION”; in lines 4 and 17, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; in lines 6 and 8, strike “(i)” and “(ii)”, respectively, and substitute “1.” and “2.”, respectively; in line 8, strike “two-thirds” and substitute “50%”; in lines 10, 11, and 14, strike “1.”, “2.”, and “3.”, respectively, and substitute “A.”, “B.”, and “C.”, respectively; and after line 18, insert:

“(B) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO DIES WHILE EMPLOYED AS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM:

(I) WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND
(II) WITH DEATH ARISING OUT OF OR IN THE COURSE OF THE
ACTUAL PERFORMANCE OF DUTY.

(2) WHEN THE BOARD OF TRUSTEES RECEIVES PROOF OF DEATH OF
A MEMBER AND FINDS THAT THE DEATH HAS OCCURRED IN THE MANNER
DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF TRUSTEES
SHALL PAY:

(I) IF THE MEMBER IS SURVIVED BY A SPOUSE, A CHILD
UNDER THE AGE OF 18 YEARS, OR A DEPENDENT PARENT:

1. THE MEMBER'S ACCUMULATED CONTRIBUTIONS TO
THE DESIGNATED BENEFICIARY, OR OTHERWISE TO THE MEMBER'S ESTATE; AND

2. AN ALLOWANCE OF TWO-THIRDS OF THE MEMBER'S
AVERAGE FINAL COMPENSATION:

A. TO THE SURVIVING SPOUSE;

B. IF THERE IS NO SURVIVING SPOUSE OR IF THE
SURVIVING SPOUSE DIES BEFORE THE YOUNGEST CHILD OF THE MEMBER IS 18
YEARS OLD, TO ALL CHILDREN UNDER THE AGE OF 18 YEARS; OR

C. IF THERE IS NO SURVIVING SPOUSE OR CHILDREN
YOUNGER THAN 18 YEARS OF AGE, TO THE MEMBER'S DEPENDENT PARENT TO
CONTINUE AS THE BOARD OF TRUSTEES MAY DIRECT FOR THE REST OF THE
PARENT'S LIFE; OR

(II) IF THE MEMBER IS NOT SURVIVED BY A SPOUSE, A CHILD
UNDER THE AGE OF 18 YEARS, OR A DEPENDENT PARENT, THE DEATH BENEFIT
UNDER § 29-202 OF THIS SUBTITLE.”.

AMENDMENT NO. 4

On page 3, strike in their entirety, lines 23 through 33, inclusive; in line 35, strike “§ 29-203 of the State Personnel and Pensions Article as enacted by”; and in line 36, after “Act” insert “:

(1)”.

On page 4, in line 1, strike “and” and substitute “or the State Police Retirement System”; and in line 2, after “2002” insert “; and

(2) shall be recalculated and paid at the new rate as of July 1, 2002, but shall be subject to cost-of-living adjustments beginning with the date of the first allowance received”.