
By: **Chairman, Appropriations Committee**
 Rules suspended
 Introduced and read first time: March 11, 2002
 Assigned to: Rules and Executive Nominations
 Re-referred to: Appropriations, March 18, 2002

Committee Report: Favorable with amendments
 House action: Adopted
 Read second time: March 27, 2002

CHAPTER _____

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System and State Police Retirement**
 3 **System - ~~Special~~ Death Benefits**

4 FOR the purpose of altering the formula for computing the retirement allowance to be
 5 paid to certain surviving beneficiaries of members of the Law Enforcement
 6 Officers' Pension System and the State Police Retirement System; clarifying the
 7 formula for computing the retirement allowance to be paid to the surviving
 8 beneficiaries of members of the State Police Retirement System; providing for
 9 the application of this Act; and generally relating to ~~special~~ death benefits for
 10 the Law Enforcement Officers' Pension System and the State Police Retirement
 11 System.

12 BY repealing and reenacting, with amendments,
 13 Article - State Personnel and Pensions
 14 Section 29-203 and 29-204
 15 Annotated Code of Maryland
 16 (1997 Replacement Volume and 2001 Supplement)

17 ~~BY repealing and reenacting, without amendments,~~
 18 ~~Article - State Personnel and Pensions~~
 19 ~~Section 29-204~~
 20 ~~Annotated Code of Maryland~~
 21 ~~(1997 Replacement Volume and 2001 Supplement)~~

22 ~~BY repealing and reenacting, with amendments,~~

1 ~~Chapter 588 of the Acts of the General Assembly of 2001~~
 2 ~~Section 2~~

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

5 **Article - State Personnel and Pensions**

6 29-203.

7 (a) (1) This ~~section~~ SUBSECTION applies only to an individual who dies
 8 while employed as a member of the Law Enforcement Officers' Pension System:

9 (1) (i) without willful negligence by the member; and

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

11 (ii) ~~with death arising out of or in the course of the actual~~
 12 ~~performance of duty.~~

13 (b) (2) When the Board of Trustees receives proof of death of a member and
 14 finds that the death has occurred in the manner described in ~~subsection (a)~~
 15 PARAGRAPH (1) of this section SUBSECTION, the Board of Trustees shall pay:

16 (1) (I) if the member is survived by a spouse or child under the age of
 17 18 years, an allowance of {50% of the ordinary disability retirement allowance
 18 provided for in § 29-108 of this subtitle;} ~~TWO-THIRDS OF THE MEMBER'S AVERAGE~~
 19 ~~FINAL COMPENSATION:~~

20 (i) 1. to the surviving spouse; or

21 (ii) 2. if there is no surviving spouse or if the surviving spouse
 22 dies before the youngest child of the member is 18 years old, to any children of the
 23 deceased member who are under the age of 18 years; or

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

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

29 (I) WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND

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

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

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

4 1. TO THE SURVIVING SPOUSE; OR

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

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

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

16 29-204.

17 (a) (1) This ~~section~~ SUBSECTION applies only to an individual who dies
 18 while employed as a member of the State Police Retirement System:

19 ~~(+)~~ (i) without willful negligence by the member; and

20 ~~(2)~~ (+) (II) with more than 2 years of eligibility service; ~~or~~

21 ~~(ii)~~ (+) ~~with death arising out of or in the course of the actual~~
 22 ~~performance of duty.~~

23 ~~(b)~~ (2) When the Board of Trustees receives proof of death of a member and
 24 finds that the death has occurred in the manner described in ~~subsection (a)~~
 25 PARAGRAPH (1) of this ~~section~~ SUBSECTION, the Board of Trustees shall pay:

26 ~~(+)~~ (I) if the member is survived by a spouse, a child under the age of
 27 18 years, or a dependent parent:

28 ~~(+)~~ 1. the member's accumulated contributions to the designated
 29 beneficiary, or otherwise to the member's estate; and

30 ~~(+)~~ 2. an allowance of ~~two-thirds~~ 50% of the member's average
 31 final compensation:

32 ~~+~~ A. to the surviving spouse;

33 ~~+~~ 2. B. if there is no surviving spouse or if the surviving
 34 spouse dies before the youngest child of the member is 18 years old, to all children
 35 under the age of 18 years; or

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

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

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

8 (I) WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND

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

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

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

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

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

20 A. TO THE SURVIVING SPOUSE;

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

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

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

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

1

Chapter 588 of the Acts of 2001

2 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the computation of any~~
3 ~~allowance under this Act:~~

4 ~~(1) Shall be construed retroactively and shall be applied to and interpreted to~~
5 ~~affect an allowance of a surviving spouse of a deceased member of the State Police~~
6 ~~Retirement System whose death arose out of or in the course of the actual~~
7 ~~performance of duty on or after July 1, 1972 [but before January 1, 2002]; and~~

8 ~~(2) [Shall] FOR A DECEASED MEMBER WHOSE DEATH OCCURRED BEFORE~~
9 ~~JANUARY 1, 2002, SHALL be recalculated and paid at the new rate as of July 1, 2001,~~
10 ~~but shall be subject to cost-of-living adjustments beginning with the date of the first~~
11 ~~allowance received.~~

12 SECTION 2. AND BE IT FURTHER ENACTED, That the computation of any
13 allowance under ~~§ 29-203 of the State Personnel and Pensions Article as enacted by~~
14 this Act;

15 (1) shall be construed retroactively and shall be applied to and
16 interpreted to affect an allowance of a surviving spouse of a deceased member of the
17 Law Enforcement Officers' Pension System ~~and~~ or the State Police Retirement
18 System whose death arose out of or in the course of the actual performance of duty on
19 or after January 1, 2002 ; and

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2002.