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

A BILL ENTITLED

1 AN ACT concerning

2 **State Police Retirement System and Law Enforcement Officers' Pension**
3 **System - Disability Retirement**

4 FOR the purpose of altering the circumstances under which retirees of the State
5 Police Retirement System and Law Enforcement Officers' Pension System are
6 subject to certain limitations when receiving an ordinary or special disability
7 retirement allowance; and generally relating to ordinary or special disability
8 retirement allowances under the State Police Retirement System and Law
9 Enforcement Officers' Pension System.

10 BY repealing and reenacting, with amendments,
11 Article - State Personnel and Pensions
12 Section 29-115 and 29-116
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 2001 Supplement)

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

17 **Article - State Personnel and Pensions**

18 29-115.

19 (A) THIS SECTION DOES NOT APPLY TO A RETIREE OF THE STATE POLICE
20 RETIREMENT SYSTEM RECEIVING AN ORDINARY OR SPECIAL DISABILITY
21 RETIREMENT ALLOWANCE, OR A MEMBER OF THE LAW ENFORCEMENT OFFICERS'
22 PENSION SYSTEM RECEIVING AN ORDINARY OR ACCIDENTAL DISABILITY
23 RETIREMENT ALLOWANCE UNLESS THE MEMBER IS EMPLOYED IN THE STATE AS A
24 PROBATIONARY STATUS LAW ENFORCEMENT OFFICER, A LAW ENFORCEMENT
25 OFFICER, OR CHIEF, AS DEFINED IN ARTICLE 27, § 727 OF THE CODE.

26 [(a)] (B) If a disability retiree is under normal retirement age, the Board of
27 Trustees may require the disability retiree to undergo a yearly medical examination.

1 [(b)] (C) The retiree shall be examined by a physician chosen by the Board of
2 Trustees at a place agreed on by the retiree and the physician conducting the
3 examination.

4 [(c)] (D) If a retiree who is under normal retirement age refuses a medical
5 examination, the Board of Trustees may stop payment of the retiree's allowance until
6 the retiree withdraws the refusal.

7 [(d)] (E) If a retiree's refusal of a medical examination continues for 1 year,
8 the Board of Trustees may revoke the retiree's rights in the retiree's disability
9 retirement allowance.

10 [(e)] (F) (1) The Board of Trustees may, after giving notice and an
11 opportunity for a hearing, suspend the retiree's allowance if:

12 (i) a retiree is employed by a participating employer at an annual
13 compensation that is at least equal to the retiree's average final compensation at
14 retirement;

15 (ii) a retiree is employed by a participating employer at an annual
16 compensation that is less than the retiree's average final compensation at retirement
17 in a position similar to the position held before retirement; or

18 (iii) the Board of Trustees determines that a retiree has refused to
19 accept from the retiree's employer at retirement an offer of reemployment in a
20 position comparable to the position held before retirement or a position with
21 compensation that is at least equal to the retiree's average final compensation at
22 retirement.

23 (2) A retiree whose allowance is suspended under this subsection may
24 receive a vested allowance as provided under Title 29, Subtitle 3 of this article, if the
25 retiree had at least 5 years of eligibility service at retirement.

26 [(f)] (G) A member who retires on or after July 1, 1982, and receives a
27 disability retirement allowance shall provide yearly medical and earnings
28 information on request of the Board of Trustees until the retiree attains normal
29 retirement age.

30 [(g)] (H) If the retiree refuses to provide the information, the Board of
31 Trustees shall suspend the retiree's allowance until the information is provided.

32 29-116.

33 (A) THIS SECTION DOES NOT APPLY TO A RETIREE OF THE STATE POLICE
34 RETIREMENT SYSTEM RECEIVING AN ORDINARY OR SPECIAL DISABILITY
35 RETIREMENT ALLOWANCE, OR A MEMBER OF THE LAW ENFORCEMENT OFFICERS'
36 PENSION SYSTEM RECEIVING AN ORDINARY OR ACCIDENTAL DISABILITY
37 RETIREMENT ALLOWANCE UNLESS THE MEMBER IS EMPLOYED IN THE STATE AS A
38 PROBATIONARY STATUS LAW ENFORCEMENT OFFICER, A LAW ENFORCEMENT
39 OFFICER, OR CHIEF, AS DEFINED IN ARTICLE 27, § 727 OF THE CODE.

1 [(a)] (B) The Board of Trustees shall reduce the pension of a retiree on
2 ordinary disability if:

- 3 (1) the retiree is under normal retirement age;
- 4 (2) the medical board certifies in a report to the Board of Trustees that
5 the retiree is engaged in a gainful occupation paying more than the difference
6 between:
 - 7 (i) the retiree's retirement allowance at retirement; and
 - 8 (ii) the retiree's average final compensation plus \$5,000; and
- 9 (3) the Board of Trustees agrees with the medical board's report.

10 [(b)] (C) The Board of Trustees shall reduce the pension of a retiree who has
11 been receiving an ordinary disability retirement allowance for:

- 12 (1) less than 10 years, by \$1 for every \$2 that the retiree's current
13 compensation exceeds the limit under subsection [(a)] (B) of this section; or
- 14 (2) at least 10 years, by \$1 for every \$5 that the retiree's current
15 compensation exceeds the limit under subsection [(a)] (B) of this section.

16 [(c)] (D) The pension to be reduced under this section is the pension at
17 retirement without any cost-of-living adjustment.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
19 construed to apply only prospectively and shall be applied to and interpreted to affect
20 only those individuals retiring on or after July 1, 2002.

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