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

4 FOR the purpose of altering the circumstances under which certain retirees of the
5 State Police Retirement System and Law Enforcement Officers' Pension System
6 are subject to certain earnings limitations and certain reemployment
7 restrictions when receiving an ~~ordinary or~~ ordinary, special, or accidental
8 disability retirement allowance; exempting from certain earnings limitations
9 and certain reemployment restrictions certain retirees of the State Police
10 Retirement System and Law Enforcement Officers' Pension System; and
11 generally relating to ~~ordinary or~~ ordinary, special, or accidental disability
12 retirement allowances under the State Police Retirement System and Law
13 Enforcement Officers' Pension System.

14 BY repealing and reenacting, with amendments,
15 Article - State Personnel and Pensions
16 Section 29-115 and 29-116
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 2001 Supplement)

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 29-115.

3 (A) THIS SECTION ~~DOES NOT APPLY~~ APPLIES TO A RETIREE OF THE STATE
4 POLICE RETIREMENT SYSTEM OR THE LAW ENFORCEMENT OFFICERS' PENSION
5 SYSTEM WHO:

6 (1) RETIREES ON OR AFTER JULY 1, 2002;

7 (2) RECEIVING ~~RECEIVES~~ AN ORDINARY OR ORDINARY, SPECIAL, OR
8 ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE, OR A MEMBER OF THE LAW
9 ENFORCEMENT OFFICERS' PENSION SYSTEM RECEIVING AN ORDINARY OR
10 ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE UNLESS THE MEMBER
11 ALLOWANCE; AND

12 (3) IS EMPLOYED REEMPLOYED IN THE STATE AS A PROBATIONARY
13 STATUS LAW ENFORCEMENT OFFICER, A LAW ENFORCEMENT OFFICER, OR CHIEF, AS
14 DEFINED IN ARTICLE 27, § 727 OF THE CODE.

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

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

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

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

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

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

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

34 (iii) the Board of Trustees determines that a retiree has refused to
35 accept from the retiree's employer at retirement an offer of reemployment in a
36 position comparable to the position held before retirement or a position with

1 compensation that is at least equal to the retiree's average final compensation at
2 retirement.

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

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

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

12 29-116.

13 (A) ~~THIS SECTION DOES NOT APPLY~~ APPLIES TO A RETIREE OF THE STATE
14 POLICE RETIREMENT SYSTEM OR THE LAW ENFORCEMENT OFFICERS' PENSION
15 SYSTEM WHO:

16 (1) RETIRES ON OR AFTER JULY 1, 2002;

17 (2) ~~RECEIVING RECEIVES AN ORDINARY OR ORDINARY, SPECIAL, OR~~
18 ~~ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE, OR A MEMBER OF THE LAW~~
19 ~~ENFORCEMENT OFFICERS' PENSION SYSTEM RECEIVING AN ORDINARY OR~~
20 ~~ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE UNLESS THE MEMBER~~
21 ~~ALLOWANCE; AND~~

22 (3) ~~IS EMPLOYED REEMPLOYED~~ IN THE STATE AS A PROBATIONARY
23 STATUS LAW ENFORCEMENT OFFICER, A LAW ENFORCEMENT OFFICER, OR CHIEF, AS
24 DEFINED IN ARTICLE 27, § 727 OF THE CODE.

25 [(a)] (B) The Board of Trustees shall reduce the pension of a retiree on
26 ordinary, SPECIAL, OR ACCIDENTAL disability if:

27 (1) the retiree is under normal retirement age;

28 (2) the medical board certifies in a report to the Board of Trustees that
29 the retiree is engaged in a gainful occupation paying more than the difference
30 between:

31 (i) the retiree's retirement allowance at retirement; and

32 (ii) the retiree's average final compensation plus \$5,000; and

33 (3) the Board of Trustees agrees with the medical board's report.

34 [(b)] (C) The Board of Trustees shall reduce the pension of a retiree who has
35 been receiving an ordinary, SPECIAL, OR ACCIDENTAL disability retirement allowance
36 for:

1 (1) less than 10 years, by \$1 for every \$2 that the retiree's current
2 compensation exceeds the limit under subsection [(a)] (B) of this section; or

3 (2) at least 10 years, by \$1 for every \$5 that the retiree's current
4 compensation exceeds the limit under subsection [(a)] (B) of this section.

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

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

10 SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect July 1, 2002.