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By: **Senator Lawlah**  
Introduced and read first time: January 23, 2002  
Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 22, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Police Retirement System - Disability Retirements**

3 FOR the purpose of establishing procedures for granting ~~special~~ ordinary disability  
4 retirement allowances to certain former members of the State Police Retirement  
5 System; and generally relating to disability retirement allowances for former  
6 members of the State Police Retirement System.

7 BY repealing and reenacting, with amendments,  
8 Article - State Personnel and Pensions  
9 Section ~~29-111~~ 29-105  
10 Annotated Code of Maryland  
11 (1997 Replacement Volume and 2001 Supplement)

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

14 **Article - State Personnel and Pensions**

15 ~~29-111.~~

16 (a) ~~This section applies to the State Police Retirement System.~~

17 (b) (1) ~~The Board of Trustees shall grant a special disability retirement~~  
18 ~~allowance to a member if:~~

19 [(1)] (1) ~~the member is totally and permanently incapacitated for duty~~  
20 ~~arising out of or in the course of the actual performance of duty without willful~~  
21 ~~negligence by the member; and~~

1           ~~[(2)]~~    ~~(H)~~    the medical board certifies that:

2                           ~~[(i)]~~    1.    the member is totally incapacitated, either mentally or  
3 physically, for the further performance of duty;

4                           ~~[(ii)]~~   2.    the incapacity is likely to be permanent; and

5                           ~~[(iii)]~~   3.    the member should be retired.

6           ~~(2)~~    ~~THE BOARD OF TRUSTEES SHALL GRANT A SPECIAL DISABILITY~~  
7 ~~RETIREMENT ALLOWANCE TO A FORMER MEMBER IF:~~

8                           ~~(I)~~    ~~THE MEMBER WAS TERMINATED AS UNFIT FOR DUTY ON OR~~  
9 ~~AFTER AUGUST 1, 1990;~~

10                          ~~(II)~~    ~~THE SECRETARY OF THE STATE POLICE COMPLETED AN~~  
11 ~~APPLICATION FOR A SPECIAL DISABILITY ON BEHALF OF THE MEMBER UNDER §~~  
12 ~~29-103 OF THIS SUBTITLE OR ARTICLE 88B, § 15(B)(16) OF THE CODE, ON OR BEFORE~~  
13 ~~MAY 1, 1993;~~

14                          ~~(III)~~   ~~THE BOARD OF TRUSTEES DENIED THE MEMBER A SPECIAL~~  
15 ~~DISABILITY RETIREMENT ALLOWANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION,~~  
16 ~~ON OR BEFORE SEPTEMBER 1, 1995; AND~~

17                          ~~(IV)~~   ~~THE MEMBER WITHDREW THE MEMBER'S ACCUMULATED~~  
18 ~~CONTRIBUTIONS IN THE STATE POLICE RETIREMENT SYSTEM ON OR BEFORE~~  
19 ~~NOVEMBER 1, 1996.~~

20    ~~(e)~~    Except as provided in subsection (d) of this section, a special disability  
21 retirement allowance equals the lesser of:

22                          ~~(1)~~    the member's average final compensation; or

23                          ~~(2)~~    the sum of:

24                                   ~~(i)~~    an annuity that is the actuarial equivalent of the member's  
25 accumulated contributions at retirement; and

26                                   ~~(ii)~~   a pension equal to two-thirds of the member's average final  
27 compensation.

28    ~~(d)~~    ~~(1)~~    This subsection applies to a member who is at least normal  
29 retirement age.

30                          ~~(2)~~    A special disability retirement allowance equals the greater of:

31                                   ~~(i)~~    a normal service retirement allowance; or

32                                   ~~(ii)~~   a special disability retirement allowance computed in  
33 accordance with subsection (c) of this section.

1 29-105.

2 (A) The Board of Trustees shall grant an ordinary disability retirement  
3 allowance to a member if:

4 (1) the member has at least 5 years of eligibility service; and

5 (2) the medical board certifies that:

6 (i) the member is mentally or physically incapacitated for the  
7 further performance of the normal duties of the member's position;

8 (ii) the incapacity is likely to be permanent; and

9 (iii) the member should be retired.

10 (B) THE BOARD OF TRUSTEES SHALL GRANT AN ORDINARY DISABILITY  
11 RETIREMENT ALLOWANCE TO A FORMER MEMBER OF THE STATE POLICE  
12 RETIREMENT SYSTEM IF:

13 (1) THE MEMBER WAS TERMINATED AS UNFIT FOR DUTY ON OR AFTER  
14 AUGUST 1, 1990;

15 (2) THE SECRETARY OF THE STATE POLICE COMPLETED AN  
16 APPLICATION FOR A SPECIAL DISABILITY ON BEHALF OF THE MEMBER UNDER §  
17 29-103 OF THIS SUBTITLE OR ARTICLE 88B, § 15(B)(16) OF THE CODE, ON OR BEFORE  
18 MAY 1, 1993;

19 (3) THE BOARD OF TRUSTEES DENIED THE MEMBER A SPECIAL  
20 DISABILITY RETIREMENT ALLOWANCE UNDER § 29-111 OF THIS SUBTITLE, ON OR  
21 BEFORE SEPTEMBER 1, 1995;

22 (4) THE MEMBER WITHDREW THE MEMBER'S ACCUMULATED  
23 CONTRIBUTIONS IN THE STATE POLICE RETIREMENT SYSTEM ON OR BEFORE  
24 NOVEMBER 1, 1996; AND

25 (5) ON OR BEFORE DECEMBER 31, 2002, THE MEMBER PAYS TO THE  
26 BOARD OF TRUSTEES IN A SINGLE PAYMENT THE MEMBER'S ACCUMULATED  
27 CONTRIBUTIONS THAT WERE WITHDRAWN FROM THE STATE POLICE RETIREMENT  
28 SYSTEM ON OR BEFORE NOVEMBER 1, 1996.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 July 1, 2002.

