

HOUSE BILL 87

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HB 1151/03 - APP

2004 Regular Session
4r0630

(PRE-FILED)

By: **Delegates Leopold and James**
Requested: September 24, 2003
Introduced and read first time: January 14, 2004
Assigned to: Appropriations

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 exempting from certain earnings limitations and certain
5 reemployment restrictions certain retirees of the State Police Retirement
6 System and Law Enforcement Officers' Pension System; and generally relating
7 to retirees of the State Police Retirement System and Law Enforcement Officers'
8 Pension System receiving disability retirement allowances.

9 BY repealing and reenacting, with amendments,
10 Article - State Personnel and Pensions
11 Section 29-115 and 29-116
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 2003 Supplement)

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

16 **Article - State Personnel and Pensions**

17 29-115.

18 (a) (1) This section applies only to a disability retiree who is not eligible to
19 receive a normal service retirement.

20 (2) THIS SECTION DOES NOT APPLY TO A DISABILITY RETIREE OF THE
21 STATE POLICE RETIREMENT SYSTEM OR THE LAW ENFORCEMENT OFFICERS'
22 PENSION SYSTEM IF THE RETIREE:

23 (I) RETIRED BEFORE JULY 1, 2004; OR

24 (II) 1. RETIRED ON OR AFTER JULY 1, 2004; AND

25 2. IS REEMPLOYED BY A PARTICIPATING EMPLOYER IN ANY
26 POSITION OTHER THAN A PROBATIONARY STATUS LAW ENFORCEMENT OFFICER, A

1 LAW ENFORCEMENT OFFICER, OR CHIEF, AS DEFINED IN § 3-101 OF THE PUBLIC
2 SAFETY ARTICLE.

3 (b) (1) [The] EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS SECTION,
4 THE Board of Trustees may, after giving notice, temporarily suspend the retiree's
5 allowance if the retiree:

6 (i) began receiving a disability retirement allowance on or after
7 July 1, 1998; and

8 (ii) is employed by a participating employer at an annual
9 compensation that is at least equal to the retiree's average final compensation at
10 retirement.

11 (2) A retiree whose allowance is temporarily suspended under this
12 subsection is not subject to a reduction as provided in § 29-116 of this subtitle during
13 the period of employment by a participating employer.

14 (3) Upon receiving satisfactory documentation that the retiree is no
15 longer employed by a participating employer, the Board of Trustees shall reinstate the
16 retiree's allowance with accumulated cost-of-living adjustments from the date the
17 allowance was temporarily suspended.

18 (4) The retiree's allowance will be reinstated on the first day of the
19 month following the month in which the retiree ceased employment with the
20 participating employer.

21 (c) A member who retires on or after July 1, 1982, and receives a disability
22 retirement allowance shall provide yearly medical and earnings information on
23 request of the Board of Trustees until the retiree attains normal retirement age.

24 (d) If the retiree refuses to provide the information, the Board of Trustees
25 shall suspend the retiree's allowance until the information is provided.

26 29-116.

27 (A) THIS SECTION DOES NOT APPLY TO A RETIREE OF THE STATE POLICE
28 RETIREMENT SYSTEM OR THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM
29 WHO IS RECEIVING AN ORDINARY DISABILITY RETIREMENT ALLOWANCE IF THE
30 RETIREE:

31 (1) RETIRED BEFORE JULY 1, 2004; OR

32 (2) (I) RETIRED ON OR AFTER JULY 1, 2004; AND

33 (II) IS REEMPLOYED IN ANY POSITION OTHER THAN A
34 PROBATIONARY STATUS LAW ENFORCEMENT OFFICER, A LAW ENFORCEMENT
35 OFFICER, OR CHIEF, AS DEFINED IN § 3-101 OF THE PUBLIC SAFETY ARTICLE.

1 [(a)] (B) [The] EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION,
2 THE Board of Trustees shall reduce the pension of a retiree on 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;
- 9 (3) the Board of Trustees agrees with the medical board's report; and
- 10 (4) the retiree's allowance has not been temporarily suspended as
11 provided in § 29-115 of this subtitle.

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2004.