

UNOFFICIAL COPY OF HOUSE BILL 673
EMERGENCY BILL

K4

6lr3079

By: Delegates Conway, Busch, Anderson, Aumann, Barkley, Barve, Bates,
Bohanan, Bozman, Branch, Bromwell, Cadden, Cane, G. Clagett,
Conroy, Costa, C. Davis, DeBoy, Donoghue, Eckardt, Edwards, Elliott,
Elmore, Frank, Gaines, Gordon, Griffith, Haddaway, Harrison, Haynes,
Hixson, James, Jones, Kelly, Leopold, Levy, Love, Malone, McConkey,
McIntosh, McKee, Myers, O'Donnell, Paige, Proctor, Rudolph, Shank,
Stern, Stocksdales, Stull, F. Turner, and Walkup

Introduced and read first time: February 2, 2006

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Officers' Retirement System - Line of Duty Death Benefits**

3 FOR the purpose of providing that surviving spouses or certain children of certain
4 deceased members of the Correctional Officers' Retirement System are eligible
5 to receive a certain death benefit under certain circumstances; prohibiting the
6 payment of certain death benefits to surviving spouses or certain children of
7 certain deceased members of the Correctional Officers' Retirement System if the
8 surviving spouse or children are receiving a line of duty death benefits;
9 providing for the application of this Act; making this Act an emergency measure;
10 and generally relating to line of duty death benefits for surviving spouses and
11 children of deceased members of the Correctional Officers' Retirement System.

12 BY repealing and reenacting, without amendments,
13 Article - State Personnel and Pensions
14 Section 29-202(a)
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2005 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - State Personnel and Pensions
19 Section 29-202(b) and 29-205
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2005 Supplement)

22 BY adding to
23 Article - State Personnel and Pensions
24 Section 29-204.1
25 Annotated Code of Maryland

(2004 Replacement Volume and 2005 Supplement)

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

Article - State Personnel and Pensions

29-202.

(a) (1) When the Board of Trustees receives proof of death of an individual who died while employed as a member, the Board of Trustees shall pay to the designated beneficiary or, if there is no designated beneficiary, to the member's estate the amounts specified in this subsection.

(2) Subject to paragraph (1) of this subsection, the Board of Trustees shall pay the member's accumulated contributions.

(3) Subject to paragraph (1) of this subsection, the Board of Trustees shall pay an amount equal to the member's annual earnable compensation at death if the member dies in the course of the performance of duty or the member has at least 1 year of eligibility service.

(b) (1) A death benefit under this section may not be paid for the death of a member of the State Police Retirement System if a special death benefit under § 29-204 of this subtitle is payable or has been paid for that death.

(2) A DEATH BENEFIT UNDER THIS SECTION MAY NOT BE PAID FOR THE DEATH OF A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF A SPECIAL DEATH BENEFIT UNDER § 29-204.1 OF THIS SUBTITLE IS PAYABLE OR HAS BEEN PAID FOR THAT DEATH.

29-204.1.

(A) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO DIES WHILE EMPLOYED AS A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM:

(1) WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND

(2) WITH DEATH ARISING OUT OF OR IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY.

(B) WHEN THE BOARD OF TRUSTEES RECEIVES PROOF OF DEATH OF A MEMBER AND FINDS THAT THE DEATH HAS OCCURRED IN THE MANNER DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL PAY:

(1) IF THE MEMBER IS SURVIVED BY A SPOUSE OR A CHILD UNDER THE AGE OF 18 YEARS:

(I) THE MEMBER'S ACCUMULATED CONTRIBUTIONS TO THE DESIGNATED BENEFICIARY, OR OTHERWISE TO THE MEMBER'S ESTATE; AND

1 (II) AN ALLOWANCE OF TWO-THIRDS OF THE MEMBER'S AVERAGE
2 FINAL COMPENSATION:

3 1. TO THE SURVIVING SPOUSE; OR

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

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

10 29-205.

11 (a) This section applies to the surviving spouse of an individual who died
12 while employed as a member of:

13 (1) the Correctional Officers' Retirement System;

14 (2) the Employees' Retirement System;

15 (3) the Local Fire and Police System, if the member had transferred from
16 the Employees' Retirement System; or

17 (4) the Teachers' Retirement System.

18 (b) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
19 surviving spouse may elect to receive one of the following:

20 (1) the death benefit, under § 29-202 of this subtitle; or

21 (2) an allowance equal to the amount payable under Option 2 as
22 described in § 21-403 of this article, if:

23 (i) the spouse is the sole primary designated beneficiary; and

24 (ii) the member:

25 1. was eligible to retire; or

26 2. was at least 55 years old with at least 15 years of
27 eligibility service.

28 (C) A DEATH BENEFIT UNDER THIS SECTION MAY NOT BE PAID FOR THE
29 DEATH OF A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF A
30 SPECIAL DEATH BENEFIT UNDER § 29-204.1 OF THIS SUBTITLE IS PAYABLE OR HAS
31 BEEN PAID FOR THAT DEATH.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
33 construed to apply retroactively and shall be applied to and interpreted to affect any

1 individual who dies while employed as a member of the Correctional Officers'
2 Retirement System on or after January 1, 2006.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
4 measure, is necessary for the immediate preservation of the public health or safety,
5 has been passed by a ye and nay vote supported by three-fifths of all the members
6 elected to each of the two Houses of the General Assembly, and shall take effect from
7 the date it is enacted.