

UNOFFICIAL COPY OF HOUSE BILL 673  
EMERGENCY BILL

K4

6lr3079  
CF 6lr3357

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 14, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 FOR the purpose of providing that certain minor children of certain correctional  
4 officers are entitled to enroll and participate in the State Employee and Retiree  
5 Health and Welfare Benefits Program under certain circumstances; providing  
6 that surviving spouses or certain children of certain deceased members of the  
7 Correctional Officers' Retirement System are eligible to receive a certain death  
8 benefit under certain circumstances; prohibiting the payment of certain death  
9 benefits to surviving spouses or certain children of certain deceased members of  
10 the Correctional Officers' Retirement System if the surviving spouse or children  
11 are receiving a line of duty death benefits; providing for the application of this  
12 Act; making this Act an emergency measure; and generally relating to line of  
13 duty death benefits for surviving spouses and children of deceased members of  
14 the Correctional Officers' Retirement System.

15 BY repealing and reenacting, without amendments,  
16 Article - State Personnel and Pensions  
17 Section 29-202(a)  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume and 2005 Supplement)

20 BY repealing and reenacting, with amendments,

1 Article - State Personnel and Pensions  
2 Section ~~29-202(b)~~ 2-507, 29-202(b), and 29-205  
3 Annotated Code of Maryland  
4 (2004 Replacement Volume and 2005 Supplement)

5 BY adding to  
6 Article - State Personnel and Pensions  
7 Section 29-204.1  
8 Annotated Code of Maryland  
9 (2004 Replacement Volume and 2005 Supplement)

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

12 **Article - State Personnel and Pensions**

13 2-507.

14 (a) Subject to the regulations adopted under § 2-503 of this subtitle, a State  
15 employee may enroll and participate in any of the health insurance or other benefit  
16 options established under the Program.

17 (b) The surviving spouse of a State employee who died while employed by the  
18 State may enroll and participate in the health insurance benefit options established  
19 under the Program as long as the surviving spouse:

20 (1) is receiving an allowance under Title 29, Subtitle 2 of this article; or

21 (2) is the sole primary designated beneficiary and receiving a periodic  
22 distribution of benefits under an optional retirement program under Title 30 of this  
23 article.

24 (c) The surviving minor child or dependent parent of a State Police officer who  
25 died while employed by the State may enroll and participate in the health insurance  
26 benefit options established under the Program as long as the child or parent is  
27 receiving an allowance under Title 29, Subtitle 2 of this article.

28 (D) THE SURVIVING MINOR CHILD OF A CORRECTIONAL OFFICER WHO AT THE  
29 TIME OF DEATH WAS A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT  
30 SYSTEM AND WHO DIED WHILE EMPLOYED BY THE STATE MAY ENROLL AND  
31 PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER  
32 THE PROGRAM AS LONG AS THE CHILD IS RECEIVING AN ALLOWANCE UNDER TITLE  
33 29, SUBTITLE 2 OF THIS ARTICLE.

34 29-202.

35 (a) (1) When the Board of Trustees receives proof of death of an individual  
36 who died while employed as a member, the Board of Trustees shall pay to the

1 designated beneficiary or, if there is no designated beneficiary, to the member's estate  
2 the amounts specified in this subsection.

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

5 (3) Subject to paragraph (1) of this subsection, the Board of Trustees  
6 shall pay an amount equal to the member's annual earnable compensation at death if  
7 the member dies in the course of the performance of duty or the member has at least  
8 1 year of eligibility service.

9 (b) (1) A death benefit under this section may not be paid for the death of a  
10 member of the State Police Retirement System if a special death benefit under §  
11 29-204 of this subtitle is payable or has been paid for that death.

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

16 29-204.1.

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

19 (1) WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND

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

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

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

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

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

31 1. TO THE SURVIVING SPOUSE; OR

32 2. IF THERE IS NO SURVIVING SPOUSE OR IF THE SURVIVING  
33 SPOUSE DIES BEFORE THE YOUNGEST CHILD OF THE MEMBER IS 18 YEARS OLD, TO  
34 ANY CHILDREN OF THE DECEASED MEMBER WHO ARE UNDER THE AGE OF 18 YEARS;  
35 OR

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

3 (C) IF THE BOARD OF TRUSTEES PAYS AN ALLOWANCE UNDER THIS SECTION  
4 TO MORE THAN ONE CHILD. THE BOARD OF TRUSTEES SHALL DIVIDE THE  
5 ALLOWANCE AMONG THE CHILDREN UNDER THE AGE OF 18 YEARS IN A MANNER  
6 THAT PROVIDES FOR PAYMENTS TO CONTINUE UNTIL EACH CHILD DIES OR  
7 BECOMES 18 YEARS OLD.

8 29-205.

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

11 (1) the Correctional Officers' Retirement System;

12 (2) the Employees' Retirement System;

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

15 (4) the Teachers' Retirement System.

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

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

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

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

22 (ii) the member:

23 1. was eligible to retire; or

24 2. was at least 55 years old with at least 15 years of  
25 eligibility service.

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
31 construed to apply retroactively and shall be applied to and interpreted to affect any  
32 individual who dies while employed as a member of the Correctional Officers'  
33 Retirement System on or after January 1, 2006.

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