

UNOFFICIAL COPY OF SENATE BILL 885
EMERGENCY BILL

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6lr3357
CF HB 673

By: ~~Senators Munson, DeGrange, and McFadden~~ McFadden, Currie, Hogan, Brinkley, Jones, Kasemeyer, Kramer, Lawlah, Ruben, Schrader, and Stoltzfus Stoltzfus, Harris, Colburn, Greenip, Hafer, Haines, Hooper, Jacobs, Kittleman, Mooney, and Pipkin

Introduced and read first time: February 13, 2006

Assigned to: Rules

Re-referred to: Budget and Taxation, February 16, 2006

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 7, 2006

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,
21 Article - State Personnel and Pensions

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

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

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

11 **Article - State Personnel and Pensions**

12 2-507.

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

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

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

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

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

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

33 29-202.

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

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

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

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

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

14 29-204.1.

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

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

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

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

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

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

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

29 1. TO THE SURVIVING SPOUSE; OR

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

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

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

6 29-205.

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

9 (1) the Correctional Officers' Retirement System;

10 (2) the Employees' Retirement System;

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

13 (4) the Teachers' Retirement System.

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

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

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

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

20 (ii) the member:

21 1. was eligible to retire; or

22 2. was at least 55 years old with at least 15 years of
23 eligibility service.

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

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

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
33 measure, is necessary for the immediate preservation of the public health or safety,
34 has been passed by a ye and nay vote supported by three-fifths of all the members

- 1 elected to each of the two Houses of the General Assembly, and shall take effect from
- 2 the date it is enacted.