

**HB1495/334569/1**

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1495  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate G. Clagett” and substitute “Delegates G. Clagett and DeBoy”; in line 16, after “time” insert “or until reaching a certain age”; strike beginning with “making” in line 17 down through “changes;” in line 18 and substitute “providing for the application of this Act; providing for the termination of this Act;”; in line 25, after “repealing” insert “and reenacting, without amendments,”; and after line 29, insert:

“BY adding to

Article - State Personnel and Pensions

Section 24-405.2

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 5, strike the bracket; in line 6, strike “(b) and (c)” and substitute “**(B), (C), AND (D)**”; in the same line, strike “] **SUBSECTION (H) OF THIS SECTION**”; in lines 9, 11, 12, and 14, in each instance, strike the brackets; in line 12, strike “**(1)**”; and in line 14, strike “**(2)**”.

On page 3, in line 13, after “allowance.” insert a closing bracket; in line 18, strike the bracket; and in line 19, strike “**(C)**” and substitute “**(D)**”.

AMENDMENT NO. 3

On page 3, in line 7, strike “**FOR NOT MORE THAN 4 YEARS**”; strike beginning with “**SERGEANT**” in line 8 down through “**BELOW**” in line 9 and substitute “**TROOPER FIRST CLASS**”; and after line 24, insert:

(Over)

**“(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A RETIREE REEMPLOYED UNDER SUBSECTION (B)(3)(III) OF THIS SECTION MAY NOT BE REEMPLOYED FOR MORE THAN 4 YEARS.**

**(2) A RETIREE REEMPLOYED UNDER SUBSECTION (B)(3)(III) OF THIS SECTION MAY NOT BE REEMPLOYED AFTER BECOMING 60 YEARS OLD.”**

**AMENDMENT NO. 4**

On pages 3 and 4, strike in their entirety the lines beginning with line 25 on page 3 through line 33 on page 4, inclusive.

On page 5, strike in their entirety lines 21 through 33, inclusive.

On page 6, strike in their entirety lines 1 through 3, inclusive; in line 4, strike “(L)” and substitute “(J)”; and in lines 17 and 23, in each instance, strike the bracket.

**AMENDMENT NO. 5**

On page 6, after line 23, insert:

**“24-405.2.**

**(A) (1) THIS SUBSECTION APPLIES TO A RETIREE WHO:**

**(I) 1. IS REEMPLOYED UNDER § 24-405(B)(3)(III) OF THIS SUBTITLE; OR**

**2. IS REEMPLOYED AS A MARYLAND STATE POLICE AVIATION COMMAND HELICOPTER PILOT;**

(II) WHILE REEMPLOYED UNDER ITEM (I) OF THIS PARAGRAPH IS TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY WITHOUT WILLFUL NEGLIGENCE BY THE RETIREE; AND

(III) THE MEDICAL BOARD CERTIFIES THAT:

1. THE RETIREE IS TOTALLY INCAPACITATED, EITHER MENTALLY OR PHYSICALLY, FOR THE FURTHER PERFORMANCE OF DUTY;

2. THE RETIREE'S INCAPACITY IS LIKELY TO BE PERMANENT; AND

3. THE RETIREE SHOULD CEASE REEMPLOYMENT.

(2) THE NORMAL SERVICE RETIREMENT ALLOWANCE THAT A RETIREE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS RECEIVING AT THE TIME THE RETIREE IS DETERMINED TO BE DISABLED UNDER THIS SUBSECTION SHALL BE READJUSTED TO EQUAL TWO-THIRDS OF THE RETIREE'S AVERAGE FINAL COMPENSATION AT THE TIME THE RETIREE RETIRED, WITH ACCUMULATED COST-OF-LIVING ADJUSTMENTS FROM THE DATE THE RETIREE RETIRED.

(B) (1) THIS SUBSECTION APPLIES TO A RETIREE WHO:

(I) 1. DIES WHILE REEMPLOYED UNDER § 24-405(B)(3)(III) OF THIS SUBTITLE; OR

**2. DIES WHILE REEMPLOYED AS A MARYLAND STATE  
POLICE AVIATION COMMAND HELICOPTER PILOT;**

**(II) DIES WITHOUT WILLFUL NEGLIGENCE BY THE RETIREE;**  
**AND**

**(III) IS KILLED IN THE COURSE OF THE ACTUAL  
PERFORMANCE OF DUTY.**

**(2) WHEN THE BOARD OF TRUSTEES RECEIVES PROOF OF DEATH  
OF A RETIREE AND FINDS THAT THE DEATH HAS OCCURRED IN THE MANNER  
DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF TRUSTEES  
SHALL PAY A SPECIAL DEATH BENEFIT ALLOWANCE EQUAL TO TWO-THIRDS OF  
THE RETIREE'S AVERAGE FINAL COMPENSATION AT THE TIME OF RETIREMENT:**

**(I) TO THE SURVIVING SPOUSE;**

**(II) IF THERE IS NO SURVIVING SPOUSE OR IF THE  
SURVIVING SPOUSE DIES BEFORE THE YOUNGEST CHILD OF THE MEMBER IS 18  
YEARS OLD, TO ALL CHILDREN UNDER THE AGE OF 18 YEARS; OR**

**(III) IF THERE IS NO SURVIVING SPOUSE OR CHILDREN  
YOUNGER THAN 18 YEARS OF AGE, TO THE MEMBER'S DEPENDENT PARENT TO  
CONTINUE AS THE BOARD OF TRUSTEES MAY DIRECT FOR THE REST OF THE  
PARENT'S LIFE.**

**(3) ANY BENEFITS UNDER TITLE 21, SUBTITLE 4 OF THIS  
ARTICLE OR § 24-403 OF THIS SUBTITLE MAY NOT BE PAID IF A SPECIAL DEATH  
BENEFIT IS PAID UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That § 24-405.2 of the State Personnel and Pensions Article as enacted by this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any individual who:

- (a) was a retiree of the State Police Retirement System; and
- (b) on or after July 1, 2008, while reemployed by the Maryland State Police Aviation Command as a helicopter pilot:
  - (1) died without willful negligence by the individual; and
  - (2) was killed in the course of the actual performance of duty.”.

AMENDMENT NO. 6

On page 6, in line 24, strike “2.” and substitute “3.”; and in line 25, after “2009.” insert “It shall remain effective for a period of 5 years and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.