

SENATE BILL 896

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CF HB 509

By: **Senator McFadden**

Introduced and read first time: February 15, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Police Retirement System – Special Disability Retirees –**
3 **Reemployment**

4 FOR the purpose of providing that only certain disability retirees of the State Police
5 Retirement System are exempt from a temporary suspension of their disability
6 retirement allowance under certain circumstances; prohibiting certain disability
7 retirees of the State Police Retirement System from being rehired by certain
8 employers in certain positions; requiring the Secretary of State Police to provide
9 the Board of Trustees of the State Retirement and Pension System with certain
10 information; providing for a temporary suspension of benefits paid to certain
11 disability retirees under certain circumstances within a certain period of time;
12 providing for the resumption of disability benefits with certain adjustments to
13 the benefits after receipt by the Board of Trustees of certain documentation
14 from the Secretary of State Police; and generally relating to the reemployment
15 of special disability retirees of the State Police Retirement System.

16 BY repealing and reenacting, with amendments,
17 Article – State Personnel and Pensions
18 Section 29–115
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2009 Supplement)

21 BY adding to
22 Article – State Personnel and Pensions
23 Section 29–117.1
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2009 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Personnel and Pensions**

2 29–115.

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

5 (2) This section does not apply to a disability retiree who is:

6 (i) 1. a retiree of:

7 [1.] A. the State Police Retirement System;

8 [2.] B. the Law Enforcement Officers' Pension System;

9 [3.] C. the Local Fire and Police System; or

10 [4.] D. the Employees' Retirement System or the
11 Employees' Pension System, if at the time of retirement the retiree was a law
12 enforcement officer for a participating employer under § 26–201(a) of this article; and

13 [(ii)] 2. reemployed by a participating employer in any
14 position other than a probationary status law enforcement officer, a law enforcement
15 officer, or chief, as defined in § 3–101 of the Public Safety Article; **OR**

16 **(II) A RETIREE OF THE STATE POLICE RETIREMENT**
17 **SYSTEM WHO IS RECEIVING A SPECIAL DISABILITY RETIREMENT ALLOWANCE**
18 **UNDER § 29–111 OF THIS SUBTITLE AND IS REEMPLOYED BY A PARTICIPATING**
19 **EMPLOYER AS A PROBATIONARY STATUS LAW ENFORCEMENT OFFICER, A LAW**
20 **ENFORCEMENT OFFICER, OR CHIEF, AS DEFINED IN § 3–101 OF THE PUBLIC**
21 **SAFETY ARTICLE.**

22 (b) (1) (i) The Board of Trustees shall, after giving notice, temporarily
23 suspend the retiree's allowance if the retiree:

24 1. began receiving a disability retirement allowance on
25 or after July 1, 1998; and

26 2. is employed by a participating employer at an annual
27 compensation that is at least equal to the retiree's average final compensation at
28 retirement.

29 (ii) A temporary suspension under this subsection shall begin as
30 of the date the retiree is reemployed by a participating employer under subparagraph
31 (i)2 of this paragraph.

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

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

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

11 **29-117.1.**

12 **(A) THIS SECTION APPLIES TO A DISABILITY RETIREE OF THE STATE**
13 **POLICE RETIREMENT SYSTEM WHO IS RECEIVING A SPECIAL DISABILITY**
14 **RETIREMENT ALLOWANCE UNDER § 29-111 OF THIS SUBTITLE.**

15 **(B) A DISABILITY RETIREE DESCRIBED UNDER SUBSECTION (A) OF THIS**
16 **SECTION MAY NOT BE REEMPLOYED BY A PARTICIPATING EMPLOYER OF THE**
17 **STATE OR ANY POLITICAL SUBDIVISION OF THE STATE IN A POSITION IN WHICH**
18 **THE DISABILITY RETIREE, IN AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW**
19 **TO MAKE ARRESTS.**

20 **(C) THE SECRETARY OF STATE POLICE SHALL REPORT TO THE BOARD**
21 **OF TRUSTEES ANY DISABILITY RETIREE DESCRIBED UNDER SUBSECTION (A) OF**
22 **THIS SECTION WHO IS REEMPLOYED BY A PARTICIPATING EMPLOYER OF THE**
23 **STATE OR ANY POLITICAL SUBDIVISION OF THE STATE IN A POSITION WHERE**
24 **THE DISABILITY RETIREE, IN AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW**
25 **TO MAKE ARRESTS.**

26 **(D) (1) WITHIN 30 DAYS OF RECEIVING NOTICE FROM THE**
27 **SECRETARY OF STATE POLICE AS PROVIDED UNDER SUBSECTION (C) OF THIS**
28 **SECTION, THE BOARD OF TRUSTEES SHALL, AFTER GIVING NOTICE TO THE**
29 **DISABILITY RETIREE, TEMPORARILY SUSPEND THE RETIREMENT ALLOWANCE**
30 **OF THE DISABILITY RETIREE.**

31 **(2) AFTER THE BOARD OF TRUSTEES HAS RECEIVED**
32 **SATISFACTORY DOCUMENTATION FROM THE SECRETARY OF STATE POLICE**
33 **THAT THE DISABILITY RETIREE IS NO LONGER EMPLOYED BY A PARTICIPATING**
34 **EMPLOYER OF THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE IN A**
35 **POSITION WHERE THE DISABILITY RETIREE, IN AN OFFICIAL CAPACITY, IS**
36 **AUTHORIZED BY LAW TO MAKE ARRESTS, THE BOARD SHALL REINSTATE THE**
37 **DISABILITY RETIREE'S ALLOWANCE WITH ACCUMULATED COST-OF-LIVING**

1 ADJUSTMENTS FROM THE DATE THE ALLOWANCE WAS TEMPORARILY
2 SUSPENDED.

3 **(3) THE RETIREE'S ALLOWANCE SHALL BE REINSTATED ON THE**
4 **FIRST DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE DISABILITY**
5 **RETIREE CEASED EMPLOYMENT BY A PARTICIPATING EMPLOYER OF THE STATE**
6 **OR ANY POLITICAL SUBDIVISION OF THE STATE IN A POSITION IN WHICH THE**
7 **DISABILITY RETIREE, IN AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO**
8 **MAKE ARRESTS.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2010.