

HOUSE BILL 581

K4

6lr1622
CF SB 477

By: **Delegate B. Barnes (Chair, Joint Committee on Pensions)**

Introduced and read first time: February 3, 2016

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2016

CHAPTER _____

1 AN ACT concerning

2 **State Retirement and Pension System – Reemployment of Ordinary Disability**
3 **Retirees – Earnings Limitation**

4 FOR the purpose of exempting from a certain reemployment earnings limitation certain
5 retirees whose average final compensation was less than a certain amount and who
6 are reemployed while receiving an ordinary disability retirement allowance from the
7 State Retirement and Pension System; making stylistic changes; and generally
8 relating to the reemployment earnings limitation for ordinary disability retirees in
9 the State Retirement and Pension System.

10 BY repealing and reenacting, with amendments,
11 Article – State Personnel and Pensions
12 Section 29–116
13 Annotated Code of Maryland
14 (2015 Replacement Volume)

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

17 **Article – State Personnel and Pensions**

18 29–116.

19 (a) This section does not apply to a **DISABILITY** retiree [who is]:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



HOUSE BILL 581

1 (1) **(I)** **WHO IS** a retiree of:

2 ~~(i)~~ **1.** the State Police Retirement System;

3 ~~(ii)~~ **2.** the Law Enforcement Officers' Pension System;

4 ~~(iii)~~ **3.** the Local Fire and Police System; or

5 ~~(iv)~~ **4.** the Employees' Retirement System or the Employees'

6 Pension System, if at the time of retirement the retiree was a law enforcement officer for a

7 participating employer under § 26–201(a) of this article; and

8 ~~(2)~~ **(II)** **WHO IS** reemployed by a participating employer in any position

9 other than a probationary status law enforcement officer, a law enforcement officer, or

10 chief, as defined in § 3–101 of the Public Safety Article; **OR**

11 ~~(3)~~ **(2)** **(I)** **WHOSE AVERAGE FINAL COMPENSATION WAS LESS**

12 **THAN \$25,000; AND**

13 **(II)** **WHO IS REEMPLOYED BY A PARTICIPATING**

14 **EMPLOYER.**

15 (b) The Board of Trustees shall reduce the pension of a retiree on ordinary

16 disability if:

17 (1) the retiree is under normal retirement age;

18 (2) the medical board certifies in a report to the Board of Trustees that the

19 retiree is employed by a participating employer at an annual compensation that is greater

20 than the difference between:

21 (i) the retiree's retirement allowance at retirement; and

22 (ii) the retiree's average final compensation plus \$5,000;

23 (3) the Board of Trustees agrees with the medical board's report; and

24 (4) the retiree's allowance has not been temporarily suspended as provided

25 in § 29–115 of this subtitle.

26 (c) The Board of Trustees shall reduce the pension of a retiree who has been

27 receiving an ordinary disability retirement allowance for:

28 (1) less than 10 years, by \$1 for every \$2 that the retiree's current

29 compensation exceeds the limit under subsection (b) of this section; or

1 (2) at least 10 years, by \$1 for every \$5 that the retiree's current
2 compensation exceeds the limit under subsection (b) of this section.

3 (d) The pension to be reduced under this section is the pension at retirement
4 without any cost-of-living adjustment.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.