

SENATE BILL 360

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CF HB 334

By: **Senator Jones–Rodwell (Chair, Joint Committee on Pensions)**

Introduced and read first time: February 3, 2011

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pension System – Completing and Submitting an**
3 **Application for Service Retirement**

4 FOR the purpose of providing that, under certain conditions, a department head, the
5 Secretary of State Police, or a State or county superintendent of schools may
6 complete and submit an application for service retirement instead of disability
7 retirement on behalf of certain members of the State Retirement and Pension
8 System; and generally relating to completing an application for service or
9 disability retirement for a member of the State Retirement and Pension System.

10 BY repealing and reenacting, with amendments,
11 Article – State Personnel and Pensions
12 Section 29–103
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2010 Supplement)

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

17 **Article – State Personnel and Pensions**

18 29–103.

19 (a) Subject to § 29–104 of this subtitle, an application for disability
20 retirement may be submitted:

21 (1) by a member;

22 (2) by a former member;

23 (3) by a surviving beneficiary of a deceased member; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) for a member, as provided in subsections (b) through (d) of this
2 section.

3 (b) (1) This subsection does not apply to members of:

4 (i) the State Police Retirement System;

5 (ii) the Teachers' Pension System; or

6 (iii) the Teachers' Retirement System.

7 (2) If a member is unable to apply, the member's department head
8 may complete and submit an application to the Board of Trustees for the member.

9 **(3) IF A MEMBER IS UNABLE TO APPLY AND THE MEMBER'S**
10 **DEPARTMENT HEAD DETERMINES, IN CONSULTATION WITH THE STATE**
11 **RETIREMENT AGENCY, THAT IT IS IN THE BEST INTEREST OF THE MEMBER, THE**
12 **MEMBER'S DEPARTMENT HEAD MAY COMPLETE AND SUBMIT AN APPLICATION**
13 **FOR SERVICE RETIREMENT INSTEAD OF DISABILITY RETIREMENT.**

14 (c) (1) This subsection applies to a member of the State Police Retirement
15 System.

16 (2) The Secretary of State Police may complete an application and
17 submit it to the Board of Trustees for a member if:

18 (i) the member is unable or refuses to submit an application for
19 disability retirement;

20 (ii) the Secretary believes the member to be permanently
21 physically or mentally incapable of performing assigned duties;

22 (iii) there is sufficient medical evidence in the form of a
23 professional opinion of an independent medical practitioner who has recognized
24 expertise in the diagnosis and treatment of the specified illness of the officer to
25 support the Secretary's determination of permanent disability;

26 (iv) the onset of the disability occurred at least 1 year earlier;
27 and

28 (v) any administrative leave granted under § 2-410 of the
29 Public Safety Article has expired.

30 (3) This subsection does not prevent an officer from exercising rights
31 granted under § 21-111(b) of this article.

1 **(4) IF THE CONDITIONS ARE MET FOR SUBMISSION OF AN**
2 **APPLICATION UNDER PARAGRAPH (2) OF THIS SUBSECTION, AND THE**
3 **SECRETARY DETERMINES, IN CONSULTATION WITH THE STATE RETIREMENT**
4 **AGENCY, THAT IT IS IN THE BEST INTEREST OF THE MEMBER, THE SECRETARY**
5 **MAY COMPLETE AND SUBMIT AN APPLICATION FOR SERVICE RETIREMENT**
6 **INSTEAD OF DISABILITY RETIREMENT.**

7 (d) (1) This subsection applies to members of:

8 (i) the Teachers' Pension System; and

9 (ii) the Teachers' Retirement System.

10 (2) If a member is unable to apply, the member's State or county
11 superintendent may complete and submit an application to the Board of Trustees for
12 the member.

13 **(3) IF A MEMBER IS UNABLE TO APPLY AND IF THE MEMBER'S**
14 **STATE OR COUNTY SUPERINTENDENT DETERMINES, IN CONSULTATION WITH**
15 **THE STATE RETIREMENT AGENCY, THAT IT IS IN THE BEST INTEREST OF THE**
16 **MEMBER, THE MEMBER'S STATE OR COUNTY SUPERINTENDENT MAY COMPLETE**
17 **AND SUBMIT AN APPLICATION FOR SERVICE RETIREMENT INSTEAD OF**
18 **DISABILITY RETIREMENT.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2011.