

the payments or overpayments by certain methods under certain circumstances; requiring the executive director for administration of the Maryland State Retirement Agency to make certain determinations and to give certain notice under certain circumstances; and generally relating to the recovery of certain improperly paid or overpaid State retirement or pension benefits.

BY adding to

Article 73B - Pensions
Section 159(17)
Annotated Code of Maryland
(1983 Replacement Volume and 1985 Supplement)

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

Article 73B - Pensions

159.

(17) (A) THE BOARD OF TRUSTEES MAY RECOVER THE AMOUNT OF ANY IMPROPER BENEFIT PAYMENT MADE BY MISTAKE OR OF ANY BENEFIT OVERPAYMENT.

(B) IF, AFTER DUE NOTICE, THE PERSON-OR-ESTATE-IN RECEIPT RECIPIENT PERSON OR ESTATE IN RECEIPT OF THE IMPROPER PAYMENT OR OVERPAYMENT FAILS TO REPAY THE MONEY OWED, THE BOARD OF TRUSTEES MAY:

(I) INSTITUTE A CIVIL ACTION TO RECOVER THE AMOUNT OF THE IMPROPER PAYMENT MADE BY MISTAKE OR THE OVERPAYMENT AND TO RECOVER THE COSTS OF BRINGING THE ACTION; OR

(II) IF THE PERSON IS RECEIVING A MONTHLY ALLOWANCE FROM A SYSTEM, ADJUST FUTURE PAYMENTS OF THAT ALLOWANCE TO ACCOUNT FOR THE AMOUNT OWED.

(C) IF THE BOARD OF TRUSTEES ELECTS TO ADJUST ALLOWANCE PAYMENTS UNDER PARAGRAPH (B)(II) OF THIS SUBSECTION, SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES, THE EXECUTIVE DIRECTOR FOR ADMINISTRATION SHALL:

(I) DETERMINE THE MONTHLY ADJUSTMENT; AND

(II) NOTIFY THE PERSON OF THE TOTAL AMOUNT TO BE RECOVERED, THE MONTHLY ADJUSTMENT, AND THE PERIOD OF RECOVERY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved May 13, 1986.
