

2012 -- H 7669

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LC01542  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO TOWNS AND CITIES - ACCIDENTAL DISABILITY ALLOWANCE

Introduced By: Representatives Brien, Petrarca, and Edwards

Date Introduced: February 16, 2012

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-21-22 of the General Laws in Chapter 45-21 entitled  
2 "Retirement of Municipal Employees" is hereby amended to read as follows:

3 **45-21-22. Accidental disability allowance.** -- ~~Upon retirement for accidental disability,~~  
4 ~~a member receives a retirement allowance equal to sixty six and two thirds percent (66 2/3%) of~~  
5 ~~the rate of the member's compensation at the date of the member's retirement subject to the~~  
6 ~~provisions of section 45-21-31.~~ (a) For disability applications submitted on or before July 1,  
7 2012, upon retirement for accidental disability under section 45-21-21, a member shall receive a  
8 benefit which shall be equal to sixty-six and two-thirds percent (66 2/3%) of his or her annual  
9 compensation at the time of his or her retirement, subject to the provisions of section 45-21-31.

10 (b) Upon any application for accidental disability submitted on or after July 1, 2012, if  
11 the member has been found to be permanently and totally disabled from service but has not been  
12 found by the board to be permanently and totally disabled from any employment as a result of his  
13 or her accidental disability, a member shall receive a retirement allowance equal to fifty percent  
14 (50%) of the rate of the member's compensation at the date of the member's retirement, subject  
15 to the provisions of section 45-21-31. The retiree shall, as a condition of continued receipt of a  
16 disability retirement allowance, on or before a date fixed by the retirement board, annually under  
17 penalties of perjury provide the board with such affidavits and accurate evidence of earnings,  
18 employment and gainful activity as the board may require, including, but not limited to, joint  
19 and/or individual tax returns. Payment of the disability retirement allowance shall continue as

1 long as the individual remains disabled, and regardless of service or age.

2 (c) Upon retirement for accidental disability that has been found by the board to be  
3 permanently and totally disabling from any employment, a member shall receive a retirement  
4 allowance equal to sixty-six and two-thirds percent (66 2/3%) of the rate of the member's  
5 compensation at the date of the member's retirement subject to the provisions of section 45-21-  
6 31. The retirement board shall apply the terms of subsection 28-33-17(b) in determining total  
7 disability.

8 SECTION 2. Section 45-21.2-10 of the General Laws in Chapter 45-21.2 entitled  
9 "Optional Retirement for Members of Police Force and Fire Fighters" is hereby amended to read  
10 as follows:

11 **45-21.2-10. Accidental disability allowance.** -- ~~The amount of retirement allowance for~~  
12 ~~accidental disability is that as prescribed in section 45-21-22.~~ Upon retirement for accidental  
13 disability, a member shall receive a retirement allowance equal to sixty-six and two-thirds percent  
14 (66 2/3%) of the rate of the member's compensation at the date of the member's retirement.

15 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would change the benefit a member would receive for disability allowance at the  
2 time of retirement for any application submitted on or after July 1, 2012. This act would pertain  
3 to disability allowance for municipal employees and also for members of the police force and fire  
4 fighters.

5           This act would take effect upon passage.

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