# COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2015, Legislative Day No. 1

#### Bill No. 3-15

#### All Councilmembers

## By the County Council, January 5, 2015

### A BILL ENTITLED

## AN ACT concerning

Retirement System – Line of Duty Death Benefit

FOR the of purpose repealing the prohibition on the continued payment of a line of duty death benefit to a deceased member's surviving spouse if the surviving spouse remarries; and generally relating to the line of duty death benefit for the surviving spouse of a deceased member of the retirement system.

BY repealing and re-enacting, with amendments

Section 5-1-228(a)(2) Article 5. Pensions and Retirement Baltimore County Code, 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law. Strike out indicates matter stricken from bill. Underlining indicates amendments to bill.

1	SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2	COUNTY, MARYLAND, that the laws of Baltimore County read as follows:
3	Article 5. Pensions and Retirement
4	§5-1-228.
5	(a) (2) (i) Notwithstanding the foregoing provision, if the Board of Trustees
6	shall receive evidence of proof satisfactory to the Board that such death was the result of injuries
7	sustained in the line of duty or was directly attributable to the inherent hazards of the duties
8	performed by such employee, and the Board of Trustees shall decide that the death was not
9	caused by willful negligence on the part of the member, there shall be paid in lieu of such lump
10	sum death benefit a retirement allowance:
11	1. To the member's surviving spouse[, to continue during
12	surviving spouse's widowhood]; or
13	2. If there be no surviving spouse or the surviving spouse dies
14	[or remarries] before the youngest child of such deceased member shall have attained the age of
15	eighteen (18) years, then to the member's child or children under such age, divided in such

manner as the Board of Trustees in its discretion shall determine, to continue as a joint and

survivorship pension for the benefit of the child or children under such age until every child dies

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or attains such age; or

1	3. If there be no surviving spouse or child under the age of
2	eighteen (18) years surviving such deceased member, then to the member's dependent father or
3	dependent mother, as the deceased member shall have nominated by written designation, duly
4	acknowledged and filed with the Board of Trustees, or if there be no such nomination then to the
5	member's dependent father or dependent mother as the Board of Trustees in its discretion shall
6	direct, to continue for life.
7	(ii) The retirement system shall continue to pay the benefit to, or make
8	benefit payments for the benefit of, a child surviving the deceased member for up to 5 years after
9	the child reaches 18 years of age if;
10	1. The child is attending school on a full-time basis; and
11	2. The school offers an educational program or vocational program
12	that is accredited or approved by a state department of education.
13	(iii) The retirement allowance shall consist of:
14	1. An annuity which shall be the actuarial equivalent of the
15	accumulated contributions of the member at the time of death; and
16	2. A pension of sixty-six and two-thirds (66 2/3) percent of
17	the average final compensation of the member, except that in the case of a Group 4 member, the
18	pension shall be one hundred (100) percent of the annual earnable compensation of such member
19	at the date of death; and
20	3. If there is a benefit payable on account of the death of the
21	member under the provisions of any worker's compensation or similar law, the Board of Trustees
22	may in its discretion accept the commuted value of each award and add to the retirement

- 1 allowance as determined above the annuity which is the actuarial equivalent of such commuted
- 2 value.
- 3 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having passed by the
- 4 affirmative vote of five members of the County Council, shall effect on March 2, 2015.

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