

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2013, Legislative Day No. 18

Bill No. 59-13

Mr. Tom Quirk, Councilman
By Request of County Executive

By the County Council, November 4, 2013

A BILL
ENTITLED

AN ACT concerning

Employees' Retirement System - Line of Duty Death Benefit - Children

FOR the purpose of providing that a line of duty death benefit will be paid to, or for the benefit of, a child who attends a certain school under certain conditions after reaching the age of 18; and generally relating to the expansion of the line of duty death benefit for certain children of deceased members of the retirement system.

By repealing and reenacting, with amendments

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

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

3 **Article 5. Pensions and Retirement**

4 5-1-228.

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 (a) (2) (i) Notwithstanding the foregoing provision, if the Board of Trustees
2 shall receive evidence of proof satisfactory to the Board that such death was the result of injuries
3 sustained in the line of duty or was directly attributable to the inherent hazards of the duties
4 performed by such employee, and the Board of Trustees shall decide that the death was not
5 caused by willful negligence on the part of the member, there shall be paid in lieu of such lump
6 sum death benefit a retirement allowance:

7 1. To the member's surviving spouse, to continue during
8 surviving spouse's widowhood; or

9 2. If there be no surviving spouse or the surviving spouse dies
10 or remarries before the youngest child of such deceased member shall have attained the age of
11 eighteen (18) years, then to the member's child or children under such age, divided in such
12 manner as the Board of Trustees in its discretion shall determine, to continue as a joint and
13 survivorship pension for the benefit of the child or children under such age until every child dies
14 or attains such age; or

15 3. If there be no surviving spouse or child under the age of
16 eighteen (18) years surviving such deceased member, then to the member's dependent father or
17 dependent mother, as the deceased member shall have nominated by written designation, duly
18 acknowledged and filed with the Board of Trustees, or if there be no such nomination then to the
19 member's dependent father or dependent mother as the Board of Trustees in its discretion shall
20 direct, to continue for life.

21 (ii) THE RETIREMENT SYSTEM SHALL CONTINUE TO PAY THE
22 BENEFIT TO, OR MAKE BENEFIT PAYMENTS FOR THE BENEFIT OF, A CHILD

1 SURVIVING THE DECEASED MEMBER FOR UP TO 5 YEARS AFTER THE CHILD
2 REACHES 18 YEARS OF AGE IF;

3 1. THE CHILD IS ATTENDING SCHOOL ON A FULL-TIME
4 BASIS; AND

5 2. THE SCHOOL OFFERS AN EDUCATIONAL PROGRAM
6 OR VOCATIONAL PROGRAM THAT IS ACCREDITED OR APPROVED BY A STATE
7 DEPARTMENT OF EDUCATION.

8 (III) The retirement allowance shall consist of:

9 1. An annuity which shall be the actuarial equivalent of the
10 accumulated contributions of the member at the time of death; and

11 2. A pension of sixty-six and two-thirds (66 2/3) percent of
12 the average final compensation of the member, except that in the case of a Group 4 member, the
13 pension shall be one hundred (100) percent of the annual earnable compensation of such member
14 at the date of death; and

15 3. If there is a benefit payable on account of the death of the
16 member under the provisions of any worker's compensation or similar law, the Board of Trustees
17 may in its discretion accept the commuted value of each award and add to the retirement
18 allowance as determined above the annuity which is the actuarial equivalent of such commuted
19 value.

20 SECTION 2. AND BE IT ENACTED, that this Act shall apply to the child of a deceased
21 member of the retirement system for whom a benefit is payable under § 5-1-228(a)(2) of the
22 Baltimore County Code, 2003 if the child is under 18 years of age on or before the effective date
23 of this Act.

24 SECTION 3. AND BE IT ENACTED, that this Act, having passed by the affirmative
25 vote of five members of the County Council, shall effect on December 15, 2013.