

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 10

Bill No. 56 -2017

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the Howard County Police and Fire Employees' Retirement Plan, to provide that line-of-duty death benefits to a surviving spouse do not terminate on the remarriage of the surviving spouse; and generally relating to the Howard County Police and Fire Employees' Retirement Plan.

Introduced and read first time _____, 2017. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2017.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2017 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2017 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland that the Howard
2 County Code is amended as follows:

3
4 *By amending:*

5 *Subsection (b) of Section 1.439A "Death Benefits"*

6
7 **Title 1. Human Resources.**

8 **Subtitle 4A. Police and Fire Employees' Retirement Plan.**

9 **Article IVA. Death Benefits.**

10
11 **Section 1.439A. Death Benefits.**

12 *(b) Line of Duty Death Benefit.* In the event of the death of a participant, prior to the participant's
13 benefit commencement date, while in the line of duty (as defined below), the participant's beneficiary
14 shall be entitled to receive the benefits described in subparagraphs (1), (2) or (3), as applicable.

15 (1) **General benefit.** The beneficiary shall be entitled to receive:

16 (i) The participant's employee contributions benefit, payable in one or more
17 installments over a period which meets the requirements of section 1.440A and
18 which is designated by the participant, or, if the participant has made no
19 designation, by his or her beneficiary; plus.

20 (ii) An amount, payable as a single lump sum, equal to the participant's annualized
21 compensation determined as of the date of death; provided, however, that the
22 benefit provided by this subparagraph (ii) shall be payable only if the participant
23 had died while a covered employee.

24 (2) **Surviving spouse benefit.**

25 (i) If all of the following conditions are met, then the surviving spouse of a deceased
26 participant shall be entitled to receive a survivor benefit, in lieu of any other plan
27 benefit:

28 a. The participant is married on the date of death;

29 b. The participant's death occurs before the benefit commencement date;

30 c. The participant has designated the participant's surviving spouse as his or her
31 beneficiary;

32 d. The participant has died in the line of duty as described in this subsection
33 1.439A(b); and

- 1 e. Upon the death of the participant, the spouse does not elect to receive the
2 benefits provided in subsection 1.439A(b)(1).
- 3 (ii) a. For purposes of this subsection, the line of duty survivor benefit is a monthly
4 income commencing in the month next following the participant's death and
5 continuing for the remainder of the spouse's life [[or earlier remarriage]] in an
6 amount equal to $66 \frac{2}{3}$ percent of the participant's compensation determined as
7 of the day before the participant's death.
- 8 b. In the event of the death [[or remarriage]] of the spouse following the death of
9 the participant, a monthly benefit equal to 50 percent of such compensation
10 shall be paid, in the aggregate, to the participant's surviving children who are
11 named as contingent beneficiaries.
- 12 c. The monthly benefits payable to any child of the participant pursuant to this
13 subsection shall continue until the first day of the month preceding the earlier
14 of:
- 15 1. The death of the child; or
16 2. The later of the child's:
17 i. Attainment of age 18, or
18 ii. Attainment of age 23, but only so long as the child remains a full-time
19 student.

20 **(3) *Surviving children's benefit.***

- 21 (i) If all of the following conditions are met, then the surviving children of a deceased
22 participant shall receive a survivor benefit, in lieu of any other plan benefit:
- 23 a. The participant's death occurs before the benefit commencement date;
24 b. The participant has designated one or more of the participant's children as
25 his or her only primary beneficiaries; and
26 c. The participant has died in the line of duty as described in this subsection
27 1.439A(b).
- 28 (ii) a. For purposes of this subsection, the line of duty survivor children's benefit
29 is a monthly income commencing in the month next following the
30 participants death in an amount equal to 50 percent of the participant's
31 compensation determined as of the day before the participant's death and
32 paid, in the aggregate, to the participant's surviving children who are named
33 as primary beneficiaries.

- 1 b. The monthly benefits payable to any child of the participant pursuant to this
- 2 subsubsection shall continue until the first day of the month preceding the
- 3 earlier of:
- 4 1. The death of the child; or
- 5 2. The later of the child's:
- 6 i. Attainment of age 18; or
- 7 ii. Attainment of age 23, but only so long as the child remains a full-
- 8 time student.

9 (4) ***Line of duty definition.*** For purposes of this section, the term line of duty means death
10 from an injury or illness which has been sustained as an active covered employee and
11 which has been ruled compensable under the Workers' Compensation Law of Maryland.
12 Line of duty does not include death from an injury or illness which has been sustained
13 during military service

14
15 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
16 ***this Act shall become effective 61 days after its enactment.***