

HOUSE BILL 1581

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EMERGENCY BILL

6lr3733

By: **Harford County Delegation**

Introduced and read first time: February 22, 2016

Assigned to: Rules and Executive Nominations

Re-referred to: Appropriations, February 23, 2016

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2016

CHAPTER _____

1 AN ACT concerning

2 **Harford County Deputy Sheriff Patrick Dailey Sheriffs Dailey and Logsdon**
3 **Benefits Memorial Act**

4 FOR the purpose of increasing the maximum age at which certain children of deceased
5 members of the Law Enforcement Officers' Pension System who are killed in the line
6 of duty are no longer eligible to receive a certain death benefit; requiring the Board
7 of Trustees to pay a certain death benefit in a certain manner under certain
8 circumstances; requiring the State Retirement Agency and the Department of
9 Legislative Services to review certain provisions of law regarding death benefits and
10 report to the Joint Committee on Pensions on or before a certain date; providing for
11 the application of this Act; making this Act an emergency measure; ~~providing for the~~
12 ~~termination of this Act;~~ and generally relating to death benefits for members of the
13 Law Enforcement Officers' Pension System who are killed in the line of duty.

14 BY repealing and reenacting, with amendments,
15 Article – State Personnel and Pensions
16 Section 29–203
17 Annotated Code of Maryland
18 (2015 Replacement Volume)

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

21 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 29–203.

2 (a) (1) This subsection applies only to an individual who dies while employed
3 as a member of the Law Enforcement Officers' Pension System:

4 (i) without willful negligence by the member; and

5 (ii) with more than 2 years of eligibility service.

6 (2) When the Board of Trustees receives proof of death of a member and
7 finds that the death has occurred in the manner described in paragraph (1) of this
8 subsection, the Board of Trustees shall pay:

9 (i) if the member is survived by a spouse or child under the age of
10 18 years:

11 1. the member's accumulated contributions to the designated
12 beneficiary, or otherwise to the member's estate; and

13 2. an allowance of 50% of the ordinary disability retirement
14 allowance provided for in § 29–108 of this title:

15 A. to the surviving spouse; or

16 B. if there is no surviving spouse or if the surviving spouse
17 dies before the youngest child of the member is 18 years old, to any children of the deceased
18 member who are under the age of 18 years; or

19 (ii) if the member is not survived by a spouse or child under the age
20 of 18 years, the death benefit under § 29–202 of this subtitle.

21 (b) (1) This subsection applies only to an individual who dies while employed
22 as a member of the Law Enforcement Officers' Pension System:

23 (i) without willful negligence by the member; and

24 (ii) with death arising out of or in the course of the actual
25 performance of duty.

26 (2) When the Board of Trustees receives proof of death of a member and
27 finds that the death has occurred in the manner described in paragraph (1) of this
28 subsection, the Board of Trustees shall pay:

29 (i) if the member is survived by a spouse or child under the age of
30 [18] 26 years:

1 1. the member's accumulated contributions to the designated
2 beneficiary, or otherwise to the member's estate; and

3 2. an allowance of two-thirds of the member's average final
4 compensation:

5 A. to the surviving spouse; or

6 B. if there is no surviving spouse or if the surviving spouse
7 dies before the youngest child of the member is [18] **26** years old, to any children of the
8 deceased member who are under the age of [18] **26** years; or

9 (ii) if the member is not survived by a spouse or child under the age
10 of [18] **26** years, the death benefit under § 29–202 of this subtitle.

11 (c) **(1)** If the Board of Trustees pays an allowance under **SUBSECTION (A) OF**
12 **this section to more than one child, the Board of Trustees shall divide the allowance among**
13 **the children under the age of 18 years in a manner that provides for payments to continue**
14 **until each child dies or becomes 18 years old.**

15 **(2) IF THE BOARD OF TRUSTEES PAYS AN ALLOWANCE UNDER**
16 **SUBSECTION (B) OF THIS SECTION TO MORE THAN ONE CHILD, THE BOARD OF**
17 **TRUSTEES SHALL DIVIDE THE ALLOWANCE AMONG THE CHILDREN UNDER THE AGE**
18 **OF 26 YEARS IN A MANNER THAT PROVIDES FOR PAYMENTS TO CONTINUE UNTIL**
19 **EACH CHILD DIES OR BECOMES 26 YEARS OLD.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
21 2016, the State Retirement Agency and the Department of Legislative Services shall:

22 (a) review the provisions of the State Personnel and Pensions Article and the 2014
23 Resolution of the General Assembly Compensation Commission relating to death benefits
24 to determine:

25 (1) whether any additional statutory changes are recommended; and

26 (2) whether any changes to the Legislative Pension Plan should be
27 recommended to the General Assembly Compensation Commission; and

28 (b) report to the Joint Committee on Pensions on the review of the death benefit
29 provisions and any recommended changes.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to
31 apply retroactively and shall be applied to and interpreted to affect a member of the Law
32 Enforcement Officers' Pension System who was killed in the line of duty as a Harford
33 County Deputy Sheriff on or after February 1, 2016.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
2 3 of this Act, this Act shall be construed to apply only prospectively to a member of the Law
3 Enforcement Officers' Pension System who is killed in the line of duty on or after the
4 effective date of this Act and may not be applied or interpreted to have any effect on or
5 application to a member of the Law Enforcement Officers' Pension System who is killed in
6 the line of duty before the effective date of this Act.

7 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency
8 measure, is necessary for the immediate preservation of the public health or safety, has
9 been passed by a yea and nay vote supported by three-fifths of all the members elected to
10 each of the two Houses of the General Assembly, and shall take effect from the date it is
11 enacted. ~~It shall remain effective through December 31, 2016, and, at the end of December~~
12 ~~31, 2016, with no further action required by the General Assembly, this Act shall be~~
13 ~~abrogated and of no further force and effect.~~

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.