

# HOUSE BILL 1581

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EMERGENCY BILL

6lr3733

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By: **Harford County Delegation**

Introduced and read first time: February 22, 2016

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Harford County Deputy Sheriff Patrick Dailey Benefits Memorial Act**

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

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

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

20 **Article – State Personnel and Pensions**

21 29–203.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (i) if the member is survived by a spouse or child under the age of  
6 18 years:

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

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

11 A. to the surviving spouse; or

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

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

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

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

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

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

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

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

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

31 A. to the surviving spouse; or

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

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,  
16 2016, the State Retirement Agency and the Department of Legislative Services shall:

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

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

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

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

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

29 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section  
30 3 of this Act, this Act shall be construed to apply only prospectively to a member of the Law  
31 Enforcement Officers' Pension System who is killed in the line of duty on or after the  
32 effective date of this Act and may not be applied or interpreted to have any effect on or  
33 application to a member of the Law Enforcement Officers' Pension System who is killed in  
34 the line of duty before the effective date of this Act.

1           SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency  
2 measure, is necessary for the immediate preservation of the public health or safety, has  
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
4 each of the two Houses of the General Assembly, and shall take effect from the date it is  
5 enacted. It shall remain effective through December 31, 2016, and, at the end of December  
6 31, 2016, with no further action required by the General Assembly, this Act shall be  
7 abrogated and of no further force and effect.