

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2011, Legislative Day No. 4

Bill No. 7-11

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Mr. John Olszewski, Sr., Chairman  
By Request of County Executive

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By the County Council, February 7, 2011

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A BILL  
ENTITLED

AN ACT concerning

Supplemental Death in Volunteer Service Benefit

FOR the purpose of establishing a Supplemental Death in Volunteer Service Benefit; providing for the circumstances under which the benefit may be granted; providing that the benefit shall be granted to the surviving spouse or children under certain circumstances; providing for the calculation of the benefit; authorizing the Board of Trustees to make a certain determination; defining a certain term; and generally relating to the establishment of a Supplemental Death in Volunteer Service Benefit.

By adding

Section 5-1-261  
Subtitle 2. Retirement System  
Title 1. Employees Retirement System  
Article 5. Pensions and Retirement  
Baltimore County Code, 2003

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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 Section 5-1-261 is hereby added to Subtitle 2. Retirement System,  
3 Title 1. Employees Retirement System, Article 5. Pensions and Retirement, of the Baltimore County  
4 Code, 2003, as amended, to read as follows:

5 § 5-1-261.

6 (A) IN THIS SECTION, "ON DUTY" MEANS:

7 (1) FIGHTING A FIRE;

8 (2) PERFORMING A DUTY OF A MEMBER OF AN ADVANCED LIFE  
9 SUPPORT UNIT OR AN AMBULANCE, FIRST AID, OR RESCUE SQUAD IN A RESCUE  
10 COMPANY;

11 (3) GOING TO OR FROM PERFORMING A DUTY UNDER PARAGRAPH (1)  
12 OR PARAGRAPH (2) OF THIS SUBSECTION; OR

13 (4) ACCOMPANYING AN ACCIDENT OR FIRE VICTIM WHILE BEING  
14 TRANSPORTED TO A HOSPITAL.

15 (B) THIS SECTION APPLIES TO A MEMBER OF A COUNTY VOLUNTEER FIRE OR  
16 RESCUE COMPANY WHO DIES ON DUTY.

17 (C)(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
18 SURVIVING SPOUSE OF A MEMBER OF A COUNTY VOLUNTEER FIRE OR RESCUE  
19 COMPANY WHO DIES ON DUTY MAY RECEIVE A SUPPLEMENTAL DEATH IN  
20 VOLUNTEER SERVICE BENEFIT IF THE MEMBER WHO DIED:

21 (I) WAS FORMERLY IN SERVICE WITH THE COUNTY;

22 (II) WAS A MEMBER OF THE RETIREMENT SYSTEM WHILE IN SERVICE  
23 WITH THE COUNTY;

24 (III) DID NOT REQUEST RETURN OF THE MEMBER'S ACCUMULATED

1 CONTRIBUTIONS WHEN THE MEMBER LEFT SERVICE WITH THE COUNTY; AND

2 (IV) HAS AT LEAST 15 YEARS OF CREDITABLE SERVICE WITH THE  
3 COUNTY WITHOUT REGARD TO THE AGE OF THE DECEDENT AT THE TIME OF  
4 DEATH.

5 (2) IF THERE IS NO SURVIVING SPOUSE OR THE SURVIVING SPOUSE  
6 DIES OR REMARRIES BEFORE THE YOUNGEST CHILD OF THE DECEDENT SHALL  
7 HAVE ATTAINED THE AGE OF EIGHTEEN (18) YEARS, AND IF THE REQUIREMENTS OF  
8 ITEMS (I) THROUGH (IV) OF PARAGRAPH (1) OF THIS SUBSECTION ARE MET, THE  
9 DECEDENT'S CHILD OR CHILDREN UNDER SUCH AGE, MAY RECEIVE A  
10 SUPPLEMENTAL DEATH IN VOLUNTEER SERVICE BENEFIT DIVIDED IN SUCH  
11 MANNER AS THE BOARD OF TRUSTEES IN ITS DISCRETION SHALL DETERMINE, TO  
12 CONTINUE AS A JOINT AND SURVIVORSHIP PENSION FOR THE BENEFIT OF THE  
13 CHILD OR CHILDREN UNDER SUCH AGE UNTIL EVERY CHILD DIES OR ATTAINS  
14 SUCH AGE.

15 (D) THE SUPPLEMENTAL DEATH IN VOLUNTEER SERVICE BENEFIT CONSISTS  
16 OF:

17 (1) AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF  
18 THE MEMBER'S ACCUMULATED CONTRIBUTIONS; AND

19 (2) A PENSION WHICH TOGETHER WITH THE ANNUITY SHALL PROVIDE  
20 A TOTAL ALLOWANCE EQUAL TWO (2) PERCENT OF THE MEMBER'S AVERAGE  
21 FINAL COMPENSATION MULTIPLIED BY THE NUMBER YEARS OF CREDITABLE  
22 SERVICE.

23 (E) IN ALL CASES OF DOUBT, THE BOARD OF TRUSTEES SHALL DETERMINE  
24 WHETHER ANY INDIVIDUAL IS THE SURVIVING SPOUSE OR CHILD OF A MEMBER OF

1 A COUNTY VOLUNTEER FIRE OR RESCUE COMPANY WHO DIES ON DUTY.

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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 take effect March 20, 2011 and shall  
5 apply retroactively to the death of a member on or after January 19, 2011.