

**CITY OF BALTIMORE
COUNCIL BILL 07-0608
(First Reader)**

Introduced by: Councilmembers Harris, Kraft, Young, D'Adamo, Mitchell, Clarke, Conaway,
Welch

At the request of: Baltimore City Firefighters Local 734

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Introduced and read first time: February 26, 2007

Assigned to: Taxation and Finance Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Fire and Police
Employees' Retirement System, Labor Commissioner

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Fire and Police Employees' Retirement System – Fallen Heroes**

3 FOR the purpose of modifying, for purposes of the line-of-duty death benefit, the determination
4 of a member's compensation; providing for a special effective date; and generally relating to
5 the Fire and Police Employees' Retirement System.

6 BY repealing and reordaining, with amendments

7 Article 22 - Retirement Systems

8 Section(s) 34(i)(2)(A) and (E)

9 Baltimore City Code

10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
12 Laws of Baltimore City read as follows:

13 **Baltimore City Code**

14 **Article 22. Retirement Systems**

15 **Subtitle – Fire and Police Employees' Retirement System**

16 **§ 34. Benefits.**

17 (i) *Line-of-duty death benefit.*

18 (2) *Line-of-duty death benefit.*

19 (A) On the receipt of a written application, proper proof of death, and an award by a
20 hearing examiner of a line-of-duty death benefit, the Board of Trustees shall pay:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 (i) a lump-sum refund of the member’s accumulated contributions, to be paid
2 as follows:

- 3 1. to the member’s designated beneficiary;
- 4 2. if there is no designated beneficiary or if the designated
5 beneficiary predeceases the member, to the member’s surviving
6 spouse;
- 7 3. if there is no designated beneficiary and no surviving spouse, to
8 the member’s children, in equal shares;
- 9 4. if there is no designated beneficiary, surviving spouse, or surviving
10 child, to the member’s surviving parents, in equal shares; and
- 11 5. otherwise, to the member’s estate; and

12 (ii) a pension of 100% of the member’s [current] compensation, DETERMINED
13 AS PROVIDED IN SUBPARAGRAPH (E) OF THIS PARAGRAPH (2), to be paid as
14 follows, regardless of whom the member designated as beneficiary:

- 15 1. to the member’s surviving spouse, to continue for life;
- 16 2. if there is no surviving spouse or if the surviving spouse dies, to
17 the member’s minor children to be paid to each child, in equal
18 shares, until that child is no longer minor, as defined in § 47(h) of
19 this article;
- 20 3. if there is no surviving spouse or minor children, to either or both
21 of the member’s surviving dependent parents who are designated
22 beneficiaries, to continue for life, in the percentages designated by
23 the member; or
- 24 4. if there is no surviving spouse or minor children and if the
25 deceased member did not designate his or her surviving parents as
26 beneficiaries, then to either or both of the member’s surviving
27 dependent parents, to continue for life, as the Board of Trustees in
28 its discretion directs.

29 (E) [If the member’s death occurred as the result of an injury sustained while the
30 member was assigned to duties in a higher class than his or her regular job
31 classification, the current compensation described in] FOR PURPOSES OF
32 subparagraph (A)(ii) of this paragraph (2), THE MEMBER’S COMPENSATION shall
33 be the maximum level or experience salary scale, taking into account the
34 longevity increments appropriate to the member’s length of service, in the
35 classification in which the member was performing duties on the date of the
36 injury causing death.

37 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
38 are not law and may not be considered to have been enacted as a part of this or any prior
39 Ordinance.

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1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
2 is enacted, retroactive to February 1, 2007.