

CITY OF BALTIMORE
ORDINANCE **20.459**
Council Bill 20-0604

Introduced by: The Council President
At the request of: The Administration (Employees' Retirement System)
Introduced and read first time: September 21, 2020
Assigned to: Taxation, Finance and Economic Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: November 2, 2020

AN ORDINANCE CONCERNING

Retirement Systems – Minor Child – Clarification

FOR the purpose of modifying and conforming the definition of minor child, in the Employees' Retirement System law, the Elected Officials' Retirement System law, and the Fire and Police Employees' Retirement System law.

BY repealing and reordaining, with amendments

Article 22 - Retirement Systems

Section(s) 6(a)(14), 6(b)(15)(i), 6(b-1)(2)(ii), 6(c)(12)(ii), 6(d)(12)(i), 6(d-1)(2)(ii), 6(f)(8)(ii), 6(f)(9)(ii), 6(f)(10)(ii)(B), 6(h)(4)(ii)(A)2. and (C), 6(i)(2)(i)B.2., 9(m)(1)(ii)(B), 9(o-1)(4)(v)(A)1.B. and 3., 9(o-2)(4)(ii)(B), 9-2(k)(1)(ii)(B), 9-2(m)(4)(v)(A)1.b. and 3., 9-2(n)(4)(ii)(B), 22(e)(1)(ii)(B), 22(g)(2)(i)(B)2., 34(h)(4)(B) and (C), 34(i)(2)(A)(ii)2. and (C), and 34(k)(1)(ii)(B)(iii) and (iv)

Baltimore City Code
(Edition 2000)

BY adding

Article 22 - Retirement Systems

Section(s) 1(5), 17A(22), and 30(22)

Baltimore City Code
(Edition 2000)

BY repealing

Article 22 - Retirement Systems

Section(s) 34(y) and 47(h)

Baltimore City Code
(Edition 2000)

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

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Baltimore City Code

Article 22. Retirement Systems

Employees' Retirement System

§ 1. Definitions.

(5) MINOR CHILD.

"MINOR CHILD" MEANS THE CHILD OF A MEMBER, FORMER MEMBER, OR RETIREE WHO HAS NOT ATTAINED AGE 22.

§ 6. Benefits.

(a) *Service retirement benefits for any Class A or Class B member who was an employee on or after June 29, 1989.*

(14) In the event that a member who was an employee on or after June 29, 1989, retires and elects to receive maximum benefits without optional modification later dies and is survived by a spouse to whom the member had been married for a least 1 year immediately prior to retirement, an amount equal to 35% (or such different amount as set forth below) of the allowance said member was receiving shall be paid to such surviving spouse to continue as long as he or she remains unmarried. If there is no such spouse or if the spouse dies or remarries before the youngest unmarried child of said deceased member shall have either attained the age of [18 years or, in the event said child is a full-time student, before he shall have attained the age of] 22 years, then an amount equal to 35% (or such different amount as set forth below) of the allowance said member was receiving shall be paid to such child or children, divided in such manner as the Board of Trustees in its discretion shall determine to continue for the benefit of such child or children until the last child marries, dies or [either attains the age of 18 years or in the event he is a full-time student,] attains the age of 22 years. For members who terminate employment with the City before June 29, 1990, the preceding two sentences shall be read by substituting "33⅓%" for "35%" wherever such amounts appear therein.

However, effective June 28, 1992, any eligible surviving spouse, child or children of a member who retired and elected or who will retire and elect the maximum benefit under the above paragraph, shall receive 40% of the allowance the member was receiving.

(b) *Service retirement benefits for Class A or Class B member who was an employee on or after July 1, 1987, but not after June 28, 1989.*

(15) (i) If a member who was an employee on or after July 1, 1987, but not after June 28, 1989, retires and elects to receive maximum benefits without optional modification later dies and is survived by a spouse to whom the member had been married for at least 1 year immediately prior to retirement, an amount equal to 5% of the allowance the member was receiving shall be paid to the surviving spouse to continue as long as he or she remains unmarried. If there

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1 is no surviving spouse or if the spouse dies or remarries before the youngest
2 unmarried child of the deceased member attains age [18 or, if the child is a
3 full-time student, before he or she attains age] 22, then an amount equal to 5%
4 of the allowance the member was receiving shall be paid to the child or
5 children, divided in the manner that the Board of Trustees in its discretion
6 determines, to continue for the benefit of the child or children until the last
7 child marries, dies, or attains age [18 or, if a full-time student,] 22.

8 (b-1) *Service retirement benefits for Class A or Class B member who terminated*
9 *employment on or before June 30, 1987.*

10 (2) *Survivorship benefits for members who selected maximum benefits and die on or after*
11 *April 1, 2001.*

12 (ii) If there is no surviving spouse or if the spouse dies or remarries before the
13 youngest unmarried child of the deceased member attains age [18 or, if the child is
14 a full-time student, before he or she attains age] 22, then an amount equal to 40%
15 of the allowance the member was receiving shall be paid to the child or children,
16 divided in the manner that the Board of Trustees in its discretion determines, to
17 continue for the benefit of the child or children until the last child marries, dies, or
18 attains [either age 18 or, if a full-time student,] AGE 22.

19 (c) *Non-line-of-duty disability retirement benefit for any Class A or Class B member who*
20 *was an employee on or after June 29, 1989.*

21 (12) (ii) If there is no eligible surviving spouse or if the spouse dies or remarries before
22 the youngest unmarried child of the deceased member has attained the age of
23 [18 years or, if the child is a full-time student, before he or she has attained the
24 age of] 22 years, then an amount equal to 35% (or such different amount as set
25 forth below) of the allowance that the member was receiving shall be paid to
26 the child or children, divided in the manner that the Board of Trustees in its
27 discretion determines, to continue for the benefit of the child or children until
28 the last child marries, dies, or attains [either age 18 or, if a full-time student,]
29 age 22.

30 (d) *Ordinary disability retirement benefit for Class A or Class B member who was an*
31 *employee on or after July 1, 1987, but not after June 28, 1989.*

32 (12) (i) If a member who was an employee on or after July 1, 1987, but not
33 after June 28, 1989, retires and elects to receive maximum benefits
34 without optional modification later dies and is survived by a spouse to
35 whom the member had been married for at least 1 year immediately
36 prior to retirement, an amount equal to 5% of the allowance the
37 member was receiving shall be paid to the surviving spouse to
38 continue as long as he or she remains unmarried. If there is no
39 surviving spouse or if the spouse dies or remarries before the youngest
40 unmarried child of the deceased member attains age [18 or, if the child
41 is a full-time student, before he or she attains age] 22, then an amount
42 equal to 5% of the allowance the member was receiving shall be paid
43 to the child or children, divided in the manner that the Board of

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Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains age [18 or, if a full-time student,] 22.

(d-1) *Ordinary disability retirement benefits for Class A or Class B member who terminated employment on or before June 30, 1987.*

(2) *Survivorship benefits for members who selected maximum benefits and die on or after April 1, 2001.*

(ii) If there is no surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member attains age [18 or, if the child is a full-time student, before he or she attains age] 22, then an amount equal to 40% of the allowance the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains [either age 18 or, if a full-time student,] AGE 22.

(f) *Allowance on line-of-duty disability retirement.*

(8) (ii) If there is no eligible surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member attains age [18 or, if the child is a full-time student, before he or she attains age] 22, then an amount equal to 5% of the allowance the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains [either age 18 or, if a full-time student,] age 22.

(9)(ii) If there is no eligible surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member has attained the age of [18 years or, if the child is a full-time student, before he or she has attained the age of] 22 years, then an amount equal to 35% (or such different amount as set forth below) of the allowance that the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains [either age 18 or, if a full-time student,] age 22.

(10) *Survivorship benefits for beneficiaries of members who terminated employment on or before June 30, 1987 and selected maximum benefits.*

(ii) *Members who die on or after April 1, 2001.*

(B) If there is no eligible surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member attains age [18 or, if the child is a full-time student, before he or she attains age] 22, then an amount equal to 40% of the allowance the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until

the last child marries, dies, or attains [either age 18 or, if a full-time student,
age 22.

(h) *Non-line-of-duty death benefit.*

(4) *40% survivorship death benefit.*

(ii) This benefit shall be paid:

(A) to the member's designated beneficiary, as long as that designated
beneficiary is limited to:

...

2. the member's unmarried minor children, to be paid to each child in
equal shares, until that child marries or is no longer a minor, as
defined in § [47(h)] 1(5) of this article; or

(C) if there is no qualifying surviving spouse under subparagraph A or B, or if
the surviving spouse dies or remarries, then to the member's unmarried
minor children, to be paid to each child in equal shares, until that child
marries or is no longer a minor, as defined in § [47(h)] 1(5) of this article.

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

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

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

B. a pension of 100% of the member's current compensation:

...

2. if there is no surviving spouse or if the surviving spouse dies or
remarries, to the member's minor children to be paid to each child, in
equal shares, until that child is no longer minor, as defined in § [47(h)]
1(5) of this article; or

...

§ 9. Class C Membership.

(m) *Method of payment.*

(1) *Maximum retirement allowance.*

(ii) *Retired member's death – In general.*

...

(B) if there is no qualifying surviving spouse or if the surviving spouse
remarries before age 70 or dies, then the benefit shall be paid to the
surviving spouse's minor children, in equal shares, to continue until the
children are no longer minors, as defined in § [47(h)] 1(5) of this article.

...

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(o-1) *Non-line-of-duty death benefits.*

(4) *40% survivorship death benefit.*

(v) *Qualifications and priorities of potential beneficiaries.*

(A) The benefit shall be paid as follows:

1. to the member's designated beneficiary, if that designated beneficiary is:

B. the member's minor children, to be paid to each child, in equal shares, until that child is no longer a minor, as defined in § [47(h)] 1(5) of this article;

3. if there is no qualifying surviving spouse under item 1. or 2. of this sub-subparagraph, or if the surviving spouse remarries before age 70 or dies, then to the member's minor children, to be paid to each child in equal shares until that child is no longer a minor, as defined in § [47(h)] 1(5) of this article.

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

(4) *Amount of benefit; Qualifications and priorities of potential beneficiaries.*

On an award by the hearing examiner, the Board of Trustees shall pay:

(ii) a pension of 100% of the member's current compensation to:

(B) the member's minor children, to be paid to each child, in equal shares, until that child is no longer a minor, as defined in § [47(h)] 1(5) of this article, if:

§ 9-2. Class D membership.

(k) *Method of payment.*

(1) *Maximum retirement allowance.*

(ii) *Retired member's death – In general.*

(B) if there is no qualifying surviving spouse or if the surviving spouse remarries before age 70 or dies, then the benefit shall be paid to the retired member's minor children, in equal shares, to continue until the children are no longer minors, as defined in § [47(h)] 1(5) of this article.

(m) *Non-line-of-duty death benefit.*

(4) *40% survivorship death benefit.*

(v) *Qualifications and priorities of potential beneficiaries.*

(A) The benefit shall be paid as follows:

1. to the member's designated beneficiary, if that designated beneficiary is:

b. the member's minor children, to be paid to each child, in equal shares, until that child is no longer a minor, as defined in § [47(h)] 1(5) of this article;

3. if there is no qualifying surviving spouse under item 1. or 2. of this sub-subparagraph, or if the surviving spouse remarries before age 70 or dies, then to the member's minor children, to be paid to each child in equal shares until that child is no longer a minor, as defined in § [47(h)] 1(5) of this article.

(n) *Line-of-duty death benefit.*

(4) *Amount of benefit; Qualifications and priorities of potential beneficiaries .*

On an award by the hearing examiner, the Board of Trustees shall pay:

(ii) a pension of 100% of the member's current compensation to:

(B) the member's minor children, to be paid to each child in equal shares until that child is no longer a minor, as defined in § [47(h)] 1(5) of this article, if:

Elected Officials' Retirement System

§ 17A. Definitions.

(22) *MINOR CHILD.*

"MINOR CHILD" MEANS THE CHILD OF A MEMBER, FORMER MEMBER, OR RETIREE WHO HAS NOT ATTAINED AGE 22.

§ 22. Benefits.

(e) *Method of payment.*

(1) *Maximum retirement allowance.*

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(ii) On receipt of proper proof of death of a retired member receiving the maximum benefit, the Board of Trustees shall pay an amount equal to 40% of the retired member's retirement allowance as of the date of the retired member's death, to one of the following beneficiaries:

...
(B) if there is no qualifying surviving spouse or if the surviving spouse remarries before age 70 or dies, then the benefit shall be paid to the retired member's minor children, in equal shares, to continue until the children are no longer minors, as defined in § [47(h)] 17A(22) of this article.

(g) *Line-of-duty death benefit.*

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

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

...
(B) a pension of 100% of the member's current annual compensation on the date of the member's death:

...
2. if there is no surviving spouse or if the surviving spouse remarries before age 70 or dies, to the member's minor children to be paid to each child, in equal shares, until that child is no longer a minor, as defined in § [47(h)] 17A(22) of this article;

...

Fire and Police Employees Retirement System

§ 30. Definitions.

In this subtitle, unless a different meaning is plainly required by the context, the following words and phrases have the meanings indicated:

...
(22) "MINOR CHILD" MEANS THE CHILD OF A MEMBER, FORMER MEMBER, OR RETIREE WHO HAS NOT ATTAINED AGE 22.

§ 34. Benefits.

(h) *Non-line-of-duty death benefit.*

(4) *25% plus death benefit.*

...
(B) This benefit shall be paid:

(i) to the member's designated beneficiary, as long as that designated beneficiary is limited to:

1. the member's surviving spouse, to continue for life or until remarriage; or

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2. the member's minor children, to be paid to each child, in equal shares, until that child is no longer minor, as defined in § [47(h)] 30(22) of this article; or

(ii) if the designated beneficiary is not the member's spouse or minor child, as defined in § [47(h)] 30(22) of this article, and that beneficiary predeceases the member, or if there is no designated beneficiary, then to the member's surviving spouse, to continue for life or until remarriage, if the member was married to that spouse for at least 1 year immediately before the date of the member's death; or

(iii) if there is no qualifying surviving spouse under subparagraph (B)(i) or (ii), or if the surviving spouse dies or remarries, then to the member's minor children, to be paid to each child, in equal shares, until that child is no longer minor, as defined in § [47(h)] 30(22) of this article.

(C) For purposes of this paragraph (4), when a member's child is no longer a minor, as defined in § [47(h)] 30(22) of this article, and consequently ceases to receive benefits under this paragraph (4), each remaining minor child shall begin to receive, in addition to his or her existing benefit, an equal share of the benefit formerly paid to the other child. This process continues until the member's youngest child is no longer a minor.

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

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

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

...
(ii) a pension of 100% of the member's current compensation, to be paid as follows, regardless of whom the member designated as beneficiary:

...
2. if there is no surviving spouse or if the surviving spouse dies, to the member's minor children to be paid to each child, in equal shares, until that child is no longer minor, as defined in § [47(h)] 30(22) of this article;

...
(C) For purposes of this paragraph (2), when a member's child is no longer a minor, as defined in § [47(h)] 30(22) of this article, and consequently ceases to receive benefits under this paragraph (2), each remaining minor child shall begin to receive, in addition to his or her existing benefit, an equal share of the benefit formerly paid to the other child. This process continues until the member's youngest child is no longer a minor.

...
(k) *Retirement payment options.*

(1) *Maximum retirement allowance.*

...

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(ii) *Retired member's death – In general.*

As of the 1st day of the calendar month following the death of a retired member who is receiving this maximum retirement allowance, the following beneficiaries are entitled to receive periodic payments in an amount equal to 50% of the periodic payment that the retired member was receiving at the time of his or her death:

...
(B) if there is no qualifying surviving spouse or if the surviving spouse remarries before age 70 or dies, then the benefit shall be paid to the retired member's minor children, in equal shares, to continue until the children are no longer minors, as defined in § [47(h)] 30(22) of this article.

(iii) *Retired member's death – Share of minor child who attains majority.*

For purposes of this paragraph, when a retired member's child is no longer a minor, as defined in § [47(h)] 30(22) of this article, and consequently ceases to receive benefits under this paragraph, each remaining minor child shall begin to receive, in addition to his or her existing benefit, an equal share of the benefit formerly paid to the other child. This process continues until the youngest child is no longer a minor.

(iv) *Retired member's death – Before contributions and DROP or DROP 2 account recovered.*

If a retired member who is receiving the maximum retirement allowance dies before the member has received in annuity payments a sum equal to the amount of his or her accumulated contributions and DROP or DROP 2 account at the time of retirement, and if there is no qualifying surviving spouse or minor child, as defined in § [47(h)] 30(22) of this article, entitled to receive further benefits as a result of the member's death, the difference between the amount of the deceased member's accumulated contributions and DROP or DROP 2 account at the time of his or her retirement and the sum of the annuity payments that he or she had received during his or her lifetime shall be paid in the form of a lump-sum cash payment as follows:

...

[(y) *Retroactive payment of full-time student benefits.*

The Board of Trustees shall establish rules and regulations governing deferral of payments to minor children over 18 years of age until their full-time student status has been verified.]

General Provisions

§ 47. Definitions.

...
[(h) *Minor child.*]

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1 [(1) For purposes of § 34 of this article, "minor child" means the child of a member,
2 former member, or retiree who has not attained age 22.]

3 [(ii) if the child is a full-time student, as verified to the satisfaction of the
4 Executive Director in accordance with policies set by the Board of Trustees,
5 has not attained age 22.]

6 [(2) For purposes of §§ 9, 9.2, and 22 of this article, "minor child" means the child of a
7 member, former member, or retiree who:]

8 [(i) has not attained age 18; or]

9 [(ii) if the child is a student, as verified to the satisfaction of the Executive
10 Director in accordance with policies set by the Board of Trustees, has not
11 attained age 22.]

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

15 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
16 after the date it is enacted.

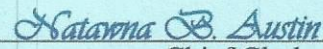
Certified as duly passed this 16 day of November, 2020



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

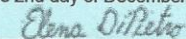
this 16 day of November, 2020



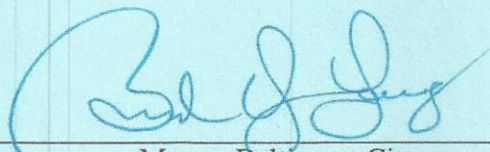
Chief Clerk

Approved this 2nd day of Dec., 2020

Approved for Form and Legal Sufficiency
This 2nd day of December, 2020.



Chief Solicitor



Mayor, Baltimore City