

Expedited Bill No. 32-26
Concerning: Employees' Retirement
System – Survivor Benefits – Death
During Line of Duty – Expanded
Eligibility to Groups E and J
Revised: 10/8/2026 Draft No. 2
Introduced: July 21, 2026
Enacted: October 20, 2026
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Luedtke, Glass, and Katz
Co-Sponsors: Councilmember Evans, Council Vice President Balcombe, Councilmembers
Jawando, Stewart, Friedson, and Mink, Council President Fani-González, and
Councilmember Sayles

AN EXPEDITED ACT to:

- (1) increase death benefits to spouses, domestic partners, and children of Group E and Group J members whose deaths are service-connected; and
- (2) generally amend the law regarding the employees' retirement system, including pension benefits and other benefits available to survivors upon service-connected deaths.

By amending

Chapter 33, Personnel and Human Resources
Section 33-46

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 33-46 is amended as follows:

33-46. Death benefits and designation of beneficiaries.

* * *

(b) *Spouse's, or domestic partner's, and children's benefits of a member whose death is service connected.*

* * *

(2) Except as provided under paragraph (4) of this subsection (b), the Chief Administrative Officer must pay death benefits to the spouse or domestic partner and child of a Group F, [or] Group G, Group E, or Group J member as if the member had been receiving a service-connected disability pension on the date of the member's death and had selected a joint and survivor pension option of 100 percent of the amount payable to the member, if:

(A) the Group F, [or] Group G, Group E, or Group J member died while employed by the County; and

(B) the employing department, a beneficiary, or another person submits satisfactory proof to the Chief Administrative Officer that the member's death:

(i) resulted from injuries the employee received in the line of duty or was directly attributable to the inherent hazards of the duties the employee performed; and

(ii) was not due to the employee's willful negligence.

(3) Except as provided under paragraph (4) of this subsection (b), the Chief Administrative Officer must pay a benefit to the spouse or domestic partner and children of a Group G member who dies on

or after July 1, 2004, [or] of a Group F member who dies on or after January 1, 2025, or of a Group E or J member who dies on or after July 1, 2026, under the conditions stated in paragraph (2) of subsection (b) as if the member had died while receiving a service connected disability retirement benefit of at least 70 percent of the member's final earnings.

(4) *Group F, [or] Group G, Group E, or Group J – Line of duty death benefits for surviving spouses or domestic partners and children.*

(A) Within 60 days of the death of a Group F, [or] Group G, Group E, or Group J member under the conditions stated under paragraph (2) of subsection (b), the surviving spouse or domestic partner and children may elect to receive:

(i) upon the death of a Group F member, the benefit the spouse or domestic partner and children would have received if the member had terminated employment on the day before the date of death with exactly 25 years of total credited service, as described in Section 33-41, and had elected a 100 percent joint and survivor pension option;

(ii) upon the death of a Group G member, the benefit the spouse or domestic partner and children would have received if the member had terminated employment on the day before the date of death with exactly 20 years of total credited service, as

described in Section 33-41, and had elected a 100 percent joint and survivor pension option;

(iii) upon the death of a Group E or J member, the benefit the spouse or domestic partner and children would have received if the member had terminated employment on the day before the date of death with exactly 25 years of total credited service, as described in Section 33-41, [[at an age of at least 46,]] and had elected a 100 percent joint and survivor pension option;

[(iii)] (iv) the benefit under paragraph (2) of this subsection (b); or

[(iv)] (v) if the member died after becoming eligible to vest or retire, the benefit under subsection (e) of this section.

(B) The Chief Administrative Officer must process the election under subparagraph (A) of this paragraph immediately upon receipt of the election.

(C) The benefit under subparagraph (A) of this paragraph:

(i) becomes payable upon the date the Group F₂ [or] Group G, Group E, or Group J member died; and

(ii) must be paid beginning on the first of the month following the date the County receives the election of benefit under subparagraph (A) of this paragraph.

* * *

(e) *Spouse's, or domestic partner's, and children's benefits when an active member eligible for vesting or retirement dies.*

(1) A surviving spouse, domestic partner, or child who is the designated beneficiary of a member who died after becoming eligible to vest or retire, may elect within 60 days after the member's death a benefit equal to the yearly amount of benefits that would have been payable if the member had vested or retired immediately before death and had elected a 100 percent joint and survivor pension option. The payments must begin on the member's normal retirement date if the member was eligible for vesting, or immediately if the member was eligible for retirement.

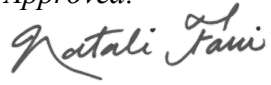
(2) If the designated beneficiary who would receive a death benefit under paragraph (1) dies before the death benefit payments begin and the member designated a contingent beneficiary, the death benefit under subsection (a) must be paid to the contingent beneficiary designated by the member (or to a person designated by the beneficiary if the member left no enforceable contingent beneficiary designation).

* * *

Sec. 2. Effective Date. The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

Sec. 3. Construction. This Act must not be construed to: (1) offset, diminish, or alter death benefits provided under a collectively bargained agreement; or (2) reopen a collectively bargained agreement.

Approved:



October 20, 2026

Natali Fani-González, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council

Date