

SENATE BILL 78

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2004 Regular Session
4r1146
CF 4r1546

By: **The President (By Request - Judicial Compensation Commission)**

Introduced and read first time: January 16, 2004

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: February 18, 2004

CHAPTER 249

1 AN ACT concerning

2 **Judges' Retirement System - Death Benefits - Surviving Spouses**

3 FOR the purpose of removing the age restriction for a surviving spouse to receive the
4 death benefit of a former member or retiree of the Judges' Retirement System;
5 and generally relating to death benefits for surviving spouses of former
6 members or retirees of the Judges' Retirement System.

7 BY repealing and reenacting, with amendments,
8 Article - State Personnel and Pensions
9 Section 27-403
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 2003 Supplement)

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

14 **Article - State Personnel and Pensions**

15 27-403.

16 (a) (1) Except as provided in paragraph (2) of this subsection, on the death
17 of a member, the Board of Trustees shall pay to the surviving spouse 50% of the
18 retirement allowance that would be payable were the member alive and eligible to
19 receive a retirement allowance.

20 (2) (i) If at the time of death the member does not have a surviving
21 spouse, the Board of Trustees shall pay to the member's designated beneficiary or
22 beneficiaries a lump-sum death benefit consisting of the sum of:

- 1 1. the member's accumulated contributions; and
- 2 2. an amount equal to the member's annual salary at the
- 3 time of death.

4 (ii) If a member has designated more than one beneficiary, the
5 lump-sum death benefit provided in item (i) of this paragraph shall be divided
6 equally among the beneficiaries.

7 (b) On the death of a former member or retiree, the Board of Trustees shall
8 pay to the surviving spouse[, when the surviving spouse is at least 50 years old,] 50%
9 of the retirement allowance that would be payable were the former member or retiree
10 alive and eligible to receive a retirement allowance.

11 (c) (1) This subsection applies to a member, former member, or retiree who
12 at the time of death:

- 13 (i) does not have a spouse; and
- 14 (ii) has a child under the age of 18 years.

15 (2) Until each child reaches the age of 18 years, the Board of Trustees
16 shall pay to the surviving children of the member, former member, or retiree who are
17 under the age of 18 years the retirement allowance that would have been paid to a
18 surviving spouse under subsection (a) or (b) of this section.

19 (3) If the Board of Trustees pays an allowance to more than one child, the
20 Board of Trustees shall divide the allowance equally among the children who are
21 under the age of 18 years.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2004.