

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 78 (The President) (By Request – Judicial Compensation Commission)
Budget and Taxation Appropriations

Judges' Retirement System - Death Benefits - Surviving Spouses

This pension bill removes the requirement that the surviving spouse of a retired judge or former member must be age 50 or older to begin receiving the 50% survivor benefit that is normally paid to a spouse at the death of the retired judge.

The bill is effective July 1, 2004.

Fiscal Summary

State Effect: State pension benefit payments would increase by a minimal amount.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Current law permits a surviving spouse of a retired judge or former member of the Judges' Retirement System to receive a 50% survivor benefit at the death of the retiree or former member if the surviving spouse is at least age 50. If the spouse is younger than age 50, then benefit payments do not begin until the spouse reaches age 50.

Background: The Judicial Compensation Commission is charged with studying and making recommendations with respect to all aspects of judicial compensation. Salary recommendations made by the commission are introduced as joint resolutions and, if no action is taken by the General Assembly within 50 days of introduction, become law.

Commission recommendations regarding judicial pensions are introduced by the presiding officers as standard legislative proposals. This bill was a recommendation of the Judicial Compensation Commission as part of their 2003 review and analysis.

State Fiscal Effect: Since judges must be age 60 to receive a retirement benefit, the overwhelming number of surviving spouses are over age 50. The Retirement Agency is currently aware of one surviving spouse that would be eligible for a benefit based on this proposal. The State Retirement Agency estimates that no more than one surviving spouse every five years would be eligible for benefits under this proposal.

Additional Information

Prior Introductions: None.

Cross File: HB 148 (The Speaker) (By Request – Judicial Compensation Commission) – Appropriations.

Information Source(s): Milliman USA, Maryland State Retirement Agency, Department of Legislative Services

Fiscal Note History: First Reader - January 29, 2004
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