

CHAPTER 507

(House Bill 482)

AN ACT concerning

State Police Retirement System – Survivor Benefits

FOR the purpose of altering the survivor benefit for certain beneficiaries of certain retirees of the State Police Retirement System; repealing a supplemental survivor benefit for certain beneficiaries of certain retirees of the State Police Retirement System; and generally relating to survivor benefits for beneficiaries of retirees of the State Police Retirement System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–403
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing
Article – State Personnel and Pensions
Section 24–404
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Article – State Personnel and Pensions

24–403.

(a) This section applies only to a retiree who has retired with a service retirement allowance or a disability retirement allowance.

(b) On the death of a retiree, the Board of Trustees shall pay [50%] **80%** of the retiree's retirement allowance:

(1) to the surviving spouse; or

(2) if there is not a surviving spouse or if the surviving spouse dies before the youngest child is 18 years old, to any children of the deceased retiree who are under 18 years of age.

(c) If the Board of Trustees pays an allowance to more than one child, the Board of Trustees shall divide the allowance among the children under the age of 18 years in a manner that provides for payments to continue until each child dies or becomes 18 years old.

[24-404.

(a) Subject to subsections (b) through (d) of this section, the Board of Trustees shall pay the following benefits in accordance with Title II of the federal Social Security Act:

(1) if a member dies while employed as a member, child's insurance benefits;

(2) if a retiree dies with a special disability retirement allowance under § 29-111 of this article:

(i) surviving spouse's insurance benefits;

(ii) child's insurance benefits; or

(iii) parents' insurance benefits; or

(3) if a retiree dies with a service retirement allowance or an ordinary disability retirement allowance under § 29-107 of this article:

(i) surviving spouse's insurance benefits;

(ii) child's insurance benefits;

(iii) mother's insurance benefits;

(iv) parents' insurance benefits; or

(v) other death benefits payable under Title II of the federal Social Security Act.

(b) A payment under subsection (a)(1) or (2) of this section may not be made if, under Title II of the federal Social Security Act:

(1) the surviving spouse is eligible to receive surviving spouse's insurance benefits;

(2) the child is eligible to receive child's insurance benefits; or

(3) the parent is eligible to receive parents' insurance benefits.

- (c) The Board of Trustees shall make a payment under this section:
 - (1) after receiving proof of death of the member or retiree;
 - (2) in accordance with Title II of the federal Social Security Act in effect at the time of initial eligibility; and
 - (3) without any cost-of-living adjustment that the federal government may provide.
- (d) The monthly earnings used in the federal Social Security Act computation of benefits under this section shall be the lesser of:
 - (1) one-twelfth of the member's average final compensation; or
 - (2) the maximum Social Security monthly earnings that may be used in the computation.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, May 13, 2008.