

## Chapter 379

(House Bill 516)

AN ACT concerning

### **Allegany County – Orphans' Court Judges – Pension**

FOR the purpose of altering the pension of a judge of the Orphans' Court for Allegany County under certain circumstances; making a technical change; and generally relating to the pension of a judge of the Orphans' Court for Allegany County under certain circumstances.

BY repealing and reenacting, without amendments,  
Article – Estates and Trusts  
Section 2–108(b) and (y)(1)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 2–108(y)(2), (6), and (7)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2011 Supplement)

BY adding to  
Article – Estates and Trusts  
Section 2–108(y)(6)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2011 Supplement)

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

#### **Article – Estates and Trusts**

2–108.

(b) Each of the judges of the Court for Allegany County shall receive an annual salary set by the County Commissioners in accordance with Article 24, Title 12, Subtitle 1 of the Code. Each judge shall also receive an expense allowance in the amount of \$600 annually, to be paid at the rate of \$50 monthly.

(y) (1) Except in Montgomery, Frederick, Carroll, Talbot, Cecil, Kent, Queen Anne's, Baltimore, Garrett, and Harford counties and Baltimore City, and

except as provided in paragraphs (3) and (4) of this subsection, a county shall pay a pension, in the same manner as salaries are paid during active service, to each judge of the Orphans' Court who:

- (i) Has terminated active service;
- (ii) Has reached 60 years of age; and
- (iii) Has completed at least two terms of office.

(2) Except as provided in [paragraph (5) of this subsection] **THIS SECTION**, the salary or pension shall be the greater of:

- (i) \$1,200 annually; or
- (ii) An annual amount calculated at the rate of 4 percent of the last annual amount of compensation multiplied by the number of years or partial years of service, not exceeding 12 years.

**(6) IN ALLEGANY COUNTY, THE PENSION FOR AN ORPHANS' COURT JUDGE SHALL BE THE GREATER OF:**

**(I) \$1,200 ANNUALLY; OR**

**(II) 1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS SUBPARAGRAPH, AN ANNUAL AMOUNT CALCULATED AT THE RATE OF 4 PERCENT OF THE LAST ANNUAL AMOUNT OF COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF SERVICE, NOT EXCEEDING 16 YEARS; OR**

**2. AN ANNUAL AMOUNT EQUAL TO TWO-THIRDS OF THE LAST ANNUAL AMOUNT OF COMPENSATION IF THE JUDGE HAS MORE THAN 16 YEARS OF SERVICE.**

**[(6)] (7)** The pension or salary may be suspended during any month the judge is a full-time employee of any county or of this State.

**[(7)] (8)** Notwithstanding any provision of this section an Orphans' Court judge may not receive a pension under this section if he is receiving any other State pension based on service as an Orphans' Court judge.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

**Approved by the Governor, May 2, 2012.**