

SENATE BILL 432

D2

(2lr0361)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senator Klausmeier**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Orphans’ Court Judges and Surviving Spouses – Pensions**

3 FOR the purpose of requiring Baltimore County to pay Orphans’ Court judges and their
4 surviving spouses a certain pension under certain circumstances; *requiring the*
5 *County Council of Baltimore County to establish, by law, certain requirements and*
6 *procedures relating to the pension of a judge of the Orphans’ Court;* and generally
7 relating to the pension of a judge of the Orphans’ Court for Baltimore County.

8 BY repealing and reenacting, with amendments,

9 Article – Estates and Trusts

10 Section 2–108(x)(1), (7), and (8)

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2021 Supplement)

13 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Estates and Trusts
 2 Section 2–108(x)(7)
 3 Annotated Code of Maryland
 4 (2017 Replacement Volume and 2021 Supplement)

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

7 **Article – Estates and Trusts**

8 2–108.

9 (x) (1) Except in Montgomery, Frederick, Carroll, Talbot, Cecil, Kent, Queen
 10 Anne’s, [Baltimore,] Garrett, and Harford counties and Baltimore City, and except as
 11 **OTHERWISE** provided in [paragraphs (3) and (4) of] this subsection, a county shall pay a
 12 pension, in the same manner as salaries are paid during active service, to each judge of the
 13 Orphans’ Court who:

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

17 **(7) (I) THIS PARAGRAPH APPLIES ONLY IN BALTIMORE COUNTY.**

18 **(II) ~~AN ORPHAN’S~~ ORPHANS’ COURT JUDGE IS ELIGIBLE FOR A**
 19 **PENSION UNDER THIS SUBSECTION ONLY IF THE JUDGE WAS IN OFFICE ON OR AFTER**
 20 **JANUARY 1, 2022.**

21 **(III) THE PENSION SHALL BE THE GREATER OF:**

- 22 **1. \$1,200 ANNUALLY; OR**
 23 **2. AN ANNUAL AMOUNT CALCULATED AT THE RATE OF**
 24 **4% OF THE LAST ANNUAL AMOUNT OF COMPENSATION MULTIPLIED BY THE NUMBER**
 25 **OF YEARS OF SERVICE BEGINNING ON OR AFTER JANUARY 1, 2022, NOT EXCEEDING**
 26 **24 YEARS.**

27 **(IV) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS**
 28 **SUBPARAGRAPH AND EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 3 OF THIS**
 29 **SUBPARAGRAPH, A SURVIVING SPOUSE OF AN ORPHANS’ COURT JUDGE SHALL BE**
 30 **PAID ONE–HALF OF THE PENSION TO WHICH THE JUDGE WAS ENTITLED AT THE TIME**
 31 **OF THE JUDGE’S DEATH, OR WOULD HAVE BEEN ENTITLED ON ATTAINING 60 YEARS**
 32 **OF AGE.**

1 2. A PENSION SHALL BE PAID TO A SURVIVING SPOUSE
2 UNTIL THE SURVIVING SPOUSE’S DEATH OR REMARRIAGE.

3 3. A SURVIVING SPOUSE IS NOT ENTITLED TO A PENSION
4 IF THE SURVIVING SPOUSE WAS MARRIED TO AN ACTIVE OR RETIRED JUDGE FOR A
5 PERIOD OF LESS THAN 3 YEARS BEFORE THE ACTIVE JUDGE’S DEATH OR THE
6 RETIRED JUDGE’S RETIREMENT.

7 (v) THE COUNTY COUNCIL SHALL ESTABLISH, BY LAW:

8 1. REQUIREMENTS FOR AN ORPHANS’ COURT JUDGE TO
9 CONTRIBUTE TO THE PENSION SYSTEM;

10 2. PROCEDURES AND REQUIREMENTS FOR PURCHASING
11 ELIGIBILITY SERVICE CREDIT; AND

12 3. ANY OTHER PROVISIONS NECESSARY TO CARRY OUT
13 THIS PARAGRAPH.

14 [(7)] (8) The pension or salary may be suspended during any month the
15 judge is a full-time employee of any county or of this State.

16 [(8)] (9) Notwithstanding any provision of this section an Orphans’ Court
17 judge may not receive a pension under this section if the judge is receiving any other State
18 pension based on service as an Orphans’ Court judge.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2022.

Approved:

_____ Governor.

_____ President of the Senate.

_____ Speaker of the House of Delegates.