

HOUSE BILL 601

P6

3lr2171
CF SB 454

By: **Delegate Forbes**

Introduced and read first time: February 3, 2023

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Police Retirement System, Law Enforcement Officers' Pension System,**
3 **and Judges' Retirement System – Surviving Spouse Benefit – Same-Sex Spouses**

4 FOR the purpose of authorizing the correction of the designated beneficiary election for
5 certain retirees of the State Police Retirement System, Law Enforcement Officers'
6 Pension System, or Judges' Retirement System who retired on or before a certain
7 date if the retiree named an individual of the same sex to be a designated beneficiary
8 and the retiree later married the designated beneficiary; and generally relating to
9 the State Police Retirement System, Law Enforcement Officers' Pension System, and
10 Judges' Retirement System.

11 BY repealing and reenacting, without amendments,
12 Article – State Personnel and Pensions
13 Section 24–403, 26–402, and 27–403
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2022 Supplement)

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

18 **Article – State Personnel and Pensions**

19 24–403.

20 (a) This section applies only to a retiree who has retired with a service retirement
21 allowance or a disability retirement allowance or a former member who has retired with a
22 deferred vested allowance.

23 (b) On the death of a retiree or former member, the Board of Trustees shall pay
24 80% of the retiree's retirement allowance:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) to the surviving spouse; or

2 (2) if there is no surviving spouse or if the surviving spouse dies, to any
3 children of the deceased retiree who are under 18 years of age or disabled, as defined under
4 § 72(m)(7) of the Internal Revenue Code, in accordance with subsection (c) of this section.

5 (c) (1) Except as provided in paragraphs (2) and (3) of this subsection, if the
6 Board of Trustees pays an allowance to more than one child, the Board of Trustees shall
7 divide the allowance among the children in a manner that provides for payments to
8 continue until:

9 (i) each child has died; or

10 (ii) each child becomes 18 years old.

11 (2) Notwithstanding paragraph (1)(ii) of this subsection, a surviving child
12 who is disabled shall continue to receive an allowance under paragraph (1) of this
13 subsection past the age of 18 years, if the child continues to be disabled.

14 (3) (i) If a surviving child receiving an allowance under paragraph (1)
15 of this subsection is disabled, as defined under § 72(m)(7) of the Internal Revenue Code, the
16 Board of Trustees shall pay to the disabled surviving child an allowance equal to the total
17 of the allowances paid under paragraph (1) of this subsection after:

18 1. all other nondisabled surviving children have died; or

19 2. the youngest nondisabled surviving child becomes 18
20 years old.

21 (ii) If more than one surviving child is disabled, as defined under §
22 72(m)(7) of the Internal Revenue Code, the allowance payable under this paragraph shall
23 be divided equally among the disabled children.

24 26–402.

25 (a) This section applies to the surviving spouse or a child of a retiree in receipt of
26 a service retirement allowance or a disability retirement allowance.

27 (b) On the death of a retiree, the Board of Trustees shall pay 50% of the retiree's
28 retirement allowance to:

29 (1) the surviving spouse; or

30 (2) if there is no surviving spouse or if the surviving spouse dies, to any
31 children of the deceased retiree who are under 26 years old or disabled, as defined under §
32 72(m)(7) of the Internal Revenue Code.

1 (c) (1) Except as provided in paragraphs (2) and (3) of this subsection, if the
2 Board of Trustees pays an allowance to more than one child, the Board of Trustees shall
3 divide the allowance among the children in a manner that provides for payments to
4 continue until:

5 (i) each child has died; or

6 (ii) each child becomes 26 years old.

7 (2) Notwithstanding paragraph (1)(ii) of this subsection, a surviving child
8 who is disabled shall continue to receive an allowance under paragraph (1) of this
9 subsection past the age of 26 years, if the child continues to be disabled.

10 (3) (i) If a surviving child receiving an allowance under paragraph (1)
11 of this subsection is disabled, as defined under § 72(m)(7) of the Internal Revenue Code, the
12 Board of Trustees shall pay to the disabled surviving child an allowance equal to the total
13 of the allowances paid under paragraph (1) of this subsection after:

14 1. all other nondisabled surviving children have died; or

15 2. the youngest nondisabled surviving child becomes 26
16 years old.

17 (ii) If more than one surviving child is disabled, as defined under §
18 72(m)(7) of the Internal Revenue Code, the allowance payable under this paragraph shall
19 be divided equally among the disabled children.

20 27–403.

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

25 (2) (i) If at the time of death the member does not have a surviving
26 spouse or a child who is under the age of 26 years or is disabled, the Board of Trustees shall
27 pay to the member's designated beneficiary or beneficiaries a lump-sum death benefit
28 consisting of the sum of:

29 1. the member's accumulated contributions; and

30 2. an amount equal to the member's annual salary at the
31 time of death.

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

1 (b) On the death of a former member or retiree, the Board of Trustees shall pay
2 to the surviving spouse 50% of the retirement allowance that would be payable were the
3 former member or retiree alive and eligible to receive a retirement allowance.

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

6 (i) does not have a spouse; and

7 (ii) has a child under the age of 26 years, or a child who is disabled.

8 (2) The Board of Trustees shall pay to the surviving children of the
9 member, former member, or retiree who are under the age of 26 years or are disabled the
10 retirement allowance that would have been paid to a surviving spouse under subsection (a)
11 or (b) of this section.

12 (3) (i) Except as provided in subparagraphs (ii) and (iii) of this
13 paragraph, if the Board of Trustees pays an allowance to more than one child, the Board of
14 Trustees shall divide the allowance equally among the children in a manner that provides
15 for payments to continue until:

16 1. each child has died; or

17 2. each child becomes 26 years old.

18 (ii) Notwithstanding paragraph (3)(i)2 of this subsection, a surviving
19 child who is disabled shall continue to receive an allowance under subparagraph (i) of this
20 paragraph past the age of 26 years, if the child continues to be disabled.

21 (iii) If a surviving child receiving an allowance under subparagraph
22 (i) of this paragraph is disabled, as defined under § 72(m)(7) of the Internal Revenue Code,
23 the Board of Trustees shall pay to the disabled surviving child an allowance equal to the
24 total of the allowances paid under subparagraph (i) of this paragraph after:

25 1. all other nondisabled surviving children have died; or

26 2. the youngest nondisabled surviving child becomes 26
27 years old.

28 (iv) If more than one surviving child is disabled, as defined under §
29 72(m)(7) of the Internal Revenue Code, the allowance payable under subparagraph (iii) of
30 this paragraph shall be divided equally among the disabled children.

31 SECTION 2. AND BE IT FURTHER ENACTED, That:

32 (a) (1) In this section the following words have the meanings indicated.

1 (2) "Allowance" means a benefit that is payable in equal monthly
2 installments for the life of the recipient, except as otherwise provided for an optional form
3 of an allowance under § 21-403 of the State Personnel and Pensions Article.

4 (3) "Beneficiary" means a person, other than a retiree, in receipt of a
5 benefit from the State Retirement and Pension System.

6 (4) "Board of Trustees" means the Board of Trustees for the State
7 Retirement and Pension System.

8 (5) "Designated beneficiary" means a person named as beneficiary by a
9 member, a former member, or a retiree by filing:

10 (i) an acknowledged written designation with the State Retirement
11 Agency; or

12 (ii) a properly completed form submitted through the State
13 Retirement Agency's secure access participant portal with an electronic signature affixed
14 in the required manner and format.

15 (6) "Judges' Retirement System" means the Judges' Retirement System of
16 the State of Maryland.

17 (7) "Law Enforcement Officers' Pension System" means the Law
18 Enforcement Officers' Pension System of the State of Maryland.

19 (8) "Member" means, unless a different meaning is plainly required by the
20 context, an individual:

21 (i) for whom membership in a State system is a condition of
22 employment; or

23 (ii) 1. for whom membership in a State system is optional; and

24 2. who has elected to become a member of that State system.

25 (9) "Pension" means the part of an allowance that is derived from employer
26 contributions.

27 (10) "Retiree" means an individual who:

28 (i) has separated from employment with a participating employer;
29 and

30 (ii) receives a retirement allowance from the State Retirement and
31 Pension System.

1 (11) "Retirement" means the grant of a retirement allowance from the State
2 Retirement and Pension System after separation from employment with a participating
3 employer.

4 (12) (i) "Retirement allowance" means an allowance that is payable at
5 the time of separation from employment with a participating employer.

6 (ii) "Retirement allowance" includes:

- 7 1. a service retirement allowance; and
- 8 2. a disability retirement allowance.

9 (iii) "Retirement allowance" does not include a vested allowance.

10 (13) "State Police Retirement System" means the State Police Retirement
11 System of the State of Maryland.

12 (b) (1) This subsection applies to a retiree of the State Police Retirement
13 System who:

14 (i) retired on or before December 31, 2012;

15 (ii) at the time of retirement, selected one of the optional allowances
16 available under § 21–403 of the State Personnel and Pensions Article and designated an
17 individual of the same sex as the retiree to be a designated beneficiary;

18 (iii) on or after January 1, 2013, married the retiree's designated
19 beneficiary; and

20 (iv) on July 1, 2023, was not divorced from the retiree's designated
21 beneficiary.

22 (2) (i) On or before December 31, 2023, a retiree described in paragraph
23 (1) of this subsection may submit to the Board of Trustees:

24 1. a form provided by the State Retirement Agency,
25 requesting that the retiree's optional retirement allowance be converted to a basic
26 allowance that provides the spouse of the retiree with a survivor benefit under § 24–403 of
27 the State Personnel and Pensions Article;

28 2. a marriage license indicating the retiree entered into a
29 marriage with the retiree's designated beneficiary; and

30 3. a form provided by the State Retirement Agency
31 confirming the retiree and designated beneficiary are not divorced on or before July 1, 2023.

1 (ii) If a retiree described in paragraph (1) of this subsection dies after
2 the date the retiree married the retiree's designated beneficiary but before July 1, 2023,
3 the retiree's designated beneficiary may submit the documents required under
4 subparagraph (i) of this paragraph.

5 (3) (i) If a retiree is alive and submitted the documents as required
6 under paragraph (2)(i) of this subsection, the Board of Trustees shall adjust the retiree's
7 optional retirement allowance as provided in paragraph (4) of this subsection after
8 receiving the documents.

9 (ii) If a retiree is deceased and the retiree's designated beneficiary
10 submitted the documents under paragraph (2)(ii) of this subsection, the Board of Trustees,
11 after receiving the documents, shall:

12 1. adjust the designated beneficiary's survivor benefit as
13 provided in paragraph (6)(i) of this subsection; and

14 2. make a lump sum payment to the retiree's designated
15 beneficiary as provided in paragraph (6)(iii) of this subsection.

16 (4) (i) The Board of Trustees shall adjust a retiree's optional retirement
17 allowance to an amount equal to the basic allowance the retiree would have received at the
18 time of retirement.

19 (ii) The adjustment made under subparagraph (i) of this paragraph
20 shall include any cost-of-living increases the retiree would have received from the date of
21 retirement through July 1, 2023.

22 (iii) 1. Any adjustment made under this paragraph shall include
23 a lump sum payment of the basic allowance, including all cost-of-living adjustments the
24 retiree would have received from the date of retirement through July 1, 2023, with interest
25 calculated at 4% per year, compounded annually.

26 2. The retroactive lump sum adjustment paid under
27 subparagraph 1 of this subparagraph shall be reduced by the amount of the optional
28 retirement allowance that the retiree has received, including any cost-of-living
29 adjustments, from the retiree's date of retirement through July 1, 2023, with interest
30 calculated at 4% per year, compounded annually.

31 (5) If the retiree predeceases the retiree's designated beneficiary, the
32 retiree's designated beneficiary shall receive the survivor benefit provided under §
33 24-403 of the State Personnel and Pensions Article.

34 (6) (i) If a retiree described in paragraph (1) of this subsection dies after
35 the date the retiree married the retiree's designated beneficiary but before July 1, 2023,
36 the Board of Trustees shall adjust the survivor benefit the retiree's designated beneficiary

1 is receiving on July 1, 2023, to an amount equal to the survivor benefit under § 24–403 of
2 the State Personnel and Pensions Article.

3 (ii) The adjustment made under subparagraph (i) of this paragraph
4 shall include any cost-of-living adjustments:

5 1. the retiree would have received to the retiree's basic
6 allowance from the date of retirement through the retiree's date of death; and

7 2. the retiree's designated beneficiary would have received
8 from the date of the retiree's death through July 1, 2023.

9 (iii) 1. Any adjustment made under subparagraph (i) of this
10 paragraph shall include a lump sum payment of the survivor benefit determined under §
11 24–403 of the State Personnel and Pensions Article, including all cost-of-living
12 adjustments, that would have been paid from the retiree's date of death through July 1,
13 2023, with interest calculated at 4% per year, compounded annually.

14 2. The retroactive lump sum adjustment paid under
15 subsubparagraph 1 of this subparagraph shall be reduced by the amount of the optional
16 survivor benefit paid under § 21–403 of the State Personnel and Pensions Article that any
17 designated beneficiary has received from the date of the retiree's death, including any
18 cost-of-living adjustments that may have been made, through July 1, 2023, with interest
19 calculated at 4% per year, compounded annually.

20 (iv) 1. In addition to the lump sum payment under subparagraph
21 (iii) of this paragraph, the Board of Trustees shall pay to the deceased retiree's designated
22 beneficiary a lump sum payment equal to the basic allowance, including all cost-of-living
23 adjustments, that would have been paid from the retiree's date of retirement through the
24 retiree's date of death, with interest calculated at 4% per year, compounded annually,
25 through July 1, 2023.

26 2. The retroactive lump sum adjustment paid under
27 subsubparagraph 1 of this subparagraph shall be reduced by the amount of the optional
28 retirement allowance that the retiree received, including all cost-of-living adjustments,
29 from the retiree's date of retirement to the retiree's date of death, with interest calculated
30 at 4% per year, compounded annually.

31 (c) (1) This subsection applies to a retiree of the Law Enforcement Officers'
32 Pension System who:

33 (i) retired on or before December 31, 2012;

34 (ii) at the time of retirement, selected one of the optional allowances
35 available under § 21–403 of the State Personnel and Pensions Article and designated an
36 individual of the same sex as the retiree to be a designated beneficiary;

1 (iii) on or after January 1, 2013, married the retiree's designated
2 beneficiary; and

3 (iv) on July 1, 2023, was not divorced from the retiree's designated
4 beneficiary.

5 (2) (i) On or before December 31, 2023, a retiree described in paragraph
6 (1) of this subsection may submit to the Board of Trustees:

7 1. a form provided by the State Retirement Agency,
8 requesting that the retiree's optional retirement allowance be converted to a basic
9 allowance that provides the spouse of the retiree with a survivor benefit under § 26-402 of
10 the State Personnel and Pensions Article;

11 2. a marriage license indicating the retiree entered into a
12 marriage with the retiree's designated beneficiary; and

13 3. a form provided by the State Retirement Agency
14 confirming the retiree and designated beneficiary are not divorced on or before July 1, 2023.

15 (ii) If a retiree described in paragraph (1) of this subsection dies after
16 the date the retiree married the retiree's designated beneficiary but before July 1, 2023,
17 the retiree's designated beneficiary may submit the documents required under
18 subparagraph (i) of this paragraph.

19 (3) (i) If a retiree is alive and submitted the documents as required
20 under paragraph (2)(i) of this subsection, the Board of Trustees shall adjust the retiree's
21 optional retirement allowance as provided in paragraph (4) of this subsection after
22 receiving the documents.

23 (ii) If a retiree is deceased and the retiree's designated beneficiary
24 submitted the documents under paragraph (2)(ii) of this subsection, the Board of Trustees,
25 after receiving the documents, shall:

26 1. adjust the designated beneficiary's survivor benefit as
27 provided in paragraph (6)(i) of this subsection; and

28 2. make a lump sum payment to the retiree's designated
29 beneficiary as provided in paragraph (6)(iii) of this subsection.

30 (4) (i) The Board of Trustees shall adjust a retiree's optional retirement
31 allowance to an amount equal to the basic allowance the retiree would have received at the
32 time of retirement.

33 (ii) The adjustment made under subparagraph (i) of this paragraph
34 shall include any cost-of-living increases the retiree would have received from the date of
35 retirement through July 1, 2023.

1 (iii) 1. Any adjustment made under this paragraph shall include
2 a lump sum payment of the basic allowance, including all cost-of-living adjustments the
3 retiree would have received from the date of retirement through July 1, 2023, with interest
4 calculated at 4% per year, compounded annually.

5 2. The retroactive lump sum adjustment paid under
6 subsubparagraph 1 of this subparagraph shall be reduced by the amount of the optional
7 retirement allowance that the retiree has received, including any cost-of-living
8 adjustments, from the retiree's date of retirement through July 1, 2023, with interest
9 calculated at 4% per year, compounded annually.

10 (5) If the retiree predeceases the retiree's designated beneficiary, the
11 retiree's designated beneficiary shall receive the survivor benefit provided under §
12 26-402 of the State Personnel and Pensions Article.

13 (6) (i) If a retiree described in paragraph (1) of this subsection dies after
14 the date the retiree married the retiree's designated beneficiary but before July 1, 2023,
15 the Board of Trustees shall adjust the survivor benefit the retiree's designated beneficiary
16 is receiving on July 1, 2023, to an amount equal to the survivor benefit under § 26-402 of
17 the State Personnel and Pensions Article.

18 (ii) The adjustment made under subparagraph (i) of this paragraph
19 shall include any cost-of-living adjustments:

20 1. the retiree would have received to the retiree's basic
21 allowance from the date of retirement through the retiree's date of death; and

22 2. the retiree's designated beneficiary would have received
23 from the date of the retiree's death through July 1, 2023.

24 (iii) 1. Any adjustment made under subparagraph (i) of this
25 paragraph shall include a lump sum payment of the survivor benefit determined under §
26 26-402 of the State Personnel and Pensions Article, including all cost-of-living
27 adjustments, that would have been paid from the retiree's date of death through July 1,
28 2023, with interest calculated at 4% per year, compounded annually.

29 2. The retroactive lump sum adjustment paid under
30 subsubparagraph 1 of this subparagraph shall be reduced by the amount of the optional
31 survivor benefit paid under § 21-403 of the State Personnel and Pensions Article that any
32 designated beneficiary has received from the date of the retiree's death, including any
33 cost-of-living adjustments that may have been made, through July 1, 2023, with interest
34 calculated at 4% per year, compounded annually.

35 (iv) 1. In addition to the lump sum payment under subparagraph
36 (iii) of this paragraph, the Board of Trustees shall pay to the deceased retiree's designated
37 beneficiary a lump sum payment equal to the basic allowance, including all cost-of-living

1 adjustments, that would have been paid from the retiree's date of retirement through the
2 retiree's date of death, with interest calculated at 4% per year, compounded annually,
3 through July 1, 2023.

4 2. The retroactive lump sum adjustment paid under
5 subsubparagraph 1 of this subparagraph shall be reduced by the amount of the optional
6 retirement allowance that the retiree received, including all cost-of-living adjustments,
7 from the retiree's date of retirement to the retiree's date of death, with interest calculated
8 at 4% per year, compounded annually.

9 (d) (1) This subsection applies to a retiree of the Judges' Retirement System
10 who:

11 (i) retired on or before December 31, 2012;

12 (ii) at the time of retirement, selected one of the optional allowances
13 available under § 21-403 of the State Personnel and Pensions Article and designated an
14 individual of the same sex as the retiree to be a designated beneficiary;

15 (iii) on or after January 1, 2013, married the retiree's designated
16 beneficiary; and

17 (iv) on July 1, 2023, was not divorced from the retiree's designated
18 beneficiary.

19 (2) (i) On or before December 31, 2023, a retiree described in paragraph
20 (1) of this subsection may submit to the Board of Trustees:

21 1. a form provided by the State Retirement Agency,
22 requesting that the retiree's optional retirement allowance be converted to a basic
23 allowance that provides the spouse of the retiree with a survivor benefit under § 27-403 of
24 the State Personnel and Pensions Article;

25 2. a marriage license indicating the retiree entered into a
26 marriage with the retiree's designated beneficiary; and

27 3. a form provided by the State Retirement Agency
28 confirming the retiree and designated beneficiary are not divorced on or before July 1, 2023.

29 (ii) If a retiree described in paragraph (1) of this subsection dies after
30 the date the retiree married the retiree's designated beneficiary but before July 1, 2023,
31 the retiree's designated beneficiary may submit the documents required under
32 subparagraph (i) of this paragraph.

33 (3) (i) If a retiree is alive and submitted the documents as required
34 under paragraph (2)(i) of this subsection, the Board of Trustees shall adjust the retiree's

1 optional retirement allowance as provided in paragraph (4) of this subsection after
2 receiving the documents.

3 (ii) If a retiree is deceased and the retiree's designated beneficiary
4 submitted the documents under paragraph (2)(ii) of this subsection, the Board of Trustees,
5 after receiving the documents, shall:

6 1. adjust the designated beneficiary's survivorship benefit as
7 provided in paragraph (6)(i) of this subsection; and

8 2. make a lump sum payment to the retiree's designated
9 beneficiary as provided in paragraph (6)(iii) of this subsection.

10 (4) (i) The Board of Trustees shall adjust a retiree's optional retirement
11 allowance to an amount equal to the basic allowance the retiree would have received at the
12 time of retirement.

13 (ii) The adjustment made under subparagraph (i) of this paragraph
14 shall include any cost-of-living increases the retiree would have received from the date of
15 retirement through July 1, 2023.

16 (iii) 1. Any adjustment made under this paragraph shall include
17 a lump sum payment of the basic allowance, including all cost-of-living adjustments the
18 retiree would have received from the date of retirement through July 1, 2023, with interest
19 calculated at 4% per year, compounded annually.

20 2. The retroactive lump sum adjustment paid under
21 subparagraph 1 of this subparagraph shall be reduced by the amount of the optional
22 retirement allowance that the retiree has received, including any cost-of-living
23 adjustments, from the retiree's date of retirement through July 1, 2023, with interest
24 calculated at 4% per year, compounded annually.

25 (5) If the retiree predeceases the retiree's designated beneficiary, the
26 retiree's designated beneficiary shall receive the survivor benefit provided under §
27 27-403 of the State Personnel and Pensions Article.

28 (6) (i) If a retiree described in paragraph (1) of this subsection dies after
29 the date the retiree married the retiree's designated beneficiary but before July 1, 2023,
30 the Board of Trustees shall adjust the survivor benefit the retiree's designated beneficiary
31 is receiving on July 1, 2023, to an amount equal to the survivor benefit under § 27-403 of
32 the State Personnel and Pensions Article.

33 (ii) The adjustment made under subparagraph (i) of this paragraph
34 shall include any cost-of-living adjustments:

35 1. the retiree would have received to the retiree's basic
36 allowance from the date of retirement through the retiree's date of death; and

