

SENATE BILL 432

D2

2lr0361
CF 2lr1493

By: **Senator Klausmeier**

Introduced and read first time: January 26, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; and generally
5 relating to the pension of a judge of the Orphans’ Court for Baltimore County.

6 BY repealing and reenacting, with amendments,
7 Article – Estates and Trusts
8 Section 2–108(x)(1), (7), and (8)
9 Annotated Code of Maryland
10 (2017 Replacement Volume and 2021 Supplement)

11 BY adding to
12 Article – Estates and Trusts
13 Section 2–108(x)(7)
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2021 Supplement)

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

18 **Article – Estates and Trusts**

19 2–108.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 **(II) AN ORPHAN'S COURT JUDGE IS ELIGIBLE FOR A PENSION**
 6 **UNDER THIS SUBSECTION ONLY IF THE JUDGE WAS IN OFFICE ON OR AFTER**
 7 **JANUARY 1, 2022.**

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

9 **1. \$1,200 ANNUALLY; OR**

10 **2. AN ANNUAL AMOUNT CALCULATED AT THE RATE OF**
 11 **4% OF THE LAST ANNUAL AMOUNT OF COMPENSATION MULTIPLIED BY THE NUMBER**
 12 **OF YEARS OF SERVICE, NOT EXCEEDING 24 YEARS.**

13 **(IV) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS**
 14 **SUBPARAGRAPH AND EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 3 OF THIS**
 15 **SUBPARAGRAPH, A SURVIVING SPOUSE OF AN ORPHANS' COURT JUDGE SHALL BE**
 16 **PAID ONE-HALF OF THE PENSION TO WHICH THE JUDGE WAS ENTITLED AT THE TIME**
 17 **OF THE JUDGE'S DEATH, OR WOULD HAVE BEEN ENTITLED ON ATTAINING 60 YEARS**
 18 **OF AGE.**

19 **2. A PENSION SHALL BE PAID TO A SURVIVING SPOUSE**
 20 **UNTIL THE SURVIVING SPOUSE'S DEATH OR REMARRIAGE.**

21 **3. A SURVIVING SPOUSE IS NOT ENTITLED TO A PENSION**
 22 **IF THE SURVIVING SPOUSE WAS MARRIED TO AN ACTIVE OR RETIRED JUDGE FOR A**
 23 **PERIOD OF LESS THAN 3 YEARS BEFORE THE ACTIVE JUDGE'S DEATH OR THE**
 24 **RETIRED JUDGE'S RETIREMENT.**

25 **[(7)] (8) The pension or salary may be suspended during any month the**
 26 **judge is a full-time employee of any county or of this State.**

27 **[(8)] (9) Notwithstanding any provision of this section an Orphans' Court**
 28 **judge may not receive a pension under this section if the judge is receiving any other State**
 29 **pension based on service as an Orphans' Court judge.**

30 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**

1 October 1, 2022.