

Chapter 602

(Senate Bill 432)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 2–108(x)(1), (7), and (8)

Annotated Code of Maryland

(2017 Replacement Volume and 2021 Supplement)

BY adding to

Article – Estates and Trusts

Section 2–108(x)(7)

Annotated Code of Maryland

(2017 Replacement Volume and 2021 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.

(x) (1) Except in Montgomery, Frederick, Carroll, Talbot, Cecil, Kent, Queen Anne’s, [Baltimore,] Garrett, and Harford counties and Baltimore City, and except as **OTHERWISE** 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.

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

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

(III) THE PENSION SHALL BE THE GREATER OF:

1. \$1,200 ANNUALLY; OR

2. AN ANNUAL AMOUNT CALCULATED AT THE RATE OF 4% OF THE LAST ANNUAL AMOUNT OF COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF SERVICE BEGINNING ON OR AFTER JANUARY 1, 2022, NOT EXCEEDING 24 YEARS.

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

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

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

(V) THE COUNTY COUNCIL SHALL ESTABLISH, BY LAW:

1. REQUIREMENTS FOR AN ORPHANS' COURT JUDGE TO CONTRIBUTE TO THE PENSION SYSTEM;

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

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

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

[(8)] (9) Notwithstanding any provision of this section an Orphans' Court judge may not receive a pension under this section if the judge 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, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.