

# SENATE BILL 470

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2lr2018  
CF HB 516

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By: **Senator Edwards**

Introduced and read first time: February 2, 2012

Assigned to: Budget and Taxation

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 27, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Allegany County – Orphans’ Court Judges – Pension**

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

7 BY repealing and reenacting, without amendments,  
8 Article – Estates and Trusts  
9 Section 2–108(b) and (y)(1)  
10 Annotated Code of Maryland  
11 (2011 Replacement Volume and 2011 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Estates and Trusts  
14 Section 2–108(y)(2), (6), and (7)  
15 Annotated Code of Maryland  
16 (2011 Replacement Volume and 2011 Supplement)

17 BY adding to  
18 Article – Estates and Trusts  
19 Section 2–108(y)(6)  
20 Annotated Code of Maryland  
21 (2011 Replacement Volume and 2011 Supplement)

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**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.



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

3 **Article – Estates and Trusts**

4 2–108.

5 (b) Each of the judges of the Court for Allegany County shall receive an  
6 annual salary set by the County Commissioners in accordance with Article 24, Title  
7 12, Subtitle 1 of the Code. Each judge shall also receive an expense allowance in the  
8 amount of \$600 annually, to be paid at the rate of \$50 monthly.

9 (y) (1) Except in Montgomery, Frederick, Carroll, Talbot, Cecil, Kent,  
10 Queen Anne’s, Baltimore, Garrett, and Harford counties and Baltimore City, and  
11 except as 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  
13 of the 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 (2) Except as provided in [paragraph (5) of this subsection] **THIS**  
18 **SECTION**, the salary or pension shall be the greater of:

19 (i) \$1,200 annually; or

20 (ii) An annual amount calculated at the rate of 4 percent of the  
21 last annual amount of compensation multiplied by the number of years or partial  
22 years of service, not exceeding 12 years.

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

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

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

30 **2. AN ANNUAL AMOUNT EQUAL TO TWO–THIRDS OF**  
31 **THE LAST ANNUAL AMOUNT OF COMPENSATION IF THE JUDGE HAS MORE THAN**  
32 **16 YEARS OF SERVICE.**

1            **[(6)] (7)**        The pension or salary may be suspended during any month  
2 the judge is a full-time employee of any county or of this State.

3            **[(7)] (8)**        Notwithstanding any provision of this section an Orphans'  
4 Court judge may not receive a pension under this section if he is receiving any other  
5 State pension based on service as an Orphans' Court judge.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.