

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 9 (Baltimore County Delegation)

Health and Government Operations

Judicial Proceedings

Baltimore County - Orphans' Court Judges - Compensation

This bill repeals provisions of law establishing the annual compensation of orphans' court judges for Baltimore County and instead establishes that the judges are to receive annual compensation as set by the county executive and the county council.

Fiscal Summary

State Effect: None.

Local Effect: Potential increase or decrease in Baltimore County salary expenditures beginning in FY 2019. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Each associate judge of the orphans' court for Baltimore County receives annual compensation of \$43,000. The Chief Judge receives annual compensation of \$45,000.

Article III, § 35 of the Maryland Constitution prohibits the salary or compensation of any public officer from being increased or diminished during the individual's term of office, except those whose full term is fixed by law in excess of four years.

Under the Maryland Constitution, each county elects, for a term of four years, three judges to the orphans' court of their respective jurisdictions, with the exception of Montgomery and Harford counties, where a circuit court judge sits as the orphans' court. The orphans' courts are the State's probate courts. The courts supervise the handling of estates and also

have certain jurisdiction over the guardianship of minors and their property. The salaries of orphans' court judges are paid by county governments and Baltimore City (except for Harford and Montgomery counties because the State pays the salaries of circuit court judges).

Local Expenditures: County expenditures for orphans' court judges may increase or decrease, depending on action taken by the county council and the county executive. Because constitutional provisions prohibit the increase or decrease of salaries during a term of office, any potential impact is not realized until fiscal 2019.

Additional Information

Prior Introductions: SB 831 of 2015 passed the Senate and was referred to the House Health and Government Operations Committee, but no further action was taken. Its cross file, HB 1180, received a hearing in the House Health and Government Operations Committee, but no further action was taken.

Cross File: SB 64 (Baltimore County Senators) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Orphans' Court of Baltimore County, Department of Legislative Services

Fiscal Note History: First Reader - January 18, 2016
md/kdm

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