

# HOUSE BILL 490

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CF SB 714

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By: **Delegates Rosenberg, Attar, and Bridges**

Introduced and read first time: January 24, 2020

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 25, 2020

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

1 AN ACT concerning

2 **Baltimore City – Orphans’ Court Judges – Compensation**

3 FOR the purpose of authorizing the Mayor and City Council of Baltimore City to determine  
4 the salary of the judges of the Orphans’ Court for Baltimore City; authorizing the  
5 Mayor and City Council of Baltimore City to determine the pension of the judges of  
6 the Orphans’ Court for Baltimore City; providing for the application of this Act; and  
7 generally relating to compensation for judges of the Orphans’ Court.

8 BY repealing and reenacting, with amendments,  
9 Article – Estates and Trusts  
10 Section 2–108(d)  
11 Annotated Code of Maryland  
12 (2017 Replacement Volume and 2019 Supplement)

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

15 **Article – Estates and Trusts**

16 2–108.

17 (d) (1) (i) Each [associate] judge of the Court of Baltimore City shall  
18 receive an annual compensation [of \$74,000, and the Chief Judge shall receive an annual  
19 compensation of \$84,500] **AS DETERMINED BY THE MAYOR AND CITY COUNCIL OF**  
20 **BALTIMORE CITY.**

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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 (ii) Each [associate] judge who was in active service on or after  
2 January 1, 1984 shall be paid after the termination of active service, if the [associate] judge  
3 is then at least 60 years of age or when the [associate] judge shall attain 60 years of age, a  
4 pension or salary [calculated at the rate of \$3,725 annually for each year, or a part of a  
5 year, of active service; but the maximum pension or salary for the service by an associate  
6 judge may not exceed \$37,250 annually] **AS DETERMINED BY THE MAYOR AND CITY  
7 COUNCIL OF BALTIMORE CITY.**

8 [(iii) 1. Each Chief Judge who was in active service on or after  
9 January 1, 1984, shall be paid, after the termination of active service, if the Chief Judge is  
10 then at least 60 years of age or when the Chief Judge shall attain 60 years of age, a pension  
11 or salary calculated at the rate of \$4,225 annually for each year, or a part of a year of active  
12 service; but the maximum pension or salary for the service by a Chief Judge may not exceed  
13 \$42,250 annually.

14 2. The pension or salary shall be paid by the City of  
15 Baltimore in the same manner as the salaries of the judges of the Court for the City are  
16 paid.]

17 (2) (i) The surviving spouse of every elected judge of the Court of  
18 Baltimore City shall be paid one-half of the pension to which the judge's spouse was  
19 entitled at the time of the judge's death, or would have become entitled to by reason of  
20 attaining 60 years of age.

21 (ii) In each instance, the pension shall be paid to the spouse until  
22 remarriage or death.

23 (iii) The provisions of this subsection shall not apply in the case of a  
24 spouse who was married to a sitting judge for a period of less than 3 years before the judge's  
25 death, and to a retired judge for a period less than 3 years before the judge's retirement.

26 SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35  
27 of the Maryland Constitution, the City Council of Baltimore City may not extend or apply  
28 changes to the salary or compensation of a judge while serving in a term of office beginning  
29 before the effective date of this Act, but may implement changes concerning the salary or  
30 compensation of a judge to take effect at the beginning of the next following term of office.  
31 This limitation does not apply to an individual appointed or elected after the effective date  
32 of this Act to fill out an unexpired term.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2020.