SENATE BILL 281

D2   CONSTITUTIONAL AMENDMENT   (1lr1415)

ENROLLED BILL

— Judicial Proceedings / Judiciary —

Introduced by **Senators Miller, Currie, Muse, Peters, and Ramirez**

Read and Examined by Proofreaders:

_____
Proofreader.

_____
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____M.

_____
President.

CHAPTER _____

1   AN ACT concerning

2   ~~Baltimore County and~~ **Prince George's County – Orphans' Court Judges –**
3   **Qualifications**

4   FOR the purpose of proposing an amendment to the Maryland Constitution to
5   prescribe different qualifications for judges of the Orphans' Court for ~~Baltimore~~
6   ~~County and~~ Prince George's County; requiring judges of the Orphans' Court for
7   ~~Baltimore County and~~ Prince George's County to have been admitted to practice
8   law in this State and be members in good standing of the Maryland Bar; and
9   submitting this amendment to the qualified voters of the State for their
10   adoption or rejection.

11   BY proposing an amendment to the Maryland Constitution
12   Article IV – Judiciary Department
13   Section 40

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.

     Italics indicate opposite chamber / conference committee amendments.

1   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, (Three–fifths of all the members elected to each of the two Houses
3 concurring), That it be proposed that the Maryland Constitution read as follows:

4   **Article IV – Judiciary Department**

5 40.

6   (a)   The qualified voters of the several Counties, except Montgomery County~~,~~
7 ~~**PRINCE GEORGE'S COUNTY,**~~ and Harford County, shall elect three Judges of the
8 Orphans' Courts of Counties who shall be citizens of the State and residents, for the
9 twelve months preceding, in the County for which they may be elected.

10   (b)   The qualified voters of the City of Baltimore shall elect three Judges of
11 the Orphans' Court for Baltimore City who shall be citizens of the State and residents,
12 for the twelve months preceding, in Baltimore City and who have been admitted to
13 practice law in this State and are members in good standing of the Maryland Bar.

14   ~~**(C)**~~   ~~**THE QUALIFIED VOTERS OF BALTIMORE COUNTY SHALL ELECT**~~
15 ~~**THREE JUDGES OF THE ORPHANS' COURT FOR BALTIMORE COUNTY WHO**~~
16 ~~**SHALL BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS**~~
17 ~~**PRECEDING, IN BALTIMORE COUNTY AND WHO HAVE BEEN ADMITTED TO**~~
18 ~~**PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE**~~
19 ~~**MARYLAND BAR.**~~

20   ~~**(C)**~~ ~~**(D)**~~ *(C)* **THE QUALIFIED VOTERS OF PRINCE GEORGE'S COUNTY**
21 **SHALL ELECT THREE JUDGES OF THE ORPHANS' COURT FOR PRINCE**
22 **GEORGE'S COUNTY WHO SHALL BE CITIZENS OF THE STATE AND RESIDENTS,**
23 **FOR THE TWELVE MONTHS PRECEDING, IN PRINCE GEORGE'S COUNTY AND**
24 **WHO HAVE BEEN ADMITTED TO PRACTICE LAW IN THIS STATE AND ARE**
25 **MEMBERS IN GOOD STANDING OF THE MARYLAND BAR.**

26   [(c)] ~~**(D)**~~ ~~**(E)**~~ *(D)*   The Judges shall have all the powers now vested in the
27 Orphans' Courts of the State, subject to such changes as the Legislature may
28 prescribe.

29   [(d)] ~~**(E)**~~ ~~**(F)**~~ *(E)*   Each of the Judges shall be paid such compensation as may
30 be regulated by Law, to be paid by the City or Counties, respectively.

31   [(e)] ~~**(F)**~~ ~~**(G)**~~ *(F)*   In case of a vacancy in the office of Judge of the Orphans'
32 Court, the Governor shall appoint, subject to confirmation or rejection by the Senate,
33 some suitable person to fill the vacancy for the residue of the term.

34   SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
35 determines that the amendment to the Maryland Constitution proposed by this Act

1 affects ~~only one county~~ ~~multiple jurisdictions~~ *only one county* and that the provisions
2 of Article XIV, § 1 of the Maryland Constitution concerning local approval of
3 constitutional amendments ~~do not~~ apply.

4   SECTION 3. AND BE IT FURTHER ENACTED, That the aforegoing section
5 proposed as an amendment to the Maryland Constitution shall be submitted to the
6 qualified voters of the State at the next general election to be held in November, 2012
7 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
8 At that general election, the vote on this proposed amendment to the Constitution
9 shall be by ballot, and upon each ballot there shall be printed the words "For the
10 Constitutional Amendment" and "Against the Constitutional Amendment," as now
11 provided by law. Immediately after the election, all returns shall be made to the
12 Governor of the vote for and against the proposed amendment, as directed by Article
13 XIV of the Maryland Constitution, and further proceedings had in accordance with
14 Article XIV.

Approved:

_____

                                                                                                Governor.

_____

                                                                                President of the Senate.

_____

                                                                        Speaker of the House of Delegates.