

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1400 (Chair, Baltimore County Delegation)(By Request -
Baltimore County Orphans' Court)

Rules and Executive Nominations

Baltimore County - Orphans' Court Judges - Salary

This bill increases the salaries of the orphans' court associate judges for Baltimore County from \$39,000 to \$50,000, and, for the Chief Judge, from \$39,500 to \$52,500. The salary increases take effect at the beginning of the next term of office.

Fiscal Summary

State Effect: None. The bill does not directly affect State finances.

Local Effect: County expenditures increase by \$26,700 in FY 2015 and by \$45,700 annually thereafter.

Small Business Effect: None.

Analysis

Current Law: Each judge of the orphans' court for Baltimore County receives annual compensation of \$39,000. The Chief Judge receives an additional \$500 annually.

Background: 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).

The salaries of the orphans' court judges in Baltimore County were last increased under Chapter 175 of 2002 (SB 568) from \$30,000 to \$39,000. Chapter 175 also decreased the additional amount the Chief Judge receives, from \$2,000 to \$500 annually.

Pursuant to Chapter 146 of 2012 (SB 48), a constitutional amendment that was adopted at the 2012 general election, orphans' court judges elected in Baltimore County must be admitted to practice law in the State and members in good standing of the Maryland Bar. Pursuant to Chapter 467 of 2005 (SB 197), Baltimore County is one of a small number of jurisdictions where an orphans' court judge may practice law during a term of office provided it is in connection with cases outside the jurisdiction of the orphans' court and unrelated to the administration of an estate or guardianship.

Local Fiscal Effect: County expenditures increase by approximately \$26,666 in fiscal 2015 and by \$45,714 annually thereafter. This estimate accounts for the salary increases taking effect in early December 2014, the beginning of the next term of office, and includes fringe benefits.

Additional Information

Prior Introductions: None.

Cross File: None designated. However, SB 931 (Senator Stone, *et al.* – Judicial Proceedings) is identical.

Information Source(s): Judiciary (Administrative Office of the Courts), Baltimore County, Register of Wills, Department of Legislative Services

Fiscal Note History: First Reader - March 20, 2013
mm/kdm

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510