

# HOUSE BILL 824

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CF 6lr3450

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By: **Cecil County Delegation**

Introduced and read first time: February 8, 2016

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County – Orphans’ Court Judges – Traveling Expense Allowance and**  
3 **Pension**

4 FOR the purpose of specifying that the annual compensation of the judges of the Orphans’  
5 Court for Cecil County for certain fiscal years is to be paid quarterly by the county;  
6 increasing the allowance for traveling expenses for the judges of the Orphans’ Court  
7 for Cecil County; specifying that the allowance is to be paid by the county; requiring  
8 the county to pay a pension to certain former judges of the Orphans’ Court for Cecil  
9 County; providing that a judge of the Orphans’ Court for Cecil County who has  
10 completed a certain number of years of service is eligible for a pension; providing for  
11 the application of this Act; and generally relating to traveling expense allowances and  
12 pensions for judges of the Orphans’ Court for Cecil County.

13 BY repealing and reenacting, with amendments,  
14 Article – Estates and Trusts  
15 Section 2–108(a), (i), and (y)  
16 Annotated Code of Maryland  
17 (2011 Replacement Volume and 2015 Supplement)

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

20 **Article – Estates and Trusts**

21 2–108.

22 (a) **(1)** Except in Montgomery County and Harford County, the judges of the  
23 courts shall receive compensation and allowances as prescribed by law.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





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

4 (3) An Orphans' Court judge in Somerset County and Worcester County is  
5 eligible for a pension under this subsection only if he is in office on or before July 1, 1979.

6 (4) In Wicomico County **AND CECIL COUNTY**, an Orphans' Court judge  
7 who has completed at least 12 years in office is eligible for a pension under this subsection.

8 (5) In Prince George's County, the salary or pension to each Orphans' Court  
9 judge shall be the greater of:

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

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

14 (6) In Allegany County, the pension for an Orphans' Court judge shall be  
15 the greater of:

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

17 (ii) 1. Except as provided in item 2 of this subparagraph, an  
18 annual amount calculated at the rate of 4 percent of the last annual amount of  
19 compensation multiplied by the number of years of service, not exceeding 16 years; or

20 2. An annual amount equal to two-thirds of the last annual  
21 amount of compensation if the judge has more than 16 years of service.

22 (7) The pension or salary may be suspended during any month the judge is  
23 a full-time employee of any county or of this State.

24 (8) Notwithstanding any provision of this section an Orphans' Court judge  
25 may not receive a pension under this section if he is receiving any other State pension based  
26 on service as an Orphans' Court judge.

27 SECTION 3. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35  
28 of the Maryland Constitution, Section 1 of this Act may not be construed to extend or apply  
29 to the salary or compensation of a judge of the Orphans' Court for Cecil County while serving  
30 in a term of office beginning before the effective date of this Act, but the provisions of this  
31 Act concerning the salary or compensation of the judges of the Orphans' Court for Cecil  
32 County shall take effect at the beginning of the next following term of office. This limitation  
33 does not apply to an individual appointed or elected after the effective date of this Act to  
34 fill out an unexpired term.

1           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
2 apply retroactively and shall be applied to and interpreted to affect any individual who, on  
3 or after July 1, 2014, was serving as an elected or appointed judge of the Orphans' Court for  
4 Cecil County.

5           SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in  
6 Sections 3 and 4 of this Act, this Act shall take effect July 1, 2016.