

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 486

(Senator Edwards)

Judicial Proceedings

Appropriations

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Allegany County - Orphans' Court Judges - Pension Formula

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This bill extends, from 16 to 24, the number of years of service that may be used as a multiplier in a formula to determine the pension provided to a judge of the orphans' court for Allegany County. The bill applies prospectively only to an individual who retires on or after the bill's effective date. **The bill takes effect July 1, 2018.**

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Allegany County expenditures increase by a minimum of \$1,700 annually, potentially beginning in FY 2019. Local revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** Orphans' court judges in Allegany County must receive an annual salary as set by the County Commissioners. Each judge also receives an expense allowance in the amount of \$600 annually, which is paid at the rate of \$50 monthly. Current salaries are set at \$5,953 for the associate judges and \$6,281 for the chief judge; salaries are scheduled to increase beginning January 1, 2019.

The pension for an orphans' court judge in Allegany County must be the greater of (1) \$1,200 annually or (2) if the judge has more than 16 years of service, an amount equal to two-thirds of the last annual salary or an amount calculated at the rate of 4% of the last annual salary multiplied by the number of years of service, not exceeding 16 years.

**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 and benefits 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:** Allegany County expenditures increase by an estimated \$1,700 annually, potentially beginning as early as fiscal 2019, to the extent that an orphans' court judge with more than 16 years of service retires. The estimate is based on increased benefits to one potential retiree. Expenditures increase further in future years to the extent that additional orphans' court judges retire and have more than 16 years of service.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 720 (Allegany County Delegation) - Appropriations.

**Information Source(s):** Allegany County; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2018  
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Analysis by: Jennifer K. Botts

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