
By: **Delegates Boston and Montague**

Rules suspended

Introduced and read first time: March 16, 1998

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 23, 1998

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 1998

CHAPTER _____

1 AN ACT concerning

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Baltimore City - Orphans' Court

3 FOR the purpose of ~~requiring the Chief Judge of the Orphans' Court for Baltimore~~
4 ~~City to devote full time to the work of the Court;~~ altering the salaries of the
5 judges of the Orphans' Court for Baltimore City; providing that this Act does not
6 apply to the salary or compensation of the incumbent judges of the Orphans'
7 Court for Baltimore City; and generally relating to the Orphans' Court for
8 Baltimore City.

9 BY repealing and reenacting, with amendments,
10 Article - Estates and Trusts
11 Section ~~2-106(b)~~ and 2-108(d)
12 Annotated Code of Maryland
13 (1991 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Estates and Trusts
16 Section 2-108(a)
17 Annotated Code of Maryland
18 (1991 Replacement Volume and 1997 Supplement)

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

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Article - Estates and Trusts2 ~~2-106.~~

3 (b) (1) The sessions of the Court in Baltimore City shall continue from 10
4 a.m. to 4 p.m., if necessary for the transaction of the business of the Court.

5 (2) (i) ~~In Baltimore City, a judge of the Orphans' Court who is also an~~
6 ~~attorney at law has full power to do any act which the Court is or may be authorized~~
7 ~~by law to perform, including the power to hold court on a day not named in an~~
8 ~~adjournment.~~

9 (ii) ~~On request of any interested party filed within the time~~
10 ~~determined by the Court, two judges shall be required to act for the Court.~~

11 (3) ~~THE CHIEF JUDGE OF THE ORPHANS' COURT OF BALTIMORE CITY~~
12 ~~SHALL DEVOTE FULL TIME TO THE WORK OF THE COURT.~~

13 2-108.

14 (a) Except in Montgomery and Harford Counties, the judges of the courts shall
15 receive compensation and allowances as prescribed by law. Unless otherwise
16 provided, the compensation shall be paid in monthly installments. Mileage or travel
17 expenses may not be allowed to a judge for attending sessions of his court except as
18 specifically provided.

19 (d) (1) (i) Each associate judge of the Court of Baltimore City shall receive
20 an annual compensation of [~~\$45,000~~] ~~\$60,000~~ \$50,000, and the Chief Judge shall
21 receive an annual compensation of [~~\$46,000~~] ~~\$80,000~~ \$60,000.

22 (ii) Each associate judge who was in active service on or after
23 January 1, 1981 shall be paid after the termination of active service, if he is then at
24 least 60 years of age or when he shall attain 60 years of age, a pension or salary
25 calculated at the rate of \$1,500 annually for each year, or a part of a year, of active
26 service; but the maximum pension or salary for the service by an associate judge may
27 not exceed \$15,000 annually. Each Chief Judge who was in active service on or after
28 January 1, 1981, shall be paid, after the termination of active service, if he is then at
29 least 60 years of age or when he shall attain 60 years of age, a pension or salary
30 calculated at the rate of \$1,525 annually for each year, or a part of a year of active
31 service, but the maximum pension or salary for the service by a Chief Judge may not
32 exceed \$15,250 annually. The pension or salary shall be paid by the City of Baltimore
33 in the same manner as the salaries of the judges of the Court for the City are paid.

34 (2) The surviving spouse of every elected judge of the Court of Baltimore
35 City shall be paid one half of the pension to which his spouse was entitled at the time
36 of his death, or would have become entitled to by reason of attaining 60 years of age.
37 In each instance, the pension shall be paid to the spouse until remarriage or death.
38 The provisions of this subsection shall not apply in the case of a spouse who was
39 married to a sitting judge for a period of less than three years prior to his death, and
40 to a retired judge for a period less than three years before his retirement.

1 SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III,
2 Section 35 of the Constitution of Maryland, this Act may not be construed to extend or
3 apply to the salary or compensation of the judges of the Orphans' Court for Baltimore
4 City in office on the effective date of this Act, but the provisions of this Act concerning
5 the salary or compensation of the judges of the Orphans' Court for Baltimore City
6 shall take effect at the beginning of the next following term of office.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1998.