

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 229 (Delegate Dembrow. *et al.*)

Judiciary

**Montgomery and Harford Counties - Retired Judges - Assignment to Orphans'
Court**

This bill proposes a constitutional amendment authorizing the Chief Judge of the Court of Appeals to assign retired judges of the circuit courts for Montgomery and Harford counties to sit as Orphans' Court judges in those counties. The Constitution currently provides that a former judge may be recalled to sit temporarily in any court of the State except an Orphans' Court. In Montgomery and Harford counties, which do not have separate Orphans' Court judges, active circuit court judges sit as Orphans' Court judges.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures.

Local Effect: Minimal efficiency savings for the Judiciary.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: To the extent that this bill results in more utilization of retired judges in Montgomery and Harford counties to relieve acting judges of work overloads, the State could incur increased salary expenses. Retired judges receive the same pay as active judges, up to the difference between the annual salary of an active judge and a retired judge's annual pension income. However, neither Montgomery County nor Harford County expects this increased usage to occur much or at all.

The Maryland Constitution requires that proposed amendments to the Constitution be publicized in at least two newspapers in each county, if available, and in at least three

newspapers in Baltimore City once a week for four weeks immediately preceding a general election. The costs associated with these requirements are borne by the State. The fiscal 1999 budget of the State Board of Elections contains funding for publishing constitutional amendments for the 1998 general election.

Local Effect: The circuit courts for Montgomery and Harford counties are sometimes inconvenienced as a result of the constitutional provision that this bill seeks to modify. When a retired judge is called in to substitute for an acting judge who is ill or otherwise unavailable, the retired judge can perform every function that the acting judge can perform except preside over Orphans' Court matters. Therefore, if the acting judge for whom the retired judge is substituting has Orphans' Court matters scheduled on his or her calendar, those matters must be reassigned. Serious scheduling problems can result. Because this bill would allow retired judges to perform the same functions as acting judges in Montgomery and Harford counties, the circuit courts for those counties would experience efficiency gains.

If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 1998 general election. It should not require additional costs for the county election boards to administer the election.

Information Source(s): Judiciary (Administrative Office of the Courts), Montgomery and Harford counties, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 1998
Inc

Analysis by: Claire E. Rooney
Reviewed by: John Rixey

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710