

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 524

(Somerset County Delegation)

Judiciary

Judicial Proceedings

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**Somerset County - Orphans' Court - Judges' Compensation**

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This bill increases the annual salary of Somerset County Orphans' Court judges from \$34 for every day's attendance upon the sessions of the court to \$1,700 annually for each of the associate judges and \$1,900 for the chief judge. The daily travel expense allowance for each judge is also increased from \$33 to \$34.50 for every day's attendance upon the sessions of the court. In addition, the bill revokes the two absences with pay that each judge receives in a calendar year.

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**Fiscal Summary**

**State Effect:** None. The bill would not directly affect State operations or finances.

**Local Effect:** Expenditures for Somerset County would increase by an estimated \$2,260 for FY 2003, due to the January 1, 2003 effective date of anticipated salary increases. Full year costs beginning in FY 2004 would be approximately \$4,520.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The judges for the Somerset County Orphans' Court currently earn \$31 for every day's attendance upon the sessions of the court, with no distinction being made for the associate judges and the chief judge. The daily travel expense allowance for each judge is \$30 for every day's attendance upon the sessions of the court, and each judge receives two absences with pay in a calendar year.

Chapter 262 of 2001 increased the amount earned by the judges to \$34 per day and increased travel expenses to \$33 per day. However, these increases are not effective until January 1, 2003, the start of the next term of office. As a result, if this bill is enacted, the increases in salary and travel expenses provided for by this bill will preempt the increases in salary and travel expenses provided for by Chapter 262.

**Background:** An orphans' court is a probate court. Orphans' court judges are elected to serve four year terms. Each county, other than Harford and Montgomery counties, has three judges sitting on its orphans' court. In Harford and Montgomery counties, circuit court judges preside in orphans' court. The chief judge of each county is appointed by the Governor. An orphans' court may establish that a will is valid, administer an estate, and direct the conduct of an executor of an estate.

The last time salaries and allowances for the Somerset County Orphans' Court judges were increased was 2001. At that time the salary for each judge was raised from \$31 to \$34 for every day's attendance upon the sessions of the court.

The salaries for orphans' court judges vary greatly across the State. The current salaries are listed by county below:

- Allegany County -- annual salary set by the county commissioners
- Anne Arundel County -- \$19,000 annually, with an additional \$500 for the chief judge
- Baltimore City -- \$50,000 for associate judges, \$60,000 for the chief judge
- Baltimore County -- \$30,000 for associate judges, \$32,000 for the chief judge
- Calvert County -- \$5,000 for associate judges, \$5,200 for the chief judge
- Caroline County -- \$4,500 for each judge
- Carroll County -- \$10,000 for each judge
- Cecil County -- \$ 4,500 for each judge
- Charles County -- through 2002, \$6,365 for each judge; beginning 2003, \$7,000
- Dorchester County -- \$3,500 for each judge
- Frederick County -- \$6,000 for associate judges, \$6,500 for the chief judge
- Garrett County -- annual salary set by the county commissioners
- Howard County -- \$7,400 for each judge
- Kent County -- \$3,600 for each judge
- Prince George's County -- through the current term of office, \$31,500 for associate judges, \$32,000 for the chief judge; beginning at the start of the next term of office, \$36,500 for associate judges, \$37,000 for the chief judge
- Queen Anne's County -- annual salary set by the county commissioners
- St. Mary's County -- \$3,000 for each judge
- Somerset County --through 2002, \$31 a day for each day spent attending court sessions; beginning 2003, \$34 a day for each day spent attending court sessions

- Talbot County -- annual salary set by the county council
- Washington County -- \$6,000 for each judge
- Wicomico County -- \$3,200 for each judge
- Worcester County -- set by county commissioners, but not less than \$30 a day for each day spent attending court sessions

In addition, 16 of the counties listed above explicitly provide in statute for allowances for travel and other expenses for the orphans' court judges.

**Local Expenditures:** Expenditures related to the increase in salaries for Somerset County Orphans' Court judges would be approximately \$310 in fiscal 2003, due to the January 1, 2003 anticipated salary increases. Full year costs beginning in fiscal 2004 would be approximately \$620. The increase in the travel expense would result in a further increase of expenditures by approximately \$1,950 for fiscal 2003, and beginning in fiscal 2004, by approximately \$3,900.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader – February 11, 2002  
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