

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 345
Judiciary

(Caroline County Delegation)

Judicial Proceedings

Caroline County - Orphans' Court Judges - Salaries

This bill repeals the statutorily specified salary of \$4,500 for the judges of the Orphans' Court for Caroline County and provides instead that the annual salary of the judges is determined by the county commissioners but may not be less than \$5,000. The bill's changes take effect at the beginning of the next term of office.

Fiscal Summary

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

Local Effect: Caroline County salary expenditures would increase by at least \$940 in FY 2007 and at least \$1,620 annually beginning in FY 2008.

Small Business Effect: None.

Analysis

Current Law: The Orphans' Court of Caroline County consists of one chief judge and two associate judges. Each judge is elected to a four-year term. Orphans' court judges are required by the Maryland Constitution to be citizens of the State and residents, for the preceding 12 months, of the city or county in which they are elected. The salaries for orphans' court judges across the counties and Baltimore City are mostly set by statute, with some being left to the discretion of the county commission or council. **Exhibit 1** lists the salaries for orphans' court judges for each county and the City of Baltimore with the exception of Harford and Montgomery counties where a circuit court judge sits as the orphans' court.

Exhibit 1
Current Orphans' Court Salaries*

<u>County</u>	<u>Salary</u>	
	<u>Associate Judge</u>	<u>Chief Judge</u>
Allegany	\$4,500	\$4,500
Anne Arundel	19,000	19,500
Baltimore City	62,500	72,500
Baltimore County	39,000	39,500
Calvert County	7,750	7,950
Caroline County	4,500	4,500
Carroll County	10,000	10,000
Cecil County	5,500	5,500
Charles County	7,000	7,000
Dorchester County	3,500	3,500
Frederick County	6,000	6,500
Garrett County	1,800	2,000
Howard County	8,000	9,500
Kent County	4,000	4,000
Prince George's County	36,500	37,000
Queen Anne's County	3,000	3,150
Somerset County	1,700	1,900
St. Mary's County	4,000	4,000
Talbot County	4,942	4,942
Washington County	7,000	7,000
Wicomico County	3,200	3,200
Worcester County	3,500	3,500

*Note: Salaries listed are those set forth in the Annotated Code, with the exception of those left to the discretion of a county commission or council (Allegany, Garrett, Queen Anne's, Talbot, and Worcester counties), which were obtained from the Institute for Governmental Service's *Compensation Survey of Maryland Local Governments for FY 2005*.

Background: An orphans' court is a probate court. Orphans' court judges are elected to serve four-year terms during the statewide election. Each county, other than Harford and Montgomery counties, has three judges sitting on its orphans' court. The chief judge of each county is appointed by the Governor. An orphans' court hears all contested matters regarding a decedent's estate, including validity of wills and legal questions involving

transfers of property. It also supervises estates that are probated judicially, and approves accounts, awards of personal representatives' commissions, and attorneys' fees.

The Caroline County Orphans' Court judges' annual salaries were last changed by Chapter 204 of 2001 from \$3,500 to \$4,500.

Local Expenditures: The county commissioners have discretion to set the judges' salaries at not less than \$5,000 annually. Assuming the judges' salaries were set at \$5,000, local expenditures would increase by \$940 in fiscal 2007 accounting for seven months of salary and fringe benefits at 8.02% for all three judges, beginning with the next term of office. Beginning in fiscal 2008, annual expenditures would increase by \$1,620.

Additional Information

Prior Introductions: None.

Cross File: SB 602 (Senators Colburn and Pipkin) – Judicial Proceedings.

Information Source(s): Caroline County; *Compensation Survey of Maryland Local Governments – FY 2005*, Institute for Governmental Service; Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2006
ncs/jr

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