

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 768

(Senator Colburn)

Judicial Proceedings

Judiciary

Dorchester County - Orphans' Court - Compensation of Judges

This bill repeals the statutorily specified salary of \$3,500 for the judges of the Orphans' Court for Dorchester County and provides instead that the annual salaries are determined by the county council but may not be less than \$4,700. The bill also repeals the judges' allowance for expenses for every day's attendance upon the sessions of the court and provides instead that the judges' allowance for expenses is determined by the county council but may not be less than \$800 annually. 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: Dorchester County salary expenditures would increase by at least \$2,300 in FY 2007 and by at least \$4,000 annually beginning in FY 2008. Expenditures would also increase to the extent the minimum \$800 annual expense allowance is greater than the current \$10 per day allowance.

Small Business Effect: None.

Analysis

Current Law: The Orphans' Court of Dorchester 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 Dorchester County Orphans' Court judges' annual salaries were last changed by Chapter 191 of 1994 from \$2,500 to \$3,500.

Local Expenditures: The county council has discretion to set the judges' salaries at not less than \$4,700 annually. Assuming the judges' salaries were set at \$4,700, salary expenditures would increase by \$2,300 in fiscal 2007 accounting for seven months of salary and fringe benefits at 11% for all three judges, beginning with the next term of office. Beginning in fiscal 2008, annual expenditures would increase by \$4,000. Local expenditures would also increase to the extent the county commissioners' determination of expense allowances for the judges results in more funds being paid toward expenses than are currently paid under the statutorily specified expense allowance of \$10 per day of attendance upon the sessions of the Orphans' Court. Dorchester County did not respond to a request for information on prior fiscal year expenditures for judges' expenses.

Additional Information

Prior Introductions: None.

Cross File: HB 680 (Delegate Eckardt, *et al.*) – Judiciary.

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

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