

HOUSE BILL 387

N2, D1

CONSTITUTIONAL AMENDMENT

8lr2246

By: **Delegates Rosenberg and Cardin**

Introduced and read first time: January 28, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Orphans' Court Judges - Qualifications**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to
4 authorize the legislature to prescribe additional qualifications for certain
5 Orphans' Court judges under certain circumstances; prohibiting the
6 qualifications from being more stringent than the qualifications required for
7 judges; making certain stylistic changes; and submitting this amendment to the
8 qualified voters of the State of Maryland for their adoption or rejection.

9 BY proposing an amendment to the Maryland Constitution
10 Article IV – Judiciary Department
11 Section 40

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
14 concurring), That it be proposed that the Maryland Constitution read as follows:

15 **Article IV – Judiciary Department**

16 40.

17 (A) The qualified voters of the City of Baltimore, and of the several Counties,
18 except Montgomery County and Harford County, shall elect three Judges of the
19 Orphans' Courts of City and Counties, respectively[, who].

20 (B) (1) **JUDGES OF THE ORPHANS' COURTS** shall be citizens of the
21 State and residents, for the twelve months preceding, in the City or County for which
22 they may be elected.

23 (2) **EXCEPT FOR MONTGOMERY COUNTY AND HARFORD**
24 **COUNTY, IF THE LOCAL GOVERNING AUTHORITY OF THE CITY OF BALTIMORE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 OR A COUNTY BY RESOLUTION SO REQUESTS, THE LEGISLATURE MAY
2 PRESCRIBE ADDITIONAL QUALIFICATIONS FOR JUDGES OF THE ORPHANS'
3 COURT IN THAT CITY OR COUNTY, WHICH MAY NOT BE MORE STRINGENT THAN
4 THE QUALIFICATIONS REQUIRED FOR JUDGES UNDER SECTION 2 OF THIS
5 ARTICLE.

6 (C) [They] **THE JUDGES** shall have all the powers now vested in the
7 Orphans' Courts of the State, subject to such changes as the Legislature may
8 prescribe.

9 (D) Each of the Judges shall be paid such compensation as may be regulated
10 by Law, to be paid by the City or Counties, respectively.

11 (E) In case of a vacancy in the office of Judge of the Orphans' Court, the
12 Governor shall appoint, subject to confirmation or rejection by the Senate, some
13 suitable person to fill the vacancy for the residue of the term.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
15 determines that the amendment to the Maryland Constitution proposed by this Act
16 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
17 Maryland Constitution concerning local approval of constitutional amendments do not
18 apply.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
20 proposed as an amendment to the Maryland Constitution shall be submitted to the
21 legal and qualified voters of this State at the next general election to be held in
22 November, 2008 for their adoption or rejection pursuant to Article XIV of the
23 Maryland Constitution. At that general election, the vote on this proposed amendment
24 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
25 words "For the Constitutional Amendment" and "Against the Constitutional
26 Amendment," as now provided by law. Immediately after the election, all returns shall
27 be made to the Governor of the vote for and against the proposed amendment, as
28 directed by Article XIV of the Maryland Constitution, and further proceedings had in
29 accordance with Article XIV.