

SENATE BILL 293

N2, D1

CONSTITUTIONAL AMENDMENT

8lr1416
CF HB 387

By: **Senators Fresh and Gladden Gladden and Frosh**

Introduced and read first time: January 25, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Recommitted to Committee, March 10, 2008

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2008

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – 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 judges~~
5 ~~of the Orphans' Court judges under certain circumstances for Baltimore City;~~
6 prohibiting the qualifications from being more stringent than the qualifications
7 required for judges; making certain stylistic changes; and submitting this
8 amendment to the qualified voters of the State of Maryland for their adoption or
9 rejection.

10 BY proposing an amendment to the Maryland Constitution

11 Article IV – Judiciary Department

12 Section 40

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

16 **Article IV – Judiciary Department**

17 40.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

7 (2) ~~EXCEPT FOR MONTGOMERY COUNTY AND HARFORD
8 COUNTY, IF THE LOCAL GOVERNING AUTHORITY OF THE THE CITY OF
9 BALTIMORE OR A COUNTY BY RESOLUTION SO REQUESTS, THE LEGISLATURE
10 MAY PRESCRIBE ADDITIONAL QUALIFICATIONS FOR JUDGES OF THE ORPHANS'
11 COURT IN THAT CITY OR COUNTY FOR BALTIMORE CITY, WHICH MAY NOT BE
12 MORE STRINGENT THAN THE QUALIFICATIONS REQUIRED FOR JUDGES UNDER
13 SECTION 2 OF THIS ARTICLE.~~

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

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

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

22 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
23 determines that the amendment to the Maryland Constitution proposed by this Act
24 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
25 Maryland Constitution concerning local approval of constitutional amendments do not
26 apply.~~

27 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
28 determines that the amendment to the Maryland Constitution proposed by this Act
29 affects only the City of Baltimore and that the provisions of Article XIV, § 1 of the
30 Maryland Constitution concerning local approval of constitutional amendments apply.~~

31 SECTION 3. AND BE IT FURTHER ENACTED, That the aforesaid section
32 proposed as an amendment to the Maryland Constitution shall be submitted to the
33 legal and qualified voters of this State at the next general election to be held in
34 November, 2008 for their adoption or rejection pursuant to Article XIV of the
35 Maryland Constitution. At that general election, the vote on this proposed amendment
36 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
37 words "For the Constitutional Amendment" and "Against the Constitutional
38 Amendment," as now provided by law. Immediately after the election, all returns shall

1 be made to the Governor of the vote for and against the proposed amendment, as
2 directed by Article XIV of the Maryland Constitution, and further proceedings had in
3 accordance with Article XIV.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.