

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 966
Appropriations

(Delegates Barkley and G. Clagett)

State Personnel - Registers of Wills - Employees

This bill includes in the State Personnel Management System nonelected employees of registers of wills.

Fiscal Summary

State Effect: The change would not directly affect government finances; however, operational effects are potentially meaningful for registers of wills.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: There is an elected register of wills in each county of the State and the City of Baltimore. Each register serves a term of four years and is subject to removal for willful neglect of duty or misdemeanor in office. Each register is entitled to receive an annual salary of up to \$98,500, as determined by the Board of Public Works.

A register must appoint deputies and clerks as needed for the efficient operation of the office, subject to approval by the Comptroller. When qualified, a deputy has the power and authority to act in the place of the register. The Comptroller sets the number and compensation of assistant clerks or deputies employed by each register of wills. The Comptroller is required to increase the salary of each nonelected employee in the offices of the registers of wills commensurate with the increases granted to State employees.

Background: Registers of wills are responsible for the administration of estates by

- providing proper forms and direction;
- assisting and advising any person who requests assistance in the preparation of any form for administrative probate;
- admitting wills to probate and issuing letters of administration;
- auditing accounts; and
- maintaining accurate records of all estate matters.

Registers of wills are not included in the State operating budget. The registers are funded with a commission of 25% on inheritance tax revenues, with any amount in excess of operating costs reverting to the general fund.

State Personnel Management System

The State Personnel Management System generally includes all Executive Branch positions, with the exception of elected officials or positions otherwise excluded by State law. The system designates employees as members of the skilled, professional, management, or executive services. Special appointments may be made within any of the four personnel designations.

As established by law, the purpose of the State Personnel Management System is to provide a system of employment for employees under the authority of the Secretary of Budget and Management. The State Personnel Management System establishes categories of service for employees based on the general nature of the employee's duties or method of appointment and provides procedures for the appointment, discipline, and termination of employees in each service. The system groups employees into classes based on their specific duties and provides a system of pay. It also provides for a system of merit employment in the skilled service and professional service, regardless of an applicant's political or religious opinions or other affiliations. The system provides a process for the promotion and training of employees and their removal.

State Fiscal Effect: According to the Comptroller's Office, registers of wills employ 267 staff statewide, as detailed in **Exhibit 1**. These employees serve at the pleasure of the registers of wills.

Including nonelected staff in the State Personnel Management System would not directly affect State finances but would affect the operations of each register of wills. The change would increase the procedures required to identify and hire prospective employees, increasing the length of time required to fill vacancies. Employees would benefit from additional employment protections and appeal procedures, which would limit the ability of a register of wills to replace office staff based on the election of a new register. If invoked, appeal procedures for wrongful termination could potentially increase administrative hearing and related expenses.

Exhibit 1
Registers of Wills Staffing by Jurisdiction

Allegany	5
Anne Arundel	21
Baltimore City	42
Baltimore	31
Calvert	5
Caroline	4
Carroll	4
Cecil	9
Charles	7
Dorchester	3
Frederick	7
Garrett	4
Harford	6
Howard	6
Kent	3
Montgomery	42
Prince George's	32
Queen Anne's	5
Somerset	4
St. Mary's	5
Talbot	7
Washington	6
Wicomico	5
Worcester	4
Total	267

Source: Comptroller's Office

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Comptroller's Office, Register of Wills, Department of Budget and Management, Department of Legislative Services

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