

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 42

(Senators Colburn and Pipkin)

Budget and Taxation

Appropriations

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Caroline County - Orphans' Court Judges - Pensions

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This bill requires Caroline County to pay a pension to orphans' court judges who meet certain qualifications by removing Caroline County from the list of counties that are exempt from this requirement.

The bill takes effect July 1, 2010.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Caroline County expenditures increase by \$2,400 in FY 2011 and by a maximum of \$7,200 annually, potentially beginning in FY 2012. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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Analysis

**Current Law:** Certain counties as specified in statute are required to pay a pension to each judge of the orphans' court who: (1) has terminated active service; (2) has reached 60 years of age; and (3) has completed at least two terms of office. Unless otherwise specified, the annual salary or pension must be the greater of \$1,200 or an amount calculated at the rate of 4% of the last annual salary multiplied by the number of years or partial years of service, not exceeding 12 years.

Caroline County is not required to pay a pension to orphans' court judges.

**Background:** An orphans' court hears all contested matters regarding a decedent's estate, including validity of wills and legal questions involving transfers of property. The court also supervises estates that are probated judicially; approves accounts, awards of personal representatives' commissions, and attorney's fees in all estates; and has concurrent jurisdiction with the circuit courts in the guardianship of minors and their property. Each county and Baltimore City elects three judges to four-year terms to the orphans' courts of their respective jurisdictions, with the exception of Montgomery and Harford counties where a circuit court judge sits as the orphans' court.

**Local Fiscal Effect:** Caroline County advises that only one former judge meets the eligibility requirements set forth in the bill. Based on the individual's years of service and last annual salary of \$5,000, Caroline County expenditures increase by \$2,400 annually beginning in fiscal 2011. Although there is the possibility for additional individuals to meet the eligibility requirements as early as fiscal 2012, it is anticipated that no more than three judges would receive the pension at any time. Accordingly, Caroline County expenditures increase by a maximum of \$7,200 in future years.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Caroline County, Department of Legislative Services

**Fiscal Note History:** First Reader - January 25, 2010  
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