

HOUSE BILL 1165

D2

CONSTITUTIONAL AMENDMENT

11r2897
CF SB 832

By: **Delegates Lafferty and Minnick**

Introduced and read first time: February 16, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Orphans’ Court Judges – Qualifications**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to
4 prescribe different qualifications for judges of the Orphans’ Court for Baltimore
5 County; requiring judges of the Orphans’ Court for Baltimore County to have
6 been admitted to practice law in this State and be members in good standing of
7 the Maryland Bar; and submitting this amendment to the qualified voters of the
8 State 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 several Counties, except Montgomery County,
18 **BALTIMORE COUNTY**, and Harford County, shall elect three Judges of the Orphans’
19 Courts of Counties who shall be citizens of the State and residents, for the twelve
20 months preceding, in the County for which they may be elected.

21 (b) The qualified voters of the City of Baltimore shall elect three Judges of
22 the Orphans’ Court for Baltimore City who shall be citizens of the State and residents,
23 for the twelve months preceding, in Baltimore City and who have been admitted to
24 practice law in this State and are members in good standing of the Maryland Bar.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) THE QUALIFIED VOTERS OF BALTIMORE COUNTY SHALL ELECT**
2 **THREE JUDGES OF THE ORPHANS' COURT FOR BALTIMORE COUNTY WHO**
3 **SHALL BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS**
4 **PRECEDING, IN BALTIMORE COUNTY AND WHO HAVE BEEN ADMITTED TO**
5 **PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE**
6 **MARYLAND BAR.**

7 **[(c)] (D)** The Judges shall have all the powers now vested in the Orphans'
8 Courts of the State, subject to such changes as the Legislature may prescribe.

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

11 **[(e)] (F)** In case of a vacancy in the office of Judge of the Orphans' Court,
12 the 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 only one county and that the provisions of Article XIV, § 1 of the Maryland
17 Constitution concerning local approval of constitutional amendments apply.

18 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
19 proposed as an amendment to the Maryland Constitution shall be submitted to the
20 qualified voters of the State at the next general election to be held in November, 2012
21 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
22 At that general election, the vote on this proposed amendment to the Constitution
23 shall be by ballot, and upon each ballot there shall be printed the words "For the
24 Constitutional Amendment" and "Against the Constitutional Amendment," as now
25 provided by law. Immediately after the election, all returns shall be made to the
26 Governor of the vote for and against the proposed amendment, as directed by Article
27 XIV of the Maryland Constitution, and further proceedings had in accordance with
28 Article XIV.