

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 931

(Senator Stone, *et al.*)

Judicial Proceedings

Judiciary

---

**Baltimore County - Orphans' Court Judges - Salary**

---

This bill increases, beginning July 1, 2014, the salaries of the orphans' court associate judges for Baltimore County from \$39,000 to \$43,000, and, for the Chief Judge, from \$39,500 to \$45,000. The salary increases, however, pursuant to Art. III, § 35 of the Maryland Constitution, cannot be applied to the salaries of the orphans' court judges during a term of office beginning before the bill's October 1, 2013 effective date and must take effect at the beginning of the next term of office.

---

**Fiscal Summary**

**State Effect:** None. The bill does not directly affect State finances.

**Local Effect:** County expenditures increase by \$10,300 in FY 2015 and by \$17,600 annually thereafter.

**Small Business Effect:** None.

---

**Analysis**

**Current Law:** Each judge of the orphans' court for Baltimore County receives annual compensation of \$39,000. The Chief Judge receives an additional \$500 annually.

**Background:** Under the Maryland Constitution, each county elects, for a term of four years, three judges to the orphans' court of their respective jurisdictions, with the exception of Montgomery and Harford counties, where a circuit court judge sits as the orphans' court. The orphans' courts are the State's probate courts. The courts supervise the handling of estates and also have certain jurisdiction over the guardianship of minors

and their property. The salaries of orphans' court judges are paid by county governments and Baltimore City (except for Harford and Montgomery counties because the State pays the salaries of circuit court judges).

The salaries of the orphans' court judges in Baltimore County were last increased under Chapter 175 of 2002 (SB 568) from \$30,000 to \$39,000. Chapter 175 also decreased the additional amount the Chief Judge receives, from \$2,000 to \$500 annually.

Pursuant to Chapter 146 of 2012 (SB 48), a constitutional amendment that was adopted at the 2012 general election, orphans' court judges elected in Baltimore County must be admitted to practice law in the State and members in good standing of the Maryland Bar. Pursuant to Chapter 467 of 2005 (SB 197), Baltimore County is one of a small number of jurisdictions where an orphans' court judge may practice law during a term of office provided it is in connection with cases outside the jurisdiction of the orphans' court and unrelated to the administration of an estate or guardianship.

**Local Fiscal Effect:** County expenditures increase by approximately \$10,286 in fiscal 2015 and by \$17,632 annually thereafter. This estimate assumes the salary increases take effect in early December 2014, the beginning of the term of office for the judges elected at the November 2014 election, and includes fringe benefits.

**Additional Comments:** It may be possible for an orphans' court judge appointed to fill any possible vacancy during the current term to receive the increased salary established by the bill during the period between July 1, 2014 and the beginning of the term for the judges elected at the November 2014 election (December 2014). The Court of Appeals has ruled that Art. III, § 35 does not prohibit a public officer appointed to fill out an unexpired term from receiving a salary increase. However since the bill includes language that is different from Art. III, § 35, a judge appointed to complete an unexpired term may be prevented from receiving the increased salary during the period between July 1, 2014 and December 2014.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Baltimore County, Register of Wills, Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2013  
mc/kdm Revised - Correction - March 19, 2013  
Revised - Enrolled Bill - May 22, 2013

---

Analysis by: Scott D. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510