

HOUSE BILL 1089

D2

4lr2610
CF SB 946

By: **Chair, Anne Arundel County Delegation (By Request)**

Introduced and read first time: February 6, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Orphans’ Court Judges – Salary and Pension**

3 FOR the purpose of altering the annual salary of each judge of the Orphans’ Court for
4 Anne Arundel County and the Chief Judge of the Orphans’ Court for Anne
5 Arundel County; providing that the salary and pension for a judge of the
6 Orphans’ Court for Anne Arundel County are subject to an annual
7 cost-of-living adjustment; providing for the calculation of the cost-of-living
8 rate; providing that the cost-of-living rate may not exceed a certain percentage;
9 providing for the application of a zero rate under certain circumstances;
10 providing for the calculation of compensation; providing for the application of
11 this Act; providing that a certain limitation does not apply to a certain
12 individual; defining certain terms; and generally relating to the Orphans’ Court
13 of Anne Arundel County.

14 BY repealing and reenacting, with amendments,
15 Article – Estates and Trusts
16 Section 2–108(c)
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Estates and Trusts
21 Section 2–108(y)(1)
22 Annotated Code of Maryland
23 (2011 Replacement Volume and 2013 Supplement)

24 BY adding to
25 Article – Estates and Trusts
26 Section 2–108(y)(9)
27 Annotated Code of Maryland
28 (2011 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Estates and Trusts**

4 2–108.

5 (c) (1) Each of the judges of the Court for Anne Arundel County shall
6 receive an annual compensation of:

7 (i) ~~[\$27,000 for calendar year 2007; and~~

8 ~~(ii)] \$29,000 for calendar year 2008 and each subsequent~~
9 ~~calendar year THROUGH CALENDAR YEAR 2014; AND~~

10 **(II) \$45,000 FOR CALENDAR YEAR 2015 AND EACH**
11 **SUBSEQUENT CALENDAR YEAR.**

12 (2) The Chief Judge shall receive an additional ~~[\$500]~~ **\$2,000**
13 annually.

14 (3) Each judge shall also receive an expense allowance up to \$150 per
15 month for personal expenses incidental to his duties, to be paid by the Comptroller of
16 Anne Arundel County each month upon presentation of an itemized voucher in
17 accordance with rules and regulations prescribed by the Comptroller.

18 **(4) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS**
19 **HAVE THE MEANINGS INDICATED.**

20 **2. “CONSUMER PRICE INDEX” MEANS THE ANNUAL**
21 **AVERAGE CONSUMER PRICE INDEX (ALL URBAN CONSUMERS, UNITED STATES**
22 **CITY AVERAGE, ALL ITEMS, NOT SEASONALLY ADJUSTED, 1967 = 100) FOR THE**
23 **CALENDAR YEAR ENDING DECEMBER 31 AS PUBLISHED BY THE U.S.**
24 **DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.**

25 **3. “EFFECTIVE DATE” MEANS, FOR THE**
26 **COMPENSATION OF A JUDGE OR CHIEF JUDGE, THE FIRST DAY OF THE MONTH**
27 **IN WHICH THE COMPENSATION IS FIRST PAID TO THE JUDGE OR CHIEF JUDGE.**

28 **(II) THE COMPENSATION PAYABLE UNDER PARAGRAPHS (1)**
29 **AND (2) OF THIS SUBSECTION IS SUBJECT TO AN ANNUAL COST-OF-LIVING**
30 **ADJUSTMENT.**

1 **(III) AN INITIAL COST-OF-LIVING ADJUSTMENT MAY NOT BE**
2 **MADE UNTIL THE SECOND JULY 1 AFTER THE DAY PRECEDING THE EFFECTIVE**
3 **DATE.**

4 **(IV) EXCEPT AS PROVIDED SUBPARAGRAPH (V) OF THIS**
5 **PARAGRAPH, AND SUBJECT TO SUBPARAGRAPH (VI) OF THIS PARAGRAPH, THE**
6 **COST-OF-LIVING RATE USED TO ADJUST COMPENSATION PAYABLE IN A FISCAL**
7 **YEAR SHALL BE CALCULATED ACCORDING TO THE FOLLOWING FORMULA:**

8 **1. SUBTRACT THE CONSUMER PRICE INDEX FOR**
9 **THE CALENDAR YEAR ENDING DECEMBER 31 IN THE SECOND PRECEDING**
10 **FISCAL YEAR FROM THE CONSUMER PRICE INDEX FOR THE CALENDAR YEAR**
11 **ENDING DECEMBER 31 IN THE PRECEDING FISCAL YEAR; AND**

12 **2. DIVIDE THE AMOUNT DETERMINED UNDER ITEM 1**
13 **OF THIS SUBPARAGRAPH BY THE CONSUMER PRICE INDEX FOR THE CALENDAR**
14 **YEAR ENDING DECEMBER 31 IN THE SECOND PRECEDING FISCAL YEAR.**

15 **(V) THE COST-OF-LIVING RATE USED TO ADJUST**
16 **COMPENSATION PAYABLE IN A FISCAL YEAR MAY NOT EXCEED 3%.**

17 **(VI) FOR ANY FISCAL YEAR IN WHICH THE COST-OF-LIVING**
18 **RATE DETERMINED UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH IS LESS**
19 **THAN 0%, THE COST-OF-LIVING RATE FOR THAT FISCAL YEAR SHALL BE 0%.**

20 **(VII) THE COMPENSATION PAYABLE UNDER PARAGRAPHS (1)**
21 **AND (2) OF THIS SUBSECTION SHALL BE ADJUSTED BY:**

22 **1. MULTIPLYING THE INITIAL RATE OF**
23 **COMPENSATION BY THE COST-OF-LIVING ADJUSTMENT; AND**

24 **2. ADDING THE PRODUCT TO THE COMPENSATION,**
25 **AS ADJUSTED, PAID DURING THE PRIOR YEAR.**

26 (y) (1) Except in Montgomery, Frederick, Carroll, Talbot, Cecil, Kent,
27 Queen Anne's, Baltimore, Garrett, and Harford counties and Baltimore City, and
28 except as provided in paragraphs (3) and (4) of this subsection, a county shall pay a
29 pension, in the same manner as salaries are paid during active service, to each judge
30 of the Orphans' Court who:

31 (i) Has terminated active service;

32 (ii) Has reached 60 years of age; and

(iii) Has completed at least two terms of office.

(9) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

2. "CONSUMER PRICE INDEX" HAS THE MEANING INDICATED IN SUBSECTION (C) OF THIS SECTION.

3. "EFFECTIVE DATE" MEANS, FOR THE PENSION OF A JUDGE OR CHIEF JUDGE OF THE ORPHANS' COURT FOR ANNE ARUNDEL COUNTY, THE FIRST DAY OF THE MONTH IN WHICH THE PENSION IS FIRST PAID TO THE JUDGE OR CHIEF JUDGE.

(II) IN ANNE ARUNDEL COUNTY, THE PENSION FOR A JUDGE OF THE ORPHANS' COURT IS SUBJECT TO AN ANNUAL COST-OF-LIVING ADJUSTMENT.

(III) AN INITIAL COST-OF-LIVING ADJUSTMENT MAY NOT BE MADE UNTIL THE SECOND JULY 1 AFTER THE DAY PRECEDING THE EFFECTIVE DATE.

(IV) EXCEPT AS PROVIDED SUBPARAGRAPH (V) OF THIS PARAGRAPH, AND SUBJECT TO SUBPARAGRAPH (VI) OF THIS PARAGRAPH, TO DETERMINE THE COST-OF-LIVING RATE USED TO ADJUST A PENSION PAYABLE IN A FISCAL YEAR, THE BOARD OF TRUSTEES OF THE ANNE ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM SHALL:

1. SUBTRACT THE CONSUMER PRICE INDEX FOR THE CALENDAR YEAR ENDING DECEMBER 31 IN THE SECOND PRECEDING FISCAL YEAR FROM THE CONSUMER PRICE INDEX FOR THE CALENDAR YEAR ENDING DECEMBER 31 IN THE PRECEDING FISCAL YEAR; AND

2. DIVIDE THE AMOUNT DETERMINED UNDER ITEM 1 OF THIS SUBPARAGRAPH BY THE CONSUMER PRICE INDEX FOR THE CALENDAR YEAR ENDING DECEMBER 31 IN THE SECOND PRECEDING FISCAL YEAR.

(V) THE COST-OF-LIVING RATE USED TO ADJUST A PENSION PAYABLE IN A FISCAL YEAR MAY NOT EXCEED 3%.

(VI) FOR ANY FISCAL YEAR IN WHICH THE COST-OF-LIVING RATE DETERMINED UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH IS LESS THAN 0%, THE COST-OF-LIVING RATE FOR THAT FISCAL YEAR SHALL BE 0%.

1 **(VII) THE PENSION PAYABLE UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION SHALL BE ADJUSTED BY:**

3 **1. MULTIPLYING THE INITIAL RATE OF THE PENSION**
4 **BY THE COST-OF-LIVING ADJUSTMENT; AND**

5 **2. ADDING THE PRODUCT TO THE PENSION, AS**
6 **ADJUSTED, PAID DURING THE PRIOR YEAR.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, §
8 35 of the Maryland Constitution, this Act may not be construed to extend or apply to
9 the salary or compensation of the judges of the Orphans' Court of Anne Arundel
10 County while serving in a term of office beginning before the effective date of this Act,
11 but the provisions of this Act concerning the salary or compensation of the judges of
12 the Orphans' Court of Anne Arundel County shall take effect at the beginning of the
13 next following term of office. This limitation does not apply to an individual appointed
14 or elected after the effective date of this Act to fill out an unexpired term.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2014.