

HOUSE BILL 824

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6lr2973
CF 6lr3450

By: **Cecil County Delegation**

Introduced and read first time: February 8, 2016

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2016

CHAPTER _____

1 AN ACT concerning

2 **Cecil County – Orphans’ Court Judges – Traveling Expense Allowance and**
3 **Pension**

4 FOR the purpose of specifying that the annual compensation of the judges of the Orphans’
5 Court for Cecil County for certain fiscal years is to be paid quarterly by the county;
6 increasing the allowance for traveling expenses for the judges of the Orphans’ Court
7 for Cecil County; specifying that the allowance is to be paid by the county; requiring
8 the county to pay a pension to certain former judges of the Orphans’ Court for Cecil
9 County; providing that a judge of the Orphans’ Court for Cecil County who has
10 completed a certain number of years of service is eligible for a pension; providing for
11 the application of this Act; and generally relating to traveling expense allowances and
12 pensions for judges of the Orphans’ Court for Cecil County.

13 BY repealing and reenacting, with amendments,
14 Article – Estates and Trusts
15 Section 2–108(a), (i), and (y)
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2015 Supplement)

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

20 **Article – Estates and Trusts**

21 2–108.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) Except in Montgomery County and Harford County, the judges of the
2 courts shall receive compensation and allowances as prescribed by law.

3 (2) Unless otherwise provided, the compensation shall be paid in monthly
4 installments.

5 (3) Mileage or travel expenses may not be allowed to a judge for attending
6 sessions of his court except as specifically provided.

7 (i) (1) Each of the judges of the Court for Cecil County shall receive an annual
8 compensation of:

9 (i) \$5,500 for fiscal year 2015;

10 (ii) \$6,500 for fiscal year 2016;

11 (iii) \$7,500 for fiscal year 2017; and

12 (iv) \$8,750 for fiscal year 2018 and each subsequent fiscal year, **TO**
13 **BE PAID QUARTERLY BY THE COUNTY.**

14 (2) Each judge shall also receive an allowance for traveling expenses of
15 **[\$780] \$1,600** annually, to be paid quarterly by the **[County Commissioners] COUNTY.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
17 as follows:

18 Article – Estates and Trusts

19 2–108.

20 (y) (1) Except in Montgomery, Frederick, Carroll, Talbot, **[Cecil,]** Kent, Queen
21 Anne’s, Baltimore, Garrett, and Harford counties and Baltimore City, and except as
22 provided in paragraphs (3) and (4) of this subsection, a county shall pay a pension, in the
23 same manner as salaries are paid during active service, to each judge of the Orphans’ Court
24 who:

25 (i) Has terminated active service;

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

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

28 (2) Except as provided in this section, the salary or pension shall be the
29 greater of:

1 (i) \$1,200 annually; or

2 (ii) An annual amount calculated at the rate of 4 percent of the last
3 annual amount of compensation multiplied by the number of years or partial years of
4 service, not exceeding 12 years.

5 (3) An Orphans' Court judge in Somerset County and Worcester County is
6 eligible for a pension under this subsection only if he is in office on or before July 1, 1979.

7 (4) In Wicomico County **AND CECIL COUNTY**, an Orphans' Court judge
8 who has completed at least 12 years in office is eligible for a pension under this subsection.

9 (5) In Prince George's County, the salary or pension to each Orphans' Court
10 judge shall be the greater of:

11 (i) \$1,200 annually; or

12 (ii) An annual amount calculated at the rate of 4 percent of the last
13 annual amount of compensation multiplied by the number of years or partial years of
14 service, not exceeding 20 years.

15 (6) In Allegany County, the pension for an Orphans' Court judge shall be
16 the greater of:

17 (i) \$1,200 annually; or

18 (ii) 1. Except as provided in item 2 of this subparagraph, an
19 annual amount calculated at the rate of 4 percent of the last annual amount of
20 compensation multiplied by the number of years of service, not exceeding 16 years; or

21 2. An annual amount equal to two-thirds of the last annual
22 amount of compensation if the judge has more than 16 years of service.

23 (7) The pension or salary may be suspended during any month the judge is
24 a full-time employee of any county or of this State.

25 (8) Notwithstanding any provision of this section an Orphans' Court judge
26 may not receive a pension under this section if he is receiving any other State pension based
27 on service as an Orphans' Court judge.

28 SECTION 3. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35
29 of the Maryland Constitution, Section 1 of this Act may not be construed to extend or apply
30 to the salary or compensation of a judge of the Orphans' Court for Cecil County while serving
31 in a term of office beginning before the effective date of this Act, but the provisions of this
32 Act concerning the salary or compensation of the judges of the Orphans' Court for Cecil
33 County shall take effect at the beginning of the next following term of office. This limitation

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1 does not apply to an individual appointed or elected after the effective date of this Act to
2 fill out an unexpired term.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be construed to
4 apply retroactively and shall be applied to and interpreted to affect any individual who, on
5 or after July 1, 2014, was serving as an elected or appointed judge of the Orphans' Court for
6 Cecil County.

7 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
8 Sections 3 and 4 of this Act, this Act shall take effect July 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.