

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 629 (Cecil County Delegation)
Health and Government Operations

Judicial Proceedings

Cecil County - Orphans' Court Judges - Travel Expense Allowance

This bill increases, from \$780 to \$1,500 annually, the allowance for traveling expenses for each judge of the orphans' court for Cecil County, which is to be paid by the county.

The bill takes effect July 1, 2017. However, pursuant to constitutional requirements, the increase in travel expenses takes effect at the beginning of the next term of office.

Fiscal Summary

State Effect: None.

Local Effect: Cecil County expenditures increase by approximately \$1,100 in FY 2019 and by approximately \$2,200 annually thereafter. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Orphans' court judges in Cecil County must receive annual compensation of \$7,500 in fiscal 2017 and \$8,750 in fiscal 2018 and beyond. Each judge also receives an annual allowance of \$780 for traveling expenses, which is paid quarterly by the county commissioners.

Article III, § 35 of the Maryland Constitution prohibits the salary or compensation of any public officer from being increased or diminished during the individual's term of office, except those whose full term is fixed by law in excess of four years. Because the travel expenses set forth by the bill are of a set amount (and not based on actual expenses),

the Office of the Attorney General has advised that it is considered compensation. Accordingly, the increase must take effect at the beginning of the next term of office.

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).

Local Expenditures: Cecil County expenditures increase by \$1,080 in fiscal 2019 and by \$2,160 annually thereafter. This estimate accounts for the increase in the travel allowance taking place in January 2019 (the beginning of the next term).

Additional Information

Prior Introductions: HB 824 of 2016, a similar bill, passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: SB 211 (Cecil County Senators) - Judicial Proceedings.

Information Source(s): Cecil County; Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2017
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