

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1115

(Howard County Delegation)

Health and Government Operations

Judicial Proceedings

Howard County - Orphans' Court Judges - Compensation
Ho. Co. 7-18

This bill increases the salaries for the judges of the orphans' court for Howard County as follows: (1) \$12,000 in fiscal 2019; (2) \$14,000 in fiscal 2020; (3) \$16,000 in fiscal 2021; and (4) \$18,000 in fiscal 2022. The chief judge continues to receive an additional \$1,500 annually. **The bill takes effect July 1, 2018;** however, pursuant to constitutional requirements, the salary increases take effect at the beginning of the next term of office.

Fiscal Summary

State Effect: None.

Local Effect: County salary expenditures increase by a minimum of \$3,000 in FY 2019 and by a minimum of \$12,000 annually thereafter. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Associate orphans' court judges for Howard County receive annual compensation of \$10,000; the chief judge receives \$11,500 annually. Each judge is also entitled to an expense allowance of up to \$50 per month.

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. According to a letter from the Counsel to the General Assembly, dated January 17, 1978, salary increases that

are to be implemented over a period of time are permissible if implemented before the beginning of the term.

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: County expenditures for orphans' court judges increase by a minimum of \$3,000 in fiscal 2019 and by a minimum of \$12,000 annually thereafter. This estimate assumes the salary increases take effect in January 2019 and does not include any impact on fringe benefits.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Howard County; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2018
mm/kdm Third Reader - March 9, 2018

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