

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1247

(Anne Arundel County Delegation)

Health and Government Operations

Judicial Proceedings

Anne Arundel County – Orphans’ Court Judges – Compensation

This bill repeals provisions of law establishing the annual compensation of orphans’ court judges for Anne Arundel County and instead establishes that the judges are to receive a salary as set by the county executive and the county council. The judges continue to receive an expense allowance of up to \$150 per month. Pursuant to constitutional requirements, the salary increases take effect at the beginning of the next term of office. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: None.

Local Effect: Potential increase or decrease in Anne Arundel County salary expenditures beginning in FY 2019. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Associate orphans’ court judges for Anne Arundel County receive annual compensation of \$29,000; the Chief Judge receives \$29,500 annually. Each judge is also entitled to an expense allowance of up to \$150 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 may increase or decrease, depending on action taken by the county council and the county executive. Because constitutional provisions prohibit the increase or decrease of salaries during a term of office, any potential impact is not realized until after the 2018 election.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 25, 2018
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