

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 490
Judiciary

(Delegate Rosenberg, *et al.*)

Judicial Proceedings

Baltimore City - Orphans' Court Judges - Compensation

This bill repeals provisions of law establishing the pension and annual compensation of orphans' court judges for Baltimore City and instead establishes that the judges are to receive a salary and pension as determined by the mayor and the city council. Pursuant to constitutional requirements, any salary adjustments take effect at the beginning of the next term of office.

Fiscal Summary

State Effect: None.

Local Effect: Potential increase or decrease in Baltimore City expenditures. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Associate judges of the orphans' court receive annual compensation of \$74,000; the Chief Judge receives \$84,500. Statutory provisions also specify the amount a judge earns toward a pension for each year or partial year of service on the court. For associate judges, the rate is \$3,725; for chief judges, the rate is \$4,225. The maximum annual pension payment for retired associate judges is \$37,250; the maximum annual pension payment is \$42,250 for retired chief judges.

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 Fiscal Effect: Baltimore City expenditures for orphans' court judges, including those related to pensions, may increase or decrease, depending on action taken by the mayor and city council. Because constitutional provisions prohibit the increase or decrease of salaries during a term of office, any potential impact regarding salaries is not realized until after the 2022 election.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 714 (Senator Carter, *et al.*) - Judicial Proceedings.

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

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