

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 411

(Senator Watson)

Judicial Proceedings

Judiciary

Prince George's County - Judges of the Orphans' Court - Compensation

This bill repeals statutory provisions that establish the annual compensation of orphans' court judges for Prince George's County and instead authorizes the County Executive and County Council of Prince George's County to determine the annual compensation for the judges. Pursuant to constitutional requirements, any salary adjustments take effect at the beginning of the next terms of office.

Fiscal Summary

State Effect: None.

Local Effect: Potential increase or decrease in Prince George's County expenditures beginning in FY 2027. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: 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 Harford, Howard, and Montgomery 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 have certain jurisdiction over the guardianship of minors and their property. Compensation for orphans' court judges is paid by each local government.

Pursuant to statute, the associate judges and chief judge of the orphans' court for Prince George's County receive annual salaries of \$50,000 and \$55,000, respectively.

Article III, § 35 of the Maryland Constitution prohibits the salary or compensation of any public official 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.

Local Expenditures: The bill allows the county executive and county council to determine the salaries for the judges of the orphans' court in Prince George's County. Accordingly, expenditures may increase or decrease, depending on action taken by the county executive and county council. Prince George's County anticipates that salaries will increase by an indeterminate amount each year. 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 2026 election (fiscal 2027).

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Prince George's County; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2023
km/jkb Third Reader - March 20, 2023

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