

HOUSE BILL 913

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2000 Regular Session
0lr2552
CF 0lr1464

By: **Chairman, Appropriations Committee (Maryland Judicial Conference)**
and Delegate Vallario

Introduced and read first time: February 11, 2000
Assigned to: Appropriations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 25, 2000

CHAPTER 652

1 AN ACT concerning

2 **Circuit Courts - Funding of Masters and Juror Per Diems**

3 FOR the purpose of requiring standing masters hired for circuit courts after a certain
4 date to be State employees; authorizing individuals serving as standing masters
5 before a certain date to elect State or local employment; requiring the State to
6 reimburse counties, including Baltimore City, for a certain amount of the
7 salaries and benefits of masters electing to remain county employees; requiring
8 the Administrative Office of the Courts to identify standing masters and develop
9 personnel management and funding plans; providing for the duties and
10 supervision of standing masters; restricting changes in salary or benefits of
11 county employed masters; increasing the amount of the juror per diem for which
12 the State reimburses counties, including Baltimore City, subject to certain
13 conditions; requiring counties to supplement the per diem in a certain amount
14 absent an ordinance increasing or decreasing the amount; providing for the
15 method of payments to counties; requiring certain appropriations in the State
16 budget; providing for implementation during fiscal year ~~2001~~ 2002; requiring
17 counties, including Baltimore City, to use certain moneys for circuit court and
18 related public safety purposes; requiring counties, including Baltimore City, to
19 report certain expenditures to the Department of Budget and Management; and
20 generally relating to State funding of circuit court masters and juror per diems.

21 BY adding to
22 Article - Courts and Judicial Proceedings
23 Section 2-501(e)
24 Annotated Code of Maryland
25 (1998 Replacement Volume and 1999 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Courts and Judicial Proceedings
3 Section 8-106
4 Annotated Code of Maryland
5 (1998 Replacement Volume and 1999 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Courts and Judicial Proceedings**

9 2-501.

10 (E) (1) THERE SHALL BE INCLUDED IN THE STATE BUDGET FOR THE
11 JUDICIAL BRANCH AN APPROPRIATION TO THE ADMINISTRATIVE OFFICE OF THE
12 COURTS IN THE AMOUNT NECESSARY TO PAY SALARIES AND BENEFITS OF
13 STANDING CIRCUIT COURT MASTERS.

14 (2) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL:

15 (I) IDENTIFY THE STANDING CIRCUIT COURT MASTERS; AND

16 (II) DEVELOP A PERSONNEL MANAGEMENT PLAN AND FUNDING
17 PLAN TO IMPLEMENT THIS SUBSECTION.

18 (3) A STANDING MASTER OF A CIRCUIT COURT OR A JUDICIAL CIRCUIT
19 SHALL REPORT TO AND PERFORM THE DUTIES AND ASSIGNMENTS DETERMINED BY
20 THE JUDGES OF THE RESPECTIVE CIRCUIT COURT OR CIRCUIT, IN ACCORDANCE
21 WITH THE STATEWIDE POLICY ON MASTERS.

22 (4) THE COURT OF APPEALS MAY ADOPT RULES CONCERNING THE
23 MASTER POSITIONS DESCRIBED IN THIS SUBSECTION.

24 (5) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH,
25 CIRCUIT COURT MASTERS IDENTIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION
26 SHALL REMAIN ~~LOCAL~~ COUNTY OR BALTIMORE CITY EMPLOYEES AND SHALL NOT BE
27 STATE EMPLOYEES.

28 (II) A CIRCUIT COURT MASTER IDENTIFIED UNDER PARAGRAPH (2)
29 OF THIS SUBSECTION MAY ELECT TO BECOME A STATE EMPLOYEE BETWEEN
30 JANUARY 1, ~~2001~~ 2002, AND MARCH 31, ~~2001~~ 2002, BOTH INCLUSIVE.

31 (III) A CIRCUIT COURT MASTER WHO ELECTS UNDER THIS
32 SUBSECTION TO BECOME A STATE EMPLOYEE SHALL BECOME A STATE EMPLOYEE
33 ON JULY 1, ~~2001~~ 2002.

34 (IV) A STANDING CIRCUIT COURT MASTER HIRED ON OR AFTER
35 JULY 1, ~~2001~~ 2002, SHALL BE A STATE EMPLOYEE.

1 8-106.

2 (a) In this section, "day" means the length of time in any 24-hour period
3 during which a juror is required to be in attendance at or in proximity to the court in
4 which the juror has been called as a juror.

5 (b) A juror shall receive a State per diem amount of [~~\$5~~] \$15 for each day the
6 juror attends court.

7 ~~{(c) The government of each county AND BALTIMORE CITY may supplement the~~
8 ~~State per diem amount by local ordinance.}~~

9 ~~[(d) (C) There shall be included in the State budget for the [Judiciary~~
10 ~~Department of Maryland] JUDICIAL BRANCH beginning in fiscal year [2000, an~~
11 ~~authorization] 2001 2002, AN APPROPRIATION to the Administrative Office of the~~
12 ~~Courts in the total amount necessary to pay jurors the State per diem amount.~~

13 SECTION 2. AND BE IT FURTHER ENACTED, That each individual serving
14 as a standing circuit court master before April 1, ~~2001 2002~~, shall make a written
15 election between State and county employment. Standing masters hired on or after
16 April 1, ~~2001 2002~~, and before July 1, ~~2001 2002~~, shall make a written election
17 between State and county or Baltimore City employment at the time of hiring.

18 SECTION 3. AND BE IT FURTHER ENACTED, That any master who elects
19 to become a State employee under this Act shall be in the personnel system of the
20 Judicial Branch. These employees shall be credited with the years of service with the
21 county or Baltimore City for purposes of seniority, including the determination of
22 leave accumulation, and shall become members of the Employees' Pension System of
23 the State of Maryland. All previous pension contributions shall be transferred in
24 accordance with Title 37 of the State Personnel and Pensions Article. These
25 employees shall receive no diminution in accumulated leave solely as a result of the
26 transfer. Annual leave in excess of that which may be retained annually in the
27 personnel system of the Judicial Branch may be retained at the time of transfer if
28 that accumulation was permitted by the former employer. It shall be the
29 responsibility of the former employer to pay whatever moneys are due, including but
30 not limited to unpaid wages, accumulated compensatory leave, and unpaid
31 reimbursement requests, upon termination of county or Baltimore City employment
32 as of July 1, 2002 to any employee transferred under this section.

33 SECTION 4. AND BE IT FURTHER ENACTED, That a master who remains a
34 county or Baltimore City employee shall be entitled to all county or Baltimore City
35 salary and benefits to which the master was entitled as of December 31, ~~2000 2001~~,
36 and that are available generally to all county or Baltimore City employees within
37 analogous salary and benefits classifications. A county or Baltimore City may not
38 subsequently modify the salary or benefits of a county or Baltimore City employed
39 master unless the modification applies generally to all county or Baltimore City
40 employees within analogous salary and benefits classifications.

41 SECTION 4-5. AND BE IT FURTHER ENACTED, That the State shall
42 reimburse a county or Baltimore City on a quarterly basis for salaries and benefits of

1 county or Baltimore City employed masters, beginning in fiscal year ~~2001~~ 2002,
2 provided that, for fiscal year ~~2001~~ 2002, total payments are limited to the amount
3 appropriated for that purpose and, if necessary, shall be prorated among the counties
4 and Baltimore City. State reimbursements to counties and Baltimore City shall be
5 based on the State salary and benefit expenses that would have been paid to circuit
6 court masters had they elected to become State employees. Counties and Baltimore
7 City shall request reimbursement in the manner determined by the Administrative
8 Office of the Courts.

9 SECTION ~~5- 6.~~ AND BE IT FURTHER ENACTED, That a county or Baltimore
10 City shall supplement the State juror per diem amount established under this Act in
11 an amount sufficient to maintain the total combined State and county or Baltimore
12 City per diem amount provided in that county or Baltimore City as of June 30, ~~2000~~
13 2001, unless the county or City increases or decreases the supplemental amount by
14 local ordinance. A local ordinance is not required to reduce the existing county or
15 Baltimore City per diem in an amount not exceeding the increased State per diem
16 amount under this Act.

17 SECTION ~~6- 7.~~ AND BE IT FURTHER ENACTED, That, unless a county or
18 Baltimore City and the Administrative Office of the Courts agree otherwise, the State
19 shall reimburse a county or ~~the~~ Baltimore City on a quarterly basis for State juror per
20 diem payments beginning in fiscal year ~~2001~~ 2002, provided that, for fiscal year ~~2001~~
21 2002, total payments are limited to the amount appropriated for that purpose and, if
22 necessary, shall be prorated among the counties and Baltimore City. Counties and
23 Baltimore City shall request reimbursement in the manner determined by the
24 Administrative Office of the Courts.

25 SECTION ~~7- 8.~~ AND BE IT FURTHER ENACTED, That:

26 (1) Beginning in fiscal year ~~2001~~ 2002 and each fiscal year thereafter,
27 each county and Baltimore City shall use the local fiscal savings resulting from this
28 Act solely to increase local expenditures for circuit court or related public safety
29 purposes;

30 (2) In fiscal years ~~2001~~ 2002 through ~~2008~~ 2009, each county and
31 Baltimore City shall report to the Department of Budget and Management on or
32 before November 1 on the circuit court or related public safety expenditures to which
33 the savings resulting from this Act have been applied. The Department of Budget and
34 Management shall report these expenditures to the Chief Judge of the Court of
35 Appeals; and

36 (3) Circuit court or related public safety expenditures required under
37 this section shall be used to supplement and may not supplant existing local
38 expenditures for the same purpose.

39 SECTION ~~8- 9.~~ AND BE IT FURTHER ENACTED, That this Act shall take
40 effect July 1, ~~2000~~ 2001.

