

HOUSE BILL 229
CONSTITUTIONAL AMENDMENT

Unofficial Copy
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HB 517/97 - JUD

1998 Regular Session
8r0107

By: **Delegates Dembrow, Genn, Grosfeld, and Comeau**

Introduced and read first time: January 26, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery and Harford Counties - Retired Judges - Assignment to**
3 **Orphans' Court**

4 FOR the purpose of proposing amendments to the Constitution of Maryland
5 authorizing the Chief Judge of the Court of Appeals to assign under certain
6 conditions a retired judge of the Circuit Court for Montgomery County to do an
7 act that a judge of the Orphans' Court for Montgomery County is authorized to
8 perform; authorizing the Chief Judge to assign under certain conditions a
9 retired judge of the Circuit Court for Harford County to do an act that a judge of
10 the Orphans' Court for Harford County is authorized to perform; making
11 stylistic changes; and submitting this amendment to the qualified voters of the
12 State of Maryland for their adoption or rejection.

13 BY proposing an amendment to the Constitution of Maryland
14 Article IV - Judiciary Department
15 Section 3A and 18(b)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
18 concurring), That it be proposed that the Constitution of Maryland read as follows:

19 **Article IV - Judiciary Department**

20 3A.

21 (a) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
22 SUBSECTION, ANY former judge, except a former judge of the Orphans' Court, may be
23 assigned by the Chief Judge of the Court of Appeals, upon approval of a majority of
24 the court, to sit temporarily in any court of this State, except an Orphans' Court, as
25 provided by law.

26 (2) (I) A RETIRED JUDGE OF THE CIRCUIT COURT FOR MONTGOMERY
27 COUNTY THAT SITS AS THE ORPHANS' COURT FOR MONTGOMERY COUNTY MAY BE
28 ASSIGNED BY THE CHIEF JUDGE OF THE COURT OF APPEALS, UPON APPROVAL OF A
29 MAJORITY OF THE COURT OF APPEALS, TO DO AN ACT THAT A JUDGE OF THE
30 ORPHANS' COURT FOR MONTGOMERY COUNTY IS AUTHORIZED TO PERFORM.

1 (II) A RETIRED JUDGE OF THE CIRCUIT COURT FOR HARFORD
2 COUNTY THAT SITS AS THE ORPHANS' COURT FOR HARFORD COUNTY MAY BE
3 ASSIGNED BY THE CHIEF JUDGE OF THE COURT OF APPEALS, UPON APPROVAL OF A
4 MAJORITY OF THE COURT OF APPEALS, TO DO AN ACT THAT A JUDGE OF THE
5 ORPHANS' COURT FOR HARFORD COUNTY IS AUTHORIZED TO PERFORM.

6 (b) The provisions of this section apply, notwithstanding provisions appearing
7 elsewhere in this Article pertaining to retirement of judges upon attaining age 70.

8 18.

9 (b) (1) The Chief Judge of the Court of Appeals shall be the administrative
10 head of the Judicial system of the State. [He] THE CHIEF JUDGE OF THE COURT OF
11 APPEALS shall from time to time require, from each of the judges of the Circuit
12 Courts, of the District Court and of any intermediate courts of appeal, reports as to
13 the judicial work and business of each of the judges and their respective courts.

14 (2) [He] SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION,
15 THE CHIEF JUDGE OF THE COURT OF APPEALS may, in case of a vacancy, or of the
16 illness, disqualification or other absence of a judge or for the purpose of relieving an
17 accumulation of business in any court assign any judge except a judge of the Orphans'
18 Court to sit temporarily in any court except an Orphans' Court.

19 (3) A RETIRED JUDGE OF THE CIRCUIT COURT FOR MONTGOMERY
20 COUNTY THAT SITS AS THE ORPHANS' COURT FOR MONTGOMERY COUNTY MAY BE
21 ASSIGNED BY THE CHIEF JUDGE OF THE COURT OF APPEALS, UPON APPROVAL OF A
22 MAJORITY OF THE COURT OF APPEALS, TO DO AN ACT THAT A JUDGE OF THE
23 ORPHANS' COURT FOR MONTGOMERY COUNTY IS AUTHORIZED TO PERFORM.

24 (4) A RETIRED JUDGE OF THE CIRCUIT COURT FOR HARFORD COUNTY
25 THAT SITS AS THE ORPHANS' COURT FOR HARFORD COUNTY MAY BE ASSIGNED BY
26 THE CHIEF JUDGE OF THE COURT OF APPEALS, UPON APPROVAL OF A MAJORITY OF
27 THE COURT OF APPEALS, TO DO AN ACT THAT A JUDGE OF THE ORPHANS' COURT FOR
28 HARFORD COUNTY IS AUTHORIZED TO PERFORM.

29 (5) Any judge assigned by the Chief Judge of the Court of Appeals
30 pursuant to this section has all the power and authority pertaining to a judge of the
31 court to which [he] THE JUDGE is so assigned; and [his] THE JUDGE'S power and
32 authority shall continue with respect to all cases (including any motion, or other
33 matters incidental thereto) which may come before [him] THE JUDGE by virtue of
34 such assignment until [his] THE JUDGE'S action thereon shall be completed. In the
35 absence of the Chief Judge of the Court of Appeals, the provisions of this section shall
36 be applicable to the senior judge present in the Court of Appeals. The powers of the
37 Chief Judge set forth in this section shall be subject to any rule or regulation adopted
38 by the Court of Appeals.

39 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
40 determines that the amendment to the Constitution of Maryland proposed by this Act
41 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
42 Constitution concerning local approval of constitutional amendments do not apply.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
2 proposed as an amendment to the Constitution of Maryland shall be submitted to the
3 legal and qualified voters of this State at the next general election to be held in
4 November, 1998 for their adoption or rejection in pursuance of directions contained in
5 Article XIV of the Constitution of this State. At that general election, the vote on this
6 proposed amendment to the Constitution shall be by ballot, and upon each ballot
7 there shall be printed the words "For the Constitutional Amendments" and "Against
8 the Constitutional Amendments," as now provided by law. Immediately after the
9 election, all returns shall be made to the Governor of the vote for and against the
10 proposed amendment, as directed by Article XIV of the Constitution, and further
11 proceedings had in accordance with Article XIV.