

SENATE BILL 592

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1998 Regular Session
(8lr1921)

ENROLLED BILL

-- Budget and Taxation and Judicial Proceedings/Appropriations --

Introduced by **Senators Fry, Boozer, Kasemeyer, Neall, Munson, Hogan,
Van Hollen, Middleton, Currie, McFadden, Lawlah, and Hoffman**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Circuit Courts - Efficiency and Equity**

3 FOR the purpose of ~~creating and funding certain State standing master positions in~~
4 ~~the circuit courts; establishing certain procedures for the appointment of certain~~
5 ~~State standing masters; providing for the qualifications, duties, compensation,~~
6 ~~and pensions of certain masters; authorizing the Court of Appeals to adopt~~
7 ~~certain rules concerning certain State standing masters; providing for State~~
8 ~~payment for interpreter services and jurors' expenses under certain~~
9 ~~circumstances; establishing a certain State per diem amount for jurors' expenses;~~
10 ~~clarifying language; requiring the counties to supplement the State per diem~~
11 ~~amount of juror compensation unless a certain local ordinance is adopted;~~
12 ~~requiring the Administrative Office of the Courts to complete a certain report on~~
13 ~~achieving greater uniformity among judicial masters in the circuit courts;~~
14 ~~requiring the Administrative Office of the Courts to complete a certain report on~~
15 ~~court interpreters and juror selection and assignment; and generally relating to~~
16 ~~certain State standing masters and reports concerning masters, interpreters, and~~

1 *jurors, and to* certain expenses related to the circuit courts.

2 BY adding to

3 Article - Courts and Judicial Proceedings

4 Section ~~2-510~~ and 2-511

5 Annotated Code of Maryland

6 (1995 Replacement Volume and 1997 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Courts and Judicial Proceedings

9 Section 8-106

10 Annotated Code of Maryland

11 (1995 Replacement Volume and 1997 Supplement)

12 ~~BY repealing and reenacting, without amendments,~~

13 ~~Article - State Personnel and Pensions~~

14 ~~Section 23-201(a)(1)~~

15 ~~Annotated Code of Maryland~~

16 ~~(1997 Replacement Volume)~~

17 ~~BY repealing and reenacting, with amendments,~~

18 ~~Article - State Personnel and Pensions~~

19 ~~Section 23-201(a)(2)~~

20 ~~Annotated Code of Maryland~~

21 ~~(1997 Replacement Volume)~~

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

24 **Article - Courts and Judicial Proceedings**

25 ~~2-510.~~

26 ~~(A) IN THE CIRCUIT COURTS IN EACH COUNTY FULL-TIME STATE-STANDING~~
27 ~~MASTERS SHALL BE APPOINTED BY THE CIRCUIT ADMINISTRATIVE JUDGE OF A~~
28 ~~JUDICIAL CIRCUIT IN CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE~~
29 ~~COURTS.~~

30 ~~(B) STATE-STANDING MASTERS APPOINTED UNDER THIS SECTION SHALL:~~

31 ~~(1) REPORT TO AND PERFORM THE DUTIES AND THE ASSIGNMENTS~~
32 ~~DETERMINED BY THE CIRCUIT ADMINISTRATIVE JUDGE OF A JUDICIAL CIRCUIT;~~
33 ~~AND~~

34 ~~(2) BE OFFICERS OF THE STATE.~~

1 ~~(C) THE COMPENSATION OF STATE STANDING MASTERS SHALL:~~

2 ~~(1) BE UNIFORM THROUGHOUT THE STATE;~~

3 ~~(2) BE DETERMINED BY THE ADMINISTRATIVE OFFICE OF THE COURTS;~~

4 ~~AND~~

5 ~~(3) BE INCLUDED IN THE STATE BUDGET FOR THE JUDICIARY~~

6 ~~DEPARTMENT OF MARYLAND BEGINNING IN FISCAL YEAR 2001.~~

7 ~~(D) THIS SECTION DOES NOT REQUIRE A CURRENT POSITION OF STANDING~~

8 ~~MASTER TO BE CONVERTED TO A STATE STANDING MASTER.~~

9 ~~(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~

10 ~~STATE STANDING MASTERS SHALL BE MEMBERS OF THE STATE EMPLOYEES'~~

11 ~~PENSION SYSTEM.~~

12 ~~(2) THIS SUBSECTION DOES NOT ALTER AN EXISTING PENSION, OR~~

13 ~~EXISTING RIGHTS UNDER A PENSION SYSTEM OTHER THAN THE STATE EMPLOYEES'~~

14 ~~PENSION SYSTEM, OF ANY CURRENT STANDING MASTER WHO IS CONVERTED TO A~~

15 ~~STATE STANDING MASTER POSITION.~~

16 ~~(F) (1) STATE STANDING MASTERS SHALL PERFORM THEIR ASSIGNED~~

17 ~~DUTIES AND RESPONSIBILITIES ON A FULL TIME BASIS.~~

18 ~~(2) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL DETERMINE~~

19 ~~WHETHER OUTSIDE EMPLOYMENT IS PERMISSIBLE FOR STATE STANDING MASTERS,~~

20 ~~AND THE EXTENT TO WHICH IT MAY BE PERMISSIBLE.~~

21 ~~(G) AN INDIVIDUAL WHO ASSISTS A STATE STANDING MASTER APPOINTED~~

22 ~~UNDER THIS SECTION SHALL BE AN EMPLOYEE OF THE CIRCUIT COURT IN WHICH~~

23 ~~THE INDIVIDUAL PROVIDES ASSISTANCE AND MAY NOT BE CONSIDERED AN~~

24 ~~EMPLOYEE OF THE STATE.~~

25 ~~(H) THE COURT OF APPEALS MAY ADOPT RULES CONCERNING THE STATE~~

26 ~~STANDING MASTER POSITIONS DESCRIBED IN THIS SECTION.~~

27 2-511.

28 THERE SHALL BE INCLUDED IN THE STATE BUDGET FOR THE JUDICIARY

29 DEPARTMENT OF MARYLAND BEGINNING IN FISCAL YEAR 2000, AN AUTHORIZATION

30 TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN THE TOTAL AMOUNT

31 NECESSARY TO PROVIDE INTERPRETER SERVICES REQUIRED TO BE PROVIDED BY

32 FEDERAL OR STATE LAW IN A CIRCUIT COURT PROCEEDING.

33 8-106.

34 (a) [As used in this section, unless otherwise indicated, "mileage allowance"

35 means the rate for each mile or fraction of a mile over five miles actually traveled by

36 a juror going to and from court each day over the shortest practicable route.] IN THIS

1 SECTION, "DAY" MEANS THE LENGTH OF TIME IN ANY 24-HOUR PERIOD DURING
2 WHICH A JUROR IS REQUIRED TO BE IN ATTENDANCE AT OR IN PROXIMITY TO THE
3 COURT IN WHICH THE JUROR HAS BEEN CALLED AS A JUROR.

4 (b) A juror shall receive [the] A STATE per diem amount OF ~~\$40~~ \$5 [stated in
5 this section] for each day the juror attends court. [as a juror in:

6 (1) Allegany County--\$15 expense money; a juror who resides outside
7 the corporate limits of Cumberland shall receive 12 cents per mile or fraction of a mile
8 actually traveled going to and from court each day over the shortest practicable route.

9 (2) Anne Arundel County--\$15 expense money.

10 (3) Baltimore City--\$10 expense money; no mileage allowance, no
11 overtime.

12 (4) Baltimore County--the expense money as set by the judges of the
13 Circuit Court of Baltimore County.

14 (5) Calvert County--\$20 expense money plus an additional \$5 expense
15 money if his service extends past 6:00 p.m. and a second additional \$5 if his service
16 extends past 9:00 p.m. on any day.

17 (6) Caroline County--\$15 expense money; mileage allowance in
18 accordance with the Standard State Travel Regulations; no overtime.

19 (7) Carroll County--\$15 expense money.

20 (8) Cecil County--\$20 expense money; 15 cents mileage allowance. If a
21 juror's service extends past 6:00 p.m. on any day, he shall receive an additional day's
22 pay.

23 (9) Charles County--\$15 expense money plus an additional \$5 expense
24 money if his service extends past 6:00 p.m. and a second additional \$5 if his service
25 extends past 9:00 p.m. on any day.

26 (10) Dorchester County--\$15 expense money.

27 (11) Frederick County--\$20 expense money.

28 (12) Garrett County--\$15 expense money; mileage allowance at the
29 standard county rate, no overtime.

30 (13) Harford County--\$20 expense money plus additional expense money
31 as set by the County Council.

32 (14) Howard County--\$10 expense money plus an additional \$10 expense
33 money if the service of the juror extends past 1:00 p.m.

1 (15) Kent County--\$15 expense money; 15 cents mileage allowance. If a
2 juror's service extends past 6:00 p.m. on any day, he shall receive an additional day's
3 pay.

4 (16) Montgomery County--\$15 expense money plus an additional \$5
5 expense money if the juror's service extends past 6:00 p.m.

6 (17) Prince George's County--\$15 expense money.

7 (18) Queen Anne's County--\$15 expense money; mileage allowance as set
8 by the County Commissioners; if a juror's service extends past 6:00 p.m. on any day,
9 the juror shall receive an additional \$15 expense money.

10 (19) St. Mary's County--\$15 expense money plus an additional \$5
11 expense money if his service extends past 6:00 p.m. and a second additional \$5 if his
12 service extends past 9:00 p.m. on any day.

13 (20) Somerset County -- \$15 expense money; no mileage allowance; no
14 overtime. If a juror resides on Smith Island, the juror shall receive \$10 travel
15 allowance.

16 (21) Talbot County--\$15; no mileage allowance; no overtime.

17 (22) Washington County--\$15 expense money, plus an additional \$5
18 expense money if his service extends past 6:00 p.m.; mileage allowance as set by the
19 County Commissioners.

20 (23) Wicomico County--\$15 expense money; no mileage allowance.

21 (24) Worcester County--\$15 expense money; mileage allowance as set by
22 the County Commissioners.]

23 (c) The government of each county [shall levy each year a sum sufficient to
24 pay jurors the amounts due them] MAY SUPPLEMENT THE STATE PER DIEM AMOUNT
25 BY LOCAL ORDINANCE.

26 (d) [A juror's compensation or expense money may not be less than the
27 amount provided on July 1, 1969, by the county in which the juror serves] THERE
28 SHALL BE INCLUDED IN THE STATE BUDGET FOR THE JUDICIARY DEPARTMENT OF
29 MARYLAND BEGINNING IN FISCAL YEAR 2000, AN AUTHORIZATION TO THE
30 ADMINISTRATIVE OFFICE OF THE COURTS IN THE TOTAL AMOUNT NECESSARY TO
31 PAY JURORS ~~FOR EXPENSE MONEY~~ THE STATE PER DIEM AMOUNT.

32 ~~Article -- State Personnel and Pensions~~

33 ~~23-201.~~

34 (a) ~~Except as provided in subsection (b) of this section, §§ 23-202 through~~
35 ~~23-205 of this subtitle apply only to:~~

- 1 (1) a regular employee whose compensation is provided by State
2 ~~appropriation or paid from State funds;~~
- 3 (2) an appointed or elected official of the State, including:
- 4 (i) a clerk of the circuit court;
- 5 (ii) a register of wills;
- 6 (iii) a State's Attorney; ~~and~~
- 7 (iv) a sheriff; AND
- 8 (V) A STATE STANDING MASTER;

9 SECTION 2. AND BE IT FURTHER ENACTED, That ~~this Act may not be~~
10 ~~construed to preempt presently existing county per diem juror expenses and that~~
11 ~~counties may continue to provide per diem expenses in excess of the State per diem~~
12 ~~amount established under Section 1 of this Act without enacting local ordinances. a~~
13 ~~county shall supplement the State per diem amount established under § 8-106 of the~~
14 ~~Courts Article as enacted by Section 1 of this Act so that the total per diem amount~~
15 ~~and other expenses do not fall below the amount required under § 8-106 of the Courts~~
16 ~~Article prior to the effective date of this Act, unless a county modifies the~~
17 ~~supplemental amount by local ordinance.~~

18 SECTION 3. AND BE IT FURTHER ENACTED, That the Administrative Office
19 of the Courts, in consultation with the Maryland State Bar Association and the
20 Maryland Judicial Conference, shall report back to the Senate Budget and Taxation
21 Committee and the House Committee on Appropriations by November 15, 1998 on
22 how to achieve greater uniformity among judicial masters within the circuit courts.
23 The report should address issues relating to the compensation, qualifications,
24 appointment, and duties of judicial masters within the circuit courts.

25 SECTION 4. AND BE IT FURTHER ENACTED, That the Administrative Office
26 of the Courts, in consultation with the Maryland State Bar Association and the
27 Maryland Judicial Conference, shall report back to the Senate Budget and Taxation
28 Committee and the House Committee on Appropriations by November 15, 1998, on
29 how to achieve greater uniformity and standard qualifications for interpreters
30 providing services in the District Court or the circuit courts, and on the process of
31 selection and assignment of jurors, including length of service for each juror, in each
32 circuit court of the State.

33 SECTION ~~4.~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
34 effect October 1, 1998.

