

SENATE BILL 592

Unofficial Copy
D1

1998 Regular Session
8r1921
CF 8r1920

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

Introduced and read first time: February 6, 1998

Assigned to: Budget and Taxation and Judicial Proceedings

A BILL ENTITLED

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 interpreter services and jurors' expenses under certain circumstances; clarifying
9 language; and generally relating to certain State standing masters and certain
10 expenses related to the circuit courts.

11 BY adding to

12 Article - Courts and Judicial Proceedings
13 Section 2-510 and 2-511
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1997 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article - Courts and Judicial Proceedings
18 Section 8-106
19 Annotated Code of Maryland
20 (1995 Replacement Volume and 1997 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article - State Personnel and Pensions
23 Section 23-201(a)(1)
24 Annotated Code of Maryland
25 (1997 Replacement Volume)

26 BY repealing and reenacting, with amendments,

27 Article - State Personnel and Pensions
28 Section 23-201(a)(2)

1 Annotated Code of Maryland
2 (1997 Replacement Volume)

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

5 **Article - Courts and Judicial Proceedings**

6 2-510.

7 (A) IN THE CIRCUIT COURTS IN EACH COUNTY FULL-TIME STATE STANDING
8 MASTERS SHALL BE APPOINTED BY THE CIRCUIT ADMINISTRATIVE JUDGE OF A
9 JUDICIAL CIRCUIT IN CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE
10 COURTS.

11 (B) STATE STANDING MASTERS APPOINTED UNDER THIS SECTION SHALL:

12 (1) REPORT TO AND PERFORM THE DUTIES AND THE ASSIGNMENTS
13 DETERMINED BY THE CIRCUIT ADMINISTRATIVE JUDGE OF A JUDICIAL CIRCUIT;
14 AND

15 (2) BE OFFICERS OF THE STATE.

16 (C) THE COMPENSATION OF STATE STANDING MASTERS SHALL:

17 (1) BE UNIFORM THROUGHOUT THE STATE;

18 (2) BE DETERMINED BY THE ADMINISTRATIVE OFFICE OF THE COURTS;
19 AND

20 (3) BE INCLUDED IN THE STATE BUDGET FOR THE JUDICIARY
21 DEPARTMENT OF MARYLAND BEGINNING IN FISCAL YEAR 2001.

22 (D) THIS SECTION DOES NOT REQUIRE A CURRENT POSITION OF STANDING
23 MASTER TO BE CONVERTED TO A STATE STANDING MASTER.

24 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
25 STATE STANDING MASTERS SHALL BE MEMBERS OF THE STATE EMPLOYEES'
26 PENSION SYSTEM.

27 (2) THIS SUBSECTION DOES NOT ALTER AN EXISTING PENSION, OR
28 EXISTING RIGHTS UNDER A PENSION SYSTEM OTHER THAN THE STATE EMPLOYEES'
29 PENSION SYSTEM, OF ANY CURRENT STANDING MASTER WHO IS CONVERTED TO A
30 STATE STANDING MASTER POSITION.

31 (F) (1) STATE STANDING MASTERS SHALL PERFORM THEIR ASSIGNED
32 DUTIES AND RESPONSIBILITIES ON A FULL-TIME BASIS.

1 (2) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL DETERMINE
2 WHETHER OUTSIDE EMPLOYMENT IS PERMISSIBLE FOR STATE STANDING MASTERS,
3 AND THE EXTENT TO WHICH IT MAY BE PERMISSIBLE.

4 (G) AN INDIVIDUAL WHO ASSISTS A STATE STANDING MASTER APPOINTED
5 UNDER THIS SECTION SHALL BE AN EMPLOYEE OF THE CIRCUIT COURT IN WHICH
6 THE INDIVIDUAL PROVIDES ASSISTANCE AND MAY NOT BE CONSIDERED AN
7 EMPLOYEE OF THE STATE.

8 (H) THE COURT OF APPEALS MAY ADOPT RULES CONCERNING THE STATE
9 STANDING MASTER POSITIONS DESCRIBED IN THIS SECTION.

10 2-511.

11 THERE SHALL BE INCLUDED IN THE STATE BUDGET FOR THE JUDICIARY
12 DEPARTMENT OF MARYLAND AN AUTHORIZATION TO THE ADMINISTRATIVE OFFICE
13 OF THE COURTS IN THE TOTAL AMOUNT NECESSARY TO PROVIDE INTERPRETER
14 SERVICES REQUIRED TO BE PROVIDED BY FEDERAL OR STATE LAW IN A CIRCUIT
15 COURT PROCEEDING.

16 8-106.

17 (a) [As used in this section, unless otherwise indicated, "mileage allowance"
18 means the rate for each mile or fraction of a mile over five miles actually traveled by
19 a juror going to and from court each day over the shortest practicable route.] IN THIS
20 SECTION, "DAY" MEANS THE LENGTH OF TIME IN ANY 24-HOUR PERIOD DURING
21 WHICH A JUROR IS REQUIRED TO BE IN ATTENDANCE AT OR IN PROXIMITY TO THE
22 COURT IN WHICH THE JUROR HAS BEEN CALLED AS A JUROR.

23 (b) A juror shall receive [the] A STATE per diem amount OF \$10 [stated in this
24 section] for each day the juror attends court. [as a juror in:

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

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

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

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

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

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

- 1 (7) Carroll County--\$15 expense money.
- 2 (8) Cecil County--\$20 expense money; 15 cents mileage allowance. If a
3 juror's service extends past 6:00 p.m. on any day, he shall receive an additional day's
4 pay.
- 5 (9) Charles County--\$15 expense money plus an additional \$5 expense
6 money if his service extends past 6:00 p.m. and a second additional \$5 if his service
7 extends past 9:00 p.m. on any day.
- 8 (10) Dorchester County--\$15 expense money.
- 9 (11) Frederick County--\$20 expense money.
- 10 (12) Garrett County--\$15 expense money; mileage allowance at the
11 standard county rate, no overtime.
- 12 (13) Harford County--\$20 expense money plus additional expense money
13 as set by the County Council.
- 14 (14) Howard County--\$10 expense money plus an additional \$10 expense
15 money if the service of the juror extends past 1:00 p.m.
- 16 (15) Kent County--\$15 expense money; 15 cents mileage allowance. If a
17 juror's service extends past 6:00 p.m. on any day, he shall receive an additional day's
18 pay.
- 19 (16) Montgomery County--\$15 expense money plus an additional \$5
20 expense money if the juror's service extends past 6:00 p.m.
- 21 (17) Prince George's County--\$15 expense money.
- 22 (18) Queen Anne's County--\$15 expense money; mileage allowance as set
23 by the County Commissioners; if a juror's service extends past 6:00 p.m. on any day,
24 the juror shall receive an additional \$15 expense money.
- 25 (19) St. Mary's County--\$15 expense money plus an additional \$5
26 expense money if his service extends past 6:00 p.m. and a second additional \$5 if his
27 service extends past 9:00 p.m. on any day.
- 28 (20) Somerset County -- \$15 expense money; no mileage allowance; no
29 overtime. If a juror resides on Smith Island, the juror shall receive \$10 travel
30 allowance.
- 31 (21) Talbot County--\$15; no mileage allowance; no overtime.
- 32 (22) Washington County--\$15 expense money, plus an additional \$5
33 expense money if his service extends past 6:00 p.m.; mileage allowance as set by the
34 County Commissioners.
- 35 (23) Wicomico County--\$15 expense money; no mileage allowance.

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

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

6 (d) [A juror's compensation or expense money may not be less than the
7 amount provided on July 1, 1969, by the county in which the juror serves] THERE
8 SHALL BE INCLUDED IN THE STATE BUDGET FOR THE JUDICIARY DEPARTMENT OF
9 MARYLAND AN AUTHORIZATION TO THE ADMINISTRATIVE OFFICE OF THE COURTS
10 IN THE TOTAL AMOUNT NECESSARY TO PAY JURORS FOR EXPENSE MONEY.

11 **Article - State Personnel and Pensions**

12 23-201.

13 (a) Except as provided in subsection (b) of this section, §§ 23-202 through
14 23-205 of this subtitle apply only to:

15 (1) a regular employee whose compensation is provided by State
16 appropriation or paid from State funds;

17 (2) an appointed or elected official of the State, including:

18 (i) a clerk of the circuit court;

19 (ii) a register of wills;

20 (iii) a State's Attorney; [and]

21 (iv) a sheriff; AND

22 (V) A STATE STANDING MASTER;

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
24 construed to preempt presently existing county per diem juror expenses and that
25 counties may continue to provide per diem expenses in excess of the State per diem
26 amount established under Section 1 of this Act without enacting local ordinances.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1998.