

SENATE BILL 440

Unofficial Copy
D1

2000 Regular Session
0lr1464
CF 0lr2552

By: **Chairman, Judicial Proceedings Committee (Maryland Judicial Conference)**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; 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)

26 BY repealing and reenacting, with amendments,
27 Article - Courts and Judicial Proceedings
28 Section 8-106
29 Annotated Code of Maryland
30 (1998 Replacement Volume and 1999 Supplement)

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

3 **Article - Courts and Judicial Proceedings**

4 2-501.

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

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

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

11 (II) DEVELOP A PERSONNEL MANAGEMENT PLAN AND FUNDING
12 PLAN TO IMPLEMENT THIS SUBSECTION.

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

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

19 (5) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH,
20 CIRCUIT COURT MASTERS IDENTIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION
21 SHALL REMAIN LOCAL EMPLOYEES AND SHALL NOT BE STATE EMPLOYEES.

22 (II) A CIRCUIT COURT MASTER IDENTIFIED UNDER PARAGRAPH (2)
23 OF THIS SUBSECTION MAY ELECT TO BECOME A STATE EMPLOYEE BETWEEN
24 JANUARY 1, 2001, AND MARCH 31, 2001, BOTH INCLUSIVE.

25 (III) A CIRCUIT COURT MASTER WHO ELECTS UNDER THIS
26 SUBSECTION TO BECOME A STATE EMPLOYEE SHALL BECOME A STATE EMPLOYEE
27 ON JULY 1, 2001.

28 (IV) A STANDING CIRCUIT COURT MASTER HIRED ON OR AFTER
29 JULY 1, 2001, SHALL BE A STATE EMPLOYEE.

30 8-106.

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

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

1 [(c) The government of each county may supplement the State per diem
2 amount by local ordinance.]

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That each individual serving
8 as a standing circuit court master before April 1, 2001, shall make a written election
9 between State and county employment. Standing masters hired on or after April 1,
10 2001, and before July 1, 2001, shall make a written election between State and county
11 employment at the time of hiring.

12 SECTION 3. AND BE IT FURTHER ENACTED, That a master who remains a
13 county employee shall be entitled to all county salary and benefits to which the
14 master was entitled as of December 31, 2000, and that are available generally to all
15 county employees within analogous salary and benefits classifications. A county may
16 not subsequently modify the salary or benefits of a county employed master unless
17 the modification applies generally to all county employees within analogous salary
18 and benefits classifications.

19 SECTION 4. AND BE IT FURTHER ENACTED, That the State shall
20 reimburse a county on a quarterly basis for salaries and benefits of county employed
21 masters, beginning in fiscal year 2001, provided that, for fiscal year 2001, total
22 payments are limited to the amount appropriated for that purpose and, if necessary,
23 shall be prorated among the counties. State reimbursements to counties shall be
24 based on the State salary and benefit expenses that would have been paid to circuit
25 court masters had they elected to become State employees. Counties shall request
26 reimbursement in the manner determined by the Administrative Office of the Courts.

27 SECTION 5. AND BE IT FURTHER ENACTED, That a county or Baltimore
28 City shall supplement the State juror per diem amount established under this Act in
29 an amount sufficient to maintain the total combined State and county per diem
30 amount provided in that county or City as of June 30, 2000, unless the county or City
31 increases or decreases the supplemental amount by local ordinance. A local ordinance
32 is not required to reduce the existing county or City per diem in an amount not
33 exceeding the increased State per diem amount under this Act.

34 SECTION 6. AND BE IT FURTHER ENACTED, That, unless a county or
35 Baltimore City and the Administrative Office of the Courts agree otherwise, the State
36 shall reimburse a county or the City on a quarterly basis for State juror per diem
37 payments beginning in fiscal year 2001, provided that, for fiscal year 2001, total
38 payments are limited to the amount appropriated for that purpose and, if necessary,
39 shall be prorated among the counties and City. Counties and Baltimore City shall
40 request reimbursement in the manner determined by the Administrative Office of the
41 Courts.

42 SECTION 7. AND BE IT FURTHER ENACTED, That:

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

4 (2) In fiscal years 2001 through 2008, each county and Baltimore City
5 shall report to the Department of Budget and Management on or before November 1
6 on the circuit court or related public safety expenditures to which the savings
7 resulting from this Act have been applied. The Department of Budget and
8 Management shall report these expenditures to the Chief Judge of the Court of
9 Appeals; and

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

13 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect July 1, 2000.