

HOUSE BILL 196

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EMERGENCY BILL

9lr1884

CF 9lr1885

By: **The Speaker**

Introduced and read first time: January 26, 2009

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Judicial Compensation Commission**

3 FOR the purpose of providing that for the 2009 Session of the General Assembly only,
4 the failure of the General Assembly to pass the joint resolution of the Judicial
5 Compensation Commission by a certain day of that session may not be deemed
6 to have made effective the salary increases recommended in the joint resolution;
7 providing that the Commission shall, beginning in 2009 and every 4 years
8 thereafter, meet to review judicial salaries and pensions and make written
9 recommendations to the Governor and the General Assembly; making this Act
10 an emergency measure; and generally relating to judicial compensation and the
11 Judicial Compensation Commission.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 1–708
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2008 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 1–708.

21 (a) The salaries and pensions of the judges of the Court of Appeals, the Court
22 of Special Appeals, the circuit courts of the counties, and the District Court shall be
23 established as provided by this section, §§ 1–701 through 1–707 of this subtitle, and
24 Title 27 of the State Personnel and Pensions Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) There is a Judicial Compensation Commission. The Commission
2 shall study and make recommendations with respect to all aspects of judicial
3 compensation, to the end that the judicial compensation structure shall be adequate to
4 assure that highly qualified persons will be attracted to the bench and will continue to
5 serve there without unreasonable economic hardship.

6 (2) The Commission consists of seven members appointed by the
7 Governor. No more than three members of the Commission may be individuals
8 admitted to practice law in this State. In nominating and appointing members, special
9 consideration shall be given to individuals who have knowledge of compensation
10 practices and financial matters. The Governor shall appoint:

11 (i) Two members from a list of the names of at least five
12 nominees submitted by the President of the Senate;

13 (ii) Two from a list of the names of at least five nominees
14 submitted by the Speaker of the House of Delegates;

15 (iii) One from a list of the names of at least three nominees
16 submitted by the Maryland State Bar Association, Inc.; and

17 (iv) Two at large.

18 (3) A member of the General Assembly, officer or employee of the
19 State or a political subdivision of the State, or judge or former judge is not eligible for
20 appointment to the Commission.

21 (4) The term of a member is 6 years, commencing July 1, 1980, and
22 until the member's successor is appointed. However, of the members first appointed to
23 the Commission, the Governor shall designate, one of the members nominated by the
24 President of the Senate to serve for 3 years and one for 6 years; one of the members
25 nominated by the Speaker to serve for 4 years and one for 5 years; the member
26 nominated by the Maryland State Bar Association, Inc., to serve for 3 years; and one of
27 the members at large to serve for 2 years, and one for 6 years. A member is eligible for
28 reappointment.

29 (5) Members of the Commission serve without compensation, but shall
30 be reimbursed for reasonable expenses incurred in carrying out their responsibilities
31 under this section.

32 (6) The members of the Commission shall elect a member as chairman
33 of the Commission.

34 (7) The concurrence of at least five members is required for any formal
35 Commission action.

36 (8) The Commission may request and receive assistance and
37 information from any unit of State government.

1 (c) Beginning [in 2004] **ON SEPTEMBER 1, 2009**, and every 4 years
2 thereafter, the Commission shall review the salaries and pensions of the judges of the
3 courts listed in subsection (a) of this section[. Beginning in 2008, the Commission
4 shall] **AND** make written recommendations to the Governor and General Assembly
5 [every 4 years, accounting from September 1, 2004] **ON OR BEFORE THE NEXT**
6 **ENSUING REGULAR SESSION OF THE GENERAL ASSEMBLY**. The Governor shall
7 include in the budget for the next **ENSUING** fiscal year **THE** funding necessary to
8 implement those recommendations, contingent on action by the General Assembly
9 under subsections (d) and (e) of this section.

10 (d) (1) The salary recommendations made by the Commission shall be
11 introduced as a joint resolution in each House of the General Assembly not later than
12 the fifteenth day of the session. The General Assembly may amend the joint resolution
13 to decrease any of the Commission salary recommendations, but no reduction may
14 diminish the salary of a judge during his continuance in office. The General Assembly
15 may not amend the joint resolution to increase the recommended salaries. If the
16 General Assembly fails to adopt or amend the joint resolution within 50 days after its
17 introduction, the salaries recommended by the Commission shall apply. If the joint
18 resolution is adopted or amended in accordance with this section within 50 days after
19 its introduction, the salaries so provided shall apply. If the General Assembly rejects
20 any or all of the Commission's salary recommendations, the salaries of the judges
21 affected remain unchanged, unless modified under other provisions of law.

22 (2) The Governor or the General Assembly may not increase the
23 recommended salaries, except as provided under § 1-703(b) of this subtitle.

24 (e) The recommendation of the Commission as to pensions shall be
25 introduced by the presiding officers of the Senate and the House of Delegates in the
26 form of legislation, and shall become effective only if passed by both Houses.

27 (f) Any change in salaries or pensions adopted by the General Assembly
28 under this section takes effect as of the July 1 of the year next following the year in
29 which the Commission makes its recommendations.

30 (g) This section does not affect § 1-702(b), § 1-703(b), or §§ 1-705 through
31 1-707 of this subtitle, or Title 27 of the State Personnel and Pensions Article.

32 **SECTION 2. AND BE IT FURTHER ENACTED**, That, notwithstanding the
33 provisions of § 1-708(c) and (d) of the Courts Article, for the 2009 Session of the
34 General Assembly only, the failure of the General Assembly to pass the joint
35 resolution of the Judicial Compensation Commission by the 50th day of the 2009
36 Session may not be deemed to have made effective the increases in the salaries
37 recommended in the joint resolution.

38 **SECTION 3. AND BE IT FURTHER ENACTED**, That this Act is an emergency
39 measure, is necessary for the immediate preservation of the public health or safety,

1 has been passed by a yea and nay vote supported by three-fifths of all the members
2 elected to each of the two Houses of the General Assembly, and shall take effect from
3 the date it is enacted.