

SENATE BILL 307

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EMERGENCY BILL

9lr1885
CF HB 196

By: **The President**

Introduced and read first time: January 28, 2009

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: February 6, 2009

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

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

21 (iv) Two at large.

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

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

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

36 (6) The members of the Commission shall elect a member as chairman
37 of the Commission.

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

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

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

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

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

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

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

34 (g) This section does not affect § 1-702(b), § 1-703(b), or §§ 1-705 through
35 1-707 of this subtitle, or Title 27 of the State Personnel and Pensions Article.

36 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
37 provisions of § 1-708(c) and (d) of the Courts Article, for the 2009 Session of the
38 General Assembly only, the failure of the General Assembly to pass the joint
39 resolution of the Judicial Compensation Commission by the 50th day of the 2009

1 Session may not be deemed to have made effective the increases in the salaries
2 recommended in the joint resolution.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
4 measure, is necessary for the immediate preservation of the public health or safety,
5 has been passed by a yea and nay vote supported by three-fifths of all the members
6 elected to each of the two Houses of the General Assembly, and shall take effect from
7 the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.