

## **CHAPTER 2**

**(Senate Bill 307)**

AN ACT concerning

### **Judicial Compensation Commission**

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

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

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

### **Article – Courts and Judicial Proceedings**

1–708.

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

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

(2) The Commission consists of seven members appointed by the Governor. No more than three members of the Commission may be individuals admitted to practice law in this State. In nominating and appointing members, special

consideration shall be given to individuals who have knowledge of compensation practices and financial matters. The Governor shall appoint:

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

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

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

(iv) Two at large.

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

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

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

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

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

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

(c) Beginning [in 2004] **ON SEPTEMBER 1, 2009**, and every 4 years thereafter, the Commission shall review the salaries and pensions of the judges of the courts listed in subsection (a) of this section[. Beginning in 2008, the Commission shall] **AND** make written recommendations to the Governor and General Assembly [every 4 years, accounting from September 1, 2004] **ON OR BEFORE THE NEXT ENSUING REGULAR SESSION OF THE GENERAL ASSEMBLY**. The Governor shall

include in the budget for the next **ENSUING** fiscal year **THE** funding necessary to implement those recommendations, contingent on action by the General Assembly under subsections (d) and (e) of this section.

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

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

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

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

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

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

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

**Approved by the Governor, February 26, 2009.**