

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Revised

Senate Joint Resolution 4 (The President)(By Request - Judicial Compensation
Commission)

Budget and Taxation

Appropriations

Judicial Compensation Commission - Recommendations

This joint resolution sets judicial salaries at their current levels for fiscal 2011 rather than at the increased levels for fiscal 2011-2014 recommended by the Judicial Compensation Commission. This resolution does not address judicial salaries for fiscal 2012 and beyond.

Salaries recommended by the commission take effect automatically unless the resolution is amended by the General Assembly to decrease the salaries or the resolution is rejected within 50 days of its introduction.

Fiscal Summary

State Effect: None. The resolution maintains judicial salaries at their current level.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The current judicial salaries are shown in **Exhibit 1**.

Exhibit 1
Current Judicial Salaries

<u>Position</u>	<u>Current</u>
Court of Appeals	
Chief Judge	\$181,352
Associate Judge	162,352
Court of Special Appeals	
Chief Judge	152,552
Associate Judge	149,552
Circuit Courts	
Judge	140,352
District Court	
Chief Judge	149,552
Associate Judge	127,252

The Judicial Compensation Commission (JCC), established in 1980, is required to review judicial salaries and pensions and make recommendations to the Governor and the General Assembly once every four years. The General Assembly may amend a joint resolution from the commission to decrease, but not increase, any of the commission's salary recommendations. The General Assembly may not reduce a judge's salary below its current level. Failure to adopt or amend the joint resolution within 50 calendar days of its introduction results in adoption of the salaries recommended by the commission. If the General Assembly rejects any or all of the commission's recommendations, the affected judges' salaries remain unchanged, unless modified by other provisions of law.

General State employee salary increases apply to judges only in years in which judges' salaries are not increased in accordance with a resolution from the commission's recommendations.

The following officials have salaries that are tied to judicial salaries:

- the State Prosecutor and the Public Defender – not less than that of a circuit court judge;
- members of the Workers' Compensation Commission (WCC) – at least equal to a District Court judge, with the chair's salary being at least \$1,500 higher than the members' salaries; and
- State's Attorneys' of various counties – a percentage of a circuit or District Court judge's salary, as discussed in further detail under local expenditures.

Background: JCC formulated the salary recommendations in this proposal during the fall of 2008. The commission's recommendations were introduced in both houses during the 2009 session (HJ 2 and SJ 4), however, no further action was taken on either bill. Instead, Chapter 2 of 2009, an emergency measure, established, for the 2009 session only, that the failure of the General Assembly to act on the joint resolution of the JCC by the fiftieth day of session may not be deemed to have made effective the salary increases recommended in the resolution. In recognition of the failure to take salary action for the Judiciary, the time period for JCC's meeting schedule was altered to allow another meeting in the fall of 2009. This action aligned the schedule of JCC with the meeting schedules of the Governor's and General Assembly's compensation commissions. However, JCC did not hold a formal meeting in 2009. Instead, the members voted to resubmit the same salary recommendations that were submitted in the prior session.

Additional Information

Prior Introductions: SJ 4 of 2009 and its cross file HJ 2, were introduced but no further action was taken.

Cross File: HJ 4 (The Speaker) (By Request - Judicial Compensation Commission) - Appropriations.

Information Source(s): Judiciary (Administrative Office of the Courts), Mercer Human Resources Consulting, Maryland State Retirement Agency, Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2010
mpc/kdm Revised - Senate Third Reader - February 23, 2010

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