

CHAPTER 315
FORMERLY
SENATE BILL NO. 232

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE ASSIGNMENT OF RETIRED COMMISSIONERS:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 916, Title 10 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 916. Assignment of retired Commissioners to active duty.

(a) Any retired Commissioner may be designated by the Chief Judge, with the approval of the Chief Justice of the Supreme Court, to serve temporarily in any Family Court in the State; provided, however, that the retired Commissioner:

(1) Was serving in good standing as a Commissioner at the time of retirement;

(2) Assents to such designation; and

(3) Is not involved or employed in any position which would create a conflict of interest with the position of Commissioner, including, but not limited to, the private practice of law, the holding of any state office, or employment by the State in any capacity.

(b) Any retired Commissioner accepting an active duty designation shall be compensated on a per diem basis on the formula representing 1/260 of the annual salary for a Commissioner. In no event shall the per diem pay for a retired Commissioner exceed the maximum per diem pay for retired judges as provided in 29 Del. C. §5610(b), nor shall the total annual compensation of the retired Commissioner equal or exceed the current annual salary for a Commissioner. Each retired Commissioner serving shall also be reimbursed for travel necessarily incurred for the performance of such active duty as approved by the Chief Judge.

(c) Expenditures for work performed under this section shall be made from funds appropriated for this purpose, or from other Court funds approved to be expended for this purpose.

~~§ 916~~ § 917. Law clerks.

Section 2. Amend Chapter 13, Title 10 of the Delaware Code, by making insertions as shown by underlining and deleting as shown by strike through as follows:

§ 1316A. Assignment of retired Commissioners to active duty.

(a) Any retired Commissioner may be designated by the Chief Judge, with the approval of the Chief Justice of the Supreme Court, to serve temporarily in the Court of Common Pleas provided, however, that the retired Commissioner:

(1) Was serving in good standing as a Commissioner at the time of retirement;

(2) Assents to such designation; and

(3) Is not involved or employed in any position which would create a conflict of interest with the position of Commissioner, including, but not limited to, the private practice of law, the holding of any state office, or employment by the State in any capacity.

(b) Any retired Commissioner accepting an active duty designation shall be compensated on a per diem basis on the formula representing 1/260 of the annual salary for a Commissioner. In no event shall the per diem pay for a retired Commissioner exceed the maximum per diem pay for retired judges as provided in 29 Del. C. §5610(b), nor shall the total annual compensation of the retired Commissioner equal or exceed the current annual salary for a Commissioner. Each retired Commissioner serving shall also be reimbursed for travel necessarily incurred for the performance of such active duty as approved by the Chief Judge.

(c) Expenditures for work performed under this section shall be made from funds appropriated for this purpose, or from other Court funds approved to be expended for this purpose.

Approved July 05, 2012