

[9-106.] 3.

(a) (1) Every judge who is not covered by the contributory plan is covered by the noncontributory plan and shall be paid, after the termination of service, a pension calculated at the rate of \$750 per annum for each year, or any part thereof, of active service as a judge up to and including 16 years so that the maximum pension for such service payable under this section may not exceed the sum of \$12,000 per annum.

(2) The amount of pension is increased by \$100 for each year or part of a year of service by the judge as a member of the Court of Appeals and by \$50 for each year or part of a year of service by the judge as a member of the Court of Special Appeals.

(3) The amount of pension payable after July 1, 1970, is further increased by an amount equal to one sixth of the amount that would be payable without this increase.

(4) The amount of pension payable after July 1, 1971, is adjusted by a ratio determined as follows:

(i) The base is the Consumer Price Index for the calendar year ending December 31st of the fiscal year in which a judge terminated service or for the calendar year 1970, whichever is earlier.

(ii) The Consumer Price Index to be used for the fiscal year in which the pension is payable shall be the Consumer Price Index for the calendar year ending December 31st of the preceding fiscal year.

(iii) The ratio of adjustment of the pension shall be obtained by dividing the Consumer Price Index in subparagraph (ii) by the Consumer Price Index in subparagraph (i) of this paragraph.

(iv) For the purposes of this subsection, Consumer Price Index means the Consumer Price Index (all items — United States city average), as published by the United States Department of Labor, Bureau of Labor Statistics.

(v) In no instance shall a pension be less than it would be without this adjustment.

(b) An elected judge who, prior to July 1, 1962, voluntarily retired after reaching the age of 60 years and before reaching the age of 70 years and resumed the practice of law is not entitled to the increases in pension provided on or after July 1, 1962, but shall be paid a pension at the rate provided before July 1, 1962.

(c) A county may not supplement the retirement allowance of a former judge or surviving spouse of a former judge, unless the amount of the supplement is not greater than the larger of:

(1) An amount in effect on June 1, 1968; or

(2) The amount by which:

(i) The retirement allowance of the former judge is less than \$20,000;

or