

Provided, however, that any elected judge who retired prior to July 1, 1955, or who during the period from July 1, 1955, to July 1, 1962, voluntarily retired from active service after reaching the age of sixty years and before reaching the age of seventy years, and has resumed the practice of law, shall not be entitled to the increases in salary or pension provided by this section, but shall be paid the salary or pension at the rate provided before the passage of this section. A judge who retires and accepts the pension or salary provided by this section shall not during the period of such acceptance engage in the practice of law. A judge who has been receiving the benefits provided by this section and who decides to engage in the practice of law may notify the Governor and Comptroller of such fact, and on the indicated date of his engaging in the practice of law his benefits under this section shall cease and no longer be paid; and such a judge shall never again be paid such benefits. In the event that a retired judge who has never been paid benefits under this section and who has been engaged in the practice of law should thereafter relinquish such practice and notify the Governor and Comptroller of the State of such fact, then, from and after the date of such notification the judge shall be entitled to all the benefits provided by this section. In the case of an elected judge who may serve on the Court of Appeals subsequent or prior to service as a circuit court judge for any of the counties or of the Supreme Bench of Baltimore City, the amount of pension per annum shall be calculated according to the total years of active service not exceeding sixteen at the pension rate fixed herein. This section shall apply to all elected judges already retired from active service except as provided herein. Any former judge who accepts any salaried public office or position, municipal, county, State or federal, shall not be paid any pension or salary so long as he remains in such office or position. An elected judge who because of incapacitating illness [is required to resign] resigns his position prior to reaching his sixtieth birthday is entitled to benefits under the provisions of this section *immediately upon his resignation*, but in no event in a sum greater than was provided in this section at the time he resigned; and except for a judge who has resigned or who resigns because of incapacitating illness, no other judge who has resigned or who resigns prior to reaching his sixtieth birthday is entitled to any benefits under the provisions of this section. The mayor and city council of Baltimore and the county commissioners or county councils of the several counties are hereby expressly authorized to levy for and pay additional pensions or salaries to such former judges of the Court of Appeals, the Supreme Bench of Baltimore City and the circuit courts of the counties who served or may hereafter serve in the judicial circuits in which the City of Baltimore or any county exercising the authority conferred herein is located; and any such provision heretofore made is hereby ratified and confirmed.

SEC. 2. *And be it further enacted*, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety, and having been passed by a ye and nay vote supported by three-fifths of the members elected to each of the two houses of the General Assembly, the same shall take effect from the date of its passage.

Approved February 10, 1965.