By: Harford County Senators Introduced and read first time: February 28, 2005 Assigned to: Rules

A BILL ENTITLED

1	AN	ACT	concerning
---	----	-----	------------

2	Harford County - State's Attorney - Salary							
3 FO 4 5 6 7 8	 by certain amounts by certain dates; providing for the calculation of the annual salary of the State's Attorney on and after a certain date; establishing a limit on the annual salary increase under certain circumstances; providing that this Act does not apply to the salary or compensation of the incumbent State's Attorney; 							
 9 BY repealing and reenacting, with amendments, 10 Article 10 - Legal Officials 11 Section 40(m) 12 Annotated Code of Maryland 13 (2001 Replacement Volume and 2004 Supplement) 								
 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: 								
16	Article 10 - Legal Officials							
17 40								
18	(m)	(1)	This subsection applies only in Harford County.					
19		(2)	(i)	The and	nual salary of the State's Attorney is:			
20				1.	[\$72,500 through June 30, 1998;			
21				2.	\$74,500 commencing July 1, 1998 through June 30, 2000;			
22				3.	\$76,500 commencing July 1, 2000;			
23				4.	\$78,500 commencing July 1, 2001;			
24				5.	\$80,320 commencing July 1, 2002;			

2 **UNOFFICIAL COPY OF SENATE BILL 964** 1 6. \$85,160 commencing July 1, 2003; and 2 7.] \$90,000 commencing July 1, 2004 [and thereafter]; AND 3 \$98,500 COMMENCING JULY 1, 2006, THEREAFTER TO BE 2. 4 ADJUSTED ANNUALLY ON JULY 1 IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS 5 PARAGRAPH. ON AND AFTER JULY 1, 2006, THE ANNUAL SALARY OF THE (II) 1. 6 7 STATE'S ATTORNEY SHALL BE ADJUSTED ANNUALLY TO REFLECT THE ANNUAL 8 CHANGE IN THE "CONSUMER PRICE INDEX" FOR "ALL URBAN CONSUMERS" FOR THE 9 EXPENDITURE CATEGORY "ALL ITEMS NOT SEASONALLY ADJUSTED", AND FOR ALL 10 REGIONS. THE ANNUAL CONSUMER PRICE INDEX FOR THE PERIOD ENDING EACH 11 DECEMBER AS PUBLISHED BY THE BUREAU OF LABOR STATISTICS OF THE U.S. 12 DEPARTMENT OF LABOR, SHALL BE USED TO ADJUST THE ANNUAL SALARY OF THE 13 STATE'S ATTORNEY WHILE IN OFFICE. 14 NOTWITHSTANDING ITEM 1 OF THIS SUBPARAGRAPH, THE 2. 15 ANNUAL ADJUSTMENT TO THE ANNUAL SALARY OF THE STATE'S ATTORNEY MAY 16 NOT EXCEED 3 PERCENT IN ANY FISCAL YEAR. 17 (III) During the term in office of the State's Attorney and [(ii)] 18 except in connection with and in the performance of his duties as State's Attorney, the 19 State's Attorney may not appear as counsel or represent any party professionally 20 before any court, board, commission or agency of this State or any county or political 21 subdivision of this State. The intent is that the State's Attorney may not engage in the 22 private practice of law in any manner. 23 (3) (i) The State's Attorney may appoint: 24 1. Up to two deputy State's Attorneys; and 25 2. Whatever assistant State's Attorneys that are authorized 26 by the County Executive and County Council. 27 All appointees serve at the State's Attorney's pleasure. The (ii) 28 salaries and compensation of such persons shall be provided by the County Executive 29 and County Council. The deputy State's Attorneys and the assistant State's Attorneys 30 have the same legal powers as the State's Attorney to represent the State before 31 grand juries and in the trial of criminal proceedings. 32 The State's Attorney may appoint a secretary or clerical assistant. (4)33 The salary of the secretary or clerical assistant shall conform with the exempt 34 classification and pay plan authorized by the County Executive and County Council 35 and the secretary or clerical assistant shall serve at the pleasure of the State's 36 Attorney. 37 (5)The State's Attorney may employ clerical, administrative, 38 investigative, and other personnel as may be necessary for the proper conduct of the

39 office. The salaries and classifications for these employees shall be determined by the

UNOFFICIAL COPY OF SENATE BILL 964

1 State's Attorney, in conformity with the Harford County pay and classification plans,

2 and authorized by the County Executive and County Council. These employees shall3 be entitled to all benefits received by similarly classified county employees.

5 be entitled to all benefits received by similarly classified county employees.

4 (6) The county government shall pay all reasonable expenses for the 5 conduct of the office of State's Attorney.

6 SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 7 35 of the Maryland Constitution, this Act may not be construed to extend or apply to 8 the salary or compensation of the State's Attorney for Harford County in office on the 9 effective date of this Act, but the provisions of this Act concerning the salary or 10 compensation of the State's Attorney for Harford County shall take effect at the 11 beginning of the next following term of office.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 13 October 1, 2005.

3