

Department of Legislative Services  
 Maryland General Assembly  
 2018 Session

FISCAL AND POLICY NOTE  
 Third Reader

House Bill 286  
 Judiciary

(Delegate Dumais)

Judicial Proceedings

Circuit Court Clerks - Salary Increase

This bill increases the maximum annual salary that the Board of Public Works (BPW) may set for the clerk of each circuit court from \$114,500 to \$124,500. **Pursuant to constitutional requirements, the salary increase takes effect at the beginning of the next term of office.**

Fiscal Summary

**State Effect:** General fund expenditures increase by \$309,900 in FY 2019 due to the impact of salary increases that take effect on December 1, 2018. Future year expenditures reflect annualization. The proposed FY 2019 budget includes \$293,611 for salary increases. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	309,900	531,300	531,300	531,300	531,300
Net Effect	(\$309,900)	(\$531,300)	(\$531,300)	(\$531,300)	(\$531,300)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** None.

Analysis

**Current Law:** The clerk of each circuit court is entitled to receive an annual salary of not more than \$114,500. While the permissible range of salaries is set by statute, BPW

determines the annual salary of each clerk on the basis of the relative volume of business and receipts in the clerk's office.

Article III, § 35 of the Maryland Constitution prohibits the salary or compensation of any public officer from being increased or diminished during the individual's term of office, except those whose full term is fixed by law in excess of four years. Clerks are elected to four-year terms.

**Background:** The clerk of the circuit court in each jurisdiction is responsible for the custody of records and other court documents. Other duties include issuing writs, recording of land instruments and other documents, issuing licenses, administering oaths of office, and handling matters related to the operation of the court, including the submission of an annual budget for the review and approval of the Chief Judge of the Court of Appeals.

Chapters 53 and 54 of 2013 increased the maximum salary of the clerks from \$98,500 to \$114,500, a 16% increase. **Exhibit 1** sets forth the maximum annual salary levels since 1982.

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**Exhibit 1**  
**Clerk of Courts Maximum Annual Salaries**

<u>Year</u>	<u>Maximum Salary</u>	<u>Percentage Increase</u>
1982	\$37,500	-
1986	45,000	20%
1990	60,000	33%
1994	64,000	7%
1998	75,000	17%
2002	85,000	13%
2005	98,500	16%
2013	114,500	16%

Source: Department of Legislative Services

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**State Expenditures:** General fund expenditures increase by \$309,897 in fiscal 2019, which accounts for clerks beginning the next term on December 1, 2018, and by \$531,252 annually thereafter. This analysis, which accounts for fringe benefits, assumes that BPW increases to \$124,500 the salaries of the clerks who earn the current maximum of \$114,500, and increases the salaries of the other clerks by the same dollar amount. This reflects a percentage increase of 8.7% to 9.3%, depending on the jurisdiction. The Judiciary further advises that salaries for deputy clerks of the circuit court are set at 80% of the clerk of

court's salary; accordingly, this estimate also accounts for the impact of that salary increase. The proposed fiscal 2019 budget includes \$293,611 for salary increases, which is based on an 8.5% increase.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - January 29, 2018  
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Analysis by: Jennifer K. Botts

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510