

HOUSE BILL 716

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2001 Regular Session
11r2035
CF 11r2034

By: **Chairman, Appropriations Committee (Maryland Judicial Conference)**

Introduced and read first time: February 8, 2001

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2001

CHAPTER _____

1 AN ACT concerning

2 **Circuit Courts - Funding of Law Clerks and Rental of Space for Clerks of**
3 **Court**

4 FOR the purpose of requiring the State Administrative Office of the Courts to pay
5 counties rent for certain space in county facilities occupied by the clerks of the
6 circuit courts, as provided in certain agreements approved by the Board of
7 Public Works; prohibiting an agreement for rental from exceeding a certain
8 amount and including certain provisions; prohibiting a county from decreasing
9 the space allocated to the clerk of the circuit court below a certain amount;
10 requiring each circuit court judge to have a law clerk employed by the State;
11 requiring certain appropriations funds to be included in the State budget;
12 requiring counties to use the savings from this Act for circuit court or related
13 public safety purposes; requiring reports on certain expenditures; providing for
14 the construction and application of this Act; providing for a delayed effective
15 date; and generally relating to State funding of circuit court operations.

16 BY adding to
17 Article - Courts and Judicial Proceedings
18 Section 1-504 and 2-512
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 2000 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Courts and Judicial Proceedings**

2 1-504.

3 (A) ~~THERE SHALL BE INCLUDED IN EACH STATE BUDGET AN APPROPRIATION~~
4 ~~TO THE DEPARTMENT OF GENERAL SERVICES IN THE TOTAL AMOUNT NECESSARY~~
5 THE BUDGET FOR THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL INCLUDE
6 FUNDS TO PAY COUNTIES RENTAL RENT TO COUNTIES FOR SPACE OCCUPIED IN
7 COUNTY FACILITIES BY CLERKS OF THE CIRCUIT COURTS IN ACCORDANCE WITH
8 THIS SECTION.

9 (B) TO THE EXTENT PROVIDED IN THE STATE BUDGET, THE ~~DEPARTMENT OF~~
10 ~~GENERAL SERVICES~~ ADMINISTRATIVE OFFICE OF THE COURTS SHALL PAY RENT TO
11 A COUNTY ~~RENTAL~~ UNDER THIS SECTION AT THE RATE NEGOTIATED WITH THE
12 COUNTY AND APPROVED BY THE BOARD OF PUBLIC WORKS.

13 (C) (1) ~~AN AGREEMENT FOR RENTAL~~ THE RENT NEGOTIATED UNDER THIS
14 SECTION MAY NOT EXCEED \$10 PER NET USABLE SQUARE FOOT ~~AND~~.

15 (2) AN AGREEMENT FOR RENT MAY NOT INCLUDE ANY PROVISION FOR
16 SEPARATE REIMBURSEMENT OF MAINTENANCE AND UTILITY COSTS.

17 (D) A COUNTY MAY NOT DECREASE THE SPACE NET USABLE SQUARE
18 FOOTAGE ALLOCATED TO THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY
19 BELOW THE SPACE NET USABLE SQUARE FOOTAGE ALLOCATED FOR FISCAL YEAR
20 2000.

21 2-512.

22 (A) EACH CIRCUIT COURT JUDGE SHALL HAVE ONE LAW CLERK, TO BE
23 EMPLOYED BY THE STATE.

24 (B) ~~THERE SHALL BE INCLUDED IN EACH STATE BUDGET AN APPROPRIATION~~
25 ~~TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN AN AMOUNT NECESSARY TO~~
26 THE BUDGET FOR THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL INCLUDE
27 FUNDS TO EMPLOY ONE LAW CLERK FOR EACH CIRCUIT COURT JUDGE, AT A SALARY
28 ~~AND WITH THE BENEFITS WITHIN A RANGE PROPOSED BY THE CONFERENCE OF~~
29 ~~CIRCUIT JUDGES TO THE CHIEF JUDGE OF THE COURT OF APPEALS.~~

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~does not relieve~~
31 ~~any county, including Baltimore City, of its duty, before or after the effective date of~~
32 ~~this Act, to provide space for the circuit court for the county and court related~~
33 ~~agencies.~~

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act ~~may not be~~
35 ~~construed to assume any liability incurred by any county or Baltimore City in~~
36 ~~connection with space occupied by the circuit court for the county or City or by a~~
37 ~~court related agency.~~

1 ~~SECTION 4.~~ does not, except as specifically provided in this Act, modify any
2 existing duty or liability of the State, a county, or Baltimore City.

3 SECTION 3. AND BE IT FURTHER ENACTED, That:

4 (1) Beginning in fiscal year ~~2002~~ 2003 and each fiscal year thereafter, each
5 county and Baltimore City shall use the local fiscal savings resulting from this Act
6 solely to increase local expenditures for circuit court or related public safety purposes;

7 (2) In fiscal years ~~2002 through 2009~~ 2003 through 2010, each county and
8 Baltimore City shall report to the Department of Budget and Management on or
9 before November 1 on circuit court or related public safety expenditures to which the
10 savings resulting from this Act have been applied. The Department of Budget and
11 Management shall report these expenditures to the Chief Judge of the Court of
12 Appeals and, subject to § 2-1246 of the State Government Article, to the General
13 Assembly; and

14 (3) Circuit court or related public safety expenditures required under this
15 section shall be used to supplement and may not supplant existing local expenditures
16 for the same purpose.

17 ~~SECTION 5. 4.~~ AND BE IT FURTHER ENACTED, That this Act shall apply
18 only to a law clerk hired on or after July 1, 2001 and not to a law clerk employed by
19 a circuit court judge on or before June 30, 2001, if a county or Baltimore City provides
20 a salary to a law clerk employed before July 1, 2002 that is greater than the State
21 salary provided to the law clerk by the State, the county or Baltimore City shall
22 supplement the State salary in an amount sufficient to maintain the annual salary
23 the law clerk received prior to the effective date of this Act. A county or Baltimore City
24 is not required to supplement the salary of a law clerk hired after the effective date of
25 this Act.

26 ~~SECTION 6. 5.~~ AND BE IT FURTHER ENACTED, That this Act shall take
27 effect July 1, ~~2001~~ 2002.