

SENATE BILL 656

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2001 Regular Session
11r2034
CF 11r2035

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

Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 22, 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 to pay counties rent for certain space in~~
5 ~~county facilities occupied by the clerks of the circuit courts, as provided in~~
6 ~~certain agreements approved by the Board of Public Works; prohibiting an~~
7 ~~agreement for rental from exceeding a certain amount and including certain~~
8 ~~provisions; prohibiting a county from decreasing the space allocated to the clerk~~
9 ~~of the circuit court; requiring each circuit court judge to have a law clerk~~
10 ~~employed by the State; requiring certain appropriations to be included in the~~
11 ~~State budget; requiring counties and Baltimore City to use the savings from this~~
12 ~~Act for circuit court or related public safety purposes; requiring reports on~~
13 ~~certain expenditures; providing for the construction and application of this Act;~~
14 ~~and generally relating to State funding of circuit court operations.~~

15 BY adding to
16 Article - Courts and Judicial Proceedings
17 Section ~~4-504~~ and 2-512
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2000 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 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 ~~TO PAY COUNTIES RENTAL FOR SPACE OCCUPIED IN COUNTY FACILITIES BY CLERKS~~
6 ~~OF THE CIRCUIT COURTS IN ACCORDANCE WITH THIS SECTION.~~

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

11 (C) ~~AN AGREEMENT FOR RENTAL UNDER THIS SECTION MAY NOT EXCEED \$10~~
12 ~~PER NET USABLE SQUARE FOOT AND MAY NOT INCLUDE ANY PROVISION FOR~~
13 ~~SEPARATE REIMBURSEMENT OF MAINTENANCE AND UTILITY COSTS.~~

14 (D) ~~A COUNTY MAY NOT DECREASE THE SPACE ALLOCATED TO THE CLERK OF~~
15 ~~THE CIRCUIT COURT FOR THE COUNTY BELOW THE SPACE ALLOCATED FOR FISCAL~~
16 ~~YEAR 2000.~~

17 2-512.

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

20 (B) THERE SHALL BE INCLUDED IN EACH STATE BUDGET AN APPROPRIATION
21 TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN AN AMOUNT NECESSARY TO
22 EMPLOY ONE LAW CLERK FOR EACH CIRCUIT COURT JUDGE, AT A SALARY AND WITH
23 THE BENEFITS WITHIN A RANGE PROPOSED BY THE CONFERENCE OF CIRCUIT
24 JUDGES TO THE CHIEF JUDGE OF THE COURT OF APPEALS.

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

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

33 SECTION 4. 2. AND BE IT FURTHER ENACTED, That:

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

1 (2) In fiscal years 2002 through 2009, each county and Baltimore City shall
2 report to the Department of Budget and Management on or before November 1 on
3 circuit court or related public safety expenditures to which the savings resulting from
4 this Act have been applied. The Department of Budget and Management shall report
5 these expenditures to the Chief Judge of the Court of Appeals; and

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

9 SECTION ~~5~~. 3. AND BE IT FURTHER ENACTED, That this Act shall apply
10 only to a law clerk hired on or after July 1, 2001 and not to a law clerk employed by
11 a circuit court judge on or before June 30, 2001.

12 SECTION ~~6~~. 4. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect July 1, 2001.