
By: **Senators Mitchell and Baker**
Introduced and read first time: March 5, 2001
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Compensation of Lawyers and Administrative Law Judges**
3 **Employed by the State**

4 FOR the purpose of requiring that a certain budget be sufficient to fund certain
5 positions, salaries, and expenses necessary for the performance of the duties of
6 the Public Defender; requiring that attorneys-at-law employed by the Public
7 Defender be compensated at a rate of compensation that is comparable to the
8 rate of compensation of attorneys-at-law employed by the Attorney General of
9 Maryland; requiring that the pay rate for certain lawyers and certain
10 administrative law judges be comparable to the pay rate for lawyers in the
11 Office of the Attorney General; and generally relating to the budget of the Office
12 of Public Defender and the compensation of attorneys-at-law, lawyers, and
13 administrative law judges employed by the State.

14 BY repealing and reenacting, with amendments,
15 Article 27A - Public Defender
16 Section 3(e)
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 2000 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - State Personnel and Pensions
21 Section 8-104
22 Annotated Code of Maryland
23 (1997 Replacement Volume and 2000 Supplement)

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

1

Article 27A - Public Defender

2 3.

3 (e) The number of positions, salaries and expenses for the Office of Public
 4 Defender shall be as provided in the executive budget as specified in Article III, §
 5 52(4)(b) of the Constitution of the State of Maryland, which shall be subject to
 6 approval by the General Assembly. THE BUDGET SHALL BE SUFFICIENT TO FUND
 7 THE APPROPRIATE NUMBER OF POSITIONS, SALARIES, AND EXPENSES NECESSARY
 8 FOR THE PERFORMANCE OF THE DUTIES OF THE PUBLIC DEFENDER. THE
 9 ATTORNEYS-AT-LAW EMPLOYED BY THE PUBLIC DEFENDER SHALL BE
 10 COMPENSATED AT A RATE OF COMPENSATION THAT IS COMPARABLE TO THE RATE
 11 OF COMPENSATION OF ATTORNEYS-AT-LAW EMPLOYED BY THE ATTORNEY
 12 GENERAL OF MARYLAND.

13

Article - State Personnel and Pensions

14 8-104.

- 15 (a) (1) Pay rates in the Standard Pay Plan may be set by:
- 16 (i) a series of pay grades and steps within each grade;
 - 17 (ii) fixed rates; or
 - 18 (iii) minimum and maximum amounts.
- 19 (2) Pay rates in the Executive Pay Plan may be set by:
- 20 (i) a series of executive pay grades and steps within each grade;
 - 21 (ii) fixed rates; or
 - 22 (iii) minimum and maximum amounts.
- 23 (b) In setting or amending a pay rate, the Secretary shall consider:
- 24 (1) the prevailing pay rates for comparable services in private and public
 25 employment;
 - 26 (2) experience;
 - 27 (3) living costs;
 - 28 (4) benefits; and
 - 29 (5) the financial condition and policies of this State.

30 (C) THE PAY RATE FOR A LAWYER EMPLOYED IN A LAWYER POSITION
 31 INCLUDED IN EITHER PAY PLAN, AND FOR AN ADMINISTRATIVE LAW JUDGE
 32 EMPLOYED BY THE OFFICE OF ADMINISTRATIVE HEARINGS, SHALL BE COMPARABLE

1 TO THE PAY RATE FOR LAWYER POSITIONS IN THE OFFICE OF THE ATTORNEY
2 GENERAL.

3 [(c)] (D) A pay rate in either pay plan is subject to any limitations included in
4 the State budget.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2001.