

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 334
 Judiciary

(Delegate Barkley)

Judicial Proceedings

Circuit Court Clerks - Salary

This bill increases the maximum salary of circuit court clerks from \$85,000 to \$98,500.

The bill's provisions apply at the beginning of the next following term of office.

Fiscal Summary

State Effect: General fund expenditures would increase by \$209,300 in FY 2007 due to the December 1, 2006 effective date of anticipated salary increases. Future year increases reflect annualization.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	209,300	357,300	357,300	357,300
Net Effect	\$0	(\$209,300)	(\$357,300)	(\$357,300)	(\$357,300)

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

Local Effect: None. Circuit court clerks' salaries are State funded.

Small Business Effect: None.

Analysis

Current Law: Circuit court clerks are elected officials whose salaries are paid by the State. The maximum annual salary for a circuit court clerk is \$85,000, as set by BPW on the basis of the relative volume of business and receipts in each clerk's office. Pursuant to the Constitution of Maryland, a circuit court clerk's salary may neither increase nor decrease during the clerk's term of office.

Clerks of the circuit courts are elected at the November general election. They take the oath of office the following December 1 and serve four-year terms. The next election for circuit court clerks will take place in November 2006.

Background: Every four years, BPW sets the salary for circuit court clerks annually based on the relative volume of business and receipts.

There are currently four salary levels for circuit court clerks. Five clerks (A level) currently earn \$85,000 per year; three (B level) receive \$83,250; nine (C level) receive \$82,100; and seven (D level) receive \$79,100. The clerks of the circuit court do not receive annual cost-of-living increases.

Chapter 27 of 2002 increased the maximum allowable salary for circuit court clerks from \$75,000 to \$85,000, a 13% increase. Since 1982, the circuit courts clerks' maximum allowable salary has increased as set forth in **Exhibit 1**.

Exhibit 1
Circuit Court Clerks' Salary Increases

<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%

State Expenditures: **Exhibit 2** shows the current and projected salaries of the 24 circuit court clerks. This analysis assumes that the Board of Public Works would increase the salaries of the clerks who currently earn \$85,000 to \$98,500, a 15.9% increase, and increase the salaries of the other clerks by 15.9%.

Exhibit 2
Current and Projected Circuit Court Clerks' Salaries

<u>Clerk</u>	<u>Current Salary</u>	<u>Projected Salary</u>
Anne Arundel	\$85,000	\$98,500
Baltimore City	85,000	98,500
Baltimore County	85,000	98,500
Montgomery	85,000	98,500
Prince George's	85,000	98,500
Charles	83,014	96,217
Harford	83,014	96,217
Howard	83,014	96,217
Allegany	81,711	94,703
Calvert	81,711	94,703
Carroll	81,711	94,703
Cecil	81,711	94,703
Frederick	81,711	94,703
St. Mary's	81,711	94,703
Washington	81,711	94,703
Wicomico	81,711	94,703
Worcester	81,711	94,703
Caroline	78,311	90,762
Dorchester	78,311	90,762
Garrett	78,311	90,762
Kent	78,311	90,762
Queen Anne's	78,311	90,762
Somerset	78,311	90,762
Talbot	78,311	90,762
Total	\$1,957,618	\$2,268,812

The total annual salary increase is \$311,194. Including fringe benefits, general fund expenditures would increase by \$209,278 in fiscal 2007 or \$357,251 annually. The salary increases would take effect December 1, 2006, the beginning of the next term of office for the elected clerks.

Exhibit 3 sets forth the salaries of circuit court clerks since 1994.

Additional Information

Prior Introductions: HB 1464 of 2004, a bill increasing a circuit court clerk's maximum salary to 85% of a circuit court judge's salary, received a hearing, but no further action was taken.

Cross File: SB 598 (Senator Kramer, *et al.*) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Board of Public Works, Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2005
mp/jr Revised - House Third Reader - March 24, 2005
Revised - Enrolled Bill - May 5, 2005

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Exhibit 3
Circuit Court Clerk Maximum Salary Increases

<u>Clerk</u>	<u>1994 Salary</u>	<u>1998 Salary</u>	<u>% Increase from 1994 to 1998</u>	<u>Current Salary</u>	<u>% Increase from 1998 to 2002</u>
Anne Arundel	\$64,000	\$75,000	17%	\$85,000	13%
Baltimore City	64,000	75,000	17%	85,000	13%
Baltimore County	64,000	75,000	17%	85,000	13%
Montgomery	64,000	75,000	17%	85,000	13%
Prince George's	64,000	75,000	17%	85,000	13%
Charles	62,607	73,250	17%	83,014	13%
Harford	62,607	73,250	17%	83,014	13%
Howard	62,607	73,250	17%	83,014	13%
Allegany	61,624	72,100	17%	81,711	13%
Calvert	61,624	72,100	17%	81,711	13%
Carroll	61,624	72,100	17%	81,711	13%
Cecil	61,624	72,100	17%	81,711	13%
Frederick	61,624	72,100	17%	81,711	13%
St. Mary's	61,624	72,100	17%	81,711	13%
Washington	61,624	72,100	17%	81,711	13%
Wicomico	61,624	72,100	17%	81,711	13%
Worcester	61,624	72,100	17%	81,711	13%
Caroline	59,060	69,100	17%	78,311	13%
Dorchester	59,060	69,100	17%	78,311	13%
Garrett	59,060	69,100	17%	78,311	13%
Kent	59,060	69,100	17%	78,311	13%
Queen Anne's	59,060	69,100	17%	78,311	13%
Somerset	59,060	69,100	17%	78,311	13%
Talbot	59,060	69,100	17%	78,311	13%
Total	\$1,475,857	\$1,727,350		\$1,957,618	

Source: Administrative Office of the Courts