

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 791

(Queen Anne's County Delegation)

Environmental Matters

Judicial Proceedings

Queen Anne's County - State's Attorney - Salary

This bill increases the salary of the Queen Anne's County State's Attorney from 90% to 100% of a District Court judge's salary, and authorizes the State's Attorney to appoint one or more deputy State's Attorneys (with county commission approval). Further, the bill sets forth the duties of the State's Attorney's Office, and specifies that the State's Attorney is entitled to reasonable operational expenses as provided for in the county budget.

Fiscal Summary

State Effect: State expenditures would increase by \$1,200 annually beginning in FY 2013 for increased retirement contributions. Revenues would not be affected.

Local Effect: Queen Anne's County personnel expenditures would increase by \$7,800 in FY 2011 and by \$15,600 in FY 2012 for increased compensation for the county State's Attorney. Revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: The Queen Anne's County State's Attorney's salary is currently 90% of a District Court judge's salary. Salary changes for elected officials take effect at the beginning of the next term of office, which is January 3, 2011 for the Queen Anne's County State's Attorney. Statute further requires that the salary be set prior to the date on

which a newly elected Queen Anne's County State's Attorney first assumes his/her position.

The Queen Anne's County State's Attorney is currently authorized to appoint one or more assistant State's Attorneys with the approval of and at a salary set by the county commissioners. The county commissioners are required to furnish the State's Attorney with an office, a secretary, and office supplies and equipment. Moreover, the county commissioners have to reimburse the State's Attorney for any actual office expenses.

While statute does not specifically list the duties of the State's Attorney's Office, it does prohibit the State's Attorney from engaging in the private practice of law and from appearing professionally in any State criminal proceeding (except in performing his/her duties).

Background: The Queen Anne's County State's Attorney's salary was last changed by Chapter 534 of 2001, when it was set at 90% of a District Court judge's salary. Prior to Chapter 534, the salary was set by the county commissioners.

Full salary increases for District Court judges as recommended by the Judicial Compensation Commission were implemented by operation of law following the 2005 session of the General Assembly. The commission's recommendations changed judge's salaries for fiscal 2006 through 2009. In fiscal 2009, the salary of a District Court judge will be \$127,252.

In 18 counties, the salaries for State's Attorneys are tied to the salaries of either a District Court judge or a circuit court judge. **Appendix 1** shows the salary percentages for these counties.

State Fiscal Effect: The Queen Anne's County State's Attorney is a member of the State Retirement and Pension System, with the State responsible for the required employer contributions. The employer's share is included in the annual State budget under payments to civil divisions. The fiscal 2012 budget allowance will be based on the June 30, 2010 salary for this individual increased by 5%. Since the salary change does not take effect until 2011, the bill would not affect State finances until 2013. In that year, State retirement contributions for the Queen Anne's County State's Attorney could increase by around \$1,200.

Local Fiscal Effect: Queen Anne's County personnel expenditures could increase by \$7,781 in fiscal 2011 and \$15,562 by fiscal 2012. This estimate assumes a constant fringe benefits contribution rate of 22.3%, as advised by the county, and it further assumes that the salary of a District Court judge will be \$127,252 on the effective date of

the bill. To the extent that a District Court judge's salary increases by the beginning of the next term of office for the Queen Anne's County State's Attorney, the estimate would adjust accordingly.

Additional Information

Prior Introductions: None.

Cross File: SB 775 (Senator Pipkin) – Judicial Proceedings.

Information Source(s): Queen Anne's County, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2007
mll/hlb Revised - Enrolled Bill - May 4, 2007

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Appendix 1
State's Attorneys' Salaries Tied to Judge's Salaries

<u>County</u>	<u>Population</u>	<u>Percent of a Judge's Salary</u>
Allegany	73,639	90%
Anne Arundel ¹	510,878	100%
Baltimore ²	786,113	100%
Calvert	87,925	90%
Caroline	31,822	80%
Carroll	168,541	80%
Cecil	97,796	95%
Charles ³	138,822	100%
Dorchester	31,401	80%
Frederick	220,701	100%
Howard	269,457	100%
Kent	19,899	80%
Queen Anne's	45,612	90%
St. Mary's	96,518	90%
Talbot	35,683	80%
Washington	141,895	90%
Wicomico	90,402	90%
Worcester ⁴	48,750	90%

Note: Unless otherwise noted, the salaries are a percentage of a District Court judge's salary.

¹Percent of a circuit court judge's salary as of December 31, 2002, increasing 3% each year starting in 2004.

²Percent of a circuit court judge's salary, increasing 5% each year.

³Percent of a circuit court judge's salary.

⁴The county commissioners may set a higher salary.
