

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 123

(Delegate Bromwell)

Environmental Matters

Judicial Proceedings

Baltimore County - State's Attorney - Salary

This bill provides that beginning with the term of the State's Attorney, elected in 2010, the annual salary for the Baltimore County State's Attorney is \$194,276. Beginning January 1, 2012 and each year thereafter until January 1, 2023, the salary will increase by 1%.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: None.

Local Effect: Baltimore County expenditures would decrease by \$15,300 in FY 2011 and by \$44,800 over current county practice in FY 2013. Revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: Beginning in 1982, the salary for the Baltimore County State's Attorney is set equal to the salary of a circuit court judge, with the amount increased by 5% each year during the State Attorney's term of office.

Article III, § 35 of the Maryland Constitution prohibits the salary or compensation of any public officer from being increased or diminished during the individual's term of office, except those whose full term is fixed by law in excess of four years.

Background: The salary of the incumbent Baltimore County State’s Attorney is currently \$194,276 for fiscal 2008. In Allegany, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Howard, Kent, Queen Anne’s, St. Mary’s, Talbot, Washington, and Wicomico counties, the salary of the State’s Attorney is calculated based on a percentage of either a circuit court or District Court judge. These counties have no provisions for a salary increase during each four-year elected term. The salary for the State’s Attorney is recalculated based on the salary of either the circuit or District Court judge prior to the start of each new elected term.

The annual salary amount for the State’s Attorney in Harford, Prince George’s, and Somerset counties is prescribed in State law. Harford County provides for an annual salary increase based on the Consumer Price Index, not to exceed 3%. In Montgomery and Garrett counties, the salary of the State’s Attorney is set by each county council. In Worcester County, the State’s Attorney salary is based on 90% of the salary of a District Court judge, but the county may exceed that percentage through county ordinance.

In Anne Arundel County, the salary is based on that of a circuit court judge as of December 31, 2002. Provisions for the salary increase for calendar 2004 and thereafter are based specifically on the salary of the State’s Attorney for the previous calendar year. **Exhibit 1** shows the provisions for setting the salary for the State’s Attorney in each county.

Exhibit 1
State’s Attorney Salaries – Provisions for Salary Amounts and Salary Increases

County	Provisions for State’s Attorney Salary	Provisions for Salary Increases
Allegany	100% of District Court judge’s salary	None
Anne Arundel	100% of circuit court judge’s salary as of December 31, 2002	For calendar 2004 and thereafter, 3% annual raise over the salary of the State’s Attorney for the previous calendar year
Baltimore City	Baltimore City Board of Estimates shall set the salary	None
Baltimore	100% of a circuit court judge’s salary	5% annual increase
Calvert	90% of a District Court judge’s salary	A salary increase shall take effect at the beginning of the elected term of office and may not increase during that term in office
Caroline	80% of the District Court judge’s salary	None

County	Provisions for State's Attorney Salary	Provisions for Salary Increases
Carroll	80% of the District Court judge's salary	A salary increase shall take effect at the beginning of the elected term of office and may not increase during that term in office
Cecil	95% of a District Court judge's salary	None
Charles	100% of a circuit court judge's salary	None
Dorchester	80% of the District Court judge's salary	None
Frederick	100% of District Court judge's salary	None
Garrett	Chapter 91 of the Public Local Laws of Garrett County	None
Harford	\$98,500 commencing January 1, 2007	Adjusted by Consumer Price Index, not to exceed 3% annually
Howard	100% of District Court judge's salary	None
Kent	80% of the District Court judge's salary	None
Montgomery	Montgomery County Council shall set the salary	None
Prince George's	\$125,500 annually	None
Queen Anne's	100% of District Court judge's salary	The salary shall be set prior to the date on which a newly elected State's Attorney first assumes his or her position during his or her term of office
St. Mary's	90% of District Court judge's salary	A salary increase shall take effect at the beginning of the elected term of office and may not increase during that term of office
Somerset	\$98,000 annual salary	None
Talbot	80% of the District Court judge's salary	None
Washington	90% of the District Court judge's salary	None
Wicomico	90% of the District Court judge's salary	None
Worcester	90% of the District Court judge's salary; the county may exceed 90% through county ordinance	The County Commissioners, by ordinance enacted prior to the election filing deadline for the next term of office for the State's Attorney, may set the salary at an amount exceeding 90% of the salary of a judge of the District Court

Full salary increases for District Court and circuit court judges as recommended by the Judicial Compensation Commission were adopted at the 2005 legislative session and are shown in **Exhibit 2**. Actual salaries for the State's Attorneys in surrounding counties for fiscal 2007 are shown in **Exhibit 3**.

Exhibit 2
Salaries of District Court and Circuit Court Judges
Fiscal 2006-2009

<u>Fiscal Year</u>	<u>District Court Judge's Salary</u>	<u>Circuit Court Judge's Salary</u>
2006	\$114,502	\$123,352
2007	118,502	128,352
2008	122,752	134,352
2009	127,252	140,352

Exhibit 3
State's Attorneys' Salaries for Selected Maryland Counties
Fiscal 2007 Actuals

<u>County</u>	<u>Population</u>	<u>Salary</u>
Anne Arundel	509,300	\$130,691
Baltimore City	631,366	142,055
Baltimore	787,384	185,025
Carroll	170,260	89,201
Harford	241,402	90,000
Howard	272,452	111,500

Source: *Compensation Survey of Maryland Local Governments, FY 2007*, Institute for Governmental Service, University of Maryland

Local Fiscal Effect: The current State's Attorney for Baltimore County was elected in 2006 and took office in January 2007. Under the interpretation of current law adopted by the Baltimore County Council, the salary of the newly elected State's Attorney was calculated in the same manner as the predecessor State's Attorney. Based on the salary of a circuit court judge in 1982, factoring in an annual increase of 5%, the State's

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Attorney for Baltimore County was paid an annual salary of \$185,025 in 2007. This salary was increased by 5% in January 2008 to equal \$194,276.

Under an alternative interpretation of current law, once elected, the State's Attorney could have received a salary equal to that of a current circuit court judge, \$128,352, to be increased by 5% in each subsequent year of the State's Attorney's term. **Exhibit 4** details the impact of the proposed legislation with respect to current practice and the impact of this proposed change on a calendar year basis. **Exhibit 5** details the impact on a fiscal year basis. Baltimore County personnel expenditures would decrease by approximately \$15,300 in fiscal 2011 over current practice, reflecting the six-month period from January through June 2011. Personnel expenditures would decrease by \$35,300 in fiscal 2012 and by \$44,800 in fiscal 2013. This estimate takes into account January 1 salary increases for the State's Attorney.

Exhibit 4
Potential Effect of Proposed Salary Change
Calendar Year Basis

<u>Calendar Year</u>	<u>Current Practice</u>	<u>Alternative Approach</u>	<u>Proposal</u>	<u>Differences Over Current Practice</u>
2007	\$185,025	\$128,352	n/a	n/a
2008	194,276	134,770	n/a	n/a
2009	203,990	141,508	n/a	n/a
2010	214,189	148,583	n/a	n/a
2011	224,899	156,013	194,276	(30,623)
2012	236,144	163,813	196,219	(39,925)
2013	247,951	172,004	198,181	(49,770)

Exhibit 5
Potential Effect of proposed Salary Change
Fiscal Year Basis

<u>Fiscal Year</u>	<u>Difference Over Current Practice</u>
FY 2011	(\$15,312)
FY 2012	(35,274)
FY 2013	(44,847)

Additional Information

Prior Introductions: None.

Cross File: SB 117 (Senator Stone, *et al.*) – Judicial Proceedings.

Information Source(s): Baltimore County, Department of Legislative Services

Fiscal Note History: First Reader - January 29, 2008
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