

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 382 (Delegate Otto)

Environment and Transportation

Judicial Proceedings

Somerset County – Local Officials – Salaries and Daily Allowance for Traveling Expenses

This bill increases the salaries and travel expenses of specified public officials in Somerset County. Pursuant to constitutional requirements, the salary increases take effect at the beginning of the next terms of office.

Fiscal Summary

State Effect: None.

Local Effect: Somerset County expenditures increase by a minimum of \$35,000 in FY 2023 and by a minimum of \$60,100 annually thereafter. County revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Current and proposed salary changes for public officials in Somerset County are generally shown in **Exhibit 1**.

Exhibit 1
Proposed Salary Changes for Somerset County Officials

<u>Public Official</u>	<u>Current Salary</u>	<u>Proposed Salary</u>
Sheriff	\$75,000	\$85,000
State's Attorney	113,066	129,066
Orphans' Court - Associate Judge	3,400	4,800
Orphans' Court - Chief Judge	3,800	5,200
County Commissioner	8,500	10,000
County Commissioner - President	9,500	11,000
County Roads Board - Member	7,500	10,000
County Roads Board - President	8,500	11,000

Source: Department of Legislative Services

The bill also increases, from \$34.50 to \$55, the daily allowance for any traveling expenses of the chief judge and associate judges of the county's orphans' court.

As shown in Exhibit 1, the current State's Attorney's annual salary is \$113,066; the salary is altered under the bill to be 80% of the salary of a District Court judge. The current (fiscal 2022) salary for a District Court judge is \$161,333. Numerous other counties, including Caroline, Dorchester, and Talbot counties, also tie the salary of the State's Attorney to a percentage of a District Court judge's salary.

Article III, § 35 of the Maryland Constitution prohibits the salary or compensation of any public official 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. According to a letter from the counsel to the General Assembly, dated January 17, 1978, salary increases that are to be implemented over a period of time are permissible if implemented before the beginning of the term.

Local Fiscal Effect: Somerset County expenditures increase by a minimum of \$35,059 in fiscal 2023 and by a minimum of \$60,129 annually thereafter. This estimate (1) is based on the current salary for a District Court judge; (2) assumes the next terms of office begin December 2022; and (3) includes fringe benefits and estimated travel expenditures, as provided by the county. The Department of Legislative Services notes, however, that joint resolutions to increase judicial salaries over fiscal 2023 to 2026 have been introduced in both the House and the Senate, pursuant to the statutory requirements regarding the Judicial

Compensation Commission. To the extent that judicial salaries are increased as a result of the resolutions, Somerset County expenditures likewise further increase accordingly.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 439 (Senator Carozza) - Judicial Proceedings.

Information Source(s): Somerset County; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2022
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