

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 738

(Senator Waugh)

Judicial Proceedings

St. Mary's County - Circuit Court Personnel - Repeal

This bill repeals obsolete provisions of the Public Local Laws of St. Mary's County relating to the appointment and salaries of law clerks and secretaries for the St. Mary's County Circuit Court.

Fiscal Summary

State Effect: None. The bill is technical in nature and does not impact State operations or finances.

Local Effect: None. The bill is technical in nature and does not impact local operations or finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: The bill repeals provisions of law authorizing a resident judge of the St. Mary's County Circuit Court to appoint a law clerk, who must receive compensation as fixed by the county commissioners. The bill also repeals provisions authorizing judges in St. Mary's County to appoint a secretary, as specified, whose salary is paid by the county commissioners.

Pursuant to § 2-501 of the Courts and Judicial Proceedings Article, the judges of the circuit court for a county may employ staff, as specified and necessary, to conduct the business of the court, including secretaries and law clerks. The circuit court employees are entitled to compensation as provided in the appropriate budget. Section 2-512 of the Courts and

Judicial Proceedings Article also specifically states that each circuit court judge must have one law clerk, who is employed by the State. The budget for the Administrative Office of the Courts must include funds to employ one law clerk for each circuit court judge.

Background: St. Mary's County advises that the bill is intended to repeal provisions of local law that have since become obsolete due to the provisions of the Courts and Judicial Proceedings Article as specified above.

State/Local Fiscal Effect: St. Mary's County advises that the bill is intended only to repeal obsolete provisions of local law. The State continues to be responsible for paying the salaries of judicial law clerks in St. Mary's County and the county continues to be responsible for paying the salaries of judicial secretaries. The Judiciary also advises that there is no impact.

Additional Information

Prior Introductions: HB 1185 of 2016 passed the House as amended and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, SB 1000, passed the Senate as amended and was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: HB 700 (St. Mary's County Delegation) - Environment and Transportation.

Information Source(s): St. Mary's County; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2017
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