

MARS/djh

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 19

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “State Court Administrator” and substitute “Department of Public Safety and Correctional Services”; strike beginning with “requiring” in line 9 down through “employees;” in line 10; strike beginning with “authorizing” in line 12 down through “fees” in line 15 and substitute “requiring private contractors to offer employment to employees who are affected by the transfer of collection responsibilities under this Act, on certain terms, for a certain duration, and at a certain salary and benefit level; requiring a private contractor to adopt a certain grievance procedure for certain employees; requiring the Secretary of Public Safety and Correctional Services to assist certain employees in identifying certain positions to which the employee may transfer; providing that an employee who declines an offer of employment under this Act is considered laid off and is entitled to certain rights; providing that certain current State employees who are employed by the contractors may return to State service at the termination of the Program under certain conditions”; and in line 16, after “report;” insert “providing for the expansion of the pilot program to an additional county;”.

AMENDMENT NO. 2

On page 1, in lines 27 and 28, strike “BALTIMORE CITY” and substitute “HARFORD COUNTY”.

On page 2, in line 12, strike “STATE COURT ADMINISTRATOR” and substitute “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; in line 14, strike “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES” and substitute “STATE COURT ADMINISTRATOR”; and in lines 16 and 18, in each instance, strike “ALL”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 30 through 32, inclusive, and substitute:

(Over)

“(E) REIMBURSEMENT FOR A PRIVATE CONTRACTOR UNDER THIS PROGRAM MAY BE BASED ON:

(1) FOR RESTITUTION PAYMENTS, A DELINQUENCY FEE IMPOSED, IN ADDITION TO THE RESTITUTION AWARDED, BY THE COURT ON RESTITUTION PAYMENTS; AND

(2) FOR ALL OTHER COSTS, FINES, AND FEES PROVIDED UNDER SUBSECTION (A) OF THIS SECTION:

(I) A DELINQUENCY FEE IMPOSED ON THOSE PAYMENTS;

(II) A PERCENTAGE OF THE TOTAL AMOUNT OF MONEY COLLECTED BY THE PRIVATE CONTRACTOR; OR

(III) A COMBINATION OF PAYMENT MECHANISMS.”.

AMENDMENT NO. 4

On pages 2 and 3, strike in their entirety the lines beginning with line 33 on page 2 through line 6 on page 3, inclusive, and substitute:

“(F) (1) PRIVATE CONTRACTORS SHALL OFFER EMPLOYMENT ON TERMS CONSIDERED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO BE FAIR AND EQUITABLE TO ANY EMPLOYEES WHO ARE AFFECTED BY THE TRANSFER OF COLLECTION RESPONSIBILITIES UNDER THIS SECTION AND TO RETAIN ANY EMPLOYEES WHO ACCEPT THE OFFER:

(I) FOR THE DURATION OF THE PILOT PROGRAM, UNLESS THERE IS CAUSE FOR DISMISSAL; AND

(II) AT A SALARY AND BENEFIT LEVEL COMPARABLE TO THE SALARY AND BENEFITS TO WHICH THEY WERE ENTITLED AT THE TIME OF THE TRANSFER.

(2) A PRIVATE CONTRACTOR SHALL ADOPT A GRIEVANCE PROCEDURE FOR EMPLOYEES WHO ARE RETAINED BY THE PRIVATE CONTRACTOR UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL ASSIST AN EMPLOYEE WHO DECLINES AN OFFER OF EMPLOYMENT WITH A PRIVATE CONTRACTOR TO IDENTIFY A COMPARABLE POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM TO WHICH THE EMPLOYEE MAY TRANSFER.

(4) AN EMPLOYEE WHO DECLINES AN OFFER OF EMPLOYMENT WITH A PRIVATE CONTRACTOR UNDER THIS SECTION SHALL BE CONSIDERED LAID OFF AND SHALL BE ENTITLED TO ALL RIGHTS SPECIFIED UNDER TITLE 11, SUBTITLE 2 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.”.

AMENDMENT NO. 5

On page 3, strike beginning with “IMMEDIATELY” in line 8 down through “OWED” in line 9 and substitute “AFTER A FINAL JUDGMENT AT THE TIME PROVIDED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IN THE REQUEST FOR PROPOSALS, BUT NO SOONER THAN 30 DAYS AFTER A PAYMENT IS IN ARREARS”; strike beginning with “BE” in line 12 down through “(I)” in line 13; in line 13, after “INFORMATION” insert “FROM THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OR THE STATE COURT ADMINISTRATOR AS PROVIDED IN THE REQUEST FOR PROPOSALS”; in the same line, strike “AND”; in line 14, strike “(II)” and substitute “(4)”; in line 16, strike “(4)” and substitute “(5)”; strike beginning with “IN” in line 17 down through “COSTS” in line 25 and substitute “, PROVIDED THAT RESTITUTION PAYMENTS AND FEES OTHER THAN RESTITUTION PAYMENTS ORDERED BY A COURT TO BE PAID TO A VICTIM OF CRIME SHALL BE THE HIGHEST PRIORITY”; and strike in their entirety lines 26 through 35, inclusive.

AMENDMENT NO. 6

On page 4, strike in their entirety lines 1 through 10, inclusive; in line 11, strike “(I)” and substitute “(H)”; in line 12, after “THE” insert “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND THE”; after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That an individual who is a State employee as of November 1, 1997, who is hired by a private contractor under Section 1 of this Act, and who remains employed by the contractor as of the termination of the Privatization Program

established under Section 1 of this Act:

(1) may return to State service at any time while the pilot program is in existence and on the termination of the Pilot Program at a grade and step comparable to the grade and step that the employee would have attained but for the implementation of the pilot program with full restoration of benefits and seniority rights; and

(2) notwithstanding limits under §§ 22-216 and 23-214 of the State Personnel and Pensions Article, may be reinstated as a member of the Employees' Pension System or the Employees' Retirement System in accordance with their membership as a State employee and be entitled to the restoration of any service credit to which the individual was entitled before employment with the private contractor whether or not the individual was vested under those systems.”;

in lines 14 and 22, strike “2.” and “3.”, respectively, and substitute “3.” and “5.”, respectively; in line 15, after “, the” insert “Department of Public Safety and Correctional Services, in consultation with the”; in the same line, after “Administrator” insert a comma; in line 20, after “The” insert “Department of Public Safety and Correctional Services, in consultation with the”; in the same line, after “Administrator” insert a comma; and after line 21, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That, if necessary to reach a minimum caseload to attract potential pilot program contractor bids under this Act, the Department of Public Safety and Correctional Services, in consultation with the State Court Administrator, may add one additional county to the pilot program. The Department of Public Safety and Correctional Services and the State Court Administrator shall consult with the Administrative Judge and the Chief Clerk of the proposed county or of Baltimore City prior to adding the county or Baltimore City to the pilot program.”.