

HOUSE BILL 181

Unofficial Copy
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1999 Regular Session
9lr0217
CF 9lr0205

By: **The Speaker (Administration) and Delegates Rawlings, Slade,
Dewberry, and Pitkin**

Introduced and read first time: February 1, 1999

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 1999

CHAPTER _____

1 AN ACT concerning

2 **Circuit Courts - Efficiency and Equity**

3 FOR the purpose of requiring certain funding in the budget for the Judiciary
4 ~~Department~~ to pay the salaries, benefits, and operating expenses of certain
5 circuit court personnel performing jury management and assignment functions,
6 circuit court masters, and certain administrative support personnel beginning
7 in a certain fiscal year; ~~providing that certain personnel are not employees of~~
8 ~~the State; authorizing certain employees to elect to become State employees;~~
9 ~~requiring that certain employees hired after a certain date become State~~
10 ~~employees; requiring the Administrative Office of the Courts and the~~
11 ~~Department of Budget and Management to perform certain duties; providing for~~
12 ~~the duties and employment of certain masters; authorizing the Court of Appeals~~
13 ~~to adopt certain rules concerning certain State standing masters; increasing the~~
14 State per diem amount for jurors' expenses beginning in a certain fiscal year;
15 requiring certain fiscal savings resulting from this Act to be expended for
16 certain purposes under certain conditions; requiring certain local governments
17 to report certain information to the Department of Budget and Management;
18 ~~requiring that certain plans required by this Act account for the employment of~~
19 ~~certain individuals; requiring the reimbursement of certain funds in a certain~~
20 ~~manner based on certain expenses; requiring the establishment of certain salary~~
21 ~~schedules; requiring that certain salary and classification schedules be~~
22 published; requiring that the Chief Judge of the Court of Appeals create and
23 submit a certain plan; providing for the delayed effective date for certain
24 provisions of this Act; and generally relating to the funding and administration
25 of the circuit courts.

26 BY adding to

1 Article - Courts and Judicial Proceedings
 2 Section 2-512 ~~and 2-513~~
 3 Annotated Code of Maryland
 4 (1998 Replacement Volume)

5 BY repealing and reenacting, with amendments,
 6 Article - Courts and Judicial Proceedings
 7 Section 8-106
 8 Annotated Code of Maryland
 9 (1998 Replacement Volume)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Courts and Judicial Proceedings**

13 2-512.

14 ~~(A) BEGINNING IN FISCAL YEAR 2001, THERE SHALL BE INCLUDED IN THE~~
 15 ~~STATE BUDGET FOR THE JUDICIARY DEPARTMENT OF MARYLAND AN~~
 16 ~~AUTHORIZATION TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN THE AMOUNT~~
 17 ~~NECESSARY TO PAY THE SALARIES, BENEFITS, AND OPERATING EXPENSES OF~~
 18 ~~CIRCUIT COURT PERSONNEL PERFORMING JURY MANAGEMENT AND ASSIGNMENT~~
 19 ~~FUNCTIONS, INCLUDING:~~

20 ~~(1) JURY COMMISSIONERS AND OTHER EMPLOYEES PERFORMING JURY~~
 21 ~~ADMINISTRATIVE FUNCTIONS; AND~~

22 ~~(2) ASSIGNMENT COMMISSIONERS AND OTHER EMPLOYEES~~
 23 ~~PERFORMING ASSIGNMENT FUNCTIONS.~~

24 ~~(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, ALL~~
 25 ~~PERSONNEL IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION SHALL REMAIN~~
 26 ~~LOCAL EMPLOYEES AND SHALL NOT BE EMPLOYEES OF THE STATE.~~

27 ~~(2) (1) PERSONNEL IDENTIFIED UNDER SUBSECTION (A) OF THIS~~
 28 ~~SECTION MAY ELECT TO BECOME STATE EMPLOYEES BETWEEN MAY 1, 2000 AND MAY~~
 29 ~~31, 2000.~~

30 ~~(H) PERSONNEL ELECTING TO BECOME STATE EMPLOYEES UNDER~~
 31 ~~THIS PARAGRAPH SHALL BECOME STATE EMPLOYEES ON JULY 1, 2000.~~

32 ~~(3) PERSONNEL IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION~~
 33 ~~Hired ON OR AFTER JULY 1, 2000, SHALL BE EMPLOYEES OF THE STATE.~~

34 ~~(C) THE ADMINISTRATIVE OFFICE OF THE COURTS IN CONSULTATION WITH~~
 35 ~~THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL:~~

1 (1) ~~IDENTIFY THE PERSONNEL PERFORMING JURY MANAGEMENT AND~~
2 ~~ASSIGNMENT FUNCTIONS; AND~~

3 (2) ~~DEVELOP A PERSONNEL MANAGEMENT PLAN AND FUNDING PLAN~~
4 ~~TO IMPLEMENT THIS SECTION.~~

5 ~~(D) THE STATE SHALL REIMBURSE A COUNTY ON A QUARTERLY BASIS FOR~~
6 ~~ALL SALARIES AND BENEFITS OF EMPLOYEES NOT ELECTING TO BECOME STATE~~
7 ~~EMPLOYEES UNDER THIS SECTION.~~

8 ~~2-513.~~

9 ~~(A) BEGINNING IN FISCAL YEAR 2001, THERE SHALL BE INCLUDED IN THE~~
10 ~~STATE BUDGET FOR THE JUDICIARY DEPARTMENT OF MARYLAND AN~~
11 ~~AUTHORIZATION TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN THE AMOUNT~~
12 ~~NECESSARY TO PAY THE SALARIES, BENEFITS, AND OPERATING EXPENSES OF~~
13 ~~CIRCUIT COURT MASTERS AND THEIR ADMINISTRATIVE SUPPORT PERSONNEL.~~

14 ~~(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, ALL~~
15 ~~PERSONNEL IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION SHALL REMAIN~~
16 ~~LOCAL EMPLOYEES AND SHALL NOT BE EMPLOYEES OF THE STATE.~~

17 ~~(2) (1) PERSONNEL IDENTIFIED UNDER SUBSECTION (A) OF THIS~~
18 ~~SECTION MAY ELECT TO BECOME STATE EMPLOYEES BETWEEN MAY 1, 2000 AND MAY~~
19 ~~31, 2000.~~

20 ~~(H) PERSONNEL ELECTING TO BECOME STATE EMPLOYEES UNDER~~
21 ~~THIS PARAGRAPH SHALL BECOME STATE EMPLOYEES ON JULY 1, 2000.~~

22 ~~(3) PERSONNEL IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION~~
23 ~~HIRED ON OR AFTER JULY 1, 2000, SHALL BE EMPLOYEES OF THE STATE.~~

24 ~~(C) THE ADMINISTRATIVE OFFICE OF THE COURTS IN CONSULTATION WITH~~
25 ~~THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL:~~

26 ~~(1) IDENTIFY CIRCUIT COURT MASTERS AND THEIR ADMINISTRATIVE~~
27 ~~SUPPORT PERSONNEL; AND~~

28 ~~(2) DEVELOP A PERSONNEL MANAGEMENT PLAN AND FUNDING PLAN~~
29 ~~TO IMPLEMENT THIS SECTION.~~

30 ~~(D) THE STATE SHALL REIMBURSE A COUNTY ON A QUARTERLY BASIS FOR~~
31 ~~ALL SALARIES AND BENEFITS OF EMPLOYEES NOT ELECTING TO BECOME STATE~~
32 ~~EMPLOYEES UNDER THIS SECTION.~~

33 ~~(E) STANDING MASTERS SHALL REPORT TO AND PERFORM THE DUTIES AND~~
34 ~~THE ASSIGNMENTS DETERMINED BY THE CIRCUIT COURT JUDGES OF THAT CIRCUIT.~~

35 ~~(F) THE COURT OF APPEALS MAY ADOPT RULES CONCERNING THE STATE~~
36 ~~STANDING MASTER POSITIONS DESCRIBED IN THIS SECTION.~~

1 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT BEGINNING IN FISCAL
 2 YEAR 2001, PURSUANT TO A PLAN CREATED BY THE CHIEF JUDGE OF THE COURT OF
 3 APPEALS IN CONSULTATION WITH THE GOVERNOR, THE STATE BUDGET FOR THE
 4 JUDICIARY SHALL INCLUDE AN AUTHORIZATION IN THE AMOUNT NECESSARY TO
 5 PAY THE SALARY, BENEFITS, AND OPERATING EXPENSES OF THE FOLLOWING
 6 CIRCUIT COURT PERSONNEL:

7 (1) JURY COMMISSIONERS AND OTHER EMPLOYEES PERFORMING JURY
 8 ADMINISTRATIVE FUNCTIONS;

9 (2) ASSIGNMENT COMMISSIONERS AND OTHER EMPLOYEES
 10 PERFORMING ASSIGNMENT FUNCTIONS; AND

11 (3) CIRCUIT COURT MASTERS, INCLUDING FAMILY LAW MASTERS, AND
 12 THEIR ADMINISTRATIVE SUPPORT PERSONNEL.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 14 read as follows:

15 **Article - Courts and Judicial Proceedings**

16 8-106.

17 (a) In this section, "day" means the length of time in any 24-hour period
 18 during which a juror is required to be in attendance at or in proximity to the court in
 19 which the juror has been called as a juror.

20 (b) A juror shall receive a State per diem amount of [\$5] \$15 each day the
 21 juror attends court.

22 (c) The government of each county may supplement the State per diem
 23 amount by local ordinance.

24 (d) There shall be included in the State budget for the Judiciary ~~Department~~
 25 ~~of Maryland~~ beginning in fiscal year {2000} 2001, an authorization to the
 26 Administrative Office of the Courts in the total amount necessary to pay jurors the
 27 State per diem amount.

28 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That:

29 (1) Beginning in fiscal year 2001 and each fiscal year thereafter, each
 30 county and Baltimore City shall use the local fiscal savings resulting from this Act to
 31 increase local expenditures in one or more of the following categories:

32 (i) police officers and other law enforcement personnel; ~~and~~

33 (ii) prosecutors in offices of the State's Attorney;

34 (iii) school security;

1 (iv) public safety technology and wireless communication systems,
2 except for those related to local detention center operations; and

3 (v) law enforcement officer community involvement programs.

4 (2) Beginning in fiscal year 2001 through fiscal year 2008, each county
5 and Baltimore City shall report to the Department of Budget and Management on or
6 before November 1 on the public safety expenditures to which the savings resulting
7 from this Act have been applied.

8 (3) Public safety expenditures required under this section shall be used
9 to supplement and may not supplant existing local expenditures for the same
10 purposes.

11 ~~SECTION 3. 4. AND BE IT FURTHER ENACTED, That the personnel~~
12 ~~management and funding plans required under Sections 2-512 and 2-513 of the~~
13 ~~Courts and Judicial Proceedings Article as enacted by Section 1 of this Act shall~~
14 ~~account for individuals performing the functions identified in these sections on a~~
15 ~~part-time basis.~~

16 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the county~~
17 ~~reimbursement required under Sections 2-512 and 2-513 of this Act shall be based on~~
18 ~~the State salary and benefit expenses that would have been paid to county employees~~
19 ~~had they elected to become State employees on or before October 1, 1999, the Chief~~
20 ~~Judge of the Court of Appeals and the Administrative Office of the Courts, in~~
21 ~~consultation with the Governor, shall prepare and submit a plan to the budget and~~
22 ~~judiciary committees of the General Assembly and to the Governor for increasing the~~
23 ~~State's role in the circuit courts and associated efficiency improvements. The plan~~
24 ~~shall include conversion of employees affected by this Act to State employees,~~
25 ~~improved allocation of resources among the circuit courts, development of a statewide~~
26 ~~judicial personnel system, and strategies for ensuring management consistency and~~
27 ~~compensation uniformity for employees impacted by this Act. The plan shall include~~
28 ~~draft legislation to be submitted in the 2000 legislative session which provides for~~
29 ~~State assumption of the salaries, benefits, and operating expenses of the circuit court~~
30 ~~employees described in Section 1 of this Act.~~

31 ~~SECTION 5. AND BE IT FURTHER ENACTED, That the State salary~~
32 ~~schedules required under Sections 2-512 and 2-513 of this Act shall be based on~~
33 ~~comparable salaries of State employees performing similar duties.~~

34 ~~SECTION 6. AND BE IT FURTHER ENACTED, That developing the~~
35 ~~personnel management plans required under Sections 2-512 and 2-513 of this Act,~~
36 ~~the Administrative Office of the Courts shall, by no later than April 1, 2000, publish~~
37 ~~a State salary and classification schedule for employees identified under these~~
38 ~~sections. a county or Baltimore City shall supplement the State juror per diem~~
39 ~~amount established under this Act in an amount sufficient to maintain the total~~
40 ~~current per diem amount provided in that county or City, unless the county or City~~
41 ~~modifies the supplemental amount by local ordinance. A local ordinance is not~~

1 required to reduce the current county or City per diem in response to increases in the
2 State per diem amount.

3 SECTION ~~7.~~ 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act
4 shall take effect ~~July 1, 1999~~ July 1, 2000.

5 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in
6 Section 6 of this Act, this Act shall take effect July 1, 1999.