

SENATE BILL 133

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1999 Regular Session
9lr0205
CF 9lr0217

By: **The President (Administration) and Senator Green**

Introduced and read first time: January 22, 1999

Assigned to: Judicial Proceedings and Budget and Taxation

A BILL ENTITLED

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; and generally relating to the funding and administration of the
23 circuit courts.

24 BY adding to

25 Article - Courts and Judicial Proceedings
26 Section 2-512 and 2-513
27 Annotated Code of Maryland
28 (1998 Replacement Volume)

29 BY repealing and reenacting, with amendments,

30 Article - Courts and Judicial Proceedings
31 Section 8-106
32 Annotated Code of Maryland

1 (1998 Replacement Volume)

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

4 **Article - Courts and Judicial Proceedings**

5 2-512.

6 (A) BEGINNING IN FISCAL YEAR 2001, THERE SHALL BE INCLUDED IN THE
7 STATE BUDGET FOR THE JUDICIARY DEPARTMENT OF MARYLAND AN
8 AUTHORIZATION TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN THE AMOUNT
9 NECESSARY TO PAY THE SALARIES, BENEFITS, AND OPERATING EXPENSES OF
10 CIRCUIT COURT PERSONNEL PERFORMING JURY MANAGEMENT AND ASSIGNMENT
11 FUNCTIONS, INCLUDING:

12 (1) JURY COMMISSIONERS AND OTHER EMPLOYEES PERFORMING JURY
13 ADMINISTRATIVE FUNCTIONS; AND

14 (2) ASSIGNMENT COMMISSIONERS AND OTHER EMPLOYEES
15 PERFORMING ASSIGNMENT FUNCTIONS.

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

19 (2) (I) PERSONNEL IDENTIFIED UNDER SUBSECTION (A) OF THIS
20 SECTION MAY ELECT TO BECOME STATE EMPLOYEES BETWEEN MAY 1, 2000 AND MAY
21 31, 2000.

22 (II) PERSONNEL ELECTING TO BECOME STATE EMPLOYEES UNDER
23 THIS PARAGRAPH SHALL BECOME STATE EMPLOYEES ON JULY 1, 2000.

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

26 (C) THE ADMINISTRATIVE OFFICE OF THE COURTS IN CONSULTATION WITH
27 THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL:

28 (1) IDENTIFY THE PERSONNEL PERFORMING JURY MANAGEMENT AND
29 ASSIGNMENT FUNCTIONS; AND

30 (2) DEVELOP A PERSONNEL MANAGEMENT PLAN AND FUNDING PLAN
31 TO IMPLEMENT THIS SECTION.

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

1 2-513.

2 (A) BEGINNING IN FISCAL YEAR 2001, THERE SHALL BE INCLUDED IN THE
3 STATE BUDGET FOR THE JUDICIARY DEPARTMENT OF MARYLAND AN
4 AUTHORIZATION TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN THE AMOUNT
5 NECESSARY TO PAY THE SALARIES, BENEFITS, AND OPERATING EXPENSES OF
6 CIRCUIT COURT MASTERS AND THEIR ADMINISTRATIVE SUPPORT PERSONNEL.

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

10 (2) (I) PERSONNEL IDENTIFIED UNDER SUBSECTION (A) OF THIS
11 SECTION MAY ELECT TO BECOME STATE EMPLOYEES BETWEEN MAY 1, 2000 AND MAY
12 31, 2000.

13 (II) PERSONNEL ELECTING TO BECOME STATE EMPLOYEES UNDER
14 THIS PARAGRAPH SHALL BECOME STATE EMPLOYEES ON JULY 1, 2000.

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

17 (C) THE ADMINISTRATIVE OFFICE OF THE COURTS IN CONSULTATION WITH
18 THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL:

19 (1) IDENTIFY CIRCUIT COURT MASTERS AND THEIR ADMINISTRATIVE
20 SUPPORT PERSONNEL; AND

21 (2) DEVELOP A PERSONNEL MANAGEMENT PLAN AND FUNDING PLAN
22 TO IMPLEMENT THIS SECTION.

23 (D) THE STATE SHALL REIMBURSE A COUNTY ON A QUARTERLY BASIS FOR
24 ALL SALARIES AND BENEFITS OF EMPLOYEES NOT ELECTING TO BECOME STATE
25 EMPLOYEES UNDER THIS SECTION.

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

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

30 8-106.

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

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

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

3 (d) There shall be included in the State budget for the Judiciary Department
4 of Maryland beginning in fiscal year [2000] 2001, an authorization to the
5 Administrative Office of the Courts in the total amount necessary to pay jurors the
6 State per diem amount.

7 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

11 (i) police officers and other law enforcement personnel; and

12 (ii) prosecutors in offices of the State's Attorney.

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

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

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

25 SECTION 4. AND BE IT FURTHER ENACTED, That the county
26 reimbursement required under Sections 2-512 and 2-513 of this Act shall be based on
27 the State salary and benefit expenses that would have been paid to county employees
28 had they elected to become State employees.

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

32 SECTION 6. AND BE IT FURTHER ENACTED, That in developing the
33 personnel management plans required under Sections 2-512 and 2-513 of this Act,
34 the Administrative Office of the Courts shall, by no later than April 1, 2000, publish
35 a State salary and classification schedule for employees identified under these
36 Sections.

37 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take
38 effect July 1, 1999.

