



Maryland

DEPARTMENT OF BUDGET
AND MANAGEMENT

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Deputy Secretary

HOUSE BILL 1531 State Finance and Procurement – Central Collection Unit – Powers (P. Young, et al)

POSITION: OPPOSE

DATE: February 27, 2020

COMMITTEE: House Appropriations Committee

SUMMARY OF BILL: HB 1531 reduces the maximum collection fee that can be assessed by the Central Collections Unit (CCU) from 20% to 5%; and repeals CCU's authority to settle delinquent debts without first filing suit. The bill is effective October 1, 2020.

EXPLANATION OF POSITION: CCU is a special funded division of the Department of Budget and Management (DBM) that collects delinquent debts owed to the State. State agencies refer unsettled debt, with the exception of child support payments and tax payments, to CCU.

Collection Fee. The maximum statutory collection fee is 20%. However, the current fee is 17%, as set by the Secretary of DBM, and is assessed to eligible delinquent debts assigned to CCU for collection. All fees collected pay for the operations of CCU, which receives no General Funds. After all expenses are deducted, CCU retains 15% of the amount of the prior fiscal year's operating expenses to partially fund the next fiscal year's operations. All remaining fees collected revert to the General Fund – the FY 2021 Budget allowance estimates this amount to be \$3 million.

Reducing CCU's collection fee to 5%, based on projected collections, would create a budget shortfall in CCU of \$10.3 million for FY 2021. The cumulative budget shortfall estimate for FY 2021-2025 is \$62.3 million. CCU's FY 2021 personnel expenses for 120 full-time State employees is \$10.2 million. The impact of this fee reduction provision eviscerates CCU's ability to collect delinquent State debt using a business model that relies on collection fees to pay for operations. Therefore, the bill necessitates an ongoing backfill of General Funds to address the budget shortfall.

It is important to note that CCU also provides manpower and technical assistance to various settlement/amnesty programs offered periodically by the State. In 2019, CCU provided assistance to MAIF in executing an amnesty program impacting over 400,000 vehicle-related debts. This assistance was provided with no increase in budget or manpower. Any reduction in CCU's staff, resulting from

45 Calvert Street • Annapolis, MD 21401-1907

Tel: 410-260-7041 • Fax: 410-974-2585 • Toll Free: 1-800-705-3493 • TTY Users: Call via Maryland Relay

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passage of this legislation, would prevent CCU from continuing to provide support for similar amnesty programs.

Debt Settlement. CCU has the ability to settle debts owed to the State. This process has significant benefits for individuals who owe debts to the State. Debtors are allowed to pay the debt in full, pay the debt over time, or propose a lower payment amount to settle the debt in full. All requests for settlement of debts are carefully reviewed by CCU management, assistant attorney generals, and typically the agency referring the debt to CCU to determine the best outcome for the State and the debtor.

CCU entertains most reasonable offers of settlement. The offer is weighed, giving consideration to: the present value of payment versus the possibility of longer payment periods or no payment; any applicable maximum insurance policy limits, and debtor's individual circumstances.

CCU may settle the debt or negotiate an amount sufficient to cover the State's losses and expenses. The settlement process allows CCU, by considering all circumstances, to take the action most beneficial to the State while avoiding significant debtor hardship or years of potential litigation.

Relying on litigation to settle debt, as required by this legislation, is a lengthy and labor intensive process. Requiring CCU to file suit on all debts referred to it would require the need for significant increases in attorneys' positions and related personnel to process the increased caseload. Further, an additional burden on the court system would be created. The litigation process creates an unnecessary burden on debtors to defend the litigation. DBM has not analyzed the additional fiscal impact of this provision. The current debt settlement process is a more efficient and effective process for all parties.

For these reasons, the Department respectfully requests an unfavorable report.

**For additional information, contact Barbara Wilkins at
(410) 260-6371 or barbara.wilkins1@maryland.gov**