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By: **Delegates McIntosh and Rawlings**  
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Committee Report: Favorable  
House action: Adopted  
Read second time: March 25, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Employees - District Court Employees**

3 FOR the purpose of removing certain clerical, administrative, and full-time constable  
4 positions in the District Court of Maryland from the State Personnel  
5 Management System; providing that certain clerical, administrative, and  
6 constabular employees of the District Court are in the personnel system of the  
7 judicial branch; repealing a certain provision of law requiring that the salary of  
8 certain commissioners be set by the Secretary of Budget and Management;  
9 making a stylistic change; providing that this Act is not intended to affect  
10 certain benefits of employees transferred under this Act and that the employees  
11 shall be transferred without any diminution of compensation or benefits; and  
12 generally relating to employees of the District Court of Maryland.

13 BY repealing and reenacting, with amendments,  
14 Article - Courts and Judicial Proceedings  
15 Section 2-601(b), 2-604(b), and 2-607(b)  
16 Annotated Code of Maryland  
17 (1995 Replacement Volume and 1997 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - State Personnel and Pensions  
20 Section 6-303, 6-401, 9-202(a), and 9-801(a)  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume)

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

1 **Article - Courts and Judicial Proceedings**

2 2-601.

3 (b) Except as [provided in § 2-602 of this subtitle or] otherwise PROVIDED by  
4 law, the clerical, administrative, and constabular employees of the District Court  
5 shall be appointed by the Chief Judge of the District Court on the recommendation of  
6 the administrative judge for the district [and shall be in the skilled service, with the  
7 exception of special appointments, in the State Personnel Management System] AND  
8 SHALL BE IN THE PERSONNEL SYSTEM OF THE JUDICIAL BRANCH.

9 2-604.

10 (b) Constables may serve either full time or part time. Full-time constables  
11 [are in the skilled service, with the exception of special appointments, in the State  
12 Personnel Management System and] shall be paid on the same salary scale as that  
13 set by the Secretary of Budget and Management pursuant to § 2-309(d) of this article  
14 for full-time deputy sheriffs in Baltimore City. Part-time constables [are not in the  
15 State Personnel Management System, and] are paid the compensation prescribed by  
16 the General Assembly, and serve at the pleasure of the Chief Judge of the District  
17 Court.

18 2-607.

19 (b) (1) Commissioners shall be adult residents of the counties in which they  
20 serve, but they need not be lawyers.

21 [(2) The salary of commissioners shall be set by the Secretary of Budget  
22 and Management.

23 (3)] (2) Each commissioner shall hold office at the pleasure of the Chief  
24 Judge of the District Court, and has the powers and duties prescribed by law.

25 [(4)] (3) Except without additional compensation, unless otherwise fixed  
26 by law, an employee of the District Court, who is an adult, may be granted, in the  
27 same manner, commissioner powers and duties in the county where [he] THE  
28 EMPLOYEE is employed.

29 **Article - State Personnel and Pensions**

30 6-303.

31 All positions in the Judicial Branch of State government are excluded from the  
32 State Personnel Management System except[:

33 (1) the positions in the District Court of Maryland that are listed in §  
34 6-401(b) of this title; or

35 (2)] as otherwise provided by law.

1 6-401.

2 (a) Except as provided in this title or otherwise by law, all positions in the  
3 Executive Branch of State government that are included in the State Personnel  
4 Management System are in the skilled service.

5 [(b) Except as otherwise provided by law, the following positions in the Judicial  
6 Branch of State government are in the skilled service:

7 (1) clerical and administrative positions in the District Court of  
8 Maryland; and

9 (2) full-time constables in the District Court of Maryland.

10 (c)] (B) The skilled service includes any other position that is specified by law  
11 to be in the skilled service.

12 9-202.

13 (a) Except as provided in subsection (b) of this section, this subtitle applies  
14 to[:

15 (1)] all employees of all units in the Executive Branch of State  
16 government, including any unit with an independent personnel system[; and

17 (2) all employees of the District Court of Maryland who are in the State  
18 Personnel Management System].

19 9-801.

20 (a) Except as provided in subsection (b) of this section, this subtitle applies  
21 to[:

22 (1)] all employees, including temporary employees, of all units in the  
23 Executive Branch of State government, including any unit with an independent  
24 personnel system[; and

25 (2) all employees of the District Court of Maryland who are in the State  
26 Personnel Management System].

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is not intended to  
28 affect the benefits allowed from time to time under the State Employee and Retiree  
29 Health and Welfare Benefits Program or the State Retirement and Pension System  
30 for any employee transferred from the State Personnel Management System under  
31 this Act. These employees shall not lose any compensation solely as a result of the  
32 transfer, nor lose any accumulated leave, leave accrual rates, or other benefits.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 July 1, 1998.

