

# HOUSE BILL 1338

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CF SB 927

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By: **Delegates Levi and Manno**

Introduced and read first time: February 18, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Charter and Code Home Rule Counties – Furlough of County Employees –**  
3 **Public Safety Officers**

4 FOR the purpose of authorizing a county that has adopted charter or code home rule  
5 to provide for the furlough of county employees; prohibiting a charter or code  
6 home rule county from imposing a furlough on certain employees under certain  
7 conditions; and generally relating to the furlough of charter and code home rule  
8 county employees.

9 BY repealing and reenacting, with amendments,  
10 Article 25A – Chartered Counties of Maryland  
11 Section 5(Q)  
12 Annotated Code of Maryland  
13 (2005 Replacement Volume and 2008 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article 25B – Home Rule for Code Counties  
16 Section 13  
17 Annotated Code of Maryland  
18 (2005 Replacement Volume and 2008 Supplement)

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

21 **Article 25A – Chartered Counties of Maryland**

22 5.

23 The following enumerated express powers are granted to and conferred upon  
24 any county or counties which hereafter form a charter under the provisions of Article  
25 XI–A of the Constitution, that is to say:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(Q)

(1) To provide for the appointment and removal of all county officers except those whose appointment or election is provided for by the Constitution or public general law, and to establish a merit system, if deemed desirable, in connection with the appointment of all county officials and employees not elected or appointed under the Constitution and the public general laws; to fix the qualifications and term of office of such county executive authority as may be established, and to fix its compensation; provided that the county council may enact local laws designed to prevent conflicts between the private interests and public duties of any county officers, including members of the county council, and to govern the conduct and actions of all such county officers in the performance of their public duties, and to provide for penalties, including removal from office, for violation of any such laws or the regulations adopted thereunder.

(2) (I) **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, TO PROVIDE FOR THE FURLOUGH OF COUNTY EMPLOYEES.**

(II) **IF AN EMPLOYEE IS A PUBLIC SAFETY OFFICER AS DEFINED IN § 8-520(A) OF THE CRIMINAL LAW ARTICLE AND A MEMBER OF A COLLECTIVE BARGAINING UNIT, A FURLOUGH MAY NOT BE IMPOSED ON THE EMPLOYEE UNLESS THE FURLOUGH HAS BEEN THE SUBJECT OF COLLECTIVE BARGAINING WITH THE PUBLIC SAFETY OFFICER'S EXCLUSIVE BARGAINING REPRESENTATIVE.**

(3) To provide for the conduct of a special election to fill a vacancy in the county council that occurs upon the death or resignation of a member of the county council or on forfeiture of office by a member of the county council.

#### **Article 25B – Home Rule for Code Counties**

13.

If a county adopts code home rule status under the provisions of Article XI-F of the Maryland Constitution and this article, it may exercise those powers enumerated in § 3 of Article 25, in subtitle “Draining Lands” of Article 25, and in § 5 of Article 25A, except for subsections (A), (P) and (S) of § 5 of Article 25A, of the Annotated Code of Maryland, 1957 Edition as amended; and no county adopting code home rule status shall be excepted. These powers are in addition to any powers any county may now have under any public general or local law applicable to the county.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.