

SENATE BILL 939

P4

7lr2253

By: **Senator Smith**

Introduced and read first time: February 3, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Executive Branch Appointments by Department Secretaries –**
3 **Procedures for Removal**

4 FOR the purpose of prohibiting the secretary of certain departments in the Executive
5 Branch of State government who makes certain appointments from removing an
6 appointee without first obtaining the written approval of the Governor under certain
7 circumstances; prohibiting a certain secretary of a certain principal department of
8 State government from removing an appointee without first obtaining the written
9 approval of the Governor under certain circumstances; and generally relating to
10 Executive Branch appointments by department secretaries.

11 BY repealing and reenacting, with amendments,
12 Article – Agriculture
13 Section 2–102(d)
14 Annotated Code of Maryland
15 (2016 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Correctional Services
18 Section 2–105(e)
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Economic Development
23 Section 2–111
24 Annotated Code of Maryland
25 (2008 Volume and 2016 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Human Services

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 2–206
2 Annotated Code of Maryland
3 (2007 Volume and 2016 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Natural Resources
6 Section 1–101(d)(2)
7 Annotated Code of Maryland
8 (2012 Replacement Volume and 2016 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – State Government
11 Section 8–205
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2016 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 2–102(e)
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2016 Supplement)

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

21 **Article – Agriculture**

22 2–102.

23 (d) (1) (i) The Secretary also shall have within the Department assistants,
24 professional consultants, and employees as provided in the State budget.

25 (ii) Assistants in charge of areas of responsibility and professional
26 consultants shall be in the executive service, management service, or special appointments
27 in the State Personnel Management System and shall serve at the pleasure of the
28 Secretary.

29 (iii) Wherever it is provided by law that the Secretary makes an
30 appointment to a particular office within the Department with the approval of the
31 Governor, the Secretary may not remove the appointee without first obtaining the
32 Governor's **WRITTEN** approval.

33 (2) Except as otherwise provided by law, the Secretary shall appoint and
34 remove all other personnel in accordance with the provisions of the State Personnel and
35 Pensions Article.

1 consultants are in the executive service, management service, or are special appointments
2 in the State Personnel Management System and are appointed by and serve at the
3 Secretary's pleasure. Wherever it is provided by law that the Secretary makes an
4 appointment to a particular office within the Department with the approval of the
5 Governor, the Secretary may not remove the appointee without first obtaining the
6 Governor's **WRITTEN** approval.

7 **Article – State Government**

8 8–205.

9 (a) The secretary of each principal department serves at the pleasure of the
10 Governor unless otherwise provided by law.

11 (b) A secretary shall:

12 (1) receive the salary and have the assistants, employees, and professional
13 consultants provided in the budget, unless otherwise provided by law;

14 (2) be responsible for establishing policy to be followed by the units of State
15 government within the secretary's department;

16 (3) be responsible for the efficient and orderly administration of the
17 department;

18 (4) be responsible for the comprehensive planning of programs and services
19 within the secretary's jurisdiction and for reviewing and approving the plans of all units of
20 State government within the secretary's jurisdiction;

21 (5) be responsible for the budget of the secretary's office and for the budgets
22 of other units of State government within the secretary's jurisdiction;

23 (6) be responsible for the organization of the secretary's office and for
24 recommending to the Governor changes in the organization and placement of units of State
25 government within the secretary's jurisdiction; and

26 (7) recommend to the Governor any modification, abolition, and transfer of
27 advisory bodies within the secretary's jurisdiction.

28 (c) A secretary may:

29 (1) appoint officers and employees in the secretary's office as provided in
30 the budget and review the personnel action taken by any unit of State government within
31 the secretary's jurisdiction; and

32 (2) create the citizen advisory bodies that may be necessary for the
33 operation of the secretary's department.

