

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 939  
Finance

(Senator Smith)

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**State Personnel - Executive Branch Appointments by Department Secretaries -  
Procedures for Removal**

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This bill establishes that the Secretary of each principal department within the Executive Branch who is authorized or required by law to make an appointment with the approval of the Governor to a particular office or position may not remove the appointee without first obtaining the Governor's written approval. For those Secretaries who already have a similar requirement, the bill specifies that the approval from the Governor must be in writing.

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**Fiscal Summary**

**State Effect:** None. The change is procedural in nature and does not materially affect governmental finances, although requiring the Governor's written approval may delay the termination of special appointees.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Special appointments within the State Personnel Management System are employees who:

- are appointed directly by the Governor to a position that is not provided for in the State Constitution;
- are appointed directly by the Board of Public Works;

- as determined by the Secretary of Budget and Management, perform a significant policy role or provide direct support to a member of the executive service;
- are assigned to the Government House (the Governor's residence);
- are assigned to the Governor's Office; or
- are in positions specified by law to be special appointments.

Special appointments are the only positions in the Executive Branch that may be filled with regard to political affiliation, but most are not. Positions that may be filled with regard to political affiliation must be so designated and disclosed to the appointee.

Special appointees are employees at will so they serve at the pleasure of the employee's appointing authority and may be terminated for any reason that is not illegal or unconstitutional, solely in the discretion of the appointing authority. However, for appointments that require the approval of the Governor, the Secretaries of Agriculture, Public Safety and Correctional Services, Commerce, Human Resources, Natural Resources, and Transportation may not remove these appointees without first obtaining the Governor's approval; there is no requirement that the Governor's approval be in writing.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Commerce; Governor's Office; Maryland Department of Agriculture; Department of Budget and Management; Department of Human Resources; Department of Natural Resources; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2017  
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