

HB1788/314665/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1788

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “State Government – Appointments Office in the Office of the Governor – Reporting”; strike beginning with “prohibiting” in line 3 down through “office” in line 8 and substitute “requiring the Appointments Office in the Office of the Governor to submit a certain annual report regarding certain activities of the Office to a certain committee of the General Assembly; providing for the termination of this Act; and generally relating to an annual report by the Appointments Office in the Office of the Governor”; and strike in their entirety lines 9 through 13, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article - State Government

Section 8-3A-01

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)”.

On page 2, in line 15, strike “4.” and substitute “2.”; and strike beginning with the second comma in line 15 down through “Act,” in line 16.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 16 on page 1 through line 14 on page 2, inclusive, and substitute:

“Article – State Government

8-3A-01.

(Over)

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(a) (1) In this section the following words have the meanings indicated.

(2) “Appointing authority” has the meaning stated in § 1–101(b) of the State Personnel and Pensions Article.

(3) “Office” means the Appointments Office in the Office of the Governor that performs the function of recommending to the Governor the appointment or nomination of an individual to serve as a member of a State or local board, commission, council, committee, authority, task force, or other entity that by law requires the membership to be appointed in whole or in part by the Governor, whether or not the appointment or nomination is with the advice and consent of the Senate or House of Delegates.

(b) The Office may not direct or overrule an appointing authority, the Secretary of Budget and Management, or any unit of the Department of Budget and Management, on any decision to appoint, promote, transfer, reassign, discipline, or terminate an employee under the jurisdiction of the appointing authority.

(c) Only an appointing authority may delegate in writing the authority to act on the appointing authority’s behalf, but only to an employee or officer under the jurisdiction of the appointing authority.

(d) An appointing authority may not delegate the authority to make the final decision on the termination of an employee.

(e) An appointing authority shall notify the Secretary of Budget and Management of any delegation of authority authorized under this section by providing the Secretary a copy of the delegation.

(F) ON OR BEFORE DECEMBER 31, 2018, AND ON OR BEFORE DECEMBER 31 EACH YEAR THEREAFTER, THE OFFICE SHALL, IN ACCORDANCE WITH § 2–

1246 OF THE STATE GOVERNMENT ARTICLE, SUBMIT A REPORT TO THE JOINT COMMITTEE ON FAIR PRACTICES AND STATE PERSONNEL OVERSIGHT ON THE OFFICE'S ACTIVITIES REGARDING EMPLOYEES THAT ARE UNDER THE JURISDICTION OF AN APPOINTING AUTHORITY THAT INCLUDES:

(1) THE NUMBER OF REFERRALS OR REQUESTS MADE FROM ANY APPOINTING AUTHORITY TO THE OFFICE ON EMPLOYEE APPOINTMENTS, PROMOTIONS, REASSIGNMENTS, DISCIPLINARY ACTIONS, OR TERMINATIONS;

(2) THE REASONS FOR THE REFERRALS OR REQUESTS SPECIFIED UNDER ITEM (1) OF THIS SUBSECTION, CATEGORIZED IN THE AGGREGATE AND BY APPOINTING AUTHORITY;

(3) THE TYPE OF INFORMATION PROVIDED BY THE OFFICE TO AN APPOINTING AUTHORITY AS A RESULT OF A REFERRAL OR REQUEST MADE UNDER ITEM (1) OF THIS SUBSECTION, COMPILED IN THE AGGREGATE BY TYPE AND NUMBER OF INSTANCES USING THE FOLLOWING CATEGORIES:

(I) CRIMINAL BACKGROUND INFORMATION;

(II) PERSONAL FINANCIAL INFORMATION;

(III) ORGANIZATIONAL OR POLITICAL AFFILIATIONS;

(IV) CONTROVERSIAL STATEMENTS OR PERSPECTIVES; AND

(V) OTHER CONFLICTS OF INTEREST;

(Over)

(4) THE WRITTEN POLICY OF THE OFFICE ON PROVIDING INFORMATION TO AN APPOINTING AUTHORITY REGARDING AN EMPLOYEE APPOINTMENT, PROMOTION, REASSIGNMENT, DISCIPLINARY ACTION, OR TERMINATION:

(I) ON REQUEST OR REFERRAL OF AN APPOINTING AUTHORITY; AND

(II) WHEN NOT REQUESTED BY AN APPOINTING AUTHORITY;

(5) THE NUMBER OF APPLICANTS AND EMPLOYEES REQUIRED TO COMPLETE A FORM FROM THE OFFICE THAT COLLECTS PERSONAL INFORMATION AND THE TYPE OF FORMS THAT ARE REQUIRED TO BE SUBMITTED;

(6) THE NUMBER OF APPLICANTS AND EMPLOYEES THAT ARE REQUIRED TO COMMUNICATE WITH THE OFFICE REGARDING A PERSONNEL DECISION; AND

(7) A STATEMENT THAT THE OFFICE IS IN COMPLIANCE WITH THIS SECTION.”.

AMENDMENT NO. 3

On page 2, in line 16, after “2018.” insert “It shall remain effective for a period 2 years and 1 month and, at the end of June 30, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.