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By: **Delegates G. Clagett, Barkley, Franchot, Gaines, Griffith, Jones,  
Madaleno, Menes, Nathan-Pulliam, Proctor, and Rudolph**

Introduced and read first time: February 11, 2005

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Special Appointments - Limitations**

3 FOR the purpose of limiting the types of positions that may be classified as special  
4 appointments in the State Personnel and Management System; providing that  
5 certain positions may be special appointments only if certain requirements are  
6 met; requiring the Department of Budget and Management to complete a  
7 certain evaluation of positions classified as special appointments on or before a  
8 certain date; requiring the Department to determine which positions should  
9 remain special appointments and which should be reclassified and report the  
10 results to the General Assembly on or before a certain date; requiring certain  
11 positions to be advertised and filled in a certain manner; requiring certain  
12 reclassifications to be completed on or before a certain date; providing for the  
13 effective date of certain provisions of this Act; providing for the termination of  
14 certain provisions of this Act; and generally relating to State personnel and  
15 special appointments.

16 BY repealing and reenacting, with amendments,  
17 Article - State Personnel and Pensions  
18 Section 4-201(c) and 6-405  
19 Annotated Code of Maryland  
20 (2004 Replacement Volume)

21 BY repealing and reenacting, with amendments,  
22 Article 49B - Human Relations Commission  
23 Section 2(c)  
24 Annotated Code of Maryland  
25 (2003 Replacement Volume and 2004 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article 83A - Department of Business and Economic Development  
28 Section 2-105(i)  
29 Annotated Code of Maryland

1 (2003 Replacement Volume and 2004 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Agriculture

4 Section 2-102(d)(1)

5 Annotated Code of Maryland

6 (1999 Replacement Volume and 2004 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Business Occupations and Professions

9 Section 17-205(e)

10 Annotated Code of Maryland

11 (2004 Replacement Volume and 2004 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article - Business Regulation

14 Section 2-103(b)(2) and 11-206(b)(4)

15 Annotated Code of Maryland

16 (2004 Replacement Volume)

17 BY repealing and reenacting, with amendments,

18 Article - Correctional Services

19 Section 3-506 and 4-204(d)

20 Annotated Code of Maryland

21 (1999 Volume and 2004 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - Education

24 Section 2-104(b)(1), 2-105(b), and 24-204(c)

25 Annotated Code of Maryland

26 (2004 Replacement Volume and 2004 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - Family Law

29 Section 10-119.2(f)

30 Annotated Code of Maryland

31 (2004 Replacement Volume)

32 BY repealing and reenacting, with amendments,

33 Article - Financial Institutions

34 Section 10-104(b)

35 Annotated Code of Maryland

36 (2003 Replacement Volume and 2004 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Health - General  
3 Section 2-103(b)(5), 3-304(b), and 10-423(c)  
4 Annotated Code of Maryland  
5 (2000 Replacement Volume and 2004 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article - Health Occupations  
8 Section 14-204(d)  
9 Annotated Code of Maryland  
10 (2000 Replacement Volume and 2004 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Insurance  
13 Section 2-105(b)  
14 Annotated Code of Maryland  
15 (2003 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Insurance  
18 Section 20-204(a)  
19 Annotated Code of Maryland  
20 (2002 Replacement Volume and 2004 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Labor and Employment  
23 Section 2-104(e)(1) and 10-113(b)  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume and 2004 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - Natural Resources  
28 Section 1-101(d)(2)  
29 Annotated Code of Maryland  
30 (2000 Replacement Volume and 2004 Supplement)

31 BY repealing and reenacting, with amendments,  
32 Article - Public Utility Companies  
33 Section 2-108(d) and 2-203(b)  
34 Annotated Code of Maryland  
35 (1998 Volume and 2004 Supplement)

36 BY repealing and reenacting, with amendments,

1 Article - State Finance and Procurement  
 2 Section 3-203(c), 3-301(b), 4-203(b), and 5-202(b)  
 3 Annotated Code of Maryland  
 4 (2001 Replacement Volume and 2004 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article 83B - Department of Housing and Community Development  
 7 Section 5-306(b), 5-405(b), and 5-609(e)  
 8 Annotated Code of Maryland  
 9 (2003 Replacement Volume and 2004 Supplement)

10 BY repealing and reenacting, with amendments,  
 11 Article - Housing and Community Development  
 12 Section 5-206(b), 5-306(b), and 5-416(e)  
 13 Annotated Code of Maryland  
 14 (As enacted by Chapter \_\_\_ (H.B. 11) of the Acts of the General Assembly of  
 15 2005)

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

18 **Article - State Personnel and Pensions**

19 4-201.

20 (c) The Secretary shall:

21 (1) assign a class to the skilled service, professional service,  
 22 management service, or executive service, as appropriate; and

23 (2) designate positions that MEET THE REQUIREMENTS OF § 6-405 OF  
 24 THIS ARTICLE AND are filled by special appointment.

25 6-405.

26 [Except as otherwise provided by law, individuals] INDIVIDUALS in the  
 27 following positions in the skilled service, professional service, management service, or  
 28 executive service are considered special appointments:

29 (1) [a position to which an individual is directly appointed by the  
 30 Governor by an appointment that is not provided for by the Maryland Constitution;

31 (2) a position to which an individual is directly appointed by the Board of  
 32 Public Works;

33 (3) as determined by the GOVERNOR, BOARD OF PUBLIC WORKS, OR  
 34 Secretary, a position which performs a significant policy OR DECISION MAKING role or  
 35 provides direct support to a member of the executive service;

- 1            [(4)]    (2)    a position that is assigned to the Government House; AND
- 2            [(5)]    (3)    a position that is assigned to the Governor's Office[]; and
- 3            (6)    any other position that is specified by law to be a special
- 4 appointment].

**Article 49B - Human Relations Commission**

6 2.

7            (c)    (1)    The Human Relations Commission may employ its own attorney, who

8 shall be appointed and removed by the Executive Director with the approval of the

9 Commission. The attorney shall receive compensation as provided in the budget, and

10 shall act as general counsel and legal advisor to the Human Relations Commission

11 and shall represent the Human Relations Commission at all hearings and judicial

12 proceedings in which the Human Relations Commission is a party. The office of the

13 general counsel shall include additional personnel as provided in the budget.

14            (2)    [The] IF THE REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL

15 AND PENSIONS ARTICLE ARE MET, THE general counsel and any assistant general

16 counsel are special appointments in the State Personnel Management System.

**Article 83A - Department of Business and Economic Development**

18 2-105.

19            (i)    (1)    Department employees hired after June 30, 1995, shall be in the

20 executive service, management service, or, IF THE REQUIREMENTS OF § 6-405 OF THE

21 STATE PERSONNEL AND PENSIONS ARTICLE ARE MET, special appointments in the

22 State Personnel Management System.

23            (2)    If a position is held by a classified service employee on June 30, 1995,

24 the position remains a classified service position or its equivalent in the State

25 Personnel Management System until the position becomes vacant.

26            (3)    In accordance with the State budget, the Secretary shall set the

27 compensation of Department employees.

**Article - Agriculture**

29 2-102.

30            (d)    (1)    (i)    The Secretary also shall have within the Department

31 assistants, professional consultants, and employees as provided in the State budget.

32            (ii)    Assistants in charge of areas of responsibility and professional

33 consultants shall be in the executive service, management service, or, IF THE

34 REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE ARE

1 MET, special appointments in the State Personnel Management System and shall  
2 serve at the pleasure of the Secretary.

3 (iii) 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 approval.

7 **Article - Business Occupations and Professions**

8 17-205.

9 (e) [The] IF THE REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND  
10 PENSIONS ARTICLE ARE MET, THE executive director is a special appointment in the  
11 State Personnel Management System.

12 **Article - Business Regulation**

13 2-103.

14 (b) (2) Each staff assistant in the Office of the Secretary in charge of a  
15 particular area of responsibility and each professional consultant is in the executive  
16 service, management service, or, IF THE REQUIREMENTS OF § 6-405 OF THE STATE  
17 PERSONNEL AND PENSIONS ARTICLE ARE MET, is a special appointment in the State  
18 Personnel Management System and is appointed by and serves at the pleasure of the  
19 Secretary.

20 11-206.

21 (b) (4) The stewards and harness judges THAT MEET THE REQUIREMENTS  
22 OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE are special  
23 appointments of the skilled service or the professional service in the State Personnel  
24 Management System.

25 **Article - Correctional Services**

26 3-506.

27 (a) (1) The General Manager:

28 (i) shall determine the personnel requirements of State Use  
29 Industries; and

30 (ii) is the appointing authority for all personnel of State Use  
31 Industries.

32 (2) The number of positions for State Use Industries shall be included  
33 within the total personnel allocations provided for the Department.

1 (b) Except as provided in subsection (c) of this section or any other law, each  
2 position in State Use Industries THAT MEETS THE REQUIREMENTS OF § 6-405 OF THE  
3 STATE PERSONNEL AND PENSIONS ARTICLE is a special appointment in the State  
4 Personnel Management System.

5 (c) Unless the employee is a special appointment, each office clerk and office  
6 secretary position in State Use Industries is in the skilled service employment  
7 category of the State Personnel Management System.

8 4-204.

9 (d) (1) Except as provided in paragraph (3) of this subsection or any other  
10 law, the staff members of the Institution are in the skilled service or professional  
11 service in the State Personnel Management System.

12 (2) With the approval of the Secretary, the Director shall appoint an  
13 individual to any position that the Secretary determines to be professional, including:

14 (i) each associate director;

15 (ii) each social worker;

16 (iii) each sociologist;

17 (iv) each physician; and

18 (v) each psychologist.

19 (3) The Director and each individual appointed under paragraph (2) of  
20 this subsection are in the executive service, in the management service, or, IF THE  
21 REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE ARE  
22 MET, a special appointment in the State Personnel Management System.

23 **Article - Education**

24 2-104.

25 (b) (1) From the nominees proposed by the State Superintendent, the State  
26 Board shall appoint all professional assistants to the Department, who shall be in the  
27 executive service, management service, or, IF THE REQUIREMENTS OF § 6-405 OF THE  
28 STATE PERSONNEL AND PENSIONS ARTICLE ARE MET, special appointments in the  
29 State Personnel Management System.

30 2-105.

31 (b) The credential secretary and statistician of the Department are special  
32 appointments in the State Personnel Management System, IF THE REQUIREMENTS  
33 OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE ARE MET.

1 24-204.

2 (c) (1) The secretarial, stenographic, clerical, and custodial employees of the  
3 Commission are in the skilled service, with the exception of special appointments, in  
4 the State Personnel Management System.

5 (2) All other employees of the Commission are in the executive service,  
6 management service, or, IF THE REQUIREMENTS OF § 6-405 OF THE STATE  
7 PERSONNEL AND PENSIONS ARTICLE ARE MET, are special appointments in the State  
8 Personnel Management System.

9 (3) Notwithstanding § 4-201 of the State Personnel and Pensions  
10 Article, the Commission shall fix the compensation of the executive service,  
11 management service, and special appointment employees:

12 (i) Upon the recommendation of the President; and

13 (ii) When possible, in accordance with the State pay plan.

14 (4) (i) At least 45 days before the effective date of the change, the  
15 President shall submit to the Secretary of Budget and Management each change to  
16 the Commission's salary plan that involves increases or decreases in salary ranges  
17 other than those associated with routine reclassifications and promotions or general  
18 salary increases approved by the General Assembly.

19 (ii) The Secretary of Budget and Management shall:

20 1. Review the proposed changes; and

21 2. At least 15 days before the effective date of the proposed  
22 changes, advise the Commission whether the changes would have an adverse effect on  
23 comparable State jobs.

24 (iii) Failure of the Secretary of Budget and Management to respond  
25 in a timely manner is deemed to be a statement that the change will have no adverse  
26 effect.

27 (5) The budget submitted by the Governor to the General Assembly shall  
28 include personnel detail for the Commission in such form and manner as provided for  
29 any agency in the State Personnel Management System.

30 **Article - Family Law**

31 10-119.2.

32 (f) (1) Notwithstanding any other provision of law, all employees hired in a  
33 demonstration site after its designation as a demonstration site shall be in the  
34 management service or special appointments in the State Personnel Management  
35 System.



1 (2) If a position in a demonstration site is held by a classified service  
2 employee prior to its designation as a demonstration site, the position remains a  
3 classified service position or its equivalent in the State Personnel Management  
4 System until the position becomes vacant, at which time the position shall become a  
5 management service or, IF THE REQUIREMENTS OF § 6-405 OF THE STATE  
6 PERSONNEL AND PENSIONS ARTICLE ARE MET, A special appointment position.

7

**Article - Financial Institutions**

8 10-104.

9 (b) Technical and professional employees, THAT MEET THE REQUIREMENTS  
10 OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, are special  
11 appointments in the State Personnel Management System.

12

**Article - Health - General**

13 2-103.

14 (b) (5) All personnel in the Department, Grade 18 and above, who  
15 administer or direct a program, shall:

16 (i) Be in the executive service, management service, or, IF THE  
17 REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE ARE  
18 MET, special appointments in the State Personnel Management System; and

19 (ii) Be appointed by, and serve at the pleasure of, the Secretary.

20 3-304.

21 (b) Except as otherwise provided by law, each health officer THAT MEETS THE  
22 REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE is a  
23 special appointment in the State Personnel Management System.

24 10-423.

25 (c) (1) The Superintendent of the Center and each individual in a scientific  
26 position or technical position shall be in the management service or, IF THE  
27 REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE ARE  
28 MET, special appointments in the State Personnel Management System.

29 (2) The remaining administrative employees and all clerical employees  
30 shall be in the skilled service in the State Personnel Management System.

31 (3) The Executive Board shall determine the status of each position at  
32 the Center.

1

**Article - Health Occupations**

2 14-204.

3 (d) (1) The Secretary may employ a staff for the Board in accordance with  
4 the State budget. The Secretary may designate one of the staff as an executive  
5 director.

6 (2) Staff hired after September 30, 1992, are in the executive service,  
7 management service, or, IF THE REQUIREMENTS OF § 6-405 OF THE STATE  
8 PERSONNEL AND PENSIONS ARTICLE ARE MET, are special appointments in the State  
9 Personnel Management System.

10 (3) The Secretary shall determine the appropriate job classifications and  
11 grades for all staff.

12

**Article - Insurance**

13 2-105.

14 (b) All employees of the Administration that serve in a management,  
15 professional, or technical capacity are in the executive service, management service,  
16 or, IF THE REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS  
17 ARTICLE ARE MET, are special appointments in the State Personnel Management  
18 System and serve at the pleasure of the Commissioner.

19 20-204.

20 (a) (1) Except as provided in paragraph (2) of this subsection or otherwise by  
21 law, the Executive Director shall appoint and remove staff of the Fund in accordance  
22 with the provisions of the State Personnel and Pensions Article.

23 (2) Positions that the Executive Director designates with the approval of  
24 the Board of Trustees as technical or professional positions are in the executive  
25 service, management service, or, IF THE REQUIREMENTS OF § 6-405 OF THE STATE  
26 PERSONNEL AND PENSIONS ARTICLE ARE MET, are special appointments of the  
27 skilled service or the professional service in the State Personnel Management  
28 System.

29 (3) Notwithstanding any other provision of law, the Executive Director  
30 may appoint claims adjusters, attorneys, and other necessary personnel directly as  
31 employees or on a contract basis.

32

**Article - Labor and Employment**

33 2-104.

34 (e) (1) Subject to the approval of the Governor, the Commissioner may  
35 appoint a Chief Mediator who, IF THE REQUIREMENTS OF § 6-405 OF THE STATE

1 PERSONNEL AND PENSIONS ARTICLE ARE MET, shall be a special appointment in the  
2 State Personnel Management System.

3 10-113.

4 (b) (1) Except as provided in paragraph (2) of this subsection, employees of  
5 the Fund WHO MEET THE REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND  
6 PENSIONS ARTICLE are special appointments.

7 (2) A classified employee of the Fund hired before July 1, 1990 in a  
8 nonprofessional or nontechnical position shall remain a member of the classified  
9 service or its equivalent in the State Personnel Management System as long as the  
10 employee remains in a nonprofessional or nontechnical position with the Fund.

#### 11 **Article - Natural Resources**

12 1-101.

13 (d) (2) The Secretary shall appoint, with the approval of the Governor, a  
14 deputy secretary who shall have the duties provided by law or delegated by the  
15 Secretary. The deputy secretary is in the executive service of the State Personnel  
16 Management System, serves at the pleasure of the Secretary, and shall receive the  
17 compensation provided in the State budget. All assistant secretaries, staff assistants,  
18 and professional consultants are in the executive service, management service, or, IF  
19 THE REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE  
20 ARE MET, are special appointments in the State Personnel Management System and  
21 are appointed by and serve at the Secretary's pleasure. Wherever it is provided by law  
22 that the Secretary makes an appointment to a particular office within the  
23 Department with the approval of the Governor, the Secretary may not remove the  
24 appointee without first obtaining the Governor's approval.

#### 25 **Article - Public Utility Companies**

26 2-108.

27 (d) (1) The State budget shall provide sufficient money for the Commission  
28 to hire, develop, and organize a staff to perform the functions of the Commission,  
29 including analyzing data submitted to the Commission and participating in  
30 proceedings as provided in § 3-104 of this Article.

31 (2) (i) As the Commission considers necessary, the Commission shall  
32 hire experts including economists, cost of capital experts, rate design experts,  
33 accountants, engineers, transportation specialists, and lawyers.

34 (ii) To assist in the regulation of intrastate hazardous liquid  
35 pipelines under Title 11, Subtitle 2 of this Article, the Commission shall include on its  
36 staff at least one engineer who specializes in the storage of and the transportation of  
37 hazardous liquid materials by pipeline.

1 (3) The Commission may retain on a case by case basis additional  
2 experts as required for a particular matter.

3 (4) The lawyers who represent the Commission staff in proceedings  
4 before the Commission shall be appointed by the Commission and shall be organized  
5 and operate independently of the office of General Counsel.

6 (5) (i) As required, the Commission shall hire hearing examiners.

7 (ii) Hearing examiners are a separate organizational unit and shall  
8 report directly to the Commission.

9 (6) The Commission shall hire personal staff members for each  
10 commissioner as required to provide advice, draft proposed orders and rulings, and  
11 perform other personal staff functions.

12 (7) Subject to § 3-104 of this article, the Commission may delegate to a  
13 commissioner or personnel the authority to perform an administrative function  
14 necessary to carry out a duty of the Commission.

15 (8) (i) Except as provided in paragraph (ii) of this item or otherwise by  
16 law, all personnel of the Commission are subject to the provisions of the State  
17 Personnel and Pensions Article.

18 (ii) The following are in the executive service, management service,  
19 or, IF THE REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS  
20 ARTICLE ARE MET, are special appointments in the State Personnel Management  
21 System:

- 22 1. each commissioner of the Commission;
- 23 2. the Executive Director;
- 24 3. the General Counsel and each assistant general counsel;
- 25 4. the Executive Secretary;
- 26 5. the commissioners' personal staff members;
- 27 6. the chief hearing examiner; and
- 28 7. each license hearing officer.

29 2-203.

30 (b) (1) Except as provided in paragraph (2) of this subsection or otherwise by  
31 law, all personnel of the Office of People's Counsel are subject to the provisions of the  
32 State Personnel and Pensions Article.

1           (2)     The following are in the executive service, management service, or, IF  
2 THE REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE  
3 ARE MET, are special appointments in the State Personnel Management System:

- 4           (i)     the People's Counsel;
- 5           (ii)    the deputy People's Counsel; and
- 6           (iii)   attorneys that are in the management service or are special  
7 appointments.

8                           **Article - State Finance and Procurement**

9 3-203.

10       (c)     (1)     The Secretary may employ a staff in accordance with the State  
11 budget.

12           (2)     Each assistant secretary and professional consultant is in the  
13 executive service, management service, or, IF THE REQUIREMENTS OF § 6-405 OF THE  
14 STATE PERSONNEL AND PENSIONS ARTICLE ARE MET, is a special appointment in the  
15 State Personnel Management System and is appointed by and serves at the pleasure  
16 of the Secretary.

17           (3)     Except as provided in this section or otherwise by law, the Secretary  
18 shall appoint and remove all other staff in accordance with the provisions of the State  
19 Personnel and Pensions Article.

20           (4)     The appointment or removal of staff of any unit in the Department is  
21 subject to the approval of the Secretary.

22 3-301.

23       (b)     (1)     All employees and personnel of the Central Collection Unit shall:

24           (i)     except for assistant Attorneys General assigned to the Central  
25 Collection Unit, be in the management service or, IF THE REQUIREMENTS OF § 6-405  
26 OF THE STATE PERSONNEL AND PENSIONS ARTICLE ARE MET, special appointments  
27 in the State Personnel Management System who are appointed by and serve at the  
28 pleasure of the Secretary and are not subject to Title 11, Subtitle 2 of the State  
29 Personnel and Pensions Article; and

30           (ii)    receive such compensation as provided in the State budget.

31           (2)     Except for employees in the Executive Pay Plan and any assistant  
32 Attorneys General assigned to the Central Collection Unit, a management service or  
33 special appointment of the skilled service or the professional service employee of the  
34 Central Collection Unit may not be permanently removed except for cause and until  
35 written charges have been filed and a hearing has been conducted in accordance with  
36 Title 10, Subtitle 2 of the State Government Article. This paragraph does not apply to

1 the removal of a management service or special appointment employee because of a  
2 layoff that resulted from:

3 (i) a lack of work; or

4 (ii) the lack of an appropriation.

5 4-203.

6 (b) (1) The Secretary may employ a staff attached to the Office of the  
7 Secretary in accordance with the Code or the State budget.

8 (2) Each staff assistant in the Office of the Secretary in charge of a  
9 particular area of responsibility and each professional consultant is in the executive  
10 service, management service, or, IF THE REQUIREMENTS OF § 6-405 OF THE STATE  
11 PERSONNEL AND PENSIONS ARTICLE ARE MET, is a special appointment in the State  
12 Personnel Management System and is appointed by and serves at the pleasure of the  
13 Secretary.

14 (3) Except as provided in this section or otherwise by law, the Secretary  
15 shall appoint and remove all other staff in the Office of the Secretary in accordance  
16 with the provisions of the State Personnel and Pensions Article.

17 (4) The Secretary may review any personnel action taken by any unit in  
18 the Department. The Secretary may delegate the power to approve any appointment  
19 or removal to the head or governing body of any unit in the Department.

20 5-202.

21 (b) Each staff assistant in charge of a particular area of responsibility and  
22 each professional consultant is in the executive service, management service, or, IF  
23 THE REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE  
24 ARE MET, is a special appointment in the State Personnel Management System and is  
25 appointed by and serves at the pleasure of the Secretary.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
27 read as follows:

28 **Article 83B - Department of Housing and Community Development**

29 5-306.

30 (b) The director shall serve at the pleasure of the Commissioners, subject to  
31 the concurrence of the Secretary, and, IF THE REQUIREMENTS OF § 6-405 OF THE  
32 STATE PERSONNEL AND PENSIONS ARTICLE ARE MET, shall be a special appointment  
33 in the State Personnel Management System.

1 5-405.

2 (b) The administrator shall serve at the pleasure of the Commissioners,  
3 subject to the concurrence of the Secretary, and, IF THE REQUIREMENTS OF § 6-405 OF  
4 THE STATE PERSONNEL AND PENSIONS ARTICLE ARE MET, shall be a special  
5 appointment in the State Personnel Management System.

6 5-609.

7 (e) [Positions] IF THE REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL  
8 AND PENSIONS ARTICLE ARE MET, POSITIONS with the Trust are special  
9 appointments in the State Personnel Management System.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
11 read as follows:

12 **Article - Housing and Community Development**

13 5-206.

14 (b) [The] IF THE REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND  
15 PENSIONS ARTICLE ARE MET, THE director is a special appointment in the State  
16 Personnel Management System.

17 5-306.

18 (b) [The] IF THE REQUIREMENTS OF § 6-405 OF THE STATE PERSONNEL AND  
19 PENSIONS ARTICLE ARE MET, THE administrator is a special appointment in the  
20 State Personnel Management System.

21 5-416.

22 (e) Each position with the Trust THAT MEETS THE REQUIREMENTS OF § 6-405  
23 OF THE STATE PERSONNEL AND PENSIONS ARTICLE is a special appointment in the  
24 State Personnel Management System.

25 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before August 1,  
26 2005, the Department of Budget and Management shall complete an evaluation of all  
27 positions in the State Personnel Management System that, on July 1, 2005, are  
28 classified as special appointments. The evaluation shall identify which positions  
29 qualify as special appointments under the provisions of § 6-405 of the State Personnel  
30 and Pensions Article, as enacted by Section 1 of this Act, and which positions should  
31 be reclassified. On or before August 1, 2005, the Department shall report the results  
32 of the evaluation, including a justification for each classification, to the General  
33 Assembly, in accordance with § 2-1246 of the State Government Article. All vacant  
34 positions identified for reclassification or positions held by an incumbent who has  
35 held the position for less than 12 months that have been identified for reclassification  
36 shall be advertised and filled in the same manner as are other positions that are not  
37 special appointments. An incumbent in a position that is reclassified, who has held  
38 the position for less than 12 months, may apply for the position and shall be treated

1 as all other applicants are treated. The reclassifications required by this Act shall be  
2 completed on or before July 1, 2006.

3 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act  
4 shall take effect on the taking effect of Chapter \_\_\_(H.B. 11) of the Acts of the General  
5 Assembly of 2005. If Section 3 takes effect, Section 2 of this Act shall be abrogated and  
6 of no further force and effect.

7 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the  
8 provisions of Section 5 of this Act, this Act shall take effect July 1, 2005.