

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 1068
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Office” insert “and Appointing Authorities”; in line 4, after “of” insert “certain appointing authorities in the Executive Branch of State government and”; in line 9, strike “State’s personnel systems, including the”; in line 11, strike “in independent State agencies” and substitute “other units in the Executive Branch”; in the same line, after the first semicolon insert “providing a certain exception; providing that appointing authorities in the Executive Branch of the State government have certain exclusive powers and duties, including the power to appoint, transfer, reassign, discipline, and terminate employees under their jurisdiction; prohibiting an appointing authority from delegating final decisions on the termination of an employee;”; in line 12, after “appointments” insert “and appointing authorities in the Executive Branch of the State government”; and in line 16, strike “Office” and substitute “in State Government”.

AMENDMENT NO. 2

On page 1, in line 22, strike “OFFICE” and substitute “IN STATE GOVERNMENT”; in line 24, strike “IN THIS SECTION,” and substitute “(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2)”;

and in line 28, strike “NOMINATIONS” and substitute “NOMINATION”.

On page 2, after line 3, insert:

“(3) “APPOINTING AUTHORITY” MEANS AN INDIVIDUAL OR UNIT WITHIN A PRINCIPAL DEPARTMENT OR AN INDIVIDUAL IN ANY OTHER UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT THAT HAS THE POWER TO MAKE APPOINTMENTS AND TERMINATE EMPLOYMENT.”;

(Over)

in line 5, strike “TO” and substitute “TO”:

(I) AN APPOINTING AUTHORITY IN EACH PRINCIPAL DEPARTMENT OR IN ANY OTHER UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; OR

(II)”;

and in line 10, strike “BY” and substitute “BY”:

(I) AN APPOINTING AUTHORITY IN EACH PRINCIPAL DEPARTMENT OR IN ANY OTHER UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; OR

(II)”.

AMENDMENT NO. 3

On page 2, in line 14, strike “NOTWITHSTANDING ANY OTHER PROVISION OF LAW” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION”; strike beginning with “PERSONNEL” in line 17 down through the first “AND” in line 18; in line 18, strike the second “AND” and substitute “EMPLOYEES, INCLUDING”; in line 19, after “APPOINTMENTS” insert “, WHO ARE”; strike beginning with “OF” in line 19 down through “AGENCY” in line 21 and substitute “OR IN ANY OTHER UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT”; and after line 21, insert:

“(2) THE GOVERNOR MAY DELEGATE TO AN INDIVIDUAL IN THE OFFICE OF THE GOVERNOR OR THE EXECUTIVE BRANCH OF STATE GOVERNMENT ANY AUTHORITY OR DUTY REGARDING THE TERMINATION OF AT WILL EMPLOYEES, INCLUDING SPECIAL APPOINTMENTS, WHO ARE:

(I) IN THE EXECUTIVE PAY PLAN;

(II) DIRECTLY APPOINTED BY THE GOVERNOR BY AN APPOINTMENT THAT IS NOT PROVIDED FOR BY THE MARYLAND CONSTITUTION;

(III) APPOINTED BY OR WHO ARE ON THE STAFF OF THE GOVERNOR OR LIEUTENANT GOVERNOR; OR

(IV) EMPLOYEES ASSIGNED TO THE GOVERNMENT HOUSE OR THE GOVERNOR’S OFFICE.”.

AMENDMENT NO. 4

On page 2, before line 22, insert:

“(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN APPOINTING AUTHORITY EXCLUSIVELY HAS THE POWERS SET FORTH IN SUBSECTION (E) OF THIS SECTION.

(E) ONLY AN APPOINTING AUTHORITY MAY:

(1) APPOINT, PROMOTE, TRANSFER, REASSIGN, DISCIPLINE, AND TERMINATE EMPLOYEES UNDER THE JURISDICTION OF THE APPOINTING AUTHORITY; AND

(2) DELEGATE IN WRITING THE AUTHORITY TO ACT ON THE APPOINTING AUTHORITY’S BEHALF, BUT ONLY TO ANY OTHER EMPLOYEE OR OFFICER UNDER THE JURISDICTION OF THE APPOINTING AUTHORITY.

(F) AN APPOINTING AUTHORITY MAY NOT DELEGATE THE AUTHORITY TO MAKE THE FINAL DECISION ON THE TERMINATION OF AN EMPLOYEE.

(G) 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.”.