
By: **Senator Middleton**

Introduced and read first time: March 6, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Governor's Appointments Office - Duties**

3 FOR the purpose of prohibiting the Governor's Appointments Office from superseding
 4 or interfering with any function of the Secretary of the Department of Budget
 5 and Management with respect to the Secretary's functions regarding the State's
 6 personnel systems as assigned by law; prohibiting the Governor from delegating
 7 to the Appointments Office or any other unit, officer, official, or employee in the
 8 Office of the Governor or the Executive Branch any function or duty with
 9 respect to the State's personnel systems, including the hiring and termination of
 10 at will and special appointments in the principal departments of the Executive
 11 Branch and in independent State agencies; defining certain terms; and
 12 generally relating to gubernatorial appointments.

13 BY adding to

14 Article - State Government

15 Section 8-3A-01 to be under the new subtitle "Subtitle 3A. Appointments
 16 Office"

17 Annotated Code of Maryland

18 (2004 Replacement Volume and 2005 Supplement)

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

21 **Article - State Government**

22 **SUBTITLE 3A. APPOINTMENTS OFFICE.**

23 8-3A-01.

24 (A) IN THIS SECTION, "OFFICE" MEANS THE APPOINTMENTS OFFICE IN THE
 25 OFFICE OF THE GOVERNOR OR ANY OTHER UNIT, OFFICER, OFFICIAL, OR EMPLOYEE
 26 IN THE OFFICE OF THE GOVERNOR OR THE EXECUTIVE BRANCH THAT PERFORMS
 27 THE FUNCTION OF RECOMMENDING TO THE GOVERNOR THE APPOINTMENT OR
 28 NOMINATIONS OF AN INDIVIDUAL TO SERVE AS A MEMBER OF A STATE OR LOCAL
 29 BOARD, COMMISSION, COUNCIL, COMMITTEE, AUTHORITY, TASK FORCE, OR OTHER

1 ENTITY THAT BY LAW REQUIRES THE MEMBERSHIP TO BE APPOINTED IN WHOLE OR
2 IN PART BY THE GOVERNOR, WHETHER OR NOT THE APPOINTMENT OR NOMINATION
3 IS WITH THE ADVICE AND CONSENT OF THE SENATE OR HOUSE OF DELEGATES.

4 (B) (1) THE OFFICE MAY NOT SUPERSEDE OR INTERFERE WITH ANY
5 FUNCTION ASSIGNED BY LAW TO THE SECRETARY OF THE DEPARTMENT OF BUDGET
6 AND MANAGEMENT OR ANY UNIT OF THE DEPARTMENT OF BUDGET AND
7 MANAGEMENT UNDER THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL
8 AND PENSIONS ARTICLE.

9 (2) THE OFFICE, DIRECTLY OR INDIRECTLY, MAY NOT OVERRULE,
10 IGNORE, OR OTHERWISE BE INVOLVED WITH ANY DECISIONS MADE BY THE
11 SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT REGARDING ANY
12 FUNCTION ASSIGNED BY LAW TO THE SECRETARY OF THAT DEPARTMENT UNDER
13 THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

14 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNOR MAY
15 NOT DELEGATE TO THE OFFICE OR ANY OTHER OFFICE, UNIT, OR INDIVIDUAL IN
16 THE OFFICE OF THE GOVERNOR OR THE EXECUTIVE BRANCH OF THE STATE
17 GOVERNMENT ANY AUTHORITY OR DUTY REGARDING THE PERSONNEL SYSTEMS IN
18 STATE GOVERNMENT, INCLUDING THE HIRING AND TERMINATION OF AT WILL AND
19 SPECIAL APPOINTMENTS IN THE PRINCIPAL DEPARTMENTS OF THE EXECUTIVE
20 BRANCH AND IN ANY STATE AGENCY DESIGNATED BY LAW AS AN INDEPENDENT
21 AGENCY.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 June 1, 2006.