

**HB0162/794367/1**

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 162

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “exception;” insert “providing that certain special appointment positions may be filled with regard to certain criteria;”; strike beginning with “clarifying” in line 11 down through “capricious;” in line 12; strike beginning with “providing” in line 17 down through “employees;” in line 20 and substitute “requiring the Secretary of Transportation to designate certain positions in the Human Resources Management System that must be filled without regard to certain criteria and that may be filled with regard to certain criteria; requiring the Secretary of Transportation to report certain information to the Governor and the General Assembly on an annual basis;”; and in line 22, after “Management” insert “, the Department of Transportation, and certain labor organizations”.

On page 2, in line 1, after “status;” insert “requiring the Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College to identify certain nonmerit and at-will positions in certain personnel systems and report certain information to the Governor and the General Assembly on an annual basis;”; in line 5, after “1-101(c)” insert “and 11-113”; in line 10, after “5-208,” insert “6-405,”; in the same line, strike “11-113,”; and after line 12, insert:

“BY repealing and reenacting, with amendments,

Article – Transportation

Section 2-103.4(b)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)”.

(Over)

AMENDMENT NO. 2

On page 3, in line 19, strike the brackets; and strike beginning with “**EXCEPT**” in line 19 down through “**THIS**” in line 20.

On page 4, strike beginning with “**OR**” in line 12 down through “**GOVERNMENT**” in line 14; and strike beginning with “**THE**” in line 17 down through “**COURT**” in line 18 and substitute “§ 6-405(B) OF THIS ARTICLE”.

On page 6, in line 4, strike “, **OR ANY OTHER NONMERIT FACTOR**”; strike beginning with the colon in line 10 down through “**(I)**” in line 11; strike beginning with the semicolon in line 11 down through “**FACTOR**” in line 12; and in line 14, after “**ARTICLE**” insert “**OR BY THE SECRETARY OF TRANSPORTATION UNDER § 2-103.4(B)(2) OF THE TRANSPORTATION ARTICLE**”.

AMENDMENT NO. 3

On page 6, after line 21, insert:

“6-405.

(A) Except as otherwise provided by law, individuals in the following positions in the skilled service, professional service, management service, or executive service are considered special appointments:

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

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

(3) as determined by the Secretary, a position which performs a significant policy role or provides direct support to a member of the executive service;

(4) a position that is assigned to the Government House;

(5) a position that is assigned to the Governor's Office; and

(6) any other position that is specified by law to be a special appointment.

**(B) A POSITION THAT IS A SPECIAL APPOINTMENT MAY BE FILLED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION IF THE SECRETARY DETERMINES THAT THE POSITION:**

**(1) RELATES TO POLITICAL INTERESTS OR CONCERNS SO AS TO WARRANT THAT POLITICAL AFFILIATION BE A REQUIREMENT FOR THE POSITION; AND**

**(2) (I) REQUIRES THE PROVISION OF MEANINGFUL DIRECT OR INDIRECT INPUT INTO THE POLICY-MAKING PROCESS; OR**

**(II) PROVIDES ACCESS TO CONFIDENTIAL INFORMATION**  
**AND:**

**1. REQUIRES SUBSTANTIAL INTERVENTION OR COLLABORATION IN THE FORMULATION OF PUBLIC POLICY; OR**

**2. REQUIRES THE PROVISION OF DIRECT ADVICE OR THE RENDERING OF DIRECT SERVICES TO AN APPOINTING AUTHORITY.”.**

On page 6 in line 24, and on page 8 in line 2, in each instance, after “EACH” insert “CLASSIFICATION OF EACH”.

**AMENDMENT NO. 4**

On page 9, in line 7, strike “ARBITRARY, CAPRICIOUS,”; and in the same line, strike the third comma.

(Over)

On page 10, in line 8, after “EMPLOYEE” insert “**DESIGNATED BY THE SECRETARY UNDER § 4-201(C)(2)(I) OF THIS ARTICLE**”; strike in their entirety lines 11 through 14, inclusive; in line 15, strike “(E)” and substitute “(D)”; and strike in their entirety lines 18 through 23, inclusive.

AMENDMENT NO. 5

On page 10, after line 23, insert:

“Article – Transportation

2-103.4.

(b) (1) In the exercise of the Secretary’s powers under this section, the Secretary may:

[(1)] (I) Create and abolish any position other than positions specifically provided for in this article; and

[(2)] (II) Determine the qualifications, appointment, removal, tenure, terms of employment, and compensation of employees unless otherwise prohibited by law.

**(2) THE SECRETARY SHALL DESIGNATE EXECUTIVE SERVICE EMPLOYEE AND COMMISSION PLAN EMPLOYEE POSITIONS IN THE HUMAN RESOURCES MANAGEMENT SYSTEM THAT:**

**(I) MUST BE FILLED WITHOUT REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION; OR**

**(II) IN ACCORDANCE WITH THE CRITERIA ESTABLISHED UNDER § 6-405(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE, MAY BE FILLED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION.**

**(3) ON AN ANNUAL BASIS, THE SECRETARY SHALL REPORT ON THE TOTAL NUMBER OF POSITIONS DESIGNATED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.**

AMENDMENT NO. 6

On page 10, in line 26, after “Management” insert “, the Department of Transportation, and labor organizations that represent State employees”; and in line 28, after “regulations” insert “, including the Department of Transportation’s Human Resources Management System.”

On page 11, in line 11, strike “December 31, 2007” and substitute “December 1, 2008”; in line 17, after “employees” insert “in the State Personnel Management System and in the Department of Transportation”; in line 18, strike “periodically”; in the same line, after “notified” insert “at 6-month intervals”; after line 20, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College shall identify all nonmerit and at-will positions in the personnel systems of the University System of Maryland and its constituent institutions, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College.

(b) On an annual basis, the Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College shall report the information on nonmerit and at-will positions required under subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly.”;

and in line 21, strike “4.” and substitute “5.”