

SB0760/157572/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 760
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 5 down through “information” in line 9 and substitute “altering the information that the Secretary of Budget and Management must provide”; in lines 9 and 10, strike “on certain management service positions”; strike beginning with “providing” in line 10 down through “service” in line 13 and substitute “providing for the application of certain provisions of law”; in line 18, strike “professional service position” and substitute “position in the skilled service or professional service”; in the same line, after “circumstances,” insert “requiring the Department to adopt certain regulations relating to the recruitment for and appointment to certain positions”; and strike beginning with “requiring” in line 23 down through “date” in line 29 and substitute “establishing that certain staff members in the Office of the Attorney General are special appointments who may not be determined to be political special appointments under certain provisions of State personnel law”.

AMENDMENT NO. 2

On page 2, in line 1, after “dates,” insert “providing that certain at-will positions shall remain at-will positions until the positions become vacant”; in line 5, strike “4-201,”; and in the same line, strike “5-208, 6-402, 6-403, 6-405(a),” and substitute “6-405”.

On page 3, in line 8, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 10, strike “8-3A-02” and substitute “6-105(a)”.

AMENDMENT NO. 3

On page 3, after line 12, insert:

“Preamble”

(Over)

WHEREAS, It is the intent of the General Assembly to provide additional merit system protections to State employees while allowing State agencies to maintain recruitment flexibility; and

WHEREAS, The General Assembly recognizes that a streamlined and efficient hiring process is essential for the State to effectively compete with the private sector for highly qualified applicants; now, therefore,.”.

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 16 on page 3 through line 17 on page 4, inclusive.

On page 4, in line 19, after “(a)” insert “**THIS SECTION DOES NOT APPLY TO THE UNIVERSITY SYSTEM OF MARYLAND.**”

(B)”;

in line 20, after “report” insert “**COVERING ALL UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING A UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM,**”; and strike beginning with the first “the” in line 22 down through “including” in line 23.

On page 5, strike beginning with the colon in line 8 down through “(II)” in line 11; in line 16, strike “(b)” and substitute “**(C)**”.

On pages 5 through 7, strike in their entirety the lines beginning with line 18 on page 5 through line 19 on page 7, inclusive.

AMENDMENT NO. 5

On page 8, after line 3, insert:

“(b) [A] EXCEPT AS PROVIDED UNDER § 6-105(A) OF THE STATE GOVERNMENT ARTICLE, 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.”;

in line 8, after “A” insert “**POSITION IN THE SKILLED SERVICE OR**”; in the same line, strike “**POSITION**”; strike beginning with “**FROM**” in line 13 down through “**CANDIDATES**” in line 14; and in line 20, strike “**UNDER GUIDELINES ISSUED BY THE SECRETARY.**” and substitute “**IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.**”

(III) 1. THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.

2. THE REGULATIONS ADOPTED UNDER THIS SUBPARAGRAPH SHALL PROVIDE, AT A MINIMUM, THAT AN APPOINTING

AUTHORITY RETAINS THE SAME AUTHORITY THAT THE APPOINTING AUTHORITY POSSESSED ON JANUARY 1, 2009, TO RECRUIT FOR POSITIONS DESIGNATED AS SPECIAL APPOINTMENTS.

On page 9, in line 7, strike “or”; and in line 10, after “position” insert “; **OR**”

(4) IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 7-201(A)(2)(III) OF THIS SUBTITLE”.

AMENDMENT NO. 6

On page 15, strike in their entirety lines 2 through 25, inclusive, and substitute:

“6-105.

(a) (1) **The Attorney General may employ a staff in accordance with the State budget.**

(2) **Staff members appointed under this subsection:**

(i) **NOTWITHSTANDING ANY OTHER LAW, are deemed special appointments within the meaning of [§ 6-405] § 6-405(A) of the State Personnel and Pensions Article; [and]**

(II) MAY NOT BE DETERMINED TO BE SPECIAL APPOINTMENTS UNDER § 6-405(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

[(ii)] (III) serve at the pleasure of the Attorney General.

(3) (i) **Staff appointed under this subsection is entitled to compensation as provided in the State budget.**

(ii) Unless the State budget provides otherwise, the salary of a Deputy Attorney General, assistant Attorney General, or special attorney appointed under this subsection is payable from the funds of the Office.

(4) Staff is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.”.

AMENDMENT NO. 7

On page 16, in line 1, strike “November 1, 2010” and substitute “July 1, 2011”; in line 3, strike “2011” and substitute “2012”; and in line 7, strike “July” and substitute “October”.

AMENDMENT NO. 8

On page 16, after line 5, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That an at-will position in the executive service or management service or that is designated as a special appointment that is encumbered on the effective date of this Act and the status of which would change as a result of Section 1 of this Act shall remain an at-will position until the position becomes vacant.”;

and in line 6, strike “3.” and substitute “4.”.