

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 735
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 8 down through “information” in line 9 and substitute “altering the information that the Secretary of Budget and Management must provide”; in line 10, strike “on certain”; in the same line, strike “positions” and substitute “; providing for the application of certain provisions of law”; in line 16, after “appointments;” insert “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;”; and in line 23, after “recruitment;” insert “requiring the Secretary of Budget and Management to determine position categories for special appointments in the Department of Business and Economic Development;”.

On page 2, in line 13, after “dates;” insert “providing that certain at-will positions that are encumbered on a certain date shall remain at-will positions until they are vacant;”; and in line 17, strike “6-405(a)” and substitute “6-405”.

On page 3, after line 23, insert:

“BY repealing and reenacting with amendments,
Article – State Government
Section 6-105(a)
(2004 Replacement Volume and 2008 Supplement)”.

AMENDMENT NO. 2

On page 3, after line 26, 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. 3

On page 5, in line 11, after “(a)” insert “**THIS SECTION DOES NOT APPLY TO THE UNIVERSITY SYSTEM OF MARYLAND.**

(B)”.

On page 6, in line 8, strike “(b)” and substitute “**(C)**”.

AMENDMENT NO. 4

On page 9, after line 2, 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.”.

On page 17, after line 10, insert:

“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, AND EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, 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) THE FOLLOWING POSITIONS ARE SPECIAL APPOINTMENTS UNDER § 6-405(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE:

(I) DEPUTY ATTORNEY GENERAL;

(Over)

(II) SPECIAL ASSISTANT TO THE ATTORNEY GENERAL;

(III) EXECUTIVE COUNSEL TO THE ATTORNEY GENERAL;

(IV) DIRECTOR OR CHIEF OF A DIVISION OR UNIT IN THE
OFFICE; AND

(V) PRINCIPAL COUNSEL TO A STATE UNIT.

[(3)] (4) (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)] (5) Staff is entitled to reimbursement for expenses under the
Standard State Travel Regulations, as provided in the State budget.”.

AMENDMENT NO. 5

On page 9, in line 21, after “(III)” insert “1.”; and after line 22, insert:

“2. THE REGULATIONS ADOPTED UNDER THIS
SUBPARAGRAPH SHALL PROVIDE, AT A MINIMUM, THAT FOR POSITIONS
DESIGNATED AS SPECIAL APPOINTMENTS ON JANUARY 1, 2009, AN APPOINTING
AUTHORITY SHALL RETAIN THE SAME RECRUITMENT AUTHORITY THAT THE
APPOINTING AUTHORITY POSSESSED ON JANUARY 1, 2009.”.

On page 10, in line 9, after “recruitment;” insert “or”; and strike beginning with
“; OR” in line 12 down through “SUBTITLE” in line 14.

AMENDMENT NO. 6

On page 12, in line 14, after “(c)]” insert “(A)”; and after line 15, insert:

“(B) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL DETERMINE POSITION CATEGORIES FOR SPECIAL APPOINTMENTS IN THE DEPARTMENT.”.

AMENDMENT NO. 7

On page 19, after line 3, 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 4, strike “3.” and substitute “4.”.