

# SENATE BILL 760

P4

9lr2682  
CF 9lr2684

---

By: **Senator Middleton**

Introduced and read first time: February 6, 2009

Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - At-Will Employment - Reforms and Reports**

3 FOR the purpose of repealing certain provisions of law that designate certain positions  
4 and employees as being in the executive service or management service or as  
5 special appointments in the State Personnel Management System; requiring the  
6 Secretary of Budget and Management to designate management service  
7 positions in the System that must be filled without regard to certain criteria  
8 and that may be filled with regard to certain criteria; requiring the Secretary to  
9 provide certain information to the Governor and the General Assembly on  
10 certain management service positions; providing that certain management  
11 service positions may be filled with regard to certain criteria; altering the  
12 criteria for designating certain positions in the professional service; altering the  
13 criteria for designating certain positions in the management service; repealing a  
14 provision of law that designates individuals in certain positions in the  
15 management service or the executive service as special appointments; excluding  
16 from the scope of certain provisions of law governing appointments in the  
17 skilled service and the professional service the recruitment for and the  
18 appointment to a professional service position under certain circumstances;  
19 altering the circumstances under which an appointing authority may select a  
20 candidate for a certain position by recruitment; repealing a certain obsolete  
21 provision relating to certain professional assistants; repealing a certain  
22 requirement that certain employees in certain demonstration sites be in the  
23 management service or a special appointment in the System; requiring the  
24 Secretary of Budget and Management and the Secretary of Transportation to  
25 compile a list of certain employees on or before a certain date of a certain years;  
26 requiring the Secretary of Transportation to provide a certain list of employees  
27 to the Secretary of Budget and Management on or before a certain date;  
28 requiring the Secretary of Budget and Management to submit a certain report  
29 on or before a certain date; requiring the Secretary of Budget and Management  
30 to conduct a certain evaluation of certain special appointments and report the

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 results of the evaluation on or before certain dates; and generally relating to  
2 State personnel, employment categories, and special appointments.

3 BY repealing and reenacting, with amendments,  
4 Article – State Personnel and Pensions  
5 Section 4–201, 4–302, 5–208, 6–402, 6–403, 6–405(a), 7–201, and 7–203  
6 Annotated Code of Maryland  
7 (2004 Replacement Volume and 2008 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – Correctional Services  
10 Section 3–215(b) and 4–204  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume)

13 BY repealing and reenacting, with amendments,  
14 Article – Economic Development  
15 Section 2–115  
16 Annotated Code of Maryland  
17 (2008 Volume)

18 BY repealing and reenacting, with amendments,  
19 Article – Education  
20 Section 2–104(c)  
21 Annotated Code of Maryland  
22 (2008 Replacement Volume)

23 BY repealing  
24 Article – Family Law  
25 Section 10–119.2(f)  
26 Annotated Code of Maryland  
27 (2006 Replacement Volume and 2008 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article – Family Law  
30 Section 10–119.2(g) through (j)  
31 Annotated Code of Maryland  
32 (2006 Replacement Volume and 2008 Supplement)

33 BY repealing and reenacting, with amendments,  
34 Article – Health – General  
35 Section 19–107, 19–206, and 19–2106(d)  
36 Annotated Code of Maryland  
37 (2005 Replacement Volume and 2008 Supplement)

38 BY repealing and reenacting, with amendments,  
39 Article – Health Occupations  
40 Section 14–204(d)

1 Annotated Code of Maryland  
 2 (2005 Replacement Volume and 2008 Supplement)

3 BY repealing and reenacting, with amendments,  
 4 Article – State Finance and Procurement  
 5 Section 5A–316  
 6 Annotated Code of Maryland  
 7 (2006 Replacement Volume and 2007 Supplement)

8 BY adding to  
 9 Article – State Government  
 10 Section 8–3A–02  
 11 Annotated Code of Maryland  
 12 (2004 Replacement Volume and 2008 Supplement)

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

15 **Article – State Personnel and Pensions**

16 4–201.

17 (a) This section does not apply to those units of State government with an  
 18 independent personnel system.

19 (b) In the State Personnel Management System the Secretary shall:

20 (1) establish classes;

21 (2) assign a rate of pay to each class;

22 (3) ensure that each class comprises one or more positions:

23 (i) that are similar in their duties and responsibilities;

24 (ii) that are similar in the general qualifications required to  
 25 perform those duties and responsibilities;

26 (iii) to which the same standards and, if required, tests of fitness  
 27 can be applied; and

28 (iv) to which the same rates of pay can be applied;

29 (4) give each class a descriptive classification title;

30 (5) prepare a description of each class; and

31 (6) (i) create additional classes; and

1 (ii) abolish, combine, or modify existing classes.

2 (c) The Secretary shall:

3 (1) assign a class to the skilled service, professional service,  
4 management service, or executive service, as appropriate; [and]

5 **(2) DESIGNATE MANAGEMENT SERVICE POSITIONS IN THE STATE**  
6 **PERSONNEL MANAGEMENT SYSTEM THAT:**

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

9 **(II) IN ACCORDANCE WITH § 6-403(B) OF THIS ARTICLE,**  
10 **MAY BE FILLED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION;**  
11 **AND**

12 **[(2)] (3)** designate special appointment positions in the State  
13 Personnel Management System that:

14 (i) must be filled without regard to political affiliation, belief, or  
15 opinion; or

16 (ii) in accordance with § 6-405(b) of this article, may be filled  
17 with regard to political affiliation, belief, or opinion.

18 4-302.

19 (a) The Secretary shall submit to the Governor and, subject to § 2-1246 of  
20 the State Government Article, to the General Assembly an annual report for each  
21 fiscal year that:

22 (1) provides information about the various personnel areas under the  
23 Secretary's jurisdiction, including:

24 (i) employee performance and efficiency;

25 (ii) use of leave by State employees;

26 (iii) incentive awards;

27 (iv) whistleblower proceedings;

28 (v) each denial of a pay increase, each disciplinary suspension,  
29 each grievance, each involuntary demotion, and each rejection on probation; and

1 (vi) a summary of the equal employment opportunity report  
2 required under § 5–204 of this article, including hiring, firing, promotions,  
3 terminations, and rejections on probation, by race, sex, and age;

4 (2) provides statistics and rankings that compare minority group State  
5 employees to all State employees in all job categories;

6 (3) provides information about part–time work and, in the Secretary’s  
7 discretion, alternate work schedules, work days, and work locations;

8 (4) provides information on the total number of:

9 (I) **MANAGEMENT SERVICE POSITIONS DESIGNATED WITH**  
10 **REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION; AND**

11 (II) positions designated as special appointments, including  
12 special appointments designated with regard to political affiliation, belief, or opinion;  
13 and

14 (5) makes any recommendations about conditions in State  
15 employment that the Secretary considers advisable.

16 (b) The report required by this section shall be submitted on or before  
17 January 1 following the fiscal year to which it applies.

18 5–208.

19 (a) All personnel actions concerning an employee in the Executive Branch of  
20 State government shall be made in accordance with § 2–302 of this article.

21 (b) Personnel actions concerning an employee or applicant for employment in  
22 the skilled service or professional service of the State Personnel Management System  
23 or comparable position in an independent personnel system in the Executive Branch of  
24 State government shall also be made without regard to:

25 (1) political affiliation, belief, or opinion; or

26 (2) any other nonmerit factor.

27 (c) (1) **[All] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
28 **SUBSECTION**, personnel actions concerning an employee or applicant in the  
29 management service shall also be made without regard to the employee’s political  
30 affiliation, belief, or opinion.

31 [(d) (1)] (2) Except as provided in paragraph [(2)] (3) of this subsection,  
32 personnel actions concerning special appointments or applicants for special  
33 appointment in the State Personnel Management System or comparable positions in

1 an independent personnel system in the Executive Branch of State government shall  
2 be made without regard to political affiliation, belief, or opinion.

3 ~~[(2)]~~ **(3)** For the positions that are designated by the Secretary under  
4 § 4-201(c)(2)(ii) ~~AND~~ **(3)(II)** of this article or by the Secretary of Transportation under  
5 § 2-103.4(b)(2) of the Transportation Article, personnel actions concerning special  
6 appointments or applicants for special appointment in the State Personnel  
7 Management System or comparable positions in an independent personnel system in  
8 the Executive Branch of State government may be made with regard to political  
9 affiliation, belief, or opinion.

10 ~~[(e)]~~ **(D)** The protections of this section are in addition to whatever legal or  
11 constitutional protections an employee or applicant has.

12 6-402.

13 (a) Except as otherwise provided by law, a position in the Executive Branch  
14 of State government is in the professional service if the position:

15 (1) **(I) PRIMARILY INVOLVES DIRECT RESPONSIBILITY FOR**  
16 **THE OVERSIGHT OF PERSONNEL; AND**

17 **(II) DOES NOT INVOLVE A SIGNIFICANT POLICY ROLE OR**  
18 **PROVIDE DIRECT SUPPORT TO A MEMBER OF THE EXECUTIVE SERVICE; OR**

19 **(2) (I)** requires knowledge of an advanced type in a field of science  
20 or learning customarily acquired by a course of specialized intellectual instruction and  
21 study; and

22 ~~[(2)]~~ **(II)** normally requires a professional license, advanced degree, or  
23 both.

24 (b) The professional service includes any other position that is determined by  
25 the Secretary to be in the professional service.

26 6-403.

27 (a) Except as otherwise provided by law, a position in the Executive Branch  
28 of State government is in the management service if the position:

29 (1) **(I)** primarily involves direct responsibility for the oversight and  
30 management of personnel and financial resources;

31 ~~[(2)]~~ **(II)** requires the exercise of discretion and independent  
32 judgment; and

1            ~~[(3)]~~ (III) is not in the executive service; OR

2            (2) INVOLVES A SIGNIFICANT POLICY ROLE OR PROVIDES DIRECT  
3 SUPPORT TO A MEMBER OF THE EXECUTIVE SERVICE.

4            (B) A MANAGEMENT SERVICE POSITION MAY BE FILLED WITH REGARD  
5 TO POLITICAL AFFILIATION, BELIEF, OR OPINION IF THE SECRETARY  
6 DETERMINES THAT THE POSITION:

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

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

12                        (II) PROVIDES ACCESS TO CONFIDENTIAL INFORMATION  
13 AND:

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

16                                2. REQUIRES THE PROVISION OF DIRECT ADVICE OR  
17 THE RENDERING OF DIRECT SERVICES TO AN APPOINTING AUTHORITY.

18            ~~[(b)]~~ (C) The management service includes any other position that is  
19 determined by the Secretary to be in the management service.

20 6-405.

21            (a) Except as otherwise provided by law, individuals in the following  
22 positions in the skilled service[,] AND professional service[, management service, or  
23 executive service] are considered special appointments:

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

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

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

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

- 1 (5) a position that is assigned to the Governor's Office; and  
2 (6) any other position that is specified by law to be a special  
3 appointment.

4 7-201.

5 (a) (1) This subtitle does not apply to a special appointment position in  
6 the skilled service or professional service.

7 (2) (I) **THIS SUBTITLE DOES NOT APPLY TO THE RECRUITMENT**  
8 **FOR OR THE APPOINTMENT TO A PROFESSIONAL SERVICE POSITION IF THE**  
9 **APPOINTING AUTHORITY:**

10 1. **DECIDES TO RECRUIT FOR THE POSITION UNDER §**  
11 **7-203(2) OF THIS SUBTITLE;**

12 2. **DEMONSTRATES THAT THE POSITION, BASED ON**  
13 **THE POSITION DESCRIPTION, IS DIFFICULT TO FILL FROM A LIST OF ELIGIBLE**  
14 **CANDIDATES;**

15 3. **DEMONSTRATES THAT THE RECRUITMENT MUST**  
16 **OCCUR IN A TIMELY MANNER; AND**

17 4. **NOTIFIES THE DEPARTMENT OF THE**  
18 **RECRUITMENT.**

19 (II) **A RECRUITMENT AND APPOINTMENT UNDER THIS**  
20 **PARAGRAPH SHALL OCCUR UNDER GUIDELINES ISSUED BY THE SECRETARY.**

21 (b) Each unit shall fill vacant skilled service and professional service  
22 positions in accordance with a position selection plan.

23 (c) To ensure compliance with State and federal employment laws and to  
24 ensure consistency in recruitment and hiring practices in the State Personnel  
25 Management System, the Department shall:

26 (1) assist units in developing application forms, position selection  
27 plans, selection tests, and announcement forms; and

28 (2) review and audit recruitment and hiring practices of all appointing  
29 authorities at least once every 3 years.

30 (d) On request of a unit that is not able to conduct all or part of its own  
31 recruitment or selection testing for a position because it lacks the appropriate



1 resources, the Department, consistent with its resources, shall assist the unit in  
2 conducting the requested recruitment and selection testing.

3 7-203.

4 An appointing authority may select candidates for a position:

5 (1) from an existing list of eligible candidates;

6 (2) [if no existing list of eligible candidates exists or] if the appointing  
7 authority decides to recruit for the position, by recruitment; or

8 (3) from a special list of eligible candidates whom the Division of  
9 Rehabilitation Services of the Department of Education certifies as being physically  
10 capable and adequately trained to qualify for the position.

### 11 **Article - Correctional Services**

12 3-215.

13 (b) (1) Except as otherwise provided in this subtitle, all officers and other  
14 employees of the Division shall be appointed and removed in accordance with the  
15 provisions of the State Personnel and Pensions Article.

16 (2) The following positions are in the executive service, the  
17 management service, or are special appointments of the skilled service or the  
18 professional service in the State Personnel Management System:

19 (i) Commissioner;

20 (ii) Deputy Commissioner;

21 (iii) Assistant Commissioner;

22 (iv) industries general manager;

23 (v) [chaplain;

24 (vi)] warden;

25 [(vii)] (VI) facility administrator; and

26 [(viii)] (VII) assistant warden.

27 (3) (i) The warden of a correctional facility is the appointing officer  
28 for the officers and other employees of that facility.

1 (ii) The Commissioner is the appointing officer for the other  
2 officers and employees in the Division.

3 4–204.

4 (a) The Institution shall have the following staff:

5 (1) two associate directors, one of whom is a competent psychiatrist  
6 with at least 3 years of experience in the practice or teaching of psychiatry and one of  
7 whom is a competent behavioral scientist with at least 3 years of experience in the  
8 practice or teaching of the individual’s specialty in behavioral science;

9 (2) a warden;

10 (3) at least three additional psychiatrists or clinical psychologists;

11 (4) at least four State licensed certified social workers–clinical; and

12 (5) other professional and nonprofessional staff, as provided in the  
13 State budget.

14 (b) (1) The associate directors shall assist primarily in discharging the  
15 diagnostic and remediation functions of the Institution.

16 (2) The warden shall assist primarily in discharging the custodial  
17 function of the Institution.

18 (c) The staff members of the Institution are entitled to compensation as  
19 provided in the State budget.

20 (d) (1) Except as provided in paragraph (3) of this subsection or any other  
21 law, the staff members of the Institution are in the skilled service or professional  
22 service in the State Personnel Management System.

23 (2) With the approval of the Secretary, the Director shall appoint an  
24 individual to any position that the Secretary determines to be professional, including:

25 (i) each associate director;

26 (ii) each social worker;

27 (iii) each sociologist;

28 (iv) each physician; and

29 (v) each psychologist.

1 (3) The Director and each individual appointed under paragraph [(2)]  
 2 **(2)(I)** of this subsection are in the executive service, in the management service, or a  
 3 special appointment in the State Personnel Management System.

#### 4 **Article – Economic Development**

5 2–115.

6 [(a) An employee of the Department who is hired on or after July 1, 1995, is  
 7 in the executive service or management service in the State Personnel Management  
 8 System, or is a special appointment.

9 (b) A position held by a classified service employee on June 30, 1995,  
 10 remains a classified service position or its equivalent in the State Personnel  
 11 Management System until the position becomes vacant.

12 [(c)] In accordance with the State budget, the Secretary shall set the  
 13 compensation of Department employees.

#### 14 **Article – Education**

15 2–104.

16 (c) (1) All professional assistants[, grade 31 and above,] shall serve at the  
 17 pleasure of the State Board and the State Superintendent.

18 (2) All other professional assistants shall be removed in accordance  
 19 with procedures set by the State Board.

#### 20 **Article – Family Law**

21 10–119.2.

22 [(f) (1) Notwithstanding any other provision of law, all employees hired in  
 23 a demonstration site after its designation as a demonstration site shall be in the  
 24 management service or special appointments in the State Personnel Management  
 25 System.

26 (2) If a position in a demonstration site is held by a classified service  
 27 employee prior to its designation as a demonstration site, the position remains a  
 28 classified service position or its equivalent in the State Personnel Management  
 29 System until the position becomes vacant, at which time the position shall become a  
 30 management service or special appointment position.]

31 [(g) (F) The Secretary shall establish a performance incentive program to  
 32 provide pay incentives for employees in a demonstration site.

1           [(h)] (G) In accordance with subsection [(i)] (H) of this section, a  
2 demonstration site may conduct a conciliation conference.

3           [(i)] (H)     (1) If a complaint is filed to modify or enforce a duty of support  
4 in the circuit court of a jurisdiction in which a demonstration site is located, the court  
5 may issue a writ of summons to order the parties to appear and to produce documents  
6 at a conciliation conference.

7           (2) If a party fails to appear or fails to produce the documents required  
8 under this subsection, a representative of the demonstration site may apply, upon  
9 affidavit, to the court for a body attachment.

10          (3) If a party fails or refuses to obey a court order to appear or produce  
11 the documents required under this subsection at a conciliation conference, the court  
12 may issue a body attachment or compel compliance in any other manner available to  
13 the court to enforce its order.

14          [(j)] (I)     The powers of the Secretary to carry out the provisions of this  
15 section shall be construed liberally.

## 16    **Article - Health - General**

17 19-107.

18          (a)     (1) A majority of the full authorized membership of the Commission is  
19 a quorum.

20                 (2) The decision of the Commission shall be by a majority of the  
21 quorum present and voting.

22          (b)     The Commission shall meet at least six times each year, at the times and  
23 places that it determines.

24          (c)     Each member of the Commission is entitled to:

25                 (1) Compensation in accordance with the State budget; and

26                 (2) Reimbursement for expenses under the Standard State Travel  
27 Regulations, as provided in the State budget.

28          (d)     (1) The Commission may employ a staff in accordance with the State  
29 budget.

30                 (2) [(i) Staff hired after September 30, 1999, are in the executive  
31 service, management service, or are special appointments in the State Personnel  
32 Management System.

1 (ii)] The Commission, in consultation with the Secretary, shall  
2 determine the appropriate job classifications and grades for all staff.

3 19–206.

4 (a) A majority of the full authorized membership of the Commission is a  
5 quorum. However, the Commission may not act on any matter unless at least 4  
6 members in attendance concur.

7 (b) The Commission shall meet at least 6 times a year, at the times and  
8 places that it determines.

9 (c) Each member of the Commission is entitled to:

10 (1) Compensation in accordance with the State budget; and

11 (2) Reimbursement for expenses under the Standard State Travel  
12 Regulations, as provided in the State budget.

13 (d) (1) The Commission may employ a staff in accordance with the State  
14 budget.

15 (2) [(i) Staff hired after September 30, 1999, are in the executive  
16 service, management service, or are special appointments in the State Personnel  
17 Management System.

18 (ii)] The Commission, in consultation with the Secretary, shall  
19 determine the appropriate job classifications and grades for all staff.

20 (3) The Deputy Director and each principal section chief of the  
21 Commission serve at the pleasure of the Commission.

22 (4) The Commission, in consultation with the Secretary, may  
23 determine the appropriate job classifications and, subject to the State budget, the  
24 compensation for the Executive Director, Deputy Director, and each principal section  
25 chief of the Commission.

26 19–2106.

27 (d) (1) The Commission may employ a staff in accordance with the State  
28 budget.

29 (2) [(i) Staff hired after June 30, 2005, are in the executive service  
30 or management service or are special appointments in the State Personnel  
31 Management System.

1 (ii)] The Commission, in consultation with the Secretary, shall  
2 determine the appropriate job classifications and grades for all staff.

3 **Article – Health Occupations**

4 14–204.

5 (d) (1) The Secretary may employ a staff for the Board in accordance with  
6 the State budget. The Secretary may designate one of the staff as an executive  
7 director.

8 (2) [Staff hired after September 30, 1992, are in the executive service,  
9 management service, or are special appointments in the State Personnel Management  
10 System.

11 (3)] The Secretary shall determine the appropriate job classifications  
12 and grades for all staff.

13 **Article – State Finance and Procurement**

14 5A–316.

15 (a) (1) The trustees shall appoint a Director, with the approval of the  
16 Governor.

17 (2) The Director is the chief administrative officer of the Trust.

18 (b) The Director shall have:

19 (1) knowledge in architecture, history, archeology, or another  
20 appropriate discipline relating to historic preservation; and

21 (2) experience in historic preservation or related fields.

22 (c) The Director serves at the pleasure of the Board and may be removed  
23 with the concurrence of the Governor.

24 (d) (1) The Director is entitled to the salary provided in the State budget.

25 (2) The Director may employ a staff in accordance with the State  
26 budget.

27 (e) [Each position with the Trust is a special appointment in the State  
28 Personnel Management System.

29 (f)] Under the direction of the Board, the Director shall perform the duties  
30 and functions that the Board prescribes.

1 **Article – State Government**

2 **8-3A-02.**

3 (A) **ON OR BEFORE DECEMBER 1 OF EACH GUBERNATORIAL ELECTION**  
4 **YEAR:**

5 (1) **THE SECRETARY OF BUDGET AND MANAGEMENT SHALL**  
6 **COMPILE A LIST OF THE POSITION, PAY GRADE, TITLE, AND NAME OF EACH**  
7 **EMPLOYEE IN THE STATE PERSONNEL MANAGEMENT SYSTEM WHO IS**  
8 **EMPLOYED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION**  
9 **UNDER § 4-201(C)(2)(II) AND (3)(II) OF THE STATE PERSONNEL AND PENSIONS**  
10 **ARTICLE; AND**

11 (2) **THE SECRETARY OF TRANSPORTATION SHALL COMPILE A**  
12 **LIST OF THE POSITION, PAY GRADE, TITLE, AND NAME OF EACH EMPLOYEE IN**  
13 **THE MARYLAND DEPARTMENT OF TRANSPORTATION’S HUMAN RESOURCE**  
14 **SYSTEM WHO IS EMPLOYED WITH REGARD TO POLITICAL AFFILIATION, BELIEF,**  
15 **OR OPINION UNDER § 2-103.4(B)(2)(II) OF THE TRANSPORTATION ARTICLE.**

16 (B) **THE SECRETARY OF TRANSPORTATION SHALL PROVIDE THE LIST**  
17 **OF EMPLOYEES REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION TO THE**  
18 **SECRETARY OF BUDGET AND MANAGEMENT ON OR BEFORE DECEMBER 15 OF**  
19 **EACH GUBERNATORIAL ELECTION YEAR.**

20 (C) **IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, ON OR BEFORE**  
21 **DECEMBER 31 OF EACH GUBERNATORIAL ELECTION YEAR, THE SECRETARY OF**  
22 **BUDGET AND MANAGEMENT SHALL SUBMIT A REPORT TO THE GOVERNOR, THE**  
23 **PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES**  
24 **ON THE TOTAL NUMBER OF STATE EMPLOYEES EMPLOYED WITH REGARD TO**  
25 **POLITICAL AFFILIATION, BELIEF, OR OPINION UNDER THIS SECTION.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That:**

27 (a) **The Secretary of Budget and Management, in consultation with the**  
28 **appropriate department secretaries and agency heads, shall evaluate all skilled and**  
29 **professional service positions considered special appointments under § 6-405(a)(3) of**  
30 **the State Personnel and Pensions Article to determine whether these positions should**  
31 **continue to be considered special appointments in the State Personnel Management**  
32 **System.**

33 (b) **The Secretary shall:**

1                   (1)     on or before November 1, 2010, complete the evaluation required  
2 under subsection (a) of this section; and

3                   (2)     on or before January 1, 2011, in accordance with § 2-1246 of the  
4 State Government Article, report the results of the evaluation to the Governor and the  
5 General Assembly.

6                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 July 1, 2009.