SENATE BILL 939

By: **Senator Smith** Introduced and read first time: February 3, 2017 Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

State Personnel – Executive Branch Appointments by Department Secretaries – Procedures for Removal

FOR the purpose of prohibiting the secretary of certain departments in the Executive
Branch of State government who makes certain appointments from removing an
appointee without first obtaining the written approval of the Governor under certain
circumstances; prohibiting a certain secretary of a certain principal department of
State government from removing an appointee without first obtaining the written
approval of the Governor under certain circumstances; and generally relating to
Executive Branch appointments by department secretaries.

- 11 BY repealing and reenacting, with amendments,
- 12 Article Agriculture
- 13 Section 2–102(d)
- 14 Annotated Code of Maryland
- 15 (2016 Replacement Volume)
- 16 BY repealing and reenacting, with amendments,
- 17 Article Correctional Services
- 18 Section 2–105(e)
- 19 Annotated Code of Maryland
- 20 (2008 Replacement Volume and 2016 Supplement)
- 21 BY repealing and reenacting, with amendments,
- 22 Article Economic Development
- 23 Section 2–111
- 24 Annotated Code of Maryland
- 25 (2008 Volume and 2016 Supplement)
- 26 BY repealing and reenacting, with amendments,
- 27 Article Human Services

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



$egin{array}{c} 1 \\ 2 \\ 3 \end{array}$	Section 2–206 Annotated Code of Maryland (2007 Volume and 2016 Supplement)
4 5 6 7 8	BY repealing and reenacting, with amendments, Article – Natural Resources Section 1–101(d)(2) Annotated Code of Maryland (2012 Replacement Volume and 2016 Supplement)
$9 \\ 10 \\ 11 \\ 12 \\ 13$	BY repealing and reenacting, with amendments, Article – State Government Section 8–205 Annotated Code of Maryland (2014 Replacement Volume and 2016 Supplement)
14 15 16 17 18	BY repealing and reenacting, with amendments, Article – Transportation Section 2–102(e) Annotated Code of Maryland (2015 Replacement Volume and 2016 Supplement)
19 20	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
21	Article – Agriculture
22	2–102.
$\begin{array}{c} 23\\ 24 \end{array}$	(d) (1) (i) The Secretary also shall have within the Department assistants, professional consultants, and employees as provided in the State budget.
25 26 27 28	(ii) Assistants in charge of areas of responsibility and professional consultants shall be in the executive service, management service, or special appointments in the State Personnel Management System and shall serve at the pleasure of the Secretary.
29 30 31 32	(iii) Wherever it is provided by law that the Secretary makes an appointment to a particular office within the Department with the approval of the Governor, the Secretary may not remove the appointee without first obtaining the Governor's WRITTEN approval.
33	(2) Except as otherwise provided by law, the Secretary shall appoint and

(2) Except as otherwise provided by law, the Secretary shall appoint and
 remove all other personnel in accordance with the provisions of the State Personnel and
 Pensions Article.

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1 The Secretary may delegate the authority to appoint and remove (3) $\mathbf{2}$ personnel of any unit to the administrator of the unit. 3 **Article – Correctional Services** 2 - 105.4 If the Secretary is required by law to make an appointment, with the approval $\mathbf{5}$ (e) 6 of the Governor, to a particular office within the Department and the appointee is required 7 by law to serve at the pleasure of the Secretary, the Secretary may not remove the appointee without first obtaining the Governor's WRITTEN approval. 8 9 **Article – Economic Development** 2-111.10 11 The Secretary may not remove an appointee to a particular office in the Department 12without first obtaining the Governor's **WRITTEN** approval if the law provides that: 13the Secretary is required to make the appointment with the consent of (1)the Governor: and 1415(2)the appointee: 16 (i) serves at the pleasure of the Secretary; or 17(ii) may be removed by the Secretary with or without cause. Article – Human Services 18 192-206.20If the Secretary is required by law to make an appointment with the approval of the 21Governor to a particular office in the Department and the appointee is required to serve at 22the pleasure of the Secretary, the Secretary may not remove the appointee without first 23obtaining the Governor's WRITTEN approval. Article – Natural Resources 24251 - 101.26(d) The Secretary shall appoint, with the approval of the Governor, a (2)

deputy secretary who shall have the duties provided by law or delegated by the Secretary.
The deputy secretary is in the executive service of the State Personnel Management
System, serves at the pleasure of the Secretary, and shall receive the compensation
provided in the State budget. All assistant secretaries, staff assistants, and professional

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1 consultants are in the executive service, management service, or are special appointments 2 in the State Personnel Management System and are appointed by and serve at the 3 Secretary's pleasure. Wherever it is provided by law that the Secretary makes an 4 appointment to a particular office within the Department with the approval of the 5 Governor, the Secretary may not remove the appointee without first obtaining the 6 Governor's WRITTEN approval.

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Article – State Government

8 8–205.

9 (a) The secretary of each principal department serves at the pleasure of the 10 Governor unless otherwise provided by law.

11 (b) A secretary shall:

12 (1) receive the salary and have the assistants, employees, and professional 13 consultants provided in the budget, unless otherwise provided by law;

14 (2) be responsible for establishing policy to be followed by the units of State 15 government within the secretary's department;

16 (3) be responsible for the efficient and orderly administration of the 17 department;

18 (4) be responsible for the comprehensive planning of programs and services 19 within the secretary's jurisdiction and for reviewing and approving the plans of all units of 20 State government within the secretary's jurisdiction;

(5) be responsible for the budget of the secretary's office and for the budgets
of other units of State government within the secretary's jurisdiction;

(6) be responsible for the organization of the secretary's office and for
 recommending to the Governor changes in the organization and placement of units of State
 government within the secretary's jurisdiction; and

26 (7) recommend to the Governor any modification, abolition, and transfer of 27 advisory bodies within the secretary's jurisdiction.

28 (c) A secretary may:

(1) appoint officers and employees in the secretary's office as provided in the budget and review the personnel action taken by any unit of State government within the secretary's jurisdiction; and

32 (2) create the citizen advisory bodies that may be necessary for the 33 operation of the secretary's department.

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1 (D) A SECRETARY WHO IS AUTHORIZED OR REQUIRED BY LAW TO MAKE AN 2 APPOINTMENT WITH THE APPROVAL OF THE GOVERNOR TO A PARTICULAR OFFICE 3 OR POSITION IN A UNIT OF STATE GOVERNMENT WITHIN THE SECRETARY'S 4 JURISDICTION MAY NOT REMOVE THE APPOINTEE WITHOUT FIRST OBTAINING THE 5 GOVERNOR'S WRITTEN APPROVAL.

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Article – Transportation

7 2–102.

8 (e) Wherever the Secretary is authorized by law to make an appointment to a 9 particular position in the Department with the approval of the Governor, the Secretary may 10 not remove the appointee without first obtaining the Governor's **WRITTEN** approval.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 12 October 1, 2017.