

HOUSE BILL 701

J1, P4

3lr2738
CF SB 556

By: **Delegate Kipke**

Introduced and read first time: February 6, 2023

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2023

CHAPTER _____

1 AN ACT concerning

2 **Maryland Community Health Resources Commission and Offices of the**
3 **Comptroller, Treasurer, and Attorney General – Compensation and Pay Scales**
4 **of Employees**

5 FOR the purpose of authorizing the Maryland Community Health Resources Commission,
6 in consultation with the Secretary of Health, to set the compensation of certain
7 Commission employees; requiring the Secretary of Budget and Management, in
8 consultation with the Secretary of Health, to determine the positions for which the
9 Commission may set compensation; authorizing the Comptroller, the Treasurer, and
10 the Attorney General, in consultation with the Secretary of Budget and
11 Management, to set the pay scale of certain positions in their offices; and generally
12 relating to ~~the Maryland Community Health Resources Commission and~~ employee
13 compensation and pay scales.

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 19–2106
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – State Government
21 Section 4–104, 5–105, and 6–105
22 Annotated Code of Maryland
23 (2021 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health – General**

4 19–2106.

5 (a) (1) A majority of the full authorized membership of the Commission is a
6 quorum.

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

9 (b) The Commission shall meet at least six times a year, at the times and places
10 that it determines.

11 (c) A member of the Commission is entitled to:

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

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

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

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

19 **(3) THE COMMISSION, IN CONSULTATION WITH THE SECRETARY,**
20 **MAY SET THE COMPENSATION OF A COMMISSION EMPLOYEE IN A POSITION THAT:**

21 **(I) IS UNIQUE TO THE COMMISSION;**

22 **(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM**
23 **THE DUTIES OF THE POSITION; AND**

24 **(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM**
25 **FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS**
26 **OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

27 **(4) THE SECRETARY OF BUDGET AND MANAGEMENT, IN**
28 **CONSULTATION WITH THE COMMISSION, SHALL DETERMINE THE POSITIONS FOR**
29 **WHICH THE COMMISSION MAY SET COMPENSATION UNDER PARAGRAPH (3) OF THIS**
30 **SUBSECTION.**

1 Article – State Government

2 4–104.

3 (a) (1) The Comptroller may employ a staff in accordance with the State
4 budget.

5 (2) The staff shall perform the duties that the Comptroller assigns.

6 (b) (1) From among the employees on the staff, the Comptroller may designate
7 1 Chief Deputy Comptroller and 1 or more deputy comptrollers.

8 (2) While in office, the Chief Deputy Comptroller and each deputy
9 comptroller shall be covered by a surety bond in the form and amount required by law.

10 (3) A designation as Chief Deputy Comptroller or as deputy comptroller
11 may be terminated:

12 (i) by the Comptroller for any reason that the Comptroller considers
13 sufficient; or

14 (ii) if the Comptroller is ill or absent, by the other members of the
15 Board of Public Works for any reason that the members consider sufficient.

16 (4) A termination of the designation as Chief Deputy Comptroller or as
17 deputy comptroller is not, of itself, a termination of employment.

18 (c) (1) **THE COMPTROLLER, IN CONSULTATION WITH THE SECRETARY**
19 **OF BUDGET AND MANAGEMENT, MAY SET THE PAY SCALE OF A POSITION IN THE**
20 **OFFICE OF THE COMPTROLLER THAT:**

21 (I) **IS UNIQUE TO THE OFFICE OF THE COMPTROLLER; AND**

22 (II) **REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM**
23 **THE DUTIES OF THE POSITION.**

24 (2) **THE SECRETARY OF BUDGET AND MANAGEMENT, IN**
25 **CONSULTATION WITH THE COMPTROLLER, SHALL DETERMINE THE POSITIONS FOR**
26 **WHICH THE COMPTROLLER MAY SET COMPENSATION UNDER PARAGRAPH (1) OF**
27 **THIS SUBSECTION.**

28 5–105.

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

1 (2) While on the staff, an individual shall be covered by a surety bond in
2 the form and amount required by law.

3 (3) The staff shall perform the duties that the Treasurer assigns.

4 (b) (1) From among the employees on the staff, the Treasurer may designate
5 1 Chief Deputy Treasurer and 1 or more deputy treasurers.

6 (2) A designation as Chief Deputy Treasurer or as deputy treasurer may
7 be terminated:

8 (i) by the Treasurer for any reason that the Treasurer considers
9 sufficient; or

10 (ii) if the Treasurer is ill or absent, by the other members of the
11 Board of Public Works for any reason that the members consider sufficient.

12 (3) A termination of the designation as Chief Deputy Treasurer or as
13 deputy treasurer is not, of itself, a termination of employment.

14 **(C) (1) THE TREASURER, IN CONSULTATION WITH THE SECRETARY OF**
15 **BUDGET AND MANAGEMENT, MAY SET THE PAY SCALE OF A POSITION IN THE**
16 **OFFICE OF THE TREASURER THAT:**

17 **(I) IS UNIQUE TO THE OFFICE OF THE TREASURER; AND**

18 **(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM**
19 **THE DUTIES OF THE POSITION.**

20 **(2) THE SECRETARY OF BUDGET AND MANAGEMENT, IN**
21 **CONSULTATION WITH THE TREASURER, SHALL DETERMINE THE POSITIONS FOR**
22 **WHICH THE TREASURER MAY SET COMPENSATION UNDER PARAGRAPH (1) OF THIS**
23 **SUBSECTION.**

24 6-105.

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

27 (2) Attorneys, positions that provide direct support to the Attorney
28 General, and positions that provide direct support to the positions specified in paragraph
29 (3) of this subsection, appointed under this subsection:

30 (i) notwithstanding any other law, and except as provided in
31 paragraph (3) of this subsection, are deemed special appointments within the meaning of §
32 6-405(a) of the State Personnel and Pensions Article;

1 (ii) may not be determined to be special appointments under §
2 6-405(b) of the State Personnel and Pensions Article; and

3 (iii) serve at the pleasure of the Attorney General.

4 (3) The following positions are special appointments under § 6-405(b) of
5 the State Personnel and Pensions Article:

6 (i) Deputy Attorney General;

7 (ii) special assistant to the Attorney General;

8 (iii) executive counsel to the Attorney General;

9 (iv) director or chief of a division or unit in the Office; and

10 (v) principal counsel to a State unit.

11 (4) (i) Staff appointed under this subsection is entitled to compensation
12 as provided in the State budget.

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

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

18 (b) (1) In addition to any other staff appointed under this section, the Attorney
19 General, with the written approval of the Governor, may employ any assistant counsel that
20 the Attorney General considers necessary to carry out any duty of the Office in an
21 extraordinary or unforeseen case or in special county work.

22 (2) The Attorney General shall submit to the Governor a written request
23 that:

24 (i) states the necessity of and each reason for the special
25 employment; and

26 (ii) states the proposed compensation and its source or certifies that
27 the Attorney General cannot ascertain in advance the proper compensation.

28 (3) Compensation that cannot be ascertained in advance may be agreed on
29 or adjusted later.

1 (c) (1) In addition to any other staff appointed under this section, the Attorney
2 General may employ special counsel to defend a State officer or State employee under Title
3 12, Subtitle 3 of this article if the Attorney General determines that representation by the
4 Attorney General or an assistant is impracticable or uneconomical.

5 (2) The special counsel is entitled to compensation, as set by the Attorney
6 General and approved by the Board of Public Works, under Title 12, Subtitle 5 of this
7 article.

8 (d) Each Deputy Attorney General, assistant Attorney General, or special
9 attorney appointed under subsection (a) of this section shall be a practicing lawyer of the
10 State in good standing.

11 (e) (1) The Attorney General may assign any duty that the law imposes on the
12 Attorney General to a Deputy Attorney General, assistant Attorney General, or special
13 attorney appointed under subsection (a) of this section or, to the extent permitted by law,
14 a law clerk.

15 (2) The Deputy Attorney General, assistant Attorney General, special
16 attorney, or law clerk shall perform the assigned duty, subject to the control of the Attorney
17 General.

18 (f) In addition to any other staff appointed under this section, the Attorney
19 General may employ any assistant counsel that the Attorney General considers necessary
20 to carry out any duty of the Office if the employment of the assistant counsel:

21 (1) is on a pro bono basis;

22 (2) will not result in more than minimal cost to the State; and

23 (3) will not result in the payment to the assistant counsel of any portion of
24 the State's recovery in any case or matter.

25 **(G) (1) THE ATTORNEY GENERAL, IN CONSULTATION WITH THE**
26 **SECRETARY OF BUDGET AND MANAGEMENT, MAY SET THE PAY SCALE OF A**
27 **POSITION IN THE OFFICE OF THE ATTORNEY GENERAL THAT:**

28 **(I) IS UNIQUE TO THE OFFICE OF THE ATTORNEY GENERAL;**
29 **AND**

30 **(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM**
31 **THE DUTIES OF THE POSITION.**

32 **(2) THE SECRETARY OF BUDGET AND MANAGEMENT, IN**
33 **CONSULTATION WITH THE ATTORNEY GENERAL, SHALL DETERMINE THE POSITIONS**

1 FOR WHICH THE ATTORNEY GENERAL MAY SET COMPENSATION UNDER PARAGRAPH
2 (1) OF THIS SUBSECTION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.