

SENATE BILL 1007

P1

4lr3354

By: **Senator Hayes**

Introduced and read first time: February 2, 2024

Assigned to: Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Executive Appointments**

3 FOR the purpose of requiring the Governor to submit a certain nomination to the Senate
4 under certain circumstances; authorizing the Governor to submit a certain
5 nomination to the Senate during a certain time period only if the Senate consents;
6 establishing that an individual nominated for an Executive office during a certain
7 period of time is eligible for confirmation only if the Senate consents and under
8 certain circumstances; establishing that an Executive officer may continue to serve
9 a certain amount of time only after the end of the officer's term; and generally
10 relating to Executive appointments.

11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 17–109
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2023 Supplement)

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

18 **Article – State Government**

19 17–109.

20 (a) This section applies:

21 (1) only to an office for which an appointment to fill a vacancy is required
22 to be made with the advice and consent of the Senate; and

23 (2) regardless of whether a salary or any other compensation is provided to
24 the holder of the office.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) IF THE TERM OF AN OFFICE SUBJECT TO THE REQUIREMENTS OF**
 2 **THIS SECTION WILL END DURING THE NEXT UPCOMING RECESS OF THE SENATE, THE**
 3 **GOVERNOR SHALL SUBMIT A NOMINATION TO THE SENATE TO FILL THE OFFICE**
 4 **WITHIN 40 DAYS FROM THE COMMENCEMENT OF THE REGULAR SESSION OF THE**
 5 **LEGISLATURE.**

6 **(2) IF THE GOVERNOR BECOMES AWARE THAT THE TERM OF AN**
 7 **OFFICE SUBJECT TO THE REQUIREMENTS OF THIS SECTION WILL END DURING THE**
 8 **NEXT UPCOMING RECESS OF THE SENATE MORE THAN 40 DAYS AFTER THE**
 9 **COMMENCEMENT OF THE REGULAR SESSION OF THE LEGISLATURE BUT BEFORE**
 10 **THE LEGISLATURE ADJOURNS SINE DIE, THE GOVERNOR MAY SUBMIT A**
 11 **NOMINATION TO THE SENATE TO FILL THE OFFICE ONLY IF THE SENATE CONSENTS**
 12 **TO EXAMINE THE NOMINEE, SUBJECT TO ITS RULES.**

13 **(3) AN INDIVIDUAL NOMINATED MORE THAN 40 DAYS AFTER THE**
 14 **COMMENCEMENT OF THE REGULAR SESSION OF THE LEGISLATURE BUT BEFORE**
 15 **THE LEGISLATURE ADJOURNS SINE DIE IS NOT ELIGIBLE FOR CONFIRMATION IF**
 16 **THERE IS AN INCUMBENT IN THE OFFICE UNLESS THE SENATE CONSENTS TO**
 17 **EXAMINE THE NOMINEE, SUBJECT TO ITS RULES.**

18 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT THE END**
 19 **OF A TERM, AN OFFICER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED**
 20 **AND QUALIFIES.**

21 **(2) AN OFFICER MAY NOT CONTINUE TO SERVE MORE THAN 2 YEARS**
 22 **AFTER THE END OF THE OFFICER'S TERM.**

23 **[(b)] (D) (1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**
 24 **individual who was appointed to fill a vacancy in an office during the recess of the Senate**
 25 **or who was nominated to fill a vacancy in an office during a regular session of the Senate**
 26 **may not:**

27 **(I) be nominated for the same office at the same session, unless**
 28 **requested by the [Senate,] SENATE;**

29 **(II) be appointed to the same office during the recess of the [Senate,]**
 30 **SENATE; or**

31 **(III) continue to serve in the office or be designated to serve in an**
 32 **acting capacity for the same office after the adjournment of the regular session of the Senate**
 33 **at which the nomination was [made,] MADE.**

34 **(2) PARAGRAPH (1) OF THIS SUBSECTION APPLIES ONLY if:**

1 [(1)] (I) the Governor withdrew the nomination **OR THE INDIVIDUAL**
2 **WITHDREW THE INDIVIDUAL'S NOMINATION** during the regular session of the Senate at
3 which the nomination was made;

4 [(2)] (II) the Senate failed to act on the nomination before the Senate
5 adjourned the regular session of the Senate at which the nomination was made and the
6 individual was not [reappointed] **APPOINTED AS A RECESS APPOINTMENT** to the office
7 by the Governor;

8 [(3)] the individual withdrew the individual's nomination;

9 [(4)] (III) the Governor fails to make the nomination on the first day of the
10 regular session of the Senate if required under Article II, § 11 of the Maryland Constitution;
11 or

12 [(5)] (IV) the individual is [not confirmed] **REJECTED** by the Senate [and
13 is designated by the Governor to fill the vacancy in an acting capacity].

14 [(c)] (E) An individual who is prohibited from continuing to serve in an office
15 under subsection [(b)] (D) of this section may not:

16 (1) carry out the responsibilities of the office in any capacity; or

17 (2) make representations that the individual:

18 (i) serves in the office in any capacity; or

19 (ii) is legally authorized to carry out the responsibilities of the office
20 in any capacity.

21 [(d)] (F) If the holder is in an office on a public body for which no salary is
22 provided:

23 (1) any votes cast by an individual who, at the time the vote is conducted
24 by the public body, is prohibited from continuing to serve in the office under subsection
25 [(b)] (D) of this section may not be counted; and

26 (2) the presence of an individual described in item (1) of this subsection
27 may not be counted for purposes of a quorum.

28 [(e)] (G) (1) Subject to paragraph (2) of this subsection, an individual who is
29 designated to serve in an acting capacity to fill a vacancy in an office for which an
30 appointment is required to be made with the advice and consent of the Senate may not
31 serve in the office for more than 275 days after the date the designation was made.

1 (2) An individual may not continue to serve in an acting capacity after the
2 adjournment of a regular session of the Senate if:

3 (i) the individual was serving in the acting capacity before the start
4 of the regular session; and

5 (ii) the individual was not nominated to fill the vacancy in the office
6 during that regular session.

7 **[(f)] (H)** An individual who violates this section may not receive any
8 compensation, including a salary or reimbursement for expenses out of the State budget,
9 related to serving in the office or carrying out the responsibilities of the office.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
11 1, 2024.