

# HOUSE BILL 1161

P4

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CF SB 921

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By: **Delegates Jones, Glenn, Haynes, Hettleman, McCray, A. Miller, Patterson, Reznik, Sample-Hughes, and Valentino-Smith**

Introduced and read first time: February 9, 2017

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Special Appointments in the Skilled and Professional Services**

3 FOR the purpose of requiring the Chief Executive Officer of Maryland Correctional  
4 Enterprises and the Secretary of Human Resources to transfer, on or before a certain  
5 date, certain special appointment positions to certain employment categories of the  
6 State Personnel and Management System; establishing that certain staff in the  
7 Child Support Enforcement Administration may not be considered special  
8 appointments; repealing the special appointment status of certain employees of the  
9 Office of the Attorney General; requiring the Department of Budget and  
10 Management, on or before a certain date, to make certain determinations and report  
11 its findings to certain committees of the General Assembly; making conforming  
12 changes; and generally relating to State special employees who are special  
13 appointments.

14 BY repealing and reenacting, with amendments,  
15 Article – Correctional Services  
16 Section 3–506  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Family Law  
21 Section 10–106  
22 Annotated Code of Maryland  
23 (2012 Replacement Volume and 2016 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article – State Government  
26 Section 6–105  
27 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2016 Supplement)

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

#### Article – Correctional Services

3–506.

(a) (1) The Chief Executive Officer:

(i) shall determine the personnel requirements of Maryland  
Correctional Enterprises;

(ii) is the appointing authority for all personnel of Maryland  
Correctional Enterprises; and

(iii) may hire individuals and inmates consistent with existing  
policies and procedures of Maryland Correctional Enterprises as of July 1, 2012.

(2) The number of positions for Maryland Correctional Enterprises shall be  
included within the total personnel allocations provided for the Department.

(b) (1) Special appointment positions in Maryland Correctional Enterprises  
are managerial, supervisory, and confidential positions.

**(2) ON OR BEFORE JULY 1, 2017, THE CHIEF EXECUTIVE OFFICER  
SHALL TRANSFER ANY SPECIAL APPOINTMENT POSITION IN THE SKILLED SERVICE  
OR THE PROFESSIONAL SERVICE TO THE APPROPRIATE SKILLED SERVICE OR  
PROFESSIONAL SERVICE EMPLOYMENT CATEGORY OF THE STATE PERSONNEL  
MANAGEMENT SYSTEM.**

#### Article – Family Law

10–106.

(A) There is a Child Support Enforcement Administration in the Department of  
Human Resources.

**(B) (1) STAFF IN THE SKILLED SERVICE AND PROFESSIONAL SERVICE OF  
THE ADMINISTRATION MAY NOT BE CONSIDERED SPECIAL APPOINTMENTS.**

**(2) ON OR BEFORE JULY 1, 2017, THE SECRETARY OF HUMAN  
RESOURCES SHALL TRANSFER ANY SPECIAL APPOINTMENT POSITION IN THE  
SKILLED SERVICE OR THE PROFESSIONAL SERVICE OF THE ADMINISTRATION TO**

1 THE APPROPRIATE SKILLED SERVICE OR PROFESSIONAL SERVICE CATEGORY OF  
2 THE STATE PERSONNEL MANAGEMENT SYSTEM.

3 Article – State Government

4 6–105.

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

7 (2) [Attorneys,] **NOTWITHSTANDING ANY OTHER LAW, AND EXCEPT AS**  
8 **PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ATTORNEYS**, positions that  
9 provide direct support to the Attorney General, and positions that provide direct support  
10 to the positions specified in paragraph (3) of this subsection[, appointed under this  
11 subsection:

12 (i) notwithstanding any other law, and except as provided in  
13 paragraph (3) of this subsection, are deemed special appointments within the meaning of §  
14 6–405(a) of the State Personnel and Pensions Article;

15 (ii)] may not be determined to be special appointments under §  
16 6–405(b) of the State Personnel and Pensions Article[; and

17 (iii) serve at the pleasure of the Attorney General].

18 (3) The following positions are special appointments under § 6–405(b) of  
19 the State Personnel and Pensions Article:

20 (i) Deputy Attorney General;

21 (ii) special assistant to the Attorney General;

22 (iii) executive counsel to the Attorney General;

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

24 (v) principal counsel to a State unit.

25 (4) (i) Staff **EMPLOYED OR** appointed under this subsection is entitled  
26 to compensation as provided in the State budget.

27 (ii) Unless the State budget provides otherwise, the salary of a  
28 Deputy Attorney General, assistant Attorney General, or special attorney **EMPLOYED OR**  
29 appointed under this subsection is payable from the funds of the Office.

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

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

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

9 (i) states the necessity of and each reason for the special  
10 employment; and

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

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

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

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

22 (d) Each Deputy Attorney General, assistant Attorney General, or special  
23 attorney **EMPLOYED OR** appointed under subsection (a) of this section shall be a practicing  
24 lawyer of the State in good standing.

25 (e) (1) The Attorney General may assign any duty that the law imposes on the  
26 Attorney General to a Deputy Attorney General, assistant Attorney General, or special  
27 attorney **EMPLOYED OR** appointed under subsection (a) of this section or, to the extent  
28 permitted by law, a law clerk.

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,  
33 2017, the Department of Budget and Management shall:

34 (1) identify which State skilled service or professional service positions  
35 have been designated as special appointments under State law;

1           (2)     determine whether there is reasonable justification for designating as  
2 a special appointment each position identified under item (1) of this section; and

3           (3)     report the Department's findings, in accordance with § 2-1246 of the  
4 State Government Article, to the Senate Budget and Taxation Committee, the Senate  
5 Finance Committee, and the House Appropriations Committee.

6           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
7 1, 2017.