

(1) THE SECRETARY MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE BUDGET.

(2) EACH ASSISTANT SECRETARY AND PROFESSIONAL CONSULTANT IS APPOINTED BY AND SERVES AT THE PLEASURE OF THE SECRETARY.

(3) UNLESS OTHERWISE PROVIDED BY LAW, THE SECRETARY SHALL APPOINT AND REMOVE ALL OTHER STAFF IN ACCORDANCE WITH THE PROVISIONS OF THE MERIT SYSTEM LAW.

(4) THE APPOINTMENT OR REMOVAL OF STAFF OF ANY UNIT IN THE DEPARTMENT IS SUBJECT TO THE APPROVAL OF THE SECRETARY.

REVISOR'S NOTE: Subsections (a) and (c)(1) through (3) of this section are new language derived without substantive change from the fifth and sixth sentences and -- as it related to additional personnel -- the fourth sentence of former Art. 41, § 71(b) and the third and fourth sentences of (c).

Subsection (b) of this section is new language derived without substantive change from former Art. 15A, § 24.

Subsection (c)(4) of this section is new language that repeats the provisions of the second clause of the ninth sentence of present Art. 41, § 3A(a). As to the repetition of those provisions here, as a power of the Secretary of Budget and Fiscal Planning, see revisor's note to § 3-202 of this subtitle. See also the General Revisor's Note to Title 8, Subtitle 2 of the State Government Article.

In subsection (b)(1) of this section, the former reference to appointment of budget analysts "in accordance with the provisions of § 16" of former Article 15A is deleted as obsolete, since the referenced provisions were repealed by Ch. 78, Acts of 1969. Ch. 78, which created the Department of Budget and Fiscal Planning, also added the general provisions as to staff in former Art. 41, § 71(b) -- now subsection (c)(1) through (3) of this section.

In subsection (b)(3)(i) of this section, the phrase "of units of the Executive Branch of the State government" is added to modify the term "budget expenditures". Similarly, in subsection (b)(3)(ii) of this section, the limited reference to "those units" is substituted for the former reference to "any State agency or institution". The addition and substitution clarify that the authority of the Secretary does not extend to the Legislative Branch or Judicial Branch. See 61 Op. Att'y Gen. 241 (1976), which discusses the effect of the separation of powers doctrine on the seemingly broad power of the Secretary under former