

(2) EACH ASSISTANT SECRETARY AND EACH 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 THE DEPARTMENT IN ACCORDANCE WITH THIS DIVISION I.

(4) THE SECRETARY MAY REVIEW PERSONNEL ACTIONS OF A UNIT OF STATE GOVERNMENT WITHIN THE AUTHORITY OF THE DEPARTMENT.

REVISOR'S NOTE: Subsections (a) and (b)(1), (2), and (3) of this section are new language derived without substantive change from former Art. 41, § 9-102 and former Art. 64A, § 10(a).

Subsection (b)(4) of this section is new language that repeats the provisions of the second clause of the ninth sentence of present Art. 41, § 1-201.

In subsection (b)(1) and (3) of this section, the word "staff" is substituted for the former references to "assistants, professional consultants and employees" for brevity.

In subsection (b)(1) of this section, the former specific reference to expenses for "office rent, printing, advertising, [and] stationery" is deleted as unnecessary in light of the State budgetary process.

In subsection (b)(3) of this section, the reference to the staff of the "Department" is added because the Secretary is the appointing authority for the Department.

The State Personnel Article Review Committee notes, for consideration by the General Assembly, that although appointment of the deputy secretary requires approval of the Governor, similar approval is not required for removal. The laws governing 8 principal departments require approval of the Governor for removal of the deputy secretary of that department: AG § 2-102(d), BR § 2-103(b), NR § 1-101(d), TR § 2-102(e), Art. 41, §§ 4-103(e) and 6-103(e), and Art. 83A, § 1-205(e). The laws governing 7 of the other principal departments, including the Department of Personnel, contain no comparable provision. The appointment of the Deputy State Superintendent of Schools, in the Department of Education, does not require gubernatorial approval.

The General Assembly may also wish to consider adding language that expressly authorizes the deputy secretary to act as Secretary in the absence of the Secretary.

Defined terms: "Department" § 1-101
"Secretary" § 1-101

2-105. GENERAL AUTHORITY AND DUTIES OF SECRETARY.

(A) BUDGET.