P5 8lr3091 CF SB 892

By: The Speaker (By Request - Department of Legislative Services)

Introduced and read first time: February 5, 2018 Assigned to: Rules and Executive Nominations

Committee Report: Favorable with amendments House action: Adopted with floor amendments

Read second time: March 6, 2018

CHAPTER	
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1 AN ACT concerning

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General Assembly – Department of Legislative Services – Reorganization and Duties

FOR the purpose of requiring the Executive Director of the Department of Legislative Services to ensure that the responsibilities of the offices of the Department are carried out; altering the offices that comprise the Department; requiring the Executive Director, with the approval of and in consultation with certain individuals, to appoint certain office directors; altering certain duties of the Department to review certain reporting requirements; establishing the Office of Operations and Support Services in the Department; repealing certain provisions relating to the organization and duties of the Office of the Executive Director and the Office of Legislative Information Systems; altering the scope of the ability of employees and certain representatives of the Office of Legislative Audits to access and inspect certain records under certain circumstances; providing that the Office of Policy Analysis is not required to prepare an analysis of certain enabling acts under certain circumstances; requiring a certain unit of State government to respond to a request from the Office of Policy Analysis for certain information within a certain period of time except under certain circumstances; requiring the Department, in consultation with the Department of Budget and Management, to study the effectiveness and accessibility to the public of goals developed in a certain managing for results State comprehensive plan on or before a certain date; requiring the study to include an evaluation of and recommendations on the creation of a certain performance measurement system; defining certain terms; making certain conforming changes; and generally relating to the Department of Legislative Services.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

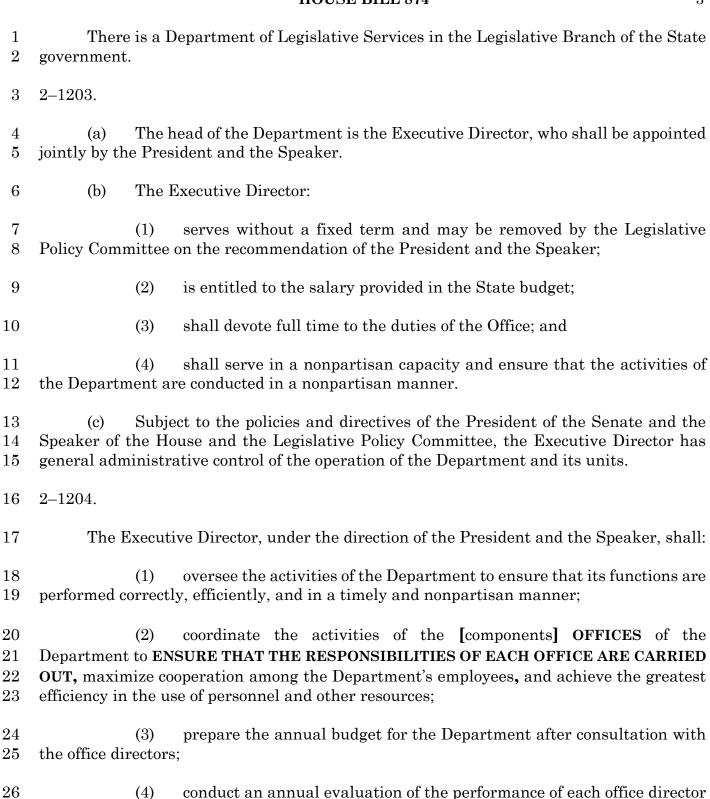
[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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



1 2 3 4 5 6	Article – State Government Section 2–1206, 2–1211, 2–1213, and 2–1216; and 2–1228 through 2–1233 and the part "Part V. Office of Legislative Information Systems" Annotated Code of Maryland					
7 8 9 10 11 12	Article – State Government Section 2–1201 through 2–1203, 2–1205, 2–1207, 2–1208, 2–1217, 2–1219, 2–123 and 2–1235 Annotated Code of Maryland					
13 14 15 16 17 18	Article – State Government Section 2–1204, 2–1209, 2–1212, 2–1214, 2–1215, 2–1215.1, 2–1218, <u>2–1223(a)</u> 2–1236, and 2–1239 Annotated Code of Maryland					
19 20 21 22 23	BY adding to Article – State Government Section 2–1206, 2–1211, and 2–1216 Annotated Code of Maryland (2014 Replacement Volume and 2017 Supplement)					
24 25 26 27	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2–1228 through 2–1233 and the part "Part V. Office of Legislative Information Systems" of Article – State Government of the Annotated Code of Maryland be repealed.					
28 29	SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:					
30	Article - State Government					
31	2–1201.					
32	(a) In this subtitle the following words have the meanings indicated.					
33	(b) "Department" means the Department of Legislative Services.					
34	(c) "Executive Director" means the Executive Director of the Department.					
35	2–1202.					



29 employees to the President and the Speaker; and

communicate the opinions, needs, and concerns of the Department's

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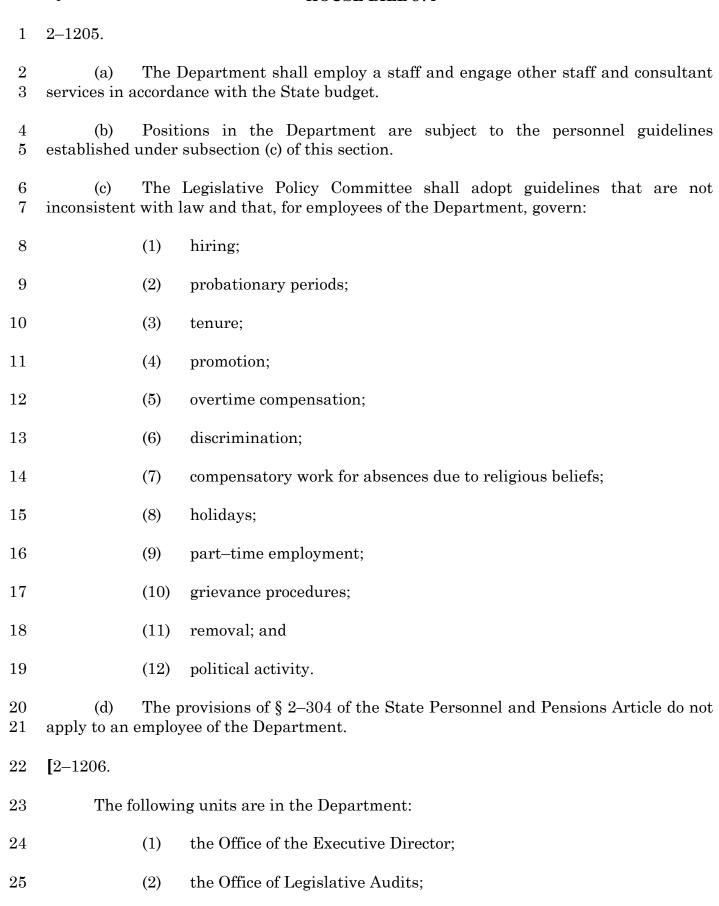
[and the Legislative Auditor];

(5)

30 (6) perform any other function required by the President and the Speaker.

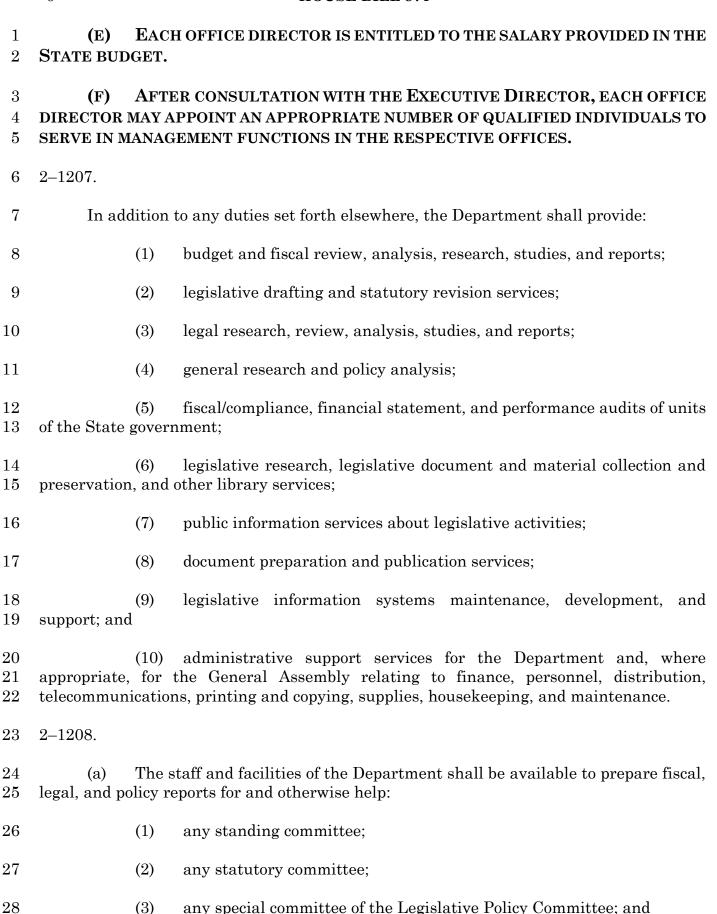
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(3)



the Office of Legislative Information Systems;

1		(4)	the Office of Policy Analysis; and			
2	g 1 1	(5)	any other offices as may be designated by the President and the			
3	Speaker.]					
4	2–1206.					
5	(A)	THE	FOLLOWING UNITS ARE IN THE DEPARTMENT:			
6		(1)	THE OFFICE OF LEGISLATIVE AUDITS;			
7		(2)	THE OFFICE OF POLICY ANALYSIS;			
8		(3)	THE OFFICE OF OPERATIONS AND SUPPORT SERVICES; AND			
9	0	(4)	ANY OTHER OFFICES AS MAY BE DESIGNATED BY THE PRESIDENT			
10	AND THE S	PEAK	ER.			
11	(B)	WIT	H THE APPROVAL OF THE PRESIDENT AND THE SPEAKER AND IN			
12	CONSULTATION WITH THE MINORITY LEADER OF THE SENATE AND THE MINORITY					
13	LEADER O	F TH	E HOUSE OF DELEGATES, THE EXECUTIVE DIRECTOR SHALL			
14	APPOINT T	HE FO	LLOWING OFFICE DIRECTORS:			
15		(1)	THE DIRECTOR OF THE OFFICE OF LEGISLATIVE AUDITS;			
16		(2)	THE DIRECTOR OF THE OFFICE OF POLICY ANALYSIS; AND			
17		(3)	THE DIRECTOR OF THE OFFICE OF OPERATIONS AND SUPPORT			
18	SERVICES;	AND				
19		(4)	ANY DIRECTOR OF AN OFFICE DESIGNATED BY THE PRESIDENT			
20	AND THE S		ER UNDER SUBSECTION (A)(4) OF THIS SECTION.			
01	(a)	E . c	H OBELGE DIDECTOR CEDVEC WITHOUT A FIXED MERW AND			
21	(C)		H OFFICE DIRECTOR SERVES WITHOUT A FIXED TERM AND, IE APPROVAL OF THE PRESIDENT AND THE SPEAKER AND IN			
22 23						
$\frac{23}{24}$	CONSULTATION WITH THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE HOUSE OF DELEGATES, MAY BE REMOVED BY THE EXECUTIVE					
24 25	DIRECTOR		HOUSE OF DELEGATES, MAI BE REMOVED BY THE EXECUTIVE			
20		•				
26	(D)		H OFFICE DIRECTOR SHALL SERVE IN A NONPARTISAN CAPACITY			
27	AND ENSU	RE T	HAT ALL ACTIVITIES OF THE OFFICE ARE CONDUCTED IN A			
28	NONPARTI	SAN M	ANNER.			



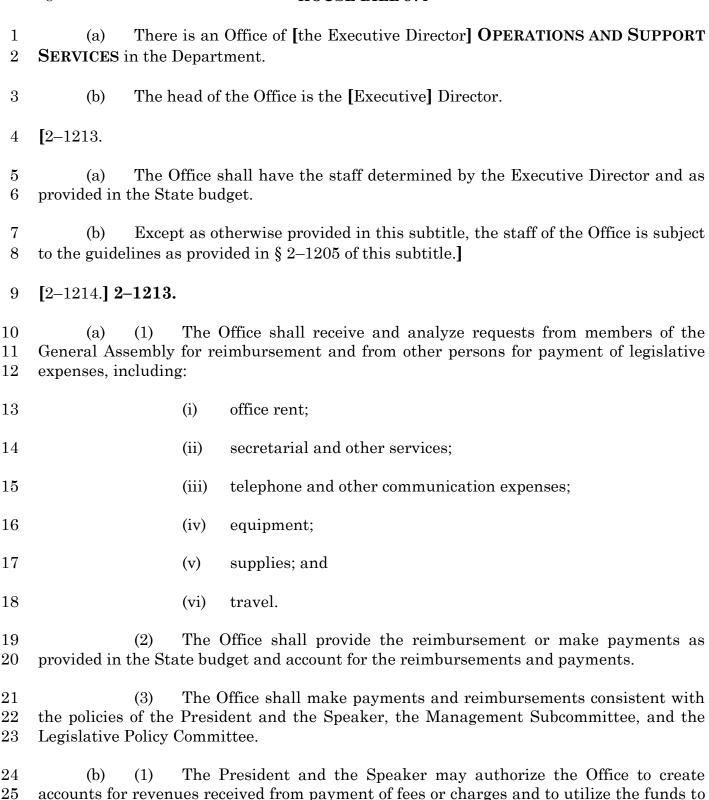
- 1 (4) with the consent of the President and the Speaker, any joint legislative 2 and executive body that the Governor appoints.
- 3 (b) The Executive Director shall assign, to the staff of the Department or to a special research or consulting agency, the preparation of any fiscal, legal, or policy report that the Legislative Policy Committee or a standing committee requests.
- 6 2–1209.
- On or before December 1 of the year immediately preceding the beginning of a term of the General Assembly, the Department of Legislative Services, IN CONSULTATION WITH AGENCIES AND INSTITUTIONS IN STATE GOVERNMENT AND ALL OTHER ENTITIES REQUIRED BY LAW TO SUBMIT REPORTS AT SPECIFIED TIMES AND ON SPECIFIED MATTERS TO THE GENERAL ASSEMBLY OR THE GOVERNOR, SHALL:
- 12 (1) [in consultation with agencies in the State government, shall] review 13 the laws of the State that require [the agencies to submit] **THE SUBMISSION OF** reports at 14 specified times and on specified matters to the General Assembly or the Governor; and
- 15 (2) make recommendations to the [presiding officers of the General Assembly] LEGISLATIVE POLICY COMMITTEE AND PREPARE LEGISLATION for [the] introduction [of legislation] to repeal or modify those [laws of the State that require the agencies] STATUTORY REQUIREMENTS to submit reports [at specified times and on specified matters to the General Assembly or the Governor, but which] IF THE reports are no longer warranted because they have become obsolete, duplicative, impractical, inefficient, or otherwise unnecessary.
- 22 **[**2–1211.
- As used in this Part III, "Office" means the Office of the Executive Director.
- 24 **2–1211.**
- 25 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS 26 INDICATED.
- 27 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF OPERATIONS 28 AND SUPPORT SERVICES.
- 29 (C) "OFFICE" MEANS THE OFFICE OF OPERATIONS AND SUPPORT 30 SERVICES.
- 31 2–1212.

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budget or by budget amendment.



provide services to individuals, organizations, or other units of State or local governments.

Funds in the accounts may only be expended in accordance with the

- 1 (3) On directive by the President and the Speaker, unexpended revenues 2 in the accounts may revert to the State or may be retained for expenditure in a subsequent 3 budget.
- 4 (4) The Comptroller's Office shall be notified of accounts created in accordance with this section.
- 6 [2–1215.] **2–1214.**
- 7 (a) The Office shall manage all personnel activities of the Department and 8 generally carry out the duties set forth in § 2–1205 of this subtitle.
- 9 (b) The Office shall manage the personnel activities of the General Assembly as 10 assigned by the President and the Speaker.
- 11 **[**2–1215.1.**] 2–1215.**
- In addition to any other duties set forth elsewhere, the Office shall:
- 13 (1) provide for the preparation and publication of legislation, session laws, journals of proceedings, indexes, and other documents; [and]
- 15 (2) [carry out any other function related to document preparation and publication required by the Executive Director] DIRECTLY SUPERVISE SUPPORT SERVICES TO THE GENERAL ASSEMBLY THAT ARE NOT ASSIGNED TO ONE OF THE DEPARTMENT'S OTHER OFFICES; AND
- 19 (3) PERFORM ANY OTHER FUNCTION REQUIRED BY THE EXECUTIVE 20 DIRECTOR, THE PRESIDENT AND THE SPEAKER, OR THE LEGISLATIVE POLICY 21 COMMITTEE.
- 22 [2–1216.
- The Office shall:
- 24 (1) directly supervise support services to the General Assembly that are 25 not assigned to one of the Department's other offices; and
- 26 (2) perform any other function required by the Executive Director, the 27 President and the Speaker, or the Legislative Policy Committee.]
- 28 **2–1216.**
- 29 THE OFFICE SHALL:

- 1 (1) DEVELOP, COORDINATE, SUPPORT, AND MAINTAIN THE PHYSICAL
- 2 AND ONLINE SERVICES, TECHNOLOGY, APPLICATIONS, AND INFORMATION SYSTEMS
- 3 THAT SUPPORT THE WORK AND MEET THE NEEDS OF THE GENERAL ASSEMBLY AND
- 4 THE DEPARTMENT;
- 5 (2) EVALUATE AND MAKE RECOMMENDATIONS REGARDING THE
- 6 PHYSICAL AND ONLINE SERVICES, TECHNOLOGY, APPLICATIONS, AND
- 7 INFORMATION SYSTEMS THAT SUPPORT THE WORK OF THE GENERAL ASSEMBLY TO
- 8 ENSURE MAXIMUM EFFICIENCY;
- 9 (3) EVALUATE AND ENSURE THAT APPROPRIATE SYSTEMS ARE IN
- 10 PLACE TO ADDRESS CYBERSECURITY THREATS TO THE WORK OF THE GENERAL
- 11 ASSEMBLY AND THE DEPARTMENT;
- 12 (4) PLAN FOR THE FUTURE INFORMATION SYSTEMS NEEDS OF THE
- 13 GENERAL ASSEMBLY, ITS STAFF, AND THE DEPARTMENT; AND
- 14 (5) CARRY OUT ANY OTHER FUNCTION REQUIRED BY THE EXECUTIVE
- 15 DIRECTOR, THE PRESIDENT AND THE SPEAKER, OR THE LEGISLATIVE POLICY
- 16 COMMITTEE.
- 17 2–1217.
- There is an Office of Legislative Audits in the Department.
- 19 2–1218.
- 20 (a) The head of the Office of Legislative Audits is THE DIRECTOR OF THE
- 21 OFFICE OF LEGISLATIVE AUDITS, WHO SHALL SERVE AS the Legislative Auditor , who
- shall be appointed by the Executive Director, subject to the approval of the President and
- 23 the Speaker].
- 24 (b) The Legislative Auditor must:
- 25 (1) be licensed as a certified public accountant in the State;
- 26 (2) at the time of appointment, have at least 3 years' auditing experience;
- 27 and
- 28 (3) while in office, be covered by a surety bond in the form and amount
- 29 required by law.
- 30 **[**(c) The Legislative Auditor serves without a fixed term and may be removed by
- 31 the Executive Director, subject to the approval of the President and the Speaker.

- 1 (d) The Legislative Auditor is entitled to the salary provided in the State budget. 2 [(e)] **(C)** Subject to the policies and directives of the President and the Speaker, 3 the Joint Audit Committee, and the overall supervision and control of the Executive 4 Director, the Legislative Auditor has general administrative control of the operation of the 5 Office of Legislative Audits. 6 (f) The Legislative Auditor shall devote full time to the duties of office and shall 7 serve in a nonpartisan capacity. 8 2-1219.9 With the approval of the Executive Director, the Legislative Auditor shall 10 appoint a Deputy Legislative Auditor and other professional staff and may contract with 11 consultants as authorized representatives. 12 (b) The Deputy Legislative Auditor must be licensed as a certified public (1)13 accountant in the State. (2)14 The Deputy Legislative Auditor: (i) has the duties delegated by the Legislative Auditor; and 15 16 (ii) may be designated by the Executive Director to act as Legislative 17 Auditor if the office is vacant or the Legislative Auditor is unable to perform the duties of 18 office. 19 With the approval of the Executive Director, the Legislative Auditor shall (c) 20 appoint professional staff to conduct audits of local school systems in accordance with $\S 2-1220(e)$ of this subtitle. 21 22 2-1223.23(1) Except as prohibited by the federal Internal Revenue Code, [during an 24examination, the employees or authorized representatives of the Office of Legislative 25Audits shall have access to and may inspect the records, including those that are 26 confidential by law, of any unit of the State government or of a person or other body receiving State funds, with respect to any matter under the jurisdiction of the Office of 27 28 Legislative Audits.
- 29 (2) In conjunction with an examination authorized under this subtitle, the access required by paragraph (1) of this subsection shall include the records of contractors and subcontractors that perform work under State contracts.

- 1 The employees or authorized representatives of the Office of Legislative (3) 2 Audits shall have access to and may inspect the records, including those that are 3 confidential by law, of: 4 (i) any local school system to perform the audits authorized under § 2-1220 of this subtitle or in accordance with a request for information as provided in § 5 5–114(d) of the Education Article; 6 7 the Board of Liquor License Commissioners for Baltimore City to (ii) 8 perform the audits authorized under § 2–1220(f)(1) of this subtitle; 9 (iii) the board of license commissioners for a county or for the City of Annapolis to perform the audits authorized under § 2–1220(f)(2) of this subtitle; and 10 11 (iv) the Board of License Commissioners for Prince George's County to perform the audits authorized under § 2–1220(g) of this subtitle. 12 13 2-1234.14 (a) In this Part VI the following words have the meanings indicated. 15 "Director" means the Director of the Office. (b) 16 "Office" means the Office of Policy Analysis. (c) 17 2-1235.18 There is an Office of Policy Analysis in the Department. 19 2-1236.20 The head of the Office is the Director, who shall be appointed by the Executive Director, subject to the approval of the President and the Speaker. 2122(b) The Director serves without a fixed term and may be removed by the 23 Executive Director, subject to the approval of the President and the Speaker. 24(c) The Director is entitled to the salary provided in the State budget.
- [(d)] (B) Subject to the policies and directives of the President and the Speaker and the overall supervision and control of the Executive Director, the Director shall oversee the operation of the Office.
- [(e) The Director shall serve in a nonpartisan capacity and conduct the affairs of the Office in a nonpartisan manner.

- 1 (f) The Director, after consultation with the Executive Director, shall appoint an appropriate number of qualified individuals to serve in management functions in the 3 Office.]
- [(g)] (C) The Director shall facilitate the creation and oversee the operation of functional, subject matter, special project, and any other workgroups to achieve maximum cooperation and the greatest efficiency in the use of staff and resources in the Office.
- 7 2–1239.
- 8 **(A)** In addition to any other duties set forth elsewhere, the Office shall:
- 9 (1) **SUBJECT TO SUBSECTION (B) OF THIS SECTION,** prepare analyses of the fiscal, legal, and policy impact of proposed legislation;
- 11 (2) research and prepare comprehensive assessments and evaluations of 12 issues of concern to the General Assembly; and
- 13 (3) carry out any other function related to research services required by the 14 Executive Director.
- 15 (B) THE OFFICE IS NOT REQUIRED TO PREPARE AN ANALYSIS OF AN ENABLING ACT, AS DEFINED IN § 8–101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, IF:
- 18 (1) A FINANCIAL SHEET, IN THE FORM THAT THE OFFICE REQUIRES, 19 IS SUBMITTED WITH THE LEGISLATION; AND
- 20 (2) THE OFFICE PUBLISHES THE FINANCIAL SHEET ON THE WEBSITE 21 OF THE MARYLAND GENERAL ASSEMBLY.
- (C) (1) IN ORDER TO FACILITATE THE PREPARATION OF THE ANALYSES
 REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, A UNIT OF STATE
 GOVERNMENT SHALL RESPOND TO A REQUEST FROM THE OFFICE FOR
 INFORMATION ON THE FINAL FISCAL AND OPERATIONAL IMPACT OF PROPOSED
 LEGISLATION WITHIN 3 BUSINESS DAYS AFTER RECEIPT OF THE REQUEST.
- 27 (2) THE OFFICE MAY WAIVE THE REQUIREMENT UNDER PARAGRAPH 28 (1) OF THIS SUBSECTION ON A CASE-BY-CASE BASIS.
- 29 SECTION 3. AND BE IT FURTHER ENACTED, That:
- 30 (a) On or before December 1, 2018 October 1, 2019, the Department of Legislative Services, in consultation with the Department of Budget and Management, shall study the effectiveness and accessibility to the public of the goals developed in the managing for

1 2 3	results State comprehensive plan developed in accordance with Title 3, Subtitle 10 of the State Finance and Procurement Article and the plan's objectives and performance measures.				
4 5 6 7	(b) The study required under subsection (a) of this section shall include an evaluation of and recommendations on the creation of a consistent and ongoing system to measure government performance through an Open Performance Maryland System, including evaluating:				
8 9	(1) how to make agency performance standards more effective in measuring performance of the mission of the agency and the services provided;				
10 11 12 13	(2) the creation or inclusion of existing customer service surveys of agency performance and services as applicable, including those created under the State Customer Service and Business Development Efforts Training Program established under § 14–204 of the Economic Development Article;				
14 15 16	(3) whether and how to include agency performance data from the StateStat process established under § 3–1003 of the State Finance and Procurement Article;				
17 18 19	(4) whether and how to include data relevant to agency performance from open data portals developed in accordance with Title 10, Subtitle 15 of the State Government Article; and				
20 21 22	(5) how to publish agency performance data in graphic form and in a format easily accessible to the public, in a manner that demonstrates how an agency is performing and meeting the agency's mission and responsibilities.				
23 24	SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.				
	Approved:				
	Approved.				
	Governor.				
	Speaker of the House of Delegates.				

President of the Senate.