

CF 7r3038

By: The President

Introduced and read first time: March 3, 1997

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 General Assembly - Legislative Staff and Services - Reorganization and Duties

3 FOR the purpose of reorganizing the structure of the agencies providing staffing and
4 support services to the General Assembly; creating a Department of Legislative
5 Services; providing for the organization, general authority, and duties of the
6 Department; providing that the Department is headed by an Executive Director and
7 providing for the appointment, removal, and initial and on-going duties of the
8 Executive Director; specifying that the Legislative Auditor and the Office of
9 Legislative Audits are part of the Department of Legislative Services; altering the
10 time requirement within which the Office of Legislative Audits is required to
11 conduct fiscal/compliance audits; altering certain provisions of law relating to
12 required and authorized audits, the scope and place of audits, audit procedures and
13 reports, and confidentiality of audits; altering the name, membership, and duties of
14 the Joint Budget and Audit Committee of the General Assembly; repealing certain
15 provisions relating to the organization and duties of the Department of Fiscal
16 Services and the Department of Legislative Reference; recodifying existing
17 provisions relating to office space, equipment, and secretarial support for members
18 of the General Assembly, permanent part-time legislative employees, leaves of
19 absence for sessions of the General Assembly, status and credit for service of
20 employees of the General Assembly and the staff agencies, and the legislative
21 security force; making technical changes; specifying certain transitional provisions
22 relating to the implementation of the reorganization of legislative staffing agencies
23 required by this Act; and generally relating to the reorganization of staffing of the
24 General Assembly and the establishment of the Department of Legislative Services.

25 BY repealing

26 Article - State Government
27 Section 2-605; 2-1201 through 2-1207, and 2-1209 and the subtitle "Subtitle 12.
28 Staff and Services - Department of Fiscal Services"; 2-1301 through 2-1307
29 and 2-1315 through 2-1318 and the subtitle "Subtitle 13. Staff and Services -
30 Department of Legislative Reference"; 2-1408 through 2-1412 and the
31 subtitle designation "Subtitle 14. Staff and Services - Accounting, Security,
32 and General Services"; and the subtitle designation "Subtitle 14A.
33 Miscellaneous Provisions on Staff" in Title 2; and various parts
34 Annotated Code of Maryland
35 (1995 Replacement Volume and 1996 Supplement)

2

1 BY repealing and reenacting, with amendments,
 2 Article - State Government
 3 Section 2-601, 2-602, 2-603, and 2-606 to be under the amended subtitle "Subtitle
 4 6. Joint Audit Committee"; 2-1208, 2-1210, 2-1212 through 2-1222, 2-1308
 5 through 2-1313; 2-1401, 2-1403, 2-14A-01, 2-1404, and 2-1414 to be under
 6 the amended subtitle "Subtitle 1. Definitions; General Provisions"; 2-1502(a)
 7 and (e), 2-1504, 2-1505(a), (b), (c), (d), (f), (g), and (j)(1), 2-1505.1(b), (c),
 8 (d), (f), (g), (h), and (i), and 2-1505.2(b), (c), (e), (f), (g), and (h); and various
 9 parts
 10 Annotated Code of Maryland
 11 (1995 Replacement Volume and 1996 Supplement)

12 BY adding to
 13 Article - State Government
 14 Section 2-1201 through 2-1207, 2-1211 through 2-1216, 2-1228 through 2-1236,
 15 2-1239 through 2-1242, and 2-1248 to be under the new subtitle "Subtitle 12.
 16 Staff and Services - Department of Legislative Services"; and various parts
 17 Annotated Code of Maryland
 18 (1995 Replacement Volume and 1996 Supplement)

19 BY repealing and reenacting, without amendments,
 20 Article - State Government
 21 Section 2-604
 22 Annotated Code of Maryland
 23 (1995 Replacement Volume and 1996 Supplement)

24 Preamble

25 WHEREAS, The legislative staffing agencies of the General Assembly were the
 26 subject of a comprehensive study by the National Conference of State Legislatures
 27 (NCSL) between January 1992 and November 1992. The study was undertaken to address
 28 the need to promote efficiency and possible cost savings within the Legislative Branch of
 29 State government; and

30 WHEREAS, The General Assembly believes that it is appropriate to act upon the
 31 findings and recommendations of the 1992 NCSL study and Dr. Alan Rosenthal of the
 32 Eagleton Institute of Politics, a consultant to that study; and

33 WHEREAS, It is proposed that the Department of Fiscal Services, the Department
 34 of Legislative Reference, and the Office of Legislative Data Processing be replaced with
 35 one Department of Legislative Services, headed by an Executive Director and organized
 36 to meet the staffing needs of the General Assembly; and

37 WHEREAS, While the reorganization of the legislative staffing agencies is intended
 38 to address the changing needs and priorities of the members and committees of the
 39 General Assembly, the Legislature is committed to adhering to a central, nonpartisan
 40 staff structure as a prerequisite for any type of operational change to its staff agencies;
 41 now, therefore,

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 2-605; 2-1201 through 2-1207, and 2-1209 and the
3 subtitle "Subtitle 12. Staff and Services - Department of Fiscal Services"; 2-1301 through
4 2-1307 and 2-1315 through 2-1318 and the subtitle "Subtitle 13. Staff and Services -
5 Department of Legislative Reference"; the subtitle designation "Subtitle 14. Staff and
6 Services - Accounting, Security, and General Services"; and the subtitle designation
7 "Subtitle 14A. Miscellaneous Provisions on Staff" in Title 2; and various parts of Article
8 - State Government of the Annotated Code of Maryland be repealed.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
10 read as follows:

11 **Article - State Government**

12 SUBTITLE 12. STAFF AND SERVICES - DEPARTMENT OF LEGISLATIVE SERVICES.
13 PART I. GENERAL PROVISIONS; EXECUTIVE DIRECTOR.

14 2-1201. DEFINITIONS.

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF LEGISLATIVE SERVICES.

18 (C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
19 DEPARTMENT.

20 2-1202. DEPARTMENT ESTABLISHED.

21 THERE IS A DEPARTMENT OF LEGISLATIVE SERVICES IN THE LEGISLATIVE
22 BRANCH OF THE STATE GOVERNMENT.

23 2-1203. EXECUTIVE DIRECTOR - IN GENERAL.

24 (A) THE HEAD OF THE DEPARTMENT IS THE EXECUTIVE DIRECTOR, WHO
25 SHALL BE APPOINTED JOINTLY BY THE PRESIDENT AND THE SPEAKER.

26 (B) THE EXECUTIVE DIRECTOR:

27 (1) SERVES WITHOUT A FIXED TERM AND MAY BE REMOVED BY THE
28 LEGISLATIVE POLICY COMMITTEE ON THE RECOMMENDATION OF THE PRESIDENT
29 AND THE SPEAKER;

30 (2) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET;

31 (3) SHALL DEVOTE FULL TIME TO THE DUTIES OF THE OFFICE; AND

32 (4) SHALL SERVE IN A NONPARTISAN CAPACITY AND ENSURE THAT
33 THE ACTIVITIES OF THE DEPARTMENT ARE CONDUCTED IN A NONPARTISAN
34 MANNER.

35 (C) SUBJECT TO THE POLICIES AND DIRECTIVES OF THE PRESIDENT OF THE
36 SENATE AND THE SPEAKER OF THE HOUSE AND THE LEGISLATIVE POLICY

4

1 COMMITTEE, THE EXECUTIVE DIRECTOR HAS GENERAL ADMINISTRATIVE
2 CONTROL OF THE OPERATION OF THE DEPARTMENT AND ITS UNITS.

3 2-1204. EXECUTIVE DIRECTOR - ADDITIONAL DUTIES.

4 THE EXECUTIVE DIRECTOR, UNDER THE DIRECTION OF THE PRESIDENT AND
5 THE SPEAKER, SHALL:

6 (1) OVERSEE THE ACTIVITIES OF THE DEPARTMENT TO ENSURE THAT
7 ITS FUNCTIONS ARE PERFORMED CORRECTLY, EFFICIENTLY, AND IN A TIMELY AND
8 NONPARTISAN MANNER;

9 (2) COORDINATE THE ACTIVITIES OF THE COMPONENTS OF THE
10 DEPARTMENT TO MAXIMIZE COOPERATION AMONG THE DEPARTMENT'S
11 EMPLOYEES AND ACHIEVE THE GREATEST EFFICIENCY IN THE USE OF PERSONNEL
12 AND OTHER RESOURCES;

13 (3) PREPARE THE ANNUAL BUDGET FOR THE DEPARTMENT AFTER
14 CONSULTATION WITH THE OFFICE DIRECTORS;

15 (4) CONDUCT AN ANNUAL EVALUATION OF THE PERFORMANCE OF
16 EACH OFFICE DIRECTOR AND THE LEGISLATIVE AUDITOR;

17 (5) COMMUNICATE THE OPINIONS, NEEDS, AND CONCERNS OF THE
18 DEPARTMENT'S EMPLOYEES TO THE PRESIDENT AND THE SPEAKER; AND

19 (6) PERFORM ANY OTHER FUNCTION REQUIRED BY THE PRESIDENT
20 AND THE SPEAKER.

21 2-1205. EMPLOYMENT OF STAFF.

22 (A) THE DEPARTMENT SHALL EMPLOY A STAFF AND ENGAGE OTHER STAFF
23 AND CONSULTANT SERVICES IN ACCORDANCE WITH THE STATE BUDGET.

24 (B) POSITIONS IN THE DEPARTMENT ARE SUBJECT TO THE PERSONNEL
25 GUIDELINES ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.

26 (C) THE LEGISLATIVE POLICY COMMITTEE SHALL ADOPT GUIDELINES THAT
27 ARE NOT INCONSISTENT WITH LAW AND THAT, FOR PROFESSIONAL AND
28 NONPROFESSIONAL EMPLOYEES OF THE DEPARTMENT, GOVERN:

29 (1) HIRING;

30 (2) PROBATIONARY PERIODS;

31 (3) TENURE;

32 (4) PROMOTION;

33 (5) OVERTIME COMPENSATION;

34 (6) DISCRIMINATION;

35 (7) COMPENSATORY WORK FOR ABSENCES DUE TO RELIGIOUS BELIEFS;

36 (8) HOLIDAYS;

5

- 1 (9) PART-TIME EMPLOYMENT;
- 2 (10) GRIEVANCE PROCEDURES;
- 3 (11) REMOVAL; AND
- 4 (12) POLITICAL ACTIVITY.

5 (D) THE PROVISIONS OF § 2-304 OF THE STATE PERSONNEL AND PENSIONS
6 ARTICLE DO NOT APPLY TO AN EMPLOYEE OF THE DEPARTMENT.

7 Part II. Organization and General Authority of Department.

8 2-1206. UNITS IN THE DEPARTMENT.

9 THE FOLLOWING UNITS ARE IN THE DEPARTMENT:

- 10 (1) THE OFFICE OF THE EXECUTIVE DIRECTOR;
- 11 (2) THE OFFICE OF LEGISLATIVE AUDITS;
- 12 (3) THE OFFICE OF LEGISLATIVE INFORMATION SYSTEMS;
- 13 (4) THE OFFICE OF POLICY ANALYSIS; AND
- 14 (5) ANY OTHER OFFICES AS MAY BE DESIGNATED BY THE PRESIDENT
15 AND THE SPEAKER.

16 2-1207. DUTIES OF THE DEPARTMENT - IN GENERAL.

17 IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE DEPARTMENT
18 SHALL PROVIDE:

- 19 (1) BUDGET AND FISCAL REVIEW, ANALYSIS, RESEARCH, STUDIES, AND
20 REPORTS;
- 21 (2) LEGISLATIVE DRAFTING AND STATUTORY REVISION SERVICES;
- 22 (3) LEGAL RESEARCH, REVIEW, ANALYSIS, STUDIES, AND REPORTS;
- 23 (4) GENERAL RESEARCH AND POLICY ANALYSIS;
- 24 (5) FISCAL/COMPLIANCE, FINANCIAL STATEMENT, AND PERFORMANCE
25 AUDITS OF UNITS OF THE STATE GOVERNMENT;
- 26 (6) LEGISLATIVE RESEARCH, LEGISLATIVE DOCUMENT AND MATERIAL
27 COLLECTION AND PRESERVATION, AND OTHER LIBRARY SERVICES;
- 28 (7) PUBLIC INFORMATION SERVICES ABOUT LEGISLATIVE ACTIVITIES;
- 29 (8) DOCUMENT PREPARATION AND PUBLICATION SERVICES;
- 30 (9) LEGISLATIVE INFORMATION SYSTEMS MAINTENANCE,
31 DEVELOPMENT, AND SUPPORT; AND
- 32 (10) ADMINISTRATIVE SUPPORT SERVICES FOR THE DEPARTMENT AND,
33 WHERE APPROPRIATE, FOR THE GENERAL ASSEMBLY RELATING TO FINANCE,

6

1 PERSONNEL, DISTRIBUTION, TELECOMMUNICATIONS, PRINTING AND COPYING,
2 SUPPLIES, HOUSEKEEPING, AND MAINTENANCE.

3 2-1208. Use of staff and facilities.

4 (a) The staff and facilities of the Department shall be available to prepare fiscal,
5 LEGAL, AND POLICY reports for and otherwise help:

6 (1) any standing committee;

7 (2) any statutory committee;

8 (3) any special committee of the Legislative Policy Committee; and

9 (4) with the consent of the [Legislative Policy Committee] PRESIDENT
10 AND THE SPEAKER, any joint legislative and executive body that the Governor appoints.

11 (b) The EXECUTIVE Director shall assign, to the staff of the Department or to a
12 special research or consulting agency, the preparation of any fiscal, LEGAL, OR POLICY
13 report that the Legislative Policy Committee or a standing committee requests.

14 2-1209. Reserved.

15 2-1210. Reserved.

16 PART III. OFFICE OF THE EXECUTIVE DIRECTOR.

17 2-1211. DEFINITION.

18 AS USED IN THIS PART III, "OFFICE" MEANS THE OFFICE OF THE EXECUTIVE
19 DIRECTOR.

20 2-1212. OFFICE OF THE EXECUTIVE DIRECTOR.

21 (A) THERE IS AN OFFICE OF THE EXECUTIVE DIRECTOR IN THE
22 DEPARTMENT.

23 (B) THE HEAD OF THE OFFICE IS THE EXECUTIVE DIRECTOR.

24 2-1213. SAME - STAFF.

25 (A) THE OFFICE SHALL HAVE THE STAFF DETERMINED BY THE EXECUTIVE
26 DIRECTOR AND AS PROVIDED IN THE STATE BUDGET.

27 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE STAFF OF THE
28 OFFICE IS SUBJECT TO THE GUIDELINES AS PROVIDED IN § 2-1205 OF THIS SUBTITLE.

29 2-1214. SAME - LEGISLATIVE ACCOUNTING FUNCTIONS.

30 (A) (1) THE OFFICE SHALL RECEIVE AND ANALYZE REQUESTS FROM
31 MEMBERS OF THE GENERAL ASSEMBLY FOR REIMBURSEMENT AND FROM OTHER
32 PERSONS FOR PAYMENT OF LEGISLATIVE EXPENSES, INCLUDING:

33 (I) OFFICE RENT;

34 (II) SECRETARIAL AND OTHER SERVICES;

7

1 (III) TELEPHONE AND OTHER COMMUNICATION EXPENSES;

2 (IV) EQUIPMENT;

3 (V) SUPPLIES; AND

4 (VI) TRAVEL.

5 (2) THE OFFICE SHALL PROVIDE THE REIMBURSEMENT OR MAKE
6 PAYMENTS AS PROVIDED IN THE STATE BUDGET AND ACCOUNT FOR THE
7 REIMBURSEMENTS AND PAYMENTS.

8 (3) THE OFFICE SHALL MAKE PAYMENTS AND REIMBURSEMENTS
9 CONSISTENT WITH THE POLICIES OF THE PRESIDENT AND THE SPEAKER, THE
10 MANAGEMENT SUBCOMMITTEE, AND THE LEGISLATIVE POLICY COMMITTEE.

11 (B) (1) THE PRESIDENT AND THE SPEAKER MAY AUTHORIZE THE OFFICE
12 TO CREATE ACCOUNTS FOR REVENUES RECEIVED FROM PAYMENT OF FEES OR
13 CHARGES AND TO UTILIZE THE FUNDS TO PROVIDE SERVICES TO INDIVIDUALS,
14 ORGANIZATIONS, OR OTHER UNITS OF STATE OR LOCAL GOVERNMENTS.

15 (2) FUNDS IN THE ACCOUNTS MAY ONLY BE EXPENDED IN
16 ACCORDANCE WITH THE BUDGET OR BY BUDGET AMENDMENT.

17 (3) ON DIRECTIVE BY THE PRESIDENT AND THE SPEAKER,
18 UNEXPENDED REVENUES IN THE ACCOUNTS MAY REVERT TO THE STATE OR MAY
19 BE RETAINED FOR EXPENDITURE IN A SUBSEQUENT BUDGET.

20 (4) THE COMPTROLLER'S OFFICE SHALL BE NOTIFIED OF ACCOUNTS
21 CREATED IN ACCORDANCE WITH THIS SECTION.

22 2-1215. SAME - PERSONNEL FUNCTIONS.

23 (A) THE OFFICE SHALL MANAGE ALL PERSONNEL ACTIVITIES OF THE
24 DEPARTMENT AND GENERALLY CARRY OUT THE DUTIES SET FORTH IN § 2-1205 OF
25 THIS SUBTITLE.

26 (B) THE OFFICE SHALL MANAGE THE PERSONNEL ACTIVITIES OF THE
27 GENERAL ASSEMBLY AS ASSIGNED BY THE PRESIDENT AND THE SPEAKER.

28 2-1216. SAME - OTHER FUNCTIONS.

29 THE OFFICE SHALL:

30 (1) DIRECTLY SUPERVISE SUPPORT SERVICES TO THE GENERAL
31 ASSEMBLY THAT ARE NOT ASSIGNED TO ONE OF THE DEPARTMENT'S OTHER
32 OFFICES; AND

33 (2) PERFORM ANY OTHER FUNCTION REQUIRED BY THE EXECUTIVE
34 DIRECTOR, THE PRESIDENT AND THE SPEAKER, OR THE LEGISLATIVE POLICY
35 COMMITTEE.

8

1 Part [III.] IV. Office of Legislative Audits.

2 [2-1212.] 2-1217. Office of Legislative Audits established.

3 There is an Office of Legislative Audits in the Department.

4 [2-1213.] 2-1218. Legislative Auditor.

5 (a) The head of the Office of Legislative Audits is the Legislative Auditor, who
6 shall be appointed by the EXECUTIVE Director [with], SUBJECT TO the approval of the
7 President and the Speaker.

8 [(b) (1) For 1 year after appointment and, if the Director extends the
9 probationary period, for 1 additional 6-month period, the Legislative Auditor is in a
10 probationary status and may be dismissed by the Director with the approval of the
11 President and the Speaker.

12 (2) After the probationary period, the Legislative Auditor serves without a
13 fixed term and, with the approval of the President and the Speaker, may be removed as
14 provided in § 2-1207(g) of this subtitle.]

15 [(c)] (B) The Legislative Auditor must:

16 (1) be licensed as a certified public accountant in the State;

17 (2) at the time of appointment, have at least 3 years' accounting experience;
18 and

19 (3) while in office, be covered by a surety bond in the form and amount
20 required by law.

21 (C) THE LEGISLATIVE AUDITOR SERVES WITHOUT A FIXED TERM AND MAY
22 BE REMOVED BY THE EXECUTIVE DIRECTOR, SUBJECT TO THE APPROVAL OF THE
23 PRESIDENT AND THE SPEAKER.

24 (D) THE LEGISLATIVE AUDITOR IS ENTITLED TO THE SALARY PROVIDED IN
25 THE STATE BUDGET.

26 [(d)] (E) Subject to the policies and directives of the [Director and] PRESIDENT
27 AND THE SPEAKER, the Joint [Budget and] Audit Committee, AND THE OVERALL
28 SUPERVISION AND CONTROL OF THE EXECUTIVE DIRECTOR, the Legislative Auditor
29 has general administrative control of the operation of the Office of Legislative Audits.

30 [(e)] (F) The Legislative Auditor shall devote full time to the duties of office AND
31 SHALL SERVE IN A NONPARTISAN CAPACITY.

32 [2-1214.] 2-1219. Additional staff.

33 (a) With the approval of the EXECUTIVE Director, the Legislative Auditor shall
34 appoint a Deputy Legislative Auditor and other professional staff.

35 (b) (1) The Deputy Legislative Auditor must be licensed as a certified public
36 accountant in the State.

37 (2) The Deputy Legislative Auditor:

9

1 (i) has the duties delegated by the Legislative Auditor; and

2 (ii) may be designated by the EXECUTIVE Director to act as
3 Legislative Auditor if the office is vacant or the Legislative Auditor is unable to perform
4 the duties of office.

5 [2-1215.] 2-1220. Required and authorized audits.

6 (a) (1) In this subsection, "unit" includes each STATE DEPARTMENT, AGENCY,
7 UNIT, AND PROGRAM, INCLUDING clerk of court and each register of wills.

8 (2) (i) At least once every [2] 3 years, the Office of Legislative Audits
9 shall CONDUCT A FISCAL/COMPLIANCE audit OF each unit of the State government,
10 EXCEPT FOR UNITS IN THE LEGISLATIVE BRANCH.

11 (II) IN DETERMINING THE AUDIT SCHEDULE FOR A UNIT, THE
12 OFFICE OF LEGISLATIVE AUDITS SHALL TAKE INTO CONSIDERATION:

13 1. THE MATERIALITY AND RISK OF THE UNIT'S FISCAL
14 ACTIVITIES WITH RESPECT TO THE STATE'S FISCAL ACTIVITIES;

15 2. THE COMPLEXITY OF THE UNIT'S FISCAL STRUCTURE;
16 AND

17 3. THE NATURE AND EXTENT OF AUDIT FINDINGS IN THE
18 UNIT'S PRIOR AUDIT REPORTS.

19 (III) EACH AGENCY OR PROGRAM MAY BE AUDITED SEPARATELY
20 OR AS PART OF A LARGER ORGANIZATIONAL UNIT OF STATE GOVERNMENT.

21 [(ii)] (IV) 1. The Office of Legislative Audits has the authority to
22 conduct a separate investigation of an act or allegation of fraud, waste, or abuse in the
23 obligation, expenditure, receipt, or use of State funds.

24 2. The Legislative Auditor shall determine whether an
25 investigation shall be conducted in conjunction with an audit undertaken in accordance
26 with [subparagraph (i) of] this paragraph or [as a separate review] SEPARATELY.

27 (3) If, on request of the Comptroller, the Joint [Budget and] Audit
28 Committee so directs, the Office of Legislative Audits shall audit OR REVIEW a claim
29 that has been presented to the Comptroller for payment of an expenditure or
30 disbursement and that is alleged to have been made by or for an officer or unit of the
31 State government.

32 (4) The Office of Legislative Audits shall CONDUCT AN AUDIT OR REVIEW
33 TO determine the accuracy of information about or procedures of a unit of the State
34 government, as directed by the Joint [Budget and] Audit Committee OR THE
35 EXECUTIVE DIRECTOR.

36 (b) If the General Assembly, by resolution, or the Joint [Budget and] Audit
37 Committee so directs, the Office of Legislative Audits shall CONDUCT AN audit OR
38 REVIEW OF a corporation or association to which the General Assembly has
39 appropriated money OR THAT HAS RECEIVED FUNDS FROM AN APPROPRIATION from
40 the State treasury.

10

1 (c) The Office of Legislative Audits may audit any county officer or unit that
2 collects State taxes.

3 (D) (1) THE OFFICE OF LEGISLATIVE AUDITS SHALL REVIEW ANY AUDIT
4 REPORT PREPARED UNDER THE AUTHORITY OF:

5 (I) ARTICLE 19, § 40 OF THE CODE, WITH RESPECT TO A COUNTY,
6 MUNICIPAL CORPORATION, OR TAXING DISTRICT; OR

7 (II) § 16-409 OF THE EDUCATION ARTICLE, WITH RESPECT TO A
8 COMMUNITY COLLEGE.

9 (2) THE RESULTS OF ANY REVIEW MADE BY THE OFFICE OF
10 LEGISLATIVE AUDITS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE
11 REPORTED AS PROVIDED IN § 2-1224 OF THIS SUBTITLE.

12 [2-1216.] 2-1221. Scope of audit.

13 (a) An audit of the Office of Legislative Audits shall include:

14 (1) an examination of financial transactions and records;

15 (2) an evaluation of compliance with applicable laws and [orders]
16 regulations;

17 (3) [for a unit of the State government,] an audit of [computer center]
18 ELECTRONIC DATA PROCESSING operations[, automation application, and other
19 automatic data processing of the unit]; and

20 (4) [for a unit of State government,] an evaluation of compliance with
21 applicable laws and regulations relating to the acquisition of goods and services from
22 State Use Industries.

23 (B) (1) PERFORMANCE AUDITS SHALL BE CONDUCTED WHEN AUTHORIZED
24 BY THE LEGISLATIVE AUDITOR, WHEN DIRECTED BY THE JOINT AUDIT COMMITTEE
25 OR THE EXECUTIVE DIRECTOR, OR WHEN OTHERWISE REQUIRED BY LAW.

26 [(b)] (2) [An] A PERFORMANCE audit [of] CONDUCTED BY the Office of
27 Legislative Audits may include:

28 [(1)] (I) a review of the efficiency, EFFECTIVENESS, and economy with
29 which resources are used; and

30 [(2)] (II) a review to determine whether desired program results are
31 achieved [effectively].

32 (C) THE PURPOSE OF FINANCIAL STATEMENT AUDITS CONDUCTED BY THE
33 OFFICE OF LEGISLATIVE AUDITS SHALL BE TO EXPRESS AN OPINION REGARDING
34 THE FAIRNESS OF THE PRESENTATION OF A UNIT'S FINANCIAL STATEMENTS.

35 (D) THE AUDITS REFERRED TO IN SUBSECTIONS (A), (B), AND (C) OF THIS
36 SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH GENERALLY ACCEPTED
37 GOVERNMENT AUDITING STANDARDS.

11

1 (E) A REVIEW MAY BE CONDUCTED BY THE OFFICE OF LEGISLATIVE AUDITS
 2 WHEN THE OBJECTIVES OF THE WORK TO BE PERFORMED CAN BE SATISFACTORILY
 3 FULFILLED WITHOUT CONDUCTING AN AUDIT AS PRESCRIBED IN SUBSECTION (A),
 4 (B), OR (C) OF THIS SECTION.

5 [(c)] (F) (1) [The] UPON APPROVAL OF THE JOINT AUDIT COMMITTEE,
 6 THE Office of Legislative Audits [may] SHALL develop AND USE A RATING SYSTEM
 7 FOR DETERMINING an overall evaluation of a unit's financial transactions and records
 8 and compliance with applicable laws and [orders] REGULATIONS as a means of
 9 comparing the various units of State government.

10 (2) [The] WHEN AN evaluation IS ISSUED, IT SHALL BE PROVIDED TO
 11 THE UNIT AND shall be available to the Joint [Budget and] Audit Committee and the
 12 Budget Committees of the Maryland General Assembly.

13 [2-1217.] 2-1222. Place of audits.

14 (A) An audit [of] OR REVIEW CONDUCTED BY the Office of Legislative Audits
 15 shall GENERALLY be made at the offices of the State unit, county officer or unit,
 16 corporation, or association that is subject to audit OR REVIEW.

17 (B) (1) IF CONSIDERED APPROPRIATE AND AFTER CONSULTATION WITH
 18 THE STATE UNIT BEING AUDITED OR REVIEWED, THE LEGISLATIVE AUDITOR MAY
 19 AUTHORIZE ALL OR A PORTION OF AN AUDIT OR REVIEW TO BE CONDUCTED AT
 20 THE OFFICES OF THE OFFICE OF LEGISLATIVE AUDITS.

21 (2) BEFORE THE ORIGINAL OR ONLY COPY OF ANY RECORDS ARE
 22 REMOVED FROM THE STATE UNIT'S PREMISES, THE PRIOR APPROVAL OF THE STATE
 23 UNIT FOR THE REMOVAL IS REQUIRED.

24 [2-1218.] 2-1223. Audit procedures.

25 (a) (1) Except as prohibited by the federal Internal Revenue Code, during an
 26 audit OR REVIEW, the employees of the Office of Legislative Audits shall have access to
 27 and may inspect the records, including those that are confidential by law, of any unit of
 28 the State government or of a person or other body receiving State funds, with respect to
 29 any matter under the jurisdiction of the Office of Legislative Audits.

30 (2) IN CONJUNCTION WITH AN AUDIT OR REVIEW AUTHORIZED UNDER
 31 § 2-1220 OF THIS SUBTITLE, THE ACCESS REQUIRED BY PARAGRAPH (1) OF THIS
 32 SUBSECTION SHALL INCLUDE THE RECORDS OF CONTRACTORS AND
 33 SUBCONTRACTORS THAT PERFORM WORK UNDER STATE CONTRACTS.

34 (b) Each officer or employee of the unit or body that is subject to audit shall
 35 provide any information that the Legislative Auditor [finds] DETERMINES to be needed
 36 for the audit OR REVIEW, including information that otherwise would be confidential
 37 under any provision of law.

38 (c) (1) The Legislative Auditor may issue process that requires an official who
 39 is subject to audit to produce a record that is needed for the audit OR REVIEW.

40 (2) The process shall be sent to the sheriff for the county where the official
 41 is located.

12

1 (3) The sheriff promptly shall serve the process.

2 (4) The State shall pay the cost of process.

3 (5) IF A PERSON FAILS TO COMPLY WITH PROCESS ISSUED UNDER THIS
4 SUBSECTION OR FAILS TO PROVIDE INFORMATION THAT IS REQUESTED DURING AN
5 AUDIT OR REVIEW, A CIRCUIT COURT MAY ISSUE AN ORDER DIRECTING
6 COMPLIANCE WITH THE PROCESS OR COMPELLING THAT THE INFORMATION
7 REQUESTED BE PROVIDED.

8 [2-1219.] 2-1224. Audit reports.

9 (a) Except with the written approval of the Legislative Auditor, an employee of
10 the Office of Legislative Audits shall submit any report of findings only to the Legislative
11 Auditor.

12 (b) (1) On the completion of each audit OR REVIEW, the Legislative Auditor
13 shall submit a full and detailed [audit] report, subject to [§ 2-1312] § 2-1246 of this
14 [article] SUBTITLE, to the Joint [Budget and] Audit Committee [and the Director].

15 (2) [An audit] A report shall include:

16 (i) the [audit] findings; [and]

17 (ii) any appropriate recommendations for changes in recordkeeping or
18 in other conduct of the unit or body audited OR REVIEWED; AND

19 (III) ANY RESPONSE OF THE UNIT OR BODY AUDITED OR
20 REVIEWED, SUBJECT TO PROCEDURES APPROVED BY THE JOINT AUDIT
21 COMMITTEE.

22 (c) The [Director] LEGISLATIVE AUDITOR shall send a copy of the [audit]
23 report [of the Legislative Auditor] to:

24 (1) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
25 OF DELEGATES;

26 (2) THE CHAIRMEN OF THE SENATE BUDGET AND TAXATION AND
27 HOUSE APPROPRIATIONS COMMITTEES;

28 [(1)] (3) the Governor;

29 [(2)] (4) the Comptroller; [and]

30 (5) THE STATE TREASURER;

31 (6) THE ATTORNEY GENERAL;

32 (7) THE UNIT THAT HAS BEEN AUDITED OR REVIEWED;

33 (8) THE SECRETARY OF BUDGET AND MANAGEMENT;

34 (9) THE EXECUTIVE DIRECTOR; AND

35 [(3)] (10) any other person whom the Joint [Budget and] Audit Committee
36 specifies.

13

1 (d) After the expiration of any period that the Joint [Budget and] Audit
2 Committee specifies, an audit report of the Legislative Auditor is available to the public
3 under §§ 10-602 and 10-611 through 10-628 of this article.

4 (e) (1) [The units of State government shall respond to the Director with
5 copies to the Joint Budget and Audit Committee, the Comptroller, and the Secretary of
6 Budget and Management as to the recommendations of the Legislative Auditor.

7 (2) The Director or the Committee may direct the Legislative Auditor to
8 undertake a review of the unit's response to determine the extent to which the action in
9 response to the recommendations has been taken.

10 (3) The [Director] LEGISLATIVE AUDITOR shall REVIEW EACH UNIT'S
11 RESPONSE AND ADVISE THE UNIT OF THE RESULTS OF THE REVIEW. THE
12 LEGISLATIVE AUDITOR SHALL advise the Joint [Budget and] Audit Committee when:

13 (i) a unit does not make a response to a recommendation;

14 (ii) a unit does not indicate action to be taken in response to a
15 recommendation;

16 (iii) a unit has not taken the action the unit indicated in its response to
17 a recommendation;

18 (iv) a unit requests a waiver from a recommendation; or

19 (v) the response by the unit is not considered appropriate to carry out
20 the recommendation.

21 (2) THE EXECUTIVE DIRECTOR OR THE JOINT AUDIT COMMITTEE MAY
22 DIRECT THE LEGISLATIVE AUDITOR TO UNDERTAKE A REVIEW TO DETERMINE THE
23 EXTENT TO WHICH ACTION HAS BEEN TAKEN BY A UNIT TO IMPLEMENT A REPORT
24 RECOMMENDATION.

25 [(4)] (3) With respect to findings and recommendations of a [fiscal and
26 compliance nature] FISCAL/COMPLIANCE AUDIT, the Committee may recommend to
27 the Governor and the Comptroller that the unit take the [corrective] action the unit
28 indicates would be taken or take corrective action to correct the findings in the [audit]
29 report or the Committee may grant a waiver from the recommended action.

30 [(5)] (4) Within 45 days after receipt of the recommendation the Governor
31 shall advise the Committee as to the action taken with respect to the recommendation.

32 [(6)] (5) Without concurrence of the Comptroller, the Committee may not
33 waive a recommendation of the Legislative Auditor with respect to fiscal and financial
34 recordkeeping, a uniform system of accounting, or the submission of fiscal and financial
35 reports by the units.

36 [(7)] (6) With respect to findings and recommendations of a performance
37 nature, the Committee may make recommendations to the Governor or propose
38 legislation after reviewing a unit's response to a recommended action.

14

1 [2-1220.] 2-1225. Reports on violations and defaults.

2 (a) (1) In addition to the audit report under § [2-1219] 2-1224 of this subtitle,
3 the Legislative Auditor shall report an apparent violation of any law on use of State funds
4 by the unit of the State government or other body that is audited.

5 (2) A report under this subsection shall be submitted to:

6 (i) the Joint [Budget and] Audit Committee;

7 (ii) the EXECUTIVE Director;

8 (iii) the unit or body that is the subject of the report; and

9 (iv) the Office of the Attorney General.

10 (b) (1) The Legislative Auditor shall report to the Attorney General and an
11 appropriate State's Attorney an apparent default to the State for any money by an officer
12 or employee who is subject to audit.

13 (2) A report under this subsection shall ask the Attorney General and
14 State's Attorney to take appropriate action.

15 (c) (1) The Office of the Attorney General shall respond, in writing, to a report
16 received from the Legislative Auditor under this section.

17 (2) The response of the Attorney General shall include what actions, if any,
18 were taken as a result of the findings of the Legislative Auditor.

19 (3) The response of the Attorney General shall be submitted to:

20 (i) the Joint [Budget and] Audit Committee;

21 (ii) the EXECUTIVE Director;

22 (iii) the unit or body that is the subject of the report; and

23 (iv) the Legislative Auditor.

24 [2-1221.] 2-1226. Confidentiality.

25 (a) Except as provided in subsection (b) of this section, information that an
26 employee of the Office of Legislative Audits obtains during an audit:

27 (1) is confidential; and

28 (2) may not be disclosed except to another employee of the Office OF
29 LEGISLATIVE AUDITS.

30 (b) The Legislative Auditor may authorize the disclosure of information obtained
31 during an audit only to the following:

32 (1) another employee of the Department, with the approval of the
33 EXECUTIVE Director; [or]

15

1 (2) federal, State, or local officials, or their auditors, who provide evidence
2 to the Legislative Auditor that they are performing investigations, studies, or audits
3 related to that same audit and who provide justification for the specific information
4 requested; OR

5 (3) THE JOINT AUDIT COMMITTEE, IF NECESSARY TO ASSIST THE
6 COMMITTEE IN REVIEWING A REPORT ISSUED BY THE LEGISLATIVE AUDITOR.

7 (c) If information that an employee obtains during an audit also is confidential
8 under another law, the employee or the Legislative Auditor may not include in a report or
9 otherwise use the information in any manner that discloses the identity of any person who
10 is the subject of the confidential information.

11 [2-1222.] 2-1227. Penalties.

12 A person is guilty of a misdemeanor and on conviction is subject to a fine not
13 exceeding \$1,000 if the person:

14 (1) fails to comply promptly with process that the Legislative Auditor issues
15 under this Part [III] IV of this subtitle; or

16 (2) violates any provision of § [2-1219(a) or § 2-1221] 2-1224(A) OR §
17 2-1226 of this subtitle.

18 PART V. OFFICE OF LEGISLATIVE INFORMATION SYSTEMS.

19 2-1228. DEFINITIONS.

20 (A) IN THIS PART V THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE.

23 (C) "OFFICE" MEANS THE OFFICE OF LEGISLATIVE INFORMATION SYSTEMS.

24 2-1229. OFFICE ESTABLISHED.

25 THERE IS AN OFFICE OF LEGISLATIVE INFORMATION SYSTEMS IN THE
26 DEPARTMENT.

27 2-1230. DIRECTOR.

28 (A) THE HEAD OF THE OFFICE IS THE DIRECTOR, WHO SHALL BE APPOINTED
29 BY THE EXECUTIVE DIRECTOR, SUBJECT TO THE APPROVAL OF THE PRESIDENT
30 AND THE SPEAKER.

31 (B) THE DIRECTOR SERVES WITHOUT A FIXED TERM AND MAY BE REMOVED
32 BY THE EXECUTIVE DIRECTOR, SUBJECT TO THE APPROVAL OF THE PRESIDENT
33 AND THE SPEAKER.

34 (C) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
35 BUDGET.

16

1 2-1231. GENERAL AUTHORITY.

2 (A) SUBJECT TO THE POLICIES AND DIRECTIVES OF THE PRESIDENT AND THE
3 SPEAKER AND THE OVERALL SUPERVISION AND CONTROL OF THE EXECUTIVE
4 DIRECTOR, THE DIRECTOR SHALL OVERSEE THE OPERATION OF THE OFFICE.

5 (B) THE DIRECTOR SHALL SERVE IN A NONPARTISAN CAPACITY AND
6 CONDUCT THE AFFAIRS OF THE OFFICE IN A NONPARTISAN MANNER.

7 2-1232. DUTIES.

8 IN ADDITION TO ANY OTHER DUTIES SET FORTH ELSEWHERE, THE OFFICE
9 SHALL:

10 (1) DEVELOP, COORDINATE, SUPPORT, AND MAINTAIN COMPUTER
11 SERVICES AND AUTOMATED DATA PROCESSING AND INFORMATION SYSTEMS FOR
12 THE GENERAL ASSEMBLY AND THE DEPARTMENT;

13 (2) PROVIDE TRAINING FOR EMPLOYEES OF THE GENERAL ASSEMBLY
14 AND THE DEPARTMENT WHO USE THE INFORMATION SYSTEMS;

15 (3) PLAN FOR THE FUTURE INFORMATION SYSTEMS NEEDS OF THE
16 GENERAL ASSEMBLY, ITS STAFF, AND THE DEPARTMENT;

17 (4) AS APPROVED BY THE EXECUTIVE DIRECTOR AND THE
18 LEGISLATIVE POLICY COMMITTEE, UPGRADE THE INFORMATION SYSTEMS OF THE
19 GENERAL ASSEMBLY AND THE DEPARTMENT; AND

20 (5) CARRY OUT ANY OTHER FUNCTION REQUIRED BY THE EXECUTIVE
21 DIRECTOR.

22 2-1233. INFORMATION SYSTEMS PLANNING TEAM.

23 (A) THERE IS AN INFORMATION SYSTEMS PLANNING TEAM IN THE
24 DEPARTMENT.

25 (B) THE INFORMATION SYSTEMS PLANNING TEAM CONSISTS OF:

26 (1) THE EXECUTIVE DIRECTOR;

27 (2) THE DIRECTOR OF THE OFFICE OF LEGISLATIVE INFORMATION
28 SYSTEMS;

29 (3) AN APPROPRIATE NUMBER OF DEPARTMENT EMPLOYEES WHO ARE
30 FAMILIAR WITH AND ARE FREQUENT USERS OF THE DEPARTMENT'S INFORMATION
31 SYSTEMS, SELECTED BY THE EXECUTIVE DIRECTOR AND THE DIRECTOR OF THE
32 OFFICE OF POLICY ANALYSIS;

33 (4) A MEMBER OF THE LIBRARY STAFF;

34 (5) A REPRESENTATIVE OF THE LEGISLATIVE AUDITOR, SELECTED BY
35 THE EXECUTIVE DIRECTOR AND THE LEGISLATIVE AUDITOR;

36 (6) A REPRESENTATIVE OF THE STAFF OF THE PRESIDENT OF THE
37 SENATE; AND

17

1 (7) A REPRESENTATIVE OF THE STAFF OF THE SPEAKER OF THE HOUSE
2 OF DELEGATES.

3 (C) THE INFORMATION SYSTEMS PLANNING TEAM SHALL:

4 (1) RECEIVE AND EVALUATE THE NEEDS OF THE USERS OF THE
5 DEPARTMENT'S INFORMATION SYSTEMS;

6 (2) DEVELOP AN INTEGRATED PLAN FOR THE INFORMATION SYSTEMS
7 NEEDS OF ALL ASPECTS OF THE DEPARTMENT'S ACTIVITIES;

8 (3) RECOMMEND PRIORITIES FOR THE INFORMATION SYSTEMS NEEDS
9 OF THE DEPARTMENT'S EMPLOYEES; AND

10 (4) GENERALLY PLAN FOR AND DEVELOP THE INFORMATION SYSTEMS
11 NEEDS OF THE DEPARTMENT.

12 PART VI. OFFICE OF POLICY ANALYSIS.

13 2-1234. DEFINITIONS.

14 (A) IN THIS PART VI THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE.

17 (C) "OFFICE" MEANS THE OFFICE OF POLICY ANALYSIS.

18 2-1235. OFFICE ESTABLISHED.

19 THERE IS AN OFFICE OF POLICY ANALYSIS IN THE DEPARTMENT.

20 2-1236. DIRECTOR; MANAGERS; WORKGROUPS.

21 (A) THE HEAD OF THE OFFICE IS THE DIRECTOR, WHO SHALL BE APPOINTED
22 BY THE EXECUTIVE DIRECTOR, SUBJECT TO THE APPROVAL OF THE PRESIDENT
23 AND THE SPEAKER.

24 (B) THE DIRECTOR SERVES WITHOUT A FIXED TERM AND MAY BE REMOVED
25 BY THE EXECUTIVE DIRECTOR, SUBJECT TO THE APPROVAL OF THE PRESIDENT
26 AND THE SPEAKER.

27 (C) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
28 BUDGET.

29 (D) SUBJECT TO THE POLICIES AND DIRECTIVES OF THE PRESIDENT AND THE
30 SPEAKER AND THE OVERALL SUPERVISION AND CONTROL OF THE EXECUTIVE
31 DIRECTOR, THE DIRECTOR SHALL OVERSEE THE OPERATION OF THE OFFICE.

32 (E) THE DIRECTOR SHALL SERVE IN A NONPARTISAN CAPACITY AND
33 CONDUCT THE AFFAIRS OF THE OFFICE IN A NONPARTISAN MANNER.

34 (F) IN CONSULTATION WITH THE DIRECTOR, THE EXECUTIVE DIRECTOR
35 SHALL APPOINT AN APPROPRIATE NUMBER OF QUALIFIED INDIVIDUALS TO SERVE
36 IN MANAGEMENT FUNCTIONS IN THE OFFICE.

18

1 (G) THE DIRECTOR SHALL FACILITATE THE CREATION AND OVERSEE THE
 2 OPERATION OF FUNCTIONAL, SUBJECT MATTER, SPECIAL PROJECT, AND ANY
 3 OTHER WORKGROUPS TO ACHIEVE MAXIMUM COOPERATION AND THE GREATEST
 4 EFFICIENCY IN THE USE OF STAFF AND RESOURCES IN THE OFFICE.

5 [2-1210.] 2-1237. Duties - Budget and Fiscal Affairs.

6 (A) In addition to any duties set forth elsewhere, the [Department] OFFICE shall:

7 (1) conduct studies, DEVELOP OPTIONS, AND MAKE RECOMMENDATIONS
 8 on fiscal matters that relate to the State budget including:

9 (i) taxes and revenues;

10 (ii) finances;

11 (iii) financial policies of public agencies; and

12 (iv) grants to individuals and private entities;

13 (2) conduct studies, DEVELOP OPTIONS, AND MAKE RECOMMENDATIONS
 14 on financial and other matters of the State government;

15 (3) conduct studies, DEVELOP OPTIONS, AND MAKE RECOMMENDATIONS
 16 on organization and management improvement in State government;

17 (4) study all matters that relate to the efficient and effective operation of
 18 the State government, whether or not the matter is a direct budgetary concern;

19 (5) propose statutory changes to effect operational economy or effective
 20 administration;

21 (6) perform the following duties with respect to the review of expenditures:

22 (i) review each item in the proposed State budget so as to be able to
 23 report on the justification of a unit for that item;

24 (ii) review the proposed State budget at each stage of its
 25 consideration;

26 (iii) during consideration of the proposed State budget, identify each of
 27 the items that:

28 1. provides for a new function; or

29 2. has been disapproved previously by the General Assembly;

30 (iv) evaluate each proposal of a unit of the State government for an
 31 appropriation, including any proposal, that:

32 1. is in the proposed State budget;

33 2. is considered with the proposed State budget; or

34 3. involves State financing of a capital improvement;

19

1 (v) evaluate the activities of each unit of the State government as
2 these activities relate to a proposed or actual expenditure of public money;

3 (7) report, subject to § [2-1312] 2-1246 of this [article] SUBTITLE, on the
4 public debt of the State, including the effect of an additional debt authorization or issue
5 on State finances;

6 (8) after each session of the General Assembly, summarize the effect of the
7 legislative program on the financial condition of the State;

8 (9) provide to the General Assembly and its committees [staff services]
9 INFORMATION on fiscal matters;

10 (10) exchange, with federal and State units, information on taxation,
11 revenues, expenditures, and related matters;

12 (11) conduct studies on the fiscal relationships of the State with its units and
13 with local governments;

14 (12) conduct studies on the operation, administration, staff, and physical
15 plants of each unit of the State government;

16 (13) as directed by the General Assembly, the Legislative Policy Committee,
17 the Joint [Budget and] Audit Committee, or other legislative committees:

18 (i) subject to § [2-1312] 2-1246 of this [article] SUBTITLE, submit
19 reports on the studies on units of the State government; and

20 (ii) conduct other special studies and prepare other special reports;

21 (14) review the financial reports received from each political subdivision in
22 accordance with § 2-101 of Article 24 of the Code as to completeness and accuracy. If the
23 report needs revision, the political subdivision shall be advised and shall submit the
24 requested information within 15 days. The financial reports of political subdivisions shall
25 be available for public inspection and certified copies shall be provided by the
26 [Department] OFFICE for a reasonable fee; [and]

27 (15) subject to § [2-1312] 2-1246 of this [article] SUBTITLE, publish an
28 annual report on the revenues and expenditures of each county, municipal corporation,
29 and special taxing district created by law; AND

30 (16) CARRY OUT ANY OTHER FUNCTIONS RELATED TO BUDGET AND
31 FISCAL AFFAIRS REQUIRED BY THE EXECUTIVE DIRECTOR.

32 (B) THE EXECUTIVE DIRECTOR SHALL DEDICATE AN APPROPRIATE NUMBER
33 OF EMPLOYEES OF THE DEPARTMENT AND AN ADEQUATE LEVEL OF DEPARTMENT
34 RESOURCES TO THE YEAR-ROUND PERFORMANCE OF THE FOLLOWING FUNCTIONS:

35 (1) ANALYZING THE STATE BUDGET;

36 (2) FORECASTING TRENDS IN THE STATE BUDGET;

37 (3) IDENTIFYING SIGNIFICANT FINANCIAL POLICIES OF PUBLIC
38 AGENCIES IN THE STATE BUDGET;

20

1 (4) REVIEWING PROPOSED AMENDMENTS TO THE STATE BUDGET
2 APPROVED BY THE GENERAL ASSEMBLY; AND

3 (5) CONDUCTING REVENUE FORECASTS.

4 [2-1308.] 2-1238. Same - Legal Affairs.

5 [(a)] In addition to any duties set forth elsewhere, the [Department] OFFICE
6 shall:

7 (1) on request of a member of the General Assembly, analyze and report on:

8 (i) the laws of any state on a specific subject and all of the available
9 information about the practical operation and effect of those laws; and

10 (ii) the acts and records of any state;

11 (2) compile information on and analyze any matter that is the subject of
12 proposed legislation;

13 (3) on request of a member of the General Assembly, prepare or help to
14 prepare a bill or resolution that, unless the member specifies otherwise, conforms to the
15 style manual of the [Revisor of Statutes] OFFICE;

16 [(4) index and preserve all of the information that is gathered under this
17 subsection, so that the information is easily accessible to State officials at all times and is
18 open for public inspection; and

19 (5) (i) annually make:

20 1. a list that includes the name, position, term of office, and
21 salary of each civil officer whom the Governor appointed during the preceding calendar
22 year; and

23 2. a list that includes the name, position, term of office, and
24 salary of each civil officer whose term expires during the current calendar year;

25 (ii) 1. send a copy of each list to each member of the General
26 Assembly; and

27 2. make the lists available to any person who requests them;
28 and

29 (iii) make the lists applicable only to civil officers whom the Governor
30 appoints, subject to the approval of the Senate or the House of Delegates.]

31 (4) PROVIDE ANALYSES OF PROPOSED AND EMERGENCY
32 REGULATIONS OF EXECUTIVE BRANCH AGENCIES;

33 (5) MAKE RECOMMENDATIONS FOR THE RECLASSIFICATION,
34 REARRANGEMENT, RENUMBERING, REWORDING, AND OTHER FORMAL REVISION
35 OF THE PUBLIC GENERAL LAWS IN THE CODE;

36 (6) MAKE RECOMMENDATIONS FOR APPROPRIATE SYSTEMS TO
37 COLLECT AND PUBLISH:

21

1 (I) THE PUBLIC LOCAL LAWS;

2 (II) EXECUTIVE ORDERS; AND

3 (III) THE REGULATIONS OF UNITS OF THE EXECUTIVE BRANCH OF
4 THE STATE GOVERNMENT;

5 (7) CARRY ON CONTINUOUS FULL TIME FORMAL REVISION OF
6 STATUTORY LAW FOR THE GENERAL ASSEMBLY BY PREPARING AND SUBMITTING
7 TO THE GENERAL ASSEMBLY RECOMMENDATIONS FOR THE REPEAL OR
8 MODIFICATION OF STATUTES THAT ARE OBSOLETE, INCONSISTENT WITH ANOTHER
9 STATUTE, UNCONSTITUTIONAL, OR OTHERWISE IN NEED OF FORMAL REVISION;

10 (8) MAKE RECOMMENDATIONS ON THE CORRECTION OF MANIFEST
11 SPELLING, GRAMMATICAL, OR CLERICAL ERRORS OR ERRORS OF ADDITION OR
12 OMISSION;

13 (9) MAINTAIN THE CLARITY, SIMPLICITY, AND CONSISTENCY OF STYLE
14 OF STATUTORY LAW;

15 (10) HAVE A STYLE MANUAL FOR STATUTORY LAW;

16 (11) INCLUDE IN THE STYLE MANUAL A DRAFTING RULE THAT
17 REQUIRES, TO THE EXTENT PRACTICABLE, THE USE OF WORDS THAT ARE NEUTRAL
18 AS TO GENDER EXCEPT FOR A SUBJECT MATTER THAT SPECIFICALLY APPLIES ONLY
19 TO ONE GENDER AND EXCEPT FOR A NAME OR ORGANIZATIONAL TITLE; AND

20 (12) CARRY OUT ANY OTHER FUNCTION RELATED TO LEGAL AFFAIRS
21 REQUIRED BY THE EXECUTIVE DIRECTOR.

22 [(b) The staff and facilities of the Department shall be available to prepare legal
23 reports for and otherwise help:

24 (1) any standing committee;

25 (2) any statutory committee;

26 (3) any special committee of the Legislative Policy Committee; and

27 (4) with the consent of the Legislative Policy Committee, any joint
28 legislative and executive body that the Governor appoints.

29 (c) The Director shall assign, to the staff of the Department or to a special
30 research or consulting agency, the preparation of any legal report that the Legislative
31 Policy Committee or a standing committee requests.]

32 2-1239. SAME - RESEARCH SERVICES.

33 IN ADDITION TO ANY OTHER DUTIES SET FORTH ELSEWHERE, THE OFFICE
34 SHALL:

35 (1) PREPARE ANALYSES OF THE FISCAL, LEGAL, AND POLICY IMPACT
36 OF PROPOSED LEGISLATION;

22

1 (2) RESEARCH AND PREPARE COMPREHENSIVE ASSESSMENTS AND
2 EVALUATIONS OF ISSUES OF CONCERN TO THE GENERAL ASSEMBLY; AND

3 (3) CARRY OUT ANY OTHER FUNCTION RELATED TO RESEARCH
4 SERVICES REQUIRED BY THE EXECUTIVE DIRECTOR.

5 2-1240. SAME - COMMITTEE STAFFING SERVICES.

6 IN ADDITION TO ANY OTHER DUTIES SET FORTH ELSEWHERE, THE OFFICE
7 SHALL:

8 (1) PROVIDE PROFESSIONAL STAFFING SERVICES, AS REQUIRED BY
9 THE EXECUTIVE DIRECTOR, TO ANY STANDING COMMITTEE, STATUTORY
10 COMMITTEE, OR SPECIAL JOINT OR UNICAMERAL COMMITTEE OR SUBCOMMITTEE
11 OF THE GENERAL ASSEMBLY;

12 (2) WITH THE CONSENT OF THE PRESIDENT AND THE SPEAKER,
13 PROVIDE PROFESSIONAL STAFFING SERVICES, AS REQUIRED BY THE EXECUTIVE
14 DIRECTOR, TO ANY JOINT LEGISLATIVE AND EXECUTIVE BODY; AND

15 (3) CARRY OUT ANY OTHER FUNCTION RELATED TO COMMITTEE
16 STAFFING SERVICES REQUIRED BY THE EXECUTIVE DIRECTOR.

17 2-1241. SAME - LIBRARY AND PUBLIC INFORMATION SERVICES.

18 IN ADDITION TO ANY OTHER DUTIES SET FORTH ELSEWHERE, THE OFFICE
19 SHALL:

20 (1) PROVIDE LIBRARY AND INFORMATION SERVICES TO THE GENERAL
21 ASSEMBLY AND THE GENERAL PUBLIC;

22 (2) INDEX AND PRESERVE ALL INFORMATION PREPARED AS A RESULT
23 OF THE PROVISIONS OF § 2-1238 OF THIS SUBTITLE; AND

24 (3) CARRY OUT ANY OTHER FUNCTION RELATED TO LIBRARY AND
25 PUBLIC INFORMATION SERVICES REQUIRED BY THE EXECUTIVE DIRECTOR.

26 2-1242. SAME - DOCUMENT PREPARATION.

27 IN ADDITION TO ANY OTHER DUTIES SET FORTH ELSEWHERE, THE OFFICE
28 SHALL:

29 (1) PROVIDE FOR THE PREPARATION AND PUBLICATION OF
30 LEGISLATION, SESSION LAWS, JOURNALS OF PROCEEDINGS, INDEXES, AND OTHER
31 DOCUMENTS; AND

32 (2) CARRY OUT ANY OTHER FUNCTION RELATED TO DOCUMENT
33 PREPARATION AND PUBLICATION REQUIRED BY THE EXECUTIVE DIRECTOR.

34 PART VII. MISCELLANEOUS PROVISIONS.

35 [2-1309.] 2-1243. Compilation and indexing for and printing of session laws;
36 maintenance of integrity and accuracy of laws.

37 (a) (1) After each regular session, the Department shall compile and index:

23

1 (i) the laws that are enacted during that session;

2 (ii) the executive orders that have been delivered to the Department
3 under § 3-405 of this article since the last compilation;

4 (iii) the certificates of the State Administrative Board of Election Laws
5 as to the referendum vote on a law, if the vote has not been published previously; and

6 (iv) the titles of laws and statements of referendum on laws of each
7 municipal corporation, code county, and charter county that have been delivered to the
8 Department as required by law.

9 (2) After each special session, the Department shall compile and index the
10 laws that are enacted during that session.

11 (b) (1) After completion of the compilation and index, the Department shall
12 deliver copies of the laws, executive orders, certificates, and titles to the printer who is
13 designated to print the session laws.

14 (2) The printer shall print promptly:

15 (i) the documents delivered under this section; and

16 (ii) with the compilation for a regular session, the statement of
17 receipts and expenditures of public money delivered under § 2-103 of the State Finance
18 and Procurement Article.

19 (3) The printer shall deliver the volumes to the EXECUTIVE Director.

20 (c) The Department is the agency responsible for maintaining the structural
21 integrity and textual accuracy of the codified laws of this State.

22 [2-1310.] 2-1244. Distribution of session laws and journals.

23 (a) The Department shall sell, exchange, or otherwise distribute bound volumes
24 of the laws, the Senate journal, and the House journal.

25 (b) Distribution under this section shall include provision of 1 copy of a volume to
26 each public, circulating library or library association that requests the volume if, when the
27 request is made, the Department has at least 26 copies of the requested volume.

28 [2-1311.] 2-1245. Additional compilation of Public Local Laws.

29 The Department shall:

30 (1) keep a current list of the public local laws of the State;

31 (2) keep the list accessible to the members of the General Assembly at all
32 times; and

33 (3) subject to [§ 2-1312] § 2-1246 of this subtitle, annually submit the list to
34 the General Assembly.

24

1 [2-1312.] 2-1246. Publications.

2 (a) Each official or unit of the State government shall submit to the Department
3 a list of the reports and other publications that the official or unit issues and intends to
4 distribute or submit to the General Assembly or to any committee, staff agency, or
5 employee of the General Assembly.

6 (b) An official or unit:

7 (1) shall submit to the Department 5 copies of each report that the official
8 or unit intends to distribute or submit to the General Assembly or to any committee, staff
9 agency, or employee of the General Assembly; and

10 (2) may give the report to a member of the General Assembly only if:

11 (i) the President and the Speaker have given written approval for
12 distribution of the report to each member of the General Assembly; or

13 (ii) the member asks for the report.

14 (c) The Department shall:

15 (1) keep a list of the publications of the officials and units;

16 (2) periodically send the list to each member of the General Assembly; and

17 (3) on request of a member of the General Assembly, obtain a publication
18 of an official or unit for the member.

19 (d) (1) The Department shall index and preserve the publications that officials
20 and units submit as required by law.

21 (2) The Department may collect, index, and preserve any other publication
22 that the Department considers necessary.

23 [2-1313.] 2-1247. Distribution of Annotated Code to members of General Assembly.

24 (a) On request of a member of the General Assembly, the Department [of
25 Legislative Reference] shall provide the member with a set of the Annotated Code of
26 Maryland, only during the term of the member, at the end of which it shall be returned to
27 the Department. The Department shall keep the volumes current.

28 (b) A member shall return to the Department all of the current volumes of the
29 Code provided by the Department on or before the expiration of the member's final term
30 of office. If a member resigns or is removed from office before the expiration of the
31 member's term, the member shall promptly return the volumes to the Department.

32 2-1248. GUBERNATORIAL APPOINTMENTS LISTS.

33 THE DEPARTMENT SHALL:

34 (1) ANNUALLY MAKE:

25

1 (I) A LIST THAT INCLUDES THE NAME, POSITION, TERM OF
2 OFFICE, AND SALARY OF EACH CIVIL OFFICER WHOM THE GOVERNOR APPOINTED
3 DURING THE PRECEDING CALENDAR YEAR; AND

4 (II) A LIST THAT INCLUDES THE NAME, POSITION, TERM OF
5 OFFICE, AND SALARY OF EACH CIVIL OFFICER WHOSE TERM EXPIRES DURING THE
6 CURRENT CALENDAR YEAR;

7 (2) (I) SEND A COPY OF EACH LIST TO EACH MEMBER OF THE
8 GENERAL ASSEMBLY; AND

9 (II) MAKE THE LISTS AVAILABLE TO ANY PERSON WHO REQUESTS
10 THEM; AND

11 (3) INCLUDE ON THE LISTS ONLY CIVIL OFFICERS WHOM THE
12 GOVERNOR APPOINTS, SUBJECT TO THE APPROVAL OF THE SENATE OR THE HOUSE
13 OF DELEGATES.

14 [Part II. Legislative Accounting Office.]

15 [2-1408. Definitions.

16 In this Part II of this subtitle:

17 (1) "Director" means the Director of the Department of Fiscal Services; and

18 (2) "Office" means the Legislative Accounting Office.]

19 [2-1409. Established.

20 There is a Legislative Accounting Office in the Legislative Branch of the State
21 government. The Office is part of the Department of Fiscal Services.]

22 [2-1410. Staff; Administrator.

23 (a) The Office shall have the staff determined by the Director and provided in the
24 State budget.

25 (b) The head of the Office is the Administrator who shall be appointed by the
26 Director with the approval of the President and the Speaker.

27 (c) (1) For 1 year after appointment and, if the Director extends the
28 probationary period, for 1 additional 6-month period, the Administrator shall serve on a
29 probationary basis and may be dismissed by the Director with the approval of the
30 President and the Speaker.

31 (2) After the probationary period, the Administrator shall serve without a
32 fixed term and, with the approval of the President and the Speaker, may be removed as
33 provided in § 2-1207(g) of this article.

34 (d) The Administrator is entitled to salary provided in the State budget.

35 (e) (1) The staff of the Office shall be appointed by the Administrator with the
36 approval of the Director.

26

1 (2) The staff is subject to the guidelines as provided in § 2-1207(g) of this
2 subtitle.]

3 [2-1411. Functions.

4 (a) The Office is a staff agency of the General Assembly under the general
5 supervision and control of the Director.

6 (b) (1) The Office shall receive and analyze requests from members of the
7 General Assembly for reimbursement and from other persons for payment of legislative
8 expenses, including:

9 (i) office rent;

10 (ii) secretarial and other services;

11 (iii) telephone and other communication expenses;

12 (iv) equipment;

13 (v) supplies; and

14 (vi) travel.

15 (2) The Office shall provide the reimbursement or make payments as
16 provided in the State budget and account for the reimbursements and payments.

17 (3) The Office shall make payments and reimbursements consistent with the
18 policies of the President and the Speaker and the Legislative Policy Committee.]

19 [2-1412. Accounts for revenues received from payment of fees or charges.

20 (a) The President and the Speaker may authorize the Office or a unit of the
21 Legislative Branch to create accounts for revenues received from payment of fees or
22 charges and to utilize the funds to provide services to individuals, organizations, or other
23 units of State or local governments.

24 (b) Funds in the accounts may only be expended in accordance with the budget or
25 by budget amendment.

26 (c) Unexpended revenues in the accounts may revert to the State on directive by
27 the President and the Speaker or may be retained for expenditure in a subsequent
28 budget.

29 (d) The Comptroller's Office shall be notified of accounts created in accordance
30 with this section.]

31 Subtitle 15. Legislation.

32 2-1502. Prefiling of Bills.

33 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
34 INDICATED.

27

1 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF LEGISLATIVE
2 SERVICES.

3 (3) ["prefile"] "PREFILE" means to direct the Department [of Legislative
4 Reference], before a regular session of the General Assembly, to file a bill for
5 introduction during that session.

6 (e) (1) On the [1st] FIRST day of each regular session, the Department [of
7 Legislative Reference] shall send to the Secretary of the Senate and the Chief Clerk of
8 the House, as appropriate, copies of each bill, in the form that the Senate rules set for
9 introduction in the Senate or that the House rules set for introduction in the House.

10 (2) Each bill that is sent under this subsection shall be considered as filed
11 for introduction.

12 2-1504. Synopses of bills.

13 (a) For each regular or special session of the General Assembly, the Department
14 of Legislative [Reference] SERVICES shall prepare and distribute, in serial order:

15 (1) a synopsis of each Senate bill that is introduced; and

16 (2) a synopsis of each House bill that is introduced.

17 (b) [(1)] If the Department [of Legislative Reference] determines that a bill
18 imposes a mandate on a local government unit, the synopsis shall include a statement that
19 "This bill imposes a mandate on a local government unit."

20 [(2) In determining if a bill imposes a mandate on a local government unit,
21 the Department of Legislative Reference may seek assistance and advice from the
22 Department of Fiscal Services.]

23 2-1505. Fiscal notes and waivers.

24 (a) Except as otherwise provided in this section, a committee may not vote on a
25 bill unless:

26 (1) a fiscal note accompanies the bill; and

27 (2) if the bill affects the funding of a State pension system, an actuarial
28 analysis of the bill is attached to or summarized in the note or the analysis is waived.

29 (b) (1) If a bill affects the funding of a State pension system and the standing
30 committee to which the bill is referred determines that the fiscal impact on the State
31 warrants an actuarial analysis of the bill, the standing committee shall ask the
32 Department of [Fiscal] LEGISLATIVE Services to obtain the actuarial analysis.

33 (2) The standing committee may waive the actuarial analysis if the standing
34 committee certifies that prompt action on the bill is needed to conduct legislative
35 business.

36 (c) (1) The Director of the Department of [Fiscal] LEGISLATIVE Services
37 shall have that Department prepare a fiscal note for each bill.

28

1 (2) If the chairman of the committee to which a bill is referred certifies that
 2 prompt committee action on the bill is needed to conduct legislative business and, before
 3 the Department prepares the fiscal note for the bill, holds a hearing on the bill, the
 4 Department shall prepare the note as soon after the hearing as possible.

5 (3) When a standing committee asks for an actuarial analysis of a bill that
 6 affects a State pension system, the Department of [Fiscal] LEGISLATIVE Services shall:

7 (i) obtain the analysis; and

8 (ii) summarize the analysis in the fiscal note or attach the analysis to
 9 the note.

10 (4) The Department of [Fiscal] LEGISLATIVE Services shall send a copy of
 11 a fiscal note for a bill to the committee to which the bill is referred and to the primary
 12 sponsor of the bill.

13 (d) Upon request of the Department of [Fiscal] LEGISLATIVE Services, a unit of
 14 State or local government promptly shall provide any information requested by the
 15 Department for preparing a fiscal note.

16 (f) As soon as possible after the adoption of an amendment that changes the
 17 fiscal impact of a bill, the Department of [Fiscal] LEGISLATIVE Services shall:

18 (1) prepare a revised fiscal note for the bill;

19 (2) send the revised note:

20 (i) to the chairman of the committee to which the bill is referred in
 21 the house of origin;

22 (ii) if the bill has reached the opposite house, to the chairman of the
 23 committee to which the bill is referred in that house;

24 (iii) if the bill is in the custody of either the Secretary of the Senate or
 25 the Chief Clerk of the House, to that officer; and

26 (iv) to the primary sponsor of the bill.

27 (g) (1) The Department of [Fiscal] LEGISLATIVE Services shall keep a copy of
 28 each fiscal note for 3 years after preparation of the note.

29 (2) The copies shall be reasonably available for public inspection.

30 (j) (1) In its summary report of legislation enacted by the General Assembly
 31 that has a fiscal impact, the Department of [Fiscal] LEGISLATIVE Services shall include
 32 a list of legislation that affects local government units and indicate which legislation
 33 imposes mandates on local government units.

34 2-1505.1. Economic Impact Analysis.

35 (b) (1) [Beginning with the 1996 Regular Session of the General Assembly, an]
 36 AN economic impact analysis rating and an economic impact analysis, as appropriate,
 37 shall be prepared by the appropriate Executive Branch agency for each bill that is

29

1 introduced at the request of the administration or a department, agency, or commission
2 of the Executive Branch of State government.

3 (2) A copy of the economic impact analysis rating and the economic impact
4 analysis required under this subsection shall be submitted by the Governor's office:

5 (i) to the Department of [Fiscal] LEGISLATIVE Services within a
6 reasonable time frame prior to the hearing on the bill to allow the Department [of Fiscal
7 Services] to comment on the economic impact analysis rating and the economic impact
8 analysis; and

9 (ii) to the committee to which the bill is referred prior to the hearing
10 on the bill.

11 (c) (1) [Beginning with the 1997 Regular Session of the General Assembly, an]
12 AN economic impact analysis rating and an economic impact analysis, as appropriate,
13 shall be prepared by the Department of [Fiscal] LEGISLATIVE Services for each bill that
14 is introduced by a member of the General Assembly.

15 (2) A copy of the economic impact analysis rating and the economic impact
16 analysis required under this subsection shall be submitted by the Department of [Fiscal]
17 LEGISLATIVE Services:

18 (i) to the primary sponsor of the bill; and

19 (ii) to the committee to which the bill is referred prior to the hearing
20 on the bill.

21 (d) (1) If the appropriate Executive Branch agency or the Department of
22 [Fiscal] LEGISLATIVE Services determines that a bill will have minimal or no economic
23 impact on small businesses, the agency or Department [of Fiscal Services] shall indicate
24 that determination by a brief written statement.

25 (2) If the appropriate Executive Branch agency or the Department of
26 [Fiscal] LEGISLATIVE Services determines that a bill will have a meaningful economic
27 impact on small businesses, the agency or Department [of Fiscal Services] shall develop
28 a complete written economic impact analysis.

29 (3) (i) If the appropriate Executive Branch agency or the Department of
30 [Fiscal] LEGISLATIVE Services determines that a bill will have a meaningful economic
31 impact on small businesses and is unable to provide a complete written economic impact
32 analysis, the agency or Department [of Fiscal Services] shall provide a written
33 explanation of why the agency determined that the bill will have a meaningful economic
34 impact.

35 (ii) The explanation may identify the impact in general terms and need
36 not quantify the specific economic impact.

37 (f) (1) The Executive Branch agency or the Department of [Fiscal]
38 LEGISLATIVE Services preparing the economic impact analysis rating and the economic
39 impact analysis required under this section shall consult with, as appropriate:

40 (i) other units of State government;

30

1 (ii) units of local government; and

2 (iii) business, trade, consumer, labor, and other groups impacted by or
3 having an interest in the legislation.

4 (2) On request of the EXECUTIVE Director of the Department of [Fiscal]
5 LEGISLATIVE Services, a unit of the State or a local government shall provide the
6 Department [of Fiscal Services] with assistance or information in the preparation of an
7 economic impact analysis rating and economic impact analysis.

8 (g) (1) The Department of [Fiscal] LEGISLATIVE Services may include an
9 economic impact analysis rating and economic impact analysis prepared by the
10 Department [of Fiscal Services] or by the appropriate Executive Branch agency as part
11 of a fiscal note.

12 (2) The Department of [Fiscal] LEGISLATIVE Services may comment on
13 the economic impact analysis rating and economic impact analysis prepared by the
14 appropriate Executive Branch agency.

15 (h) The Department of [Fiscal] LEGISLATIVE Services may revise the economic
16 impact analysis rating and economic impact analysis consistent with an amended version
17 of a bill.

18 (i) (1) The Department of [Fiscal] LEGISLATIVE Services shall keep a copy of
19 each economic impact analysis rating and economic impact analysis for 3 years after
20 preparation of the rating or the analysis.

21 (2) The copies shall be reasonably available for public inspection.

22 2-1505.2. Economic impact analyses ratings and economic impact analyses of agency
23 regulations on small businesses.

24 (b) (1) [On and after October 1, 1996, an] AN economic impact analysis rating
25 and an economic impact analysis, as appropriate, shall be prepared by the appropriate
26 Executive Branch agency for each regulation that the agency proposes for adoption
27 pursuant to Title 10, Subtitle 1 of this article.

28 (2) A copy of the economic impact analysis rating and the economic impact
29 analysis required under this subsection shall be submitted by the appropriate agency:

30 (i) to the Department of [Fiscal] LEGISLATIVE Services no later
31 than the time the agency submits the regulation to the committee to allow the
32 Department [of Fiscal Services] to comment on the economic impact analysis rating and
33 the economic impact analysis; and

34 (ii) to the committee at the time the agency submits the regulation to
35 the committee.

36 (c) (1) If the appropriate Executive Branch agency or the Department of
37 [Fiscal] LEGISLATIVE Services determines that a regulation will have minimal or no
38 economic impact on small businesses, the agency or Department [of Fiscal Services]
39 shall indicate that determination by a brief written statement.

31

1 (2) If the appropriate Executive Branch agency or the Department of
2 [Fiscal] LEGISLATIVE Services determines that a regulation will have a meaningful
3 economic impact on small businesses, the agency or Department [of Fiscal Services]
4 shall develop a complete written economic impact analysis.

5 (3) (i) If the appropriate Executive Branch agency or the Department [of
6 Fiscal Services] determines that a regulation will have a meaningful economic impact on
7 small businesses and is unable to provide a complete written economic impact analysis,
8 the agency or Department [of Fiscal Services] shall provide a written explanation of why
9 the agency determined that the regulation will have a meaningful economic impact.

10 (ii) The explanation may identify the impact in general terms and need
11 not quantify the specific economic impact.

12 (e) (1) The Executive Branch agency or the Department of [Fiscal]
13 LEGISLATIVE Services preparing the economic impact analysis rating and the economic
14 impact analysis required under this section shall consult with, as appropriate:

15 (i) other units of State government;

16 (ii) units of local government; and

17 (iii) business, trade, consumer, labor, and other groups impacted by or
18 having an interest in the regulation.

19 (2) On request of the EXECUTIVE Director of the Department of [Fiscal]
20 LEGISLATIVE Services, a unit of the State or a local government shall provide the
21 Department [of Fiscal Services] with assistance or information in the preparation of an
22 economic impact analysis rating and economic impact analysis.

23 (f) The Department of [Fiscal] LEGISLATIVE Services shall:

24 (1) comment on the economic impact analysis rating and economic impact
25 analysis prepared by the appropriate Executive Branch agency; and

26 (2) transmit its comment to the committee.

27 (g) The Department of [Fiscal] LEGISLATIVE Services shall revise the economic
28 impact analysis rating and economic impact analysis consistent with an amended version
29 of a regulation.

30 (h) (1) The Department of [Fiscal] LEGISLATIVE Services shall keep a copy of
31 each economic impact analysis rating and economic impact analysis for 3 years after
32 preparation of the rating or the analysis.

33 (2) The copies shall be reasonably available for public inspection.

34 Title 2. General Assembly.

35 Subtitle 1. Definitions; GENERAL PROVISIONS.

36

32

1 [2-1401.] 2-102. Required services.

2 (a) The State shall provide the members of the General Assembly with reasonable
3 office space and services, equipment, and secretarial services, as provided in the State
4 budget.

5 (b) (1) A municipal corporation, county, or other political subdivision or its
6 governing body may not subsidize a member of the General Assembly in the maintenance
7 of the space, services, or equipment.

8 (2) This subsection does not prohibit the establishment of an office by a
9 political subdivision to maintain liaison between the subdivision and the General
10 Assembly.

11 [2-1403.] 2-103. Permanent part-time legislative employees.

12 (a) In this section, "permanent part-time legislative employee" means an
13 individual who, for at least 130 days a year, is employed by the General Assembly.

14 (b) A permanent part-time legislative employee shall receive employment rights,
15 privileges, and benefits that:

16 (1) equal at least 50% of the employment rights, privileges, and benefits of
17 a permanent full-time employee of the Department of [Fiscal Services or Department of
18 Legislative Reference] LEGISLATIVE SERVICES; and

19 (2) for an individual who is employed for at least 50% of a full workweek,
20 are prorated in proportion to the number of hours worked.

21 (c) For auditing purposes, permanent time records shall be kept for each
22 permanent part-time legislative employee.

23 (d) The President and the Speaker shall administer this section.

24 [2-14A-01.] 2-104. Employees of General Assembly, Department of Legislative
25 Services; transfer.

26 (a) (1) All full-time permanent employees of the General Assembly of
27 Maryland[, the Department of Legislative Reference, and the Department of Fiscal
28 Services] AND THE DEPARTMENT OF LEGISLATIVE SERVICES shall be considered as
29 full-time permanent State employees for the purposes of transferring to a position in the
30 Executive or Judicial Branch of State government.

31 (2) These employees shall receive credit for service with the General
32 Assembly for the purposes of transferring accumulated sick and vacation leave, service
33 credit in the Employees' Retirement System, and all other benefits.

34 (3) These employees shall be granted the same salary consideration that
35 would be provided to an employee transferring within the Executive or Judicial Branch.

36 (b) On the transfer of a General Assembly [employee, an] EMPLOYEE OR AN
37 employee of the [Department of Legislative Reference, or an employee of the
38 Department of Fiscal Services] DEPARTMENT OF LEGISLATIVE SERVICES to a position
39 in the Executive Branch, the Secretary of Budget and Management may request that the

33

1 President of the Senate or the Speaker of the House of Delegates or their representative
2 certify as to the full-time permanent status of that employee. The certification shall be
3 satisfactory evidence for the purposes of subsection (a) of this section.

4 (c) If any employee of the General Assembly transferred to a position in the
5 Executive or Judicial Branch on or after July 1, 1977, and suffered any loss of
6 compensation or benefits solely as a result of the employee's prior service with the
7 General Assembly not being recognized as full-time permanent service, the employee's
8 compensation and benefits shall be reinstated at the appropriate level and the employee
9 shall be reimbursed for any loss in salary from the effective date of the transfer.

10 (d) Any full-time permanent employee of the General Assembly of Maryland[,
11 the Department of Legislative Reference, or the Department of Fiscal Services] OR THE
12 DEPARTMENT OF LEGISLATIVE SERVICES who separates from State service and returns
13 to State service in the Executive or Judicial Branch within 3 years from the time of
14 separation from active duty shall be eligible for reinstatement and shall receive full credit
15 for any prior State service.

16 [2-1404.] 2-105. Leaves of absences for sessions.

17 While the General Assembly is in session, each member or employee of the General
18 Assembly who also is employed by the State or any of its political subdivisions:

19 (1) is entitled automatically to a leave of absence from the other
20 employment; and

21 (2) except for a right to a salary or wages, may not be deprived of or
22 otherwise have impaired any incident of the employment, including tenure, seniority,
23 annual or sick leave, promotional rights, or rights to salary increments.

24 [2-1414.] 2-106. "Force" defined; established; composition; responsibilities.

25 (a) In this section, "Force" means the Legislative Security Force.

26 (b) There is a Legislative Security Force.

27 (c) The Force consists of the members of the Department of State Police who are
28 assigned for duty with the General Assembly.

29 (d) Under the guidance of the presiding officers of the General Assembly, the
30 Force shall maintain order during the conduct of the legislative process.

31 Subtitle 6. Joint [Budget and] Audit Committee.

32 2-601. "Committee" defined.

33 In this subtitle, "Committee" means the Joint [Budget and] Audit Committee.

34 2-602. Established.

35 There is a Joint [Budget and] Audit Committee, which is a joint committee of the
36 Senate and the House.

34

1 2-603. Membership.

2 (a) The Committee consists of [the following 20 members:

3 (1) from the Senate:

4 (i) the President;

5 (ii) the Majority Leader;

6 (iii) the Minority Leader; and

7 (iv) 7 other senators, appointed by the President from among the
8 members of the Senate fiscal committees; and

9 (2) from the House:

10 (i) the Speaker;

11 (ii) the Majority Leader;

12 (iii) the Minority Leader; and

13 (iv) 7 other delegates, appointed by the Speaker from among the
14 members of the House fiscal committees] 10 MEMBERS OF THE SENATE, APPOINTED
15 BY THE PRESIDENT, AND 10 MEMBERS OF THE HOUSE, APPOINTED BY THE SPEAKER.

16 (b) (1) Members of the Committee shall be appointed on the basis of
17 demonstrated ability and interest in the functions of the Committee.

18 (2) In making appointments from time to time, the President and the
19 Speaker shall provide for representation from the major areas of the State.

20 (c) (1) Members shall be appointed after the 2 houses and their committees
21 organize during each regular session of the General Assembly and shall serve until the
22 houses and committees organize during the following regular session.

23 (2) (i) If a vacancy occurs among the senators on the Committee, a
24 successor promptly shall be appointed by the President.

25 (ii) If a vacancy occurs among the delegates on the Committee, a
26 successor promptly shall be appointed by the Speaker.

27 2-604. Officers.

28 The President and the Speaker jointly shall appoint the chairman and the vice
29 chairman of the Committee.

30 [2-606.] 2-605. Powers and duties.

31 [(a)] In addition to any powers and duties set forth elsewhere, the Committee
32 SHALL:

33 [(1) shall study, systematically and in detail, all matters that relate to the
34 Department of Fiscal Services; and

35

1 (2) may review federal aid that is received by the State and that will require
2 an appropriation from the General Fund in future fiscal years.

3 (b) (1) During each legislative interim period, the Committee shall compile a
4 list of new State programs established during the prior legislative session by statute or by
5 budget.

6 (2) The Committee may monitor or evaluate the implementation of any
7 program included on the list under paragraph (1) of this subsection.]

8 (1) REVIEW AUDIT REPORTS ISSUED BY THE LEGISLATIVE AUDITOR
9 AND SUBMIT FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY
10 WITH RESPECT TO ISSUES IN AUDIT REPORTS; AND

11 (2) REVIEW THE AUDIT PROCESS AND PROCEDURES AND PROVIDE
12 COMMENT AND RECOMMENDATIONS TO THE PRESIDENT AND THE SPEAKER, THE
13 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES, AND THE
14 LEGISLATIVE AUDITOR.

15 SECTION 3. AND BE IT FURTHER ENACTED, That:

16 (a) beginning June 1, 1997, the Executive Director of Legislative Services shall
17 carry out a study regarding the most effective and efficient manner of implementing the
18 provisions of this Act; and

19 (b) not later than September 15, 1997, the Executive Director of Legislative
20 Services shall report to the Legislative Policy Committee on the following matters:

21 (1) a proposed reconfiguration of the physical layout of the staff offices in
22 the Legislative Services Building, a listing of employees to be placed under the
23 supervision of each office director, and a salary structure;

24 (2) a competitive salary plan for all employees of the Department;

25 (3) the education requirements and experience levels for the Department's
26 professional staff;

27 (4) the identification of the grounds by which an employee may be
28 terminated from State service and the avenues to be made available for appealing a
29 termination decision;

30 (5) the establishment of flexible working schedules that accommodate the
31 needs of employees during nonpeak production times in recognition of their contributions
32 during peak production times;

33 (6) an assessment of existing reports and studies prepared according to
34 statutory mandates and internal policies, with a goal of eliminating reports that are
35 duplicative or unnecessary;

36 (7) an identification of alternatives for strengthening the fiscal efficiency of
37 the Department's operations, such as the modernization of equipment, the consolidation
38 and downsizing of functions, and the use of contractual employees to perform certain
39 functions;

1 (8) a proposed plan for meeting the future telecommunications needs of the
2 Department and the General Assembly including the availability of an adequate number
3 of telephone and facsimile machine lines, the enhancement of the toll-free lines of the
4 General Assembly, and methods for maximizing the efficiency of developing
5 telecommunications technology;

6 (9) the feasibility of incorporating the fiscal notes and economic impact
7 analyses currently prepared by the Department of Fiscal Services and the committee
8 report system documents currently prepared by the Department of Legislative Reference
9 into one comprehensive, informative policy impact statement; and

10 (10) any other issue or recommendation that the Executive Director wishes to
11 bring to the attention of the Legislative Policy Committee, or that the President and the
12 Speaker instruct the Executive Director to report on.

13 SECTION 4. AND BE IT FURTHER ENACTED, That:

14 (a) all property of any kind, including personal property, records, fixtures,
15 appropriations, credits, assets, liabilities, obligations, rights, and privileges, held by the
16 Department of Legislative Reference, the Department of Fiscal Services, and the Office
17 of Legislative Data Processing, or by any units of those agencies, shall be and hereby are
18 transferred to the Department of Legislative Services;

19 (b) except as otherwise provided by law, all contracts, agreements, grants, or other
20 obligations entered into prior to July 1, 1997 by the Department of Legislative Reference,
21 the Department of Fiscal Services, or the Office of Legislative Data Processing, and
22 which by their terms are to continue in effect on or after July 1, 1997, shall be valid, legal,
23 and binding obligations of the Department of Legislative Services, or the appropriate unit
24 of the Department of Legislative Services, under the terms of the obligations; and

25 (c) any transaction affected by any change of nomenclature under this Act, and
26 validly entered into before July 1, 1997, and every right, duty, or interest flowing from the
27 transaction, remains valid on and after July 1, 1997 as if the change of nomenclature had
28 not occurred.

29 SECTION 5. AND BE IT FURTHER ENACTED, That all employees who are
30 transferred to the Department of Legislative Services from the Department of Fiscal
31 Services, the Department of Legislative Reference, and the Office of Legislative Data
32 Processing upon the implementation of this Act shall be so transferred without
33 diminution of their rights, benefits, or employment or retirement status.

34 SECTION 6. AND BE IT FURTHER ENACTED, That the personnel guidelines
35 adopted in 1983 by the Legislative Policy Committee, as revised in 1987, for the
36 Department of Fiscal Services and the Department of Legislative Reference shall remain
37 in force and effect until guidelines for the Department of Legislative Services are adopted
38 by the Legislative Policy Committee in accordance with § 2-1205 of the State Government
39 Article, as added by this Act.

40 SECTION 7. AND BE IT FURTHER ENACTED, That the captions set out next
41 to each section designation in Section 2 of this Act are presented for informational
42 purposes only and are not intended to be part of the law.

1 SECTION 8. AND BE IT FURTHER ENACTED, That the provisions of this Act
2 that create the position of Executive Director of the Department of Legislative Services
3 shall take effect June 1, 1997.

4 SECTION 9. AND BE IT FURTHER ENACTED, That, except as provided in
5 Section 8 of this Act, this Act shall take effect July 1, 1997.