

CF 7r3038

---

**By: The President**

Introduced and read first time: March 3, 1997

Assigned to: Rules

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 1, 1997

---

## CHAPTER \_\_\_\_

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."

2

1 Staff and Services - Department of Fiscal Services"; 2-1301 through 2-1307  
 2 and 2-1315 through 2-1318 and the subtitle "Subtitle 13. Staff and Services -  
 3 Department of Legislative Reference"; 2-1408 through 2-1412 and the  
 4 subtitle designation "Subtitle 14. Staff and Services - Accounting, Security,  
 5 and General Services"; and the subtitle designation "Subtitle 14A.  
 6 Miscellaneous Provisions on Staff" in Title 2; and various parts  
 7 Annotated Code of Maryland  
 8 (1995 Replacement Volume and 1996 Supplement)

9 BY repealing and reenacting, with amendments,

10 Article - State Government  
 11 Section 2-601, 2-602, 2-603, and 2-606 to be under the amended subtitle "Subtitle  
 12 6. Joint Audit Committee"; 2-1208, 2-1210, 2-1212 through 2-1222, 2-1308  
 13 through 2-1313; 2-1401, 2-1403, 2-14A-01, 2-1404, and 2-1414 to be under  
 14 the amended subtitle "Subtitle 1. Definitions; General Provisions"; 2-1502(a)  
 15 and (e), 2-1504, 2-1505(a), (b), (c), (d), (f), (g), and (j)(1), 2-1505.1(b), (c),  
 16 (d), (f), (g), (h), and (i), and 2-1505.2(b), (c), (e), (f), (g), and (h); and various  
 17 parts  
 18 Annotated Code of Maryland  
 19 (1995 Replacement Volume and 1996 Supplement)

20 BY adding to

21 Article - State Government  
 22 Section 2-1201 through 2-1207, 2-1211 through 2-1216, 2-1228 through 2-1236,  
 23 2-1239 through 2-1242, and 2-1248 to be under the new subtitle "Subtitle 12.  
 24 Staff and Services - Department of Legislative Services"; and various parts  
 25 Annotated Code of Maryland  
 26 (1995 Replacement Volume and 1996 Supplement)

27 BY repealing and reenacting, without amendments,

28 Article - State Government  
 29 Section 2-604  
 30 Annotated Code of Maryland  
 31 (1995 Replacement Volume and 1996 Supplement)

32 Preamble

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

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

3

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

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

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

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

20 **Article - State Government**

21 SUBTITLE 12. STAFF AND SERVICES - DEPARTMENT OF LEGISLATIVE SERVICES.

22 PART I. GENERAL PROVISIONS; EXECUTIVE DIRECTOR.

23 2-1201. DEFINITIONS.

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
25 INDICATED.

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

27 (C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE  
28 DEPARTMENT.

29 2-1202. DEPARTMENT ESTABLISHED.

30 THERE IS A DEPARTMENT OF LEGISLATIVE SERVICES IN THE LEGISLATIVE  
31 BRANCH OF THE STATE GOVERNMENT.

32 2-1203. EXECUTIVE DIRECTOR - IN GENERAL.

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

35 (B) THE EXECUTIVE DIRECTOR:

36 (1) SERVES WITHOUT A FIXED TERM AND MAY BE REMOVED BY THE  
37 LEGISLATIVE POLICY COMMITTEE ON THE RECOMMENDATION OF THE PRESIDENT  
38 AND THE SPEAKER;

4

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

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

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

6 (C) SUBJECT TO THE POLICIES AND DIRECTIVES OF THE PRESIDENT OF THE  
7 SENATE AND THE SPEAKER OF THE HOUSE AND THE LEGISLATIVE POLICY  
8 COMMITTEE, THE EXECUTIVE DIRECTOR HAS GENERAL ADMINISTRATIVE  
9 CONTROL OF THE OPERATION OF THE DEPARTMENT AND ITS UNITS.

10 2-1204. EXECUTIVE DIRECTOR - ADDITIONAL DUTIES.

11 THE EXECUTIVE DIRECTOR, UNDER THE DIRECTION OF THE PRESIDENT AND  
12 THE SPEAKER, SHALL:

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

16 (2) COORDINATE THE ACTIVITIES OF THE COMPONENTS OF THE  
17 DEPARTMENT TO MAXIMIZE COOPERATION AMONG THE DEPARTMENT'S  
18 EMPLOYEES AND ACHIEVE THE GREATEST EFFICIENCY IN THE USE OF PERSONNEL  
19 AND OTHER RESOURCES;

20 (3) PREPARE THE ANNUAL BUDGET FOR THE DEPARTMENT AFTER  
21 CONSULTATION WITH THE OFFICE DIRECTORS;

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

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

26 (6) PERFORM ANY OTHER FUNCTION REQUIRED BY THE PRESIDENT  
27 AND THE SPEAKER.

28 2-1205. EMPLOYMENT OF STAFF.

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

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

33 (C) THE LEGISLATIVE POLICY COMMITTEE SHALL ADOPT GUIDELINES THAT  
34 ARE NOT INCONSISTENT WITH LAW AND THAT, FOR ~~PROFESSIONAL AND~~  
35 ~~NONPROFESSIONAL~~ EMPLOYEES OF THE DEPARTMENT, GOVERN:

36 (1) HIRING;

37 (2) PROBATIONARY PERIODS;

5

- 1 (3) TENURE;
- 2 (4) PROMOTION;
- 3 (5) OVERTIME COMPENSATION;
- 4 (6) DISCRIMINATION;
- 5 (7) COMPENSATORY WORK FOR ABSENCES DUE TO RELIGIOUS BELIEFS;
- 6 (8) HOLIDAYS;
- 7 (9) PART-TIME EMPLOYMENT;
- 8 (10) GRIEVANCE PROCEDURES;
- 9 (11) REMOVAL; AND
- 10 (12) POLITICAL ACTIVITY.

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

13 Part II. Organization and General Authority of Department.

14 2-1206. UNITS IN THE DEPARTMENT.

15 THE FOLLOWING UNITS ARE IN THE DEPARTMENT:

- 16 (1) THE OFFICE OF THE EXECUTIVE DIRECTOR;
- 17 (2) THE OFFICE OF LEGISLATIVE AUDITS;
- 18 (3) THE OFFICE OF LEGISLATIVE INFORMATION SYSTEMS;
- 19 (4) THE OFFICE OF POLICY ANALYSIS; AND
- 20 (5) ANY OTHER OFFICES AS MAY BE DESIGNATED BY THE PRESIDENT  
21 AND THE SPEAKER.

22 2-1207. DUTIES OF THE DEPARTMENT - IN GENERAL.

23 IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE DEPARTMENT  
24 SHALL PROVIDE:

- 25 (1) BUDGET AND FISCAL REVIEW, ANALYSIS, RESEARCH, STUDIES, AND  
26 REPORTS;
- 27 (2) LEGISLATIVE DRAFTING AND STATUTORY REVISION SERVICES;
- 28 (3) LEGAL RESEARCH, REVIEW, ANALYSIS, STUDIES, AND REPORTS;
- 29 (4) GENERAL RESEARCH AND POLICY ANALYSIS;
- 30 (5) FISCAL/COMPLIANCE, FINANCIAL STATEMENT, AND PERFORMANCE  
31 AUDITS OF UNITS OF THE STATE GOVERNMENT;

6

1 (6) LEGISLATIVE RESEARCH, LEGISLATIVE DOCUMENT AND MATERIAL  
2 COLLECTION AND PRESERVATION, AND OTHER LIBRARY SERVICES;

3 (7) PUBLIC INFORMATION SERVICES ABOUT LEGISLATIVE ACTIVITIES;

4 (8) DOCUMENT PREPARATION AND PUBLICATION SERVICES;

5 (9) LEGISLATIVE INFORMATION SYSTEMS MAINTENANCE,  
6 DEVELOPMENT, AND SUPPORT; AND

7 (10) ADMINISTRATIVE SUPPORT SERVICES FOR THE DEPARTMENT AND,  
8 WHERE APPROPRIATE, FOR THE GENERAL ASSEMBLY RELATING TO FINANCE,  
9 PERSONNEL, DISTRIBUTION, TELECOMMUNICATIONS, PRINTING AND COPYING,  
10 SUPPLIES, HOUSEKEEPING, AND MAINTENANCE.

11 2-1208. Use of staff and facilities.

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

14 (1) any standing committee;

15 (2) any statutory committee;

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

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

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

22 2-1209. Reserved.

23 2-1210. Reserved.

24 PART III. OFFICE OF THE EXECUTIVE DIRECTOR.

25 2-1211. DEFINITION.

26 AS USED IN THIS PART III, "OFFICE" MEANS THE OFFICE OF THE EXECUTIVE  
27 DIRECTOR.

28 2-1212. OFFICE OF THE EXECUTIVE DIRECTOR.

29 (A) THERE IS AN OFFICE OF THE EXECUTIVE DIRECTOR IN THE  
30 DEPARTMENT.

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

32 2-1213. SAME - STAFF.

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

7

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

3 2-1214. SAME - LEGISLATIVE ACCOUNTING FUNCTIONS.

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

7 (I) OFFICE RENT;

8 (II) SECRETARIAL AND OTHER SERVICES;

9 (III) TELEPHONE AND OTHER COMMUNICATION EXPENSES;

10 (IV) EQUIPMENT;

11 (V) SUPPLIES; AND

12 (VI) TRAVEL.

13 (2) THE OFFICE SHALL PROVIDE THE REIMBURSEMENT OR MAKE  
14 PAYMENTS AS PROVIDED IN THE STATE BUDGET AND ACCOUNT FOR THE  
15 REIMBURSEMENTS AND PAYMENTS.

16 (3) THE OFFICE SHALL MAKE PAYMENTS AND REIMBURSEMENTS  
17 CONSISTENT WITH THE POLICIES OF THE PRESIDENT AND THE SPEAKER, THE  
18 MANAGEMENT SUBCOMMITTEE, AND THE LEGISLATIVE POLICY COMMITTEE.

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

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

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

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

30 2-1215. SAME - PERSONNEL FUNCTIONS.

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

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

8

1 2-1216. SAME - OTHER FUNCTIONS.

2 THE OFFICE SHALL:

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

6 (2) PERFORM ANY OTHER FUNCTION REQUIRED BY THE EXECUTIVE  
7 DIRECTOR, THE PRESIDENT AND THE SPEAKER, OR THE LEGISLATIVE POLICY  
8 COMMITTEE.

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

10 [2-1212.] 2-1217. Office of Legislative Audits established.

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

12 [2-1213.] 2-1218. Legislative Auditor.

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

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

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

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

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

25 (2) at the time of appointment, have at least 3 years' ~~accounting~~ AUDITING  
26 experience; and

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

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

32 (D) THE LEGISLATIVE AUDITOR IS ENTITLED TO THE SALARY PROVIDED IN  
33 THE STATE BUDGET.

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



9

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

3 [2-1214.] 2-1219. Additional staff.

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

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

8                    (2) The Deputy Legislative Auditor:

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

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

13 [2-1215.] 2-1220. Required and authorized audits.

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

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

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

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

23                            2. THE COMPLEXITY OF THE UNIT'S FISCAL STRUCTURE;  
24 AND

25                            3. THE NATURE AND EXTENT OF AUDIT FINDINGS IN THE  
26 UNIT'S PRIOR AUDIT REPORTS.

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

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

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

35                    (3) If, on request of the Comptroller, the Joint [Budget and] Audit  
36 Committee so directs, the Office of Legislative Audits shall audit OR REVIEW a claim  
37 that has been presented to the Comptroller for payment of an expenditure or

10

1 disbursement and that is alleged to have been made by or for an officer or unit of the  
2 State government.

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

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

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

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

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

18 (II) ~~§ 16-409~~ § 16-315 OF THE EDUCATION ARTICLE WITH RESPECT  
19 TO A COMMUNITY COLLEGE-;

20 (III) § 5-109 OF THE EDUCATION ARTICLE, WITH RESPECT TO A  
21 BOARD OF EDUCATION; OR

22 (IV) § 23-405 OF THE EDUCATION ARTICLE WITH RESPECT TO A  
23 LIBRARY BOARD.

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

27 [2-1216.] 2-1221. Scope of audit.

28 (a) ~~AN~~ A FISCAL/COMPLIANCE audit ~~of~~ CONDUCTED BY the Office of  
29 Legislative Audits shall include:

30 (1) an examination of financial transactions and records AND INTERNAL  
31 CONTROLS;

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

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

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

11

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

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

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

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

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

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

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

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

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

28 [2-1217.] 2-1222. Place of audits.

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

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

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

12

1 [2-1218.] 2-1223. Audit procedures.

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

7 (2) IN CONJUNCTION WITH AN AUDIT OR REVIEW AUTHORIZED UNDER  
8 § 2-1220 OF THIS SUBTITLE, THE ACCESS REQUIRED BY PARAGRAPH (1) OF THIS  
9 SUBSECTION SHALL INCLUDE THE RECORDS OF CONTRACTORS AND  
10 SUBCONTRACTORS THAT PERFORM WORK UNDER STATE CONTRACTS.

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

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

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

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

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

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

27 [2-1219.] 2-1224. Audit reports.

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

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

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

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

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

13

1 (III) ANY RESPONSE OF THE UNIT OR BODY AUDITED OR  
2 REVIEWED, SUBJECT TO PROCEDURES APPROVED BY THE JOINT AUDIT  
3 COMMITTEE.

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

6 (1) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE  
7 OF DELEGATES;

8 (2) THE CHAIRMEN OF THE SENATE BUDGET AND TAXATION AND  
9 HOUSE APPROPRIATIONS COMMITTEES;

10 (3) MEMBERS OF THE GENERAL ASSEMBLY, SUBJECT TO § 2-1246 OF THIS  
11 SUBTITLE;

12 [(1)] ~~(3)~~ (4) the Governor;

13 [(2)] ~~(4)~~ (5) the Comptroller; [and]

14 ~~(5)~~ (6) THE STATE TREASURER;

15 ~~(6)~~ (7) THE ATTORNEY GENERAL;

16 ~~(7)~~ (8) THE UNIT THAT HAS BEEN AUDITED OR REVIEWED;

17 ~~(8)~~ (9) THE SECRETARY OF BUDGET AND MANAGEMENT;

18 ~~(9)~~ (10) THE EXECUTIVE DIRECTOR; AND

19 [(3)] ~~(10)~~ (11) any other person whom the Joint [Budget and] Audit  
20 Committee specifies.

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

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

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

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

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

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

14

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

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

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

6 (2) THE EXECUTIVE DIRECTOR OR THE JOINT AUDIT COMMITTEE MAY  
7 DIRECT THE LEGISLATIVE AUDITOR TO UNDERTAKE A REVIEW TO DETERMINE THE  
8 EXTENT TO WHICH ACTION HAS BEEN TAKEN BY A UNIT TO IMPLEMENT A REPORT  
9 RECOMMENDATION.

10 [(4)] (3) With respect to findings and recommendations of a [fiscal and  
11 compliance nature] FISCAL/COMPLIANCE ~~AUDIT~~ NATURE, the Committee may  
12 recommend to the Governor and the Comptroller that the unit take the {corrective}  
13 action the unit indicates would be taken or take ~~corrective~~ action to correct the findings  
14 in the [audit] report or the Committee may grant a waiver from the recommended  
15 action.

16 [(5)] (4) Within 45 days after receipt of the recommendation the Governor  
17 shall advise the Committee as to the action taken with respect to the recommendation.

18 [(6)] (5) Without concurrence of the Comptroller, the Committee may not  
19 waive a recommendation of the Legislative Auditor with respect to fiscal and financial  
20 recordkeeping, a uniform system of accounting, or the submission of fiscal and financial  
21 reports by the units.

22 [(7)] (6) With respect to findings and recommendations of a performance  
23 nature, the Committee may make recommendations to the Governor or propose  
24 legislation after reviewing a unit's response to a recommended action.

25 [2-1220.] 2-1225. Reports on violations and defaults.

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

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

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

31 (ii) the EXECUTIVE Director;

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

33 (iv) the Office of the Attorney General.

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

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

15

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

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

5 (3) The response of the Attorney General 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 Legislative Auditor.

10 [2-1221.] 2-1226. Confidentiality.

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

13 (1) is confidential; and

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

16 (b) The Legislative Auditor may authorize the disclosure of information obtained  
17 during an audit OR REVIEW only to the following:

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

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

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

26 (c) If information that an employee obtains during an audit OR REVIEW also is  
27 confidential under another law, the employee or the Legislative Auditor may not include  
28 in a report or otherwise use the information in any manner that discloses the identity of  
29 any person who is the subject of the confidential information.

30 [2-1222.] 2-1227. Penalties.

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

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

35 (2) violates any provision of § [2-1219(a) or § 2-1221] 2-1224(A) OR §  
36 2-1226 of this subtitle.

16

1 PART V. OFFICE OF LEGISLATIVE INFORMATION SYSTEMS.

2 2-1228. DEFINITIONS.

3 (A) IN THIS PART V THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

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

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

7 2-1229. OFFICE ESTABLISHED.

8 THERE IS AN OFFICE OF LEGISLATIVE INFORMATION SYSTEMS IN THE  
9 DEPARTMENT.

10 2-1230. DIRECTOR.

11 (A) THE HEAD OF THE OFFICE IS THE DIRECTOR, WHO SHALL BE APPOINTED  
12 BY THE EXECUTIVE DIRECTOR, SUBJECT TO THE APPROVAL OF THE PRESIDENT  
13 AND THE SPEAKER.

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

17 (C) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE STATE  
18 BUDGET.

19 2-1231. GENERAL AUTHORITY.

20 (A) SUBJECT TO THE POLICIES AND DIRECTIVES OF THE PRESIDENT AND THE  
21 SPEAKER AND THE OVERALL SUPERVISION AND CONTROL OF THE EXECUTIVE  
22 DIRECTOR, THE DIRECTOR SHALL OVERSEE THE OPERATION OF THE OFFICE.

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

25 2-1232. DUTIES.

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

28 (1) DEVELOP, COORDINATE, SUPPORT, AND MAINTAIN COMPUTER  
29 SERVICES AND AUTOMATED DATA PROCESSING AND INFORMATION SYSTEMS FOR  
30 THE GENERAL ASSEMBLY AND THE DEPARTMENT;

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

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

35 (4) AS APPROVED BY THE EXECUTIVE DIRECTOR AND THE  
36 LEGISLATIVE POLICY COMMITTEE, UPGRADE THE INFORMATION SYSTEMS OF THE  
37 GENERAL ASSEMBLY AND THE DEPARTMENT; AND



17

1 (5) CARRY OUT ANY OTHER FUNCTION REQUIRED BY THE EXECUTIVE  
2 DIRECTOR.

3 2-1233. INFORMATION SYSTEMS PLANNING TEAM.

4 (A) THERE IS AN INFORMATION SYSTEMS PLANNING TEAM IN THE  
5 DEPARTMENT.

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

7 (1) THE EXECUTIVE DIRECTOR;

8 (2) THE DIRECTOR OF THE OFFICE OF LEGISLATIVE INFORMATION  
9 SYSTEMS;

10 (3) AN APPROPRIATE NUMBER OF DEPARTMENT EMPLOYEES WHO ARE  
11 FAMILIAR WITH AND ARE FREQUENT USERS OF THE DEPARTMENT'S INFORMATION  
12 SYSTEMS, SELECTED BY THE EXECUTIVE DIRECTOR AND THE DIRECTOR OF THE  
13 OFFICE OF POLICY ANALYSIS;

14 (4) A MEMBER OF THE LIBRARY STAFF;

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

17 (6) A REPRESENTATIVE OF THE STAFF OF THE PRESIDENT OF THE  
18 SENATE; AND

19 (7) A REPRESENTATIVE OF THE STAFF OF THE SPEAKER OF THE HOUSE  
20 OF DELEGATES.

21 (C) THE INFORMATION SYSTEMS PLANNING TEAM SHALL:

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

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

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

28 (4) GENERALLY PLAN FOR AND DEVELOP THE INFORMATION SYSTEMS  
29 NEEDS OF THE DEPARTMENT.

30 PART VI. OFFICE OF POLICY ANALYSIS.

31 2-1234. DEFINITIONS.

32 (A) IN THIS PART VI THE FOLLOWING WORDS HAVE THE MEANINGS  
33 INDICATED.

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

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

18

1 2-1235. OFFICE ESTABLISHED.

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

3 2-1236. DIRECTOR; MANAGERS; WORKGROUPS.

4 (A) THE HEAD OF THE OFFICE IS THE DIRECTOR, WHO SHALL BE APPOINTED  
5 BY THE EXECUTIVE DIRECTOR, SUBJECT TO THE APPROVAL OF THE PRESIDENT  
6 AND THE SPEAKER.

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

10 (C) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE STATE  
11 BUDGET.

12 (D) SUBJECT TO THE POLICIES AND DIRECTIVES OF THE PRESIDENT AND THE  
13 SPEAKER AND THE OVERALL SUPERVISION AND CONTROL OF THE EXECUTIVE  
14 DIRECTOR, THE DIRECTOR SHALL OVERSEE THE OPERATION OF THE OFFICE.

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

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

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

24 [2-1210.] 2-1237. Duties - Budget and Fiscal Affairs.

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

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

28 (i) taxes and revenues;

29 (ii) finances;

30 (iii) financial policies of public agencies; and

31 (iv) grants to individuals and private entities;

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

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

19

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

3 (5) propose statutory changes to effect operational economy or effective  
4 administration;

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

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

8 (ii) review the proposed State budget at each stage of its  
9 consideration;

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

12 1. provides for a new function; or

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

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

16 1. is in the proposed State budget;

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

18 3. involves State financing of a capital improvement;

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

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

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

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

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

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

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

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

20

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

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

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

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

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

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

18 (1) ANALYZING THE STATE BUDGET;

19 (2) FORECASTING TRENDS IN THE STATE BUDGET;

20 (3) IDENTIFYING SIGNIFICANT FINANCIAL POLICIES OF PUBLIC  
21 AGENCIES IN THE STATE BUDGET;

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

24 (5) CONDUCTING REVENUE FORECASTS.

25 [2-1308.] 2-1238. Same - Legal Affairs.

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

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

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

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

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

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

21

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

4 (5) (i) annually make:

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

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

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

12 2. make the lists available to any person who requests them;  
13 and

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

16 (4) PROVIDE ANALYSES OF PROPOSED AND EMERGENCY  
17 REGULATIONS OF EXECUTIVE BRANCH AGENCIES;

18 (5) MAKE RECOMMENDATIONS FOR THE RECLASSIFICATION,  
19 REARRANGEMENT, RENUMBERING, REWORDING, AND OTHER FORMAL REVISION  
20 OF THE PUBLIC GENERAL LAWS IN THE CODE;

21 (6) MAKE RECOMMENDATIONS FOR APPROPRIATE SYSTEMS TO  
22 COLLECT AND PUBLISH:

23 (I) THE PUBLIC LOCAL LAWS;

24 (II) EXECUTIVE ORDERS; AND

25 (III) THE REGULATIONS OF UNITS OF THE EXECUTIVE BRANCH OF  
26 THE STATE GOVERNMENT;

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

32 (8) MAKE RECOMMENDATIONS ON THE CORRECTION OF MANIFEST  
33 SPELLING, GRAMMATICAL, OR CLERICAL ERRORS OR ERRORS OF ADDITION OR  
34 OMISSION;

35 (9) MAINTAIN THE CLARITY, SIMPLICITY, AND CONSISTENCY OF STYLE  
36 OF STATUTORY LAW;

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

22

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

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

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

9 (1) any standing committee;

10 (2) any statutory committee;

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

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

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

17 2-1239. SAME - RESEARCH SERVICES.

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

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

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

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

26 2-1240. SAME - COMMITTEE STAFFING SERVICES.

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

29 (1) PROVIDE PROFESSIONAL STAFFING SERVICES, AS REQUIRED BY  
30 THE EXECUTIVE DIRECTOR, TO ANY STANDING COMMITTEE, STATUTORY  
31 COMMITTEE, OR SPECIAL JOINT OR UNICAMERAL COMMITTEE OR SUBCOMMITTEE  
32 OF THE GENERAL ASSEMBLY;

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

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

23

1 2-1241. SAME - LIBRARY AND PUBLIC INFORMATION SERVICES.

2 IN ADDITION TO ANY OTHER DUTIES SET FORTH ELSEWHERE, THE OFFICE  
3 SHALL:

4 (1) PROVIDE LIBRARY AND INFORMATION SERVICES TO THE GENERAL  
5 ASSEMBLY AND THE GENERAL PUBLIC;

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

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

10 2-1242. SAME - DOCUMENT PREPARATION.

11 IN ADDITION TO ANY OTHER DUTIES SET FORTH ELSEWHERE, THE OFFICE  
12 SHALL:

13 (1) PROVIDE FOR THE PREPARATION AND PUBLICATION OF  
14 LEGISLATION, SESSION LAWS, JOURNALS OF PROCEEDINGS, INDEXES, AND OTHER  
15 DOCUMENTS; AND

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

18 PART VII. MISCELLANEOUS PROVISIONS.

19 [2-1309.] 2-1243. Compilation and indexing for and printing of session laws;  
20 maintenance of integrity and accuracy of laws.

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

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

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

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

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

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

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

35 (2) The printer shall print promptly:

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

24

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

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

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

7 [2-1310.] 2-1244. Distribution of session laws and journals.

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

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

13 [2-1311.] 2-1245. Additional compilation of Public Local Laws.

14 The Department shall:

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

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

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

20 [2-1312.] 2-1246. Publications.

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

25 (b) An official or unit:

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

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

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

32 (ii) the member asks for the report.

33 (c) The Department shall:

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

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



25

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

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

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

7 [2-1313.] 2-1247. Distribution of Annotated Code to members of General Assembly.

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

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

16 2-1248. GUBERNATORIAL APPOINTMENTS LISTS.

17 THE DEPARTMENT SHALL:

18 (1) ANNUALLY MAKE:

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

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

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

27 (II) MAKE THE LISTS AVAILABLE TO ANY PERSON WHO REQUESTS  
28 THEM; AND

29 (3) INCLUDE ON THE LISTS ONLY CIVIL OFFICERS WHOM THE  
30 GOVERNOR APPOINTS, SUBJECT TO THE APPROVAL OF THE SENATE OR THE HOUSE  
31 OF DELEGATES.

32 [Part II. Legislative Accounting Office.]

33 [2-1408. Definitions.

34 In this Part II of this subtitle:

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

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

26

1 [2-1409. Established.

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

4 [2-1410. Staff; Administrator.

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

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

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

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

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

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

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

21 [2-1411. Functions.

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

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

27                   (i) office rent;

28                   (ii) secretarial and other services;

29                   (iii) telephone and other communication expenses;

30                   (iv) equipment;

31                   (v) supplies; and

32                   (vi) travel.

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

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

27

1 [2-1412. Accounts for revenues received from payment of fees or charges.

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

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

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

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

13 Subtitle 15. Legislation.

14 2-1502. Prefiling of Bills.

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

17 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF LEGISLATIVE  
18 SERVICES.

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

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

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

28 2-1504. Synopses of bills.

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

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

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

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

28

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

4 2-1505. Fiscal notes and waivers.

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

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

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

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

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

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

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

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

25                    (i) obtain the analysis; and

26                    (ii) summarize the analysis in the fiscal note or attach the analysis to  
27 the note.

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

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

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

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

37                    (2) send the revised note:

29

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

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

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

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

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

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

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

15 2-1505.1. Economic Impact Analysis.

16 (b) (1) [Beginning with the 1996 Regular Session of the General Assembly, an]  
17 AN economic impact analysis rating and an economic impact analysis, as appropriate,  
18 shall be prepared by the appropriate Executive Branch agency for each bill that is  
19 introduced at the request of the administration or a department, agency, or commission  
20 of the Executive Branch of State government.

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

23 (i) to the Department of [Fiscal] LEGISLATIVE Services within a  
24 reasonable time frame prior to the hearing on the bill to allow the Department [of Fiscal  
25 Services] to comment on the economic impact analysis rating and the economic impact  
26 analysis; and

27 (ii) to the committee to which the bill is referred prior to the hearing  
28 on the bill.

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

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

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

37 (ii) to the committee to which the bill is referred prior to the hearing  
38 on the bill.

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

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

9 (3) (i) If the appropriate Executive Branch agency or the Department of  
10 [Fiscal] LEGISLATIVE Services determines that a bill will have a meaningful economic  
11 impact on small businesses and is unable to provide a complete written economic impact  
12 analysis, the agency or Department [of Fiscal Services] shall provide a written  
13 explanation of why the agency determined that the bill will have a meaningful economic  
14 impact.

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

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

20 (i) other units of State government;

21 (ii) units of local government; and

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

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

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

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

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

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

31

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

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

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

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

10 (i) to the Department of [Fiscal] LEGISLATIVE Services no later  
11 than the time the agency submits the regulation to the committee to allow the  
12 Department [of Fiscal Services] to comment on the economic impact analysis rating and  
13 the economic impact analysis; and

14 (ii) to the committee at the time the agency submits the regulation to  
15 the committee.

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

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

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

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

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

34 (i) other units of State government;

35 (ii) units of local government; and

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

38 (2) On request of the EXECUTIVE Director of the Department of [Fiscal]  
39 LEGISLATIVE Services, a unit of the State or a local government shall provide the

32

1 Department [of Fiscal Services] with assistance or information in the preparation of an  
2 economic impact analysis rating and economic impact analysis.

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

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

6 (2) transmit its comment to the committee.

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

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

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

14 Title 2. General Assembly.

15 Subtitle 1. Definitions; GENERAL PROVISIONS.

16 [2-1401.] 2-102. Required services.

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

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

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

26 [2-1403.] 2-103. Permanent part-time legislative employees.

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

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

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

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



33

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

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

4 [2-14A-01.] 2-104. Employees of General Assembly, Department of Legislative  
5 Services; transfer.

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

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

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

16 (b) On the transfer of a General Assembly [employee, an] EMPLOYEE OR AN  
17 employee of the [Department of Legislative Reference, or an employee of the  
18 Department of Fiscal Services] DEPARTMENT OF LEGISLATIVE SERVICES to a position  
19 in the Executive Branch, the Secretary of Budget and Management may request that the  
20 President of the Senate or the Speaker of the House of Delegates or their representative  
21 certify as to the full-time permanent status of that employee. The certification shall be  
22 satisfactory evidence for the purposes of subsection (a) of this section.

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

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

35 [2-1404.] 2-105. Leaves of absences for sessions.

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

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

34

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

4 [2-1414.] 2-106. "Force" defined; established; composition; responsibilities.

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

6 (b) There is a Legislative Security Force.

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

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

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

12 2-601. "Committee" defined.

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

14 2-602. Established.

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

17 2-603. Membership.

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

19 (1) from the Senate:

20 (i) the President;

21 (ii) the Majority Leader;

22 (iii) the Minority Leader; and

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

25 (2) from the House:

26 (i) the Speaker;

27 (ii) the Majority Leader;

28 (iii) the Minority Leader; and

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

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

35

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

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

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

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

10 2-604. Officers.

11 The President and the Speaker jointly shall appoint the chairman and the vice  
12 chairman of the Committee.

13 [2-606.] 2-605. Powers and duties.

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

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

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

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

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

25 (1) REVIEW AUDIT REPORTS ISSUED BY THE LEGISLATIVE AUDITOR  
26 AND SUBMIT FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY  
27 WITH RESPECT TO ISSUES IN AUDIT REPORTS; AND

28 (2) REVIEW THE AUDIT PROCESS AND PROCEDURES AND PROVIDE  
29 COMMENT AND RECOMMENDATIONS TO THE PRESIDENT AND THE SPEAKER, THE  
30 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES, AND THE  
31 LEGISLATIVE AUDITOR.

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

33 (a) beginning June 1, 1997, the Executive Director of Legislative Services shall  
34 carry out a study regarding the most effective and efficient manner of implementing the  
35 provisions of this Act, including consultation with and receipt of comments from  
36 employees of the Department; and

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

36

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

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

5 (3) the education requirements and experience levels for the Department's  
6 ~~professional staff~~ positions;

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

10 (5) the establishment of flexible working schedules that accommodate the  
11 needs of employees during nonpeak production times in recognition of their contributions  
12 during peak production times;

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

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

20 (8) a proposed plan for meeting the future telecommunications needs of the  
21 Department and the General Assembly including the availability of an adequate number  
22 of telephone and facsimile machine lines, the enhancement of the toll-free lines of the  
23 General Assembly, and methods for maximizing the efficiency of developing  
24 telecommunications technology;

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

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

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

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

38 (b) except as otherwise provided by law, all contracts, agreements, grants, or other  
39 obligations entered into prior to July 1, 1997 by the Department of Legislative Reference,  
40 the Department of Fiscal Services, or the Office of Legislative Data Processing, and  
41 which by their terms are to continue in effect on or after July 1, 1997, shall be valid, legal,

37

1 and binding obligations of the Department of Legislative Services, or the appropriate unit  
2 of the Department of Legislative Services, under the terms of the obligations; and

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

7 SECTION 5. AND BE IT FURTHER ENACTED, That all employees who are  
8 transferred to the Department of Legislative Services from the Department of Fiscal  
9 Services, the Department of Legislative Reference, and the Office of Legislative Data  
10 Processing upon the implementation of this Act shall be so transferred without  
11 diminution of their rights, benefits, or employment or retirement status. It is the intent of  
12 the General Assembly that any decrease in the number of positions resulting from the  
13 reorganization provided in this Act shall be implemented by attrition and not by  
14 separation of employees.

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

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

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

27 SECTION 9. AND BE IT FURTHER ENACTED, That any reference in the  
28 Annotated Code rendered obsolete by this Act shall be corrected by the publisher of the  
29 Annotated Code, the Michie Company, in consultation with the Executive Director of  
30 Legislative Services, with no further action required by the General Assembly. The  
31 Michie Company shall adequately describe any such correction in an editor's note  
32 following the section affected.

33 SECTION 9- 10. AND BE IT FURTHER ENACTED, That, except as provided in  
34 Section 8 of this Act, this Act shall take effect July 1, 1997.

