

HOUSE BILL 782

P1

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By: **Delegates Branch, DeBoy, Gaines, Haynes, and Jones**

Introduced and read first time: February 4, 2008

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2008

CHAPTER _____

1 AN ACT concerning

2 **Governor's Office of Community Initiatives - Reorganization of Various State**
3 **Entities**

4 FOR the purpose of establishing statutorily the Governor's Office of Community
5 Initiatives; requiring the Governor's Office of Community Initiatives to include
6 certain units; transferring the Commission on Indian Affairs from the
7 Department of Human Resources to the Governor's Office of Community
8 Initiatives; transferring the Commission on African American History and
9 Culture from the Department of Planning to the Governor's Office of
10 Community Initiatives; providing for certain corrections in cross-references and
11 terminology; altering the Division of Historical and Cultural Programs in the
12 Department of Planning; and generally relating to the Governor's Office of
13 Community Initiatives and the reorganization of various State entities.

14 BY renumbering

15 Article - State Government

16 Section 9-1301 through 9-1306, respectively, and the subtitle "Subtitle 13.
17 Governor's Office on Service and Volunteerism"

18 to be Section 9.5-201 through 9.5-206, respectively, and the subtitle "Subtitle 2.

19 Governor's Office on Service and Volunteerism"

20 Annotated Code of Maryland

21 (2004 Replacement Volume and 2007 Supplement)

22 BY transferring

23 Article - Human Services

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



- 1 Section 2–501 through 2–512, respectively, and the subtitle “Subtitle 5.
2 Commission on Indian Affairs”
3 Annotated Code of Maryland
4 (2007 Volume)
5 to be
6 Article – State Government
7 Section 9.5–301 through 9.5–312, respectively, and the subtitle “Subtitle 3.
8 Commission on Indian Affairs”
9 Annotated Code of Maryland
10 (2004 Replacement Volume and 2007 Supplement)
- 11 BY transferring
12 Article – State Finance and Procurement
13 Section 5A–201 through 5A–208, respectively, and the subtitle “Subtitle 2.
14 Commission on African American History and Culture”
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2007 Supplement)
17 to be
18 Article – State Government
19 Section 9.5–401 through 9.5–408, respectively, and the subtitle “Subtitle 4.
20 Commission on African American History and Culture”
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2007 Supplement)
- 23 BY repealing and reenacting, with amendments,
24 Article – State Finance and Procurement
25 Section 5A–102
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2007 Supplement)
- 28 BY adding to
29 Article – State Government
30 Section 9.5–101 to be under the new title “Title 9.5. Governor’s Office of
31 Community Initiatives” and the new subtitle “Subtitle 1. Governmental
32 Units”
33 Annotated Code of Maryland
34 (2004 Replacement Volume and 2007 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article – State Government
37 Section 9.5–202
38 Annotated Code of Maryland
39 (2004 Replacement Volume and 2007 Supplement)
40 (As enacted by Section 1 of this Act)
- 41 BY repealing and reenacting, with amendments,
42 Article – State Government
43 Section 9.5–302, 9.5–305, 9.5–306, and 9.5–309

1 Annotated Code of Maryland
2 (2004 Replacement Volume and 2007 Supplement)
3 (As enacted by Section 2 of this Act)

4 BY repealing and reenacting, with amendments,
5 Article – State Government
6 Section 9.5–402, 9.5–405, 9.5–406, and 9.5–408
7 Annotated Code of Maryland
8 (2004 Replacement Volume and 2007 Supplement)
9 (As enacted by Section 3 of this Act)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That Section(s) 9–1301 through 9–1306, respectively, and the subtitle
12 “Subtitle 13. Governor’s Office on Service and Volunteerism” of Article – State
13 Government of the Annotated Code of Maryland be renumbered to be Section(s)
14 9.5–201 through 9.5–206, respectively, and the subtitle “Subtitle 2. Governor’s Office
15 on Service and Volunteerism”.

16 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 2–501 through
17 2–512, respectively, and the subtitle “Subtitle 5. Commission on Indian Affairs” of
18 Article – Human Services of the Annotated Code of Maryland be transferred to be
19 Section(s) 9.5–301 through 9.5–312, respectively, and the subtitle “Subtitle 3.
20 Commission on Indian Affairs” of Article – State Government of the Annotated Code of
21 Maryland.

22 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 5A–201
23 through 5A–208, respectively, and the subtitle “Subtitle 2. Commission on African
24 American History and Culture” of Article – State Finance and Procurement of the
25 Annotated Code of Maryland be transferred to be Section(s) 9.5–401 through 9.5–408,
26 respectively, and the subtitle “Subtitle 4. Commission on African American History
27 and Culture” of Article – State Government of the Annotated Code of Maryland.

28 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

30 **Article – State Finance and Procurement**

31 5A–102.

32 The Division of Historical and Cultural Programs includes[:

33 (1) the Commission on African American History and Culture; and

34 (2)] the Maryland Historical Trust.

35 **Article – State Government**

1 **TITLE 9.5. GOVERNOR'S OFFICE OF COMMUNITY INITIATIVES.**

2 **SUBTITLE 1. GOVERNMENTAL UNITS.**

3 **9.5-101.**

4 **(A) THERE IS A GOVERNOR'S OFFICE OF COMMUNITY INITIATIVES, AS**
5 **AUTHORIZED UNDER EXECUTIVE ORDER 01.01.07.2007.25.**

6 **(B) THE GOVERNOR'S OFFICE OF COMMUNITY INITIATIVES SHALL**
7 **INCLUDE THE FOLLOWING UNITS:**

8 **(1) THE GOVERNOR'S OFFICE ON SERVICE AND VOLUNTEERISM,**
9 **UNDER SUBTITLE 2 OF THIS TITLE;**

10 **(2) THE COMMISSION ON INDIAN AFFAIRS, UNDER SUBTITLE 3**
11 **OF THIS TITLE;**

12 **(3) THE COMMISSION ON AFRICAN AMERICAN HISTORY AND**
13 **CULTURE, UNDER SUBTITLE 4 OF THIS TITLE; AND**

14 **(4) ANY OTHER UNIT AS AUTHORIZED BY LAW OR EXECUTIVE**
15 **ORDER.**

16 **9.5-202.**

17 There is a Governor's Office on Service and Volunteerism within the [Executive
18 Department] **GOVERNOR'S OFFICE OF COMMUNITY INITIATIVES.**

19 **9.5-302.**

20 There is a Commission on Indian Affairs in the [Department] **GOVERNOR'S**
21 **OFFICE OF COMMUNITY INITIATIVES.**

22 **9.5-305.**

23 **(a) The Commission shall meet at the call of the chair, a majority of the**
24 **members, or the [Secretary] GOVERNOR OR THE GOVERNOR'S DESIGNEE.**

25 **(b) A member of the Commission:**

26 **(1) may not receive compensation as a member of the Commission; but**

27 **(2) may receive reimbursement for expenses under the Standard State**
28 **Travel Regulations, as provided in the State budget.**

1 9.5-306.

2 (a) (1) With the approval of the [Secretary] **GOVERNOR**, the Commission
3 shall appoint an administrator.

4 (2) The administrator may not be a member of the Commission.

5 (3) The administrator serves at the pleasure of the Commission,
6 subject to the concurrence of the [Secretary] **GOVERNOR**.

7 (b) The administrator is a special appointment in the State Personnel
8 Management System.

9 (c) Subject to the rules and policies of the Commission and the
10 administrative supervision of the [Secretary] **GOVERNOR OR THE GOVERNOR'S**
11 **DESIGNEE** in accordance with this title, the administrator shall:

12 (1) administer the activities of the Commission; and

13 (2) supervise the appointment and removal of personnel whom the
14 Commission employs.

15 9.5-309.

16 (a) Subject to the approval of the [Secretary] **GOVERNOR**, the Commission
17 may by regulation establish a process for an Indian community that is indigenous to
18 the State to apply to the Commission for recognition of Maryland Indian status.

19 (b) (1) If the Commission finds that a petitioning group meets the
20 requirements for recognition, the Commission may recommend to the Governor that it
21 be granted recognition of Maryland Indian status.

22 (2) A member of the Commission may not vote or participate in
23 deliberations on an application for recognition of Maryland Indian status made by the
24 petitioning group to which the member belongs.

25 (c) (1) The Governor may issue an executive order providing recognition
26 of Maryland Indian status to the petitioning group.

27 (2) The executive order:

28 (i) shall be submitted to the Joint Committee on
29 Administrative, Executive, and Legislative Review; and

30 (ii) shall take effect 30 days after it is submitted.

- 1 (d) (1) This section does not:
- 2 (i) create a right of ownership or any other right to land;
- 3 (ii) create a benefit or entitlement of any kind;
- 4 (iii) impair existing rights, benefits, or entitlements belonging to
5 Indians living in the State;
- 6 (iv) impair existing judicial rulings of the State regarding
7 Indians of the State; or
- 8 (v) give the Commission the power to establish standards for
9 membership in an Indian community.

10 (2) The power to establish standards for membership in an Indian
11 community is reserved to the community.

12 (3) An act or failure to act by the Commission under this section does
13 not create a private cause of action under State law.

14 9.5–402.

15 There is a Commission on African American History and Culture **IN THE**
16 **GOVERNOR’S OFFICE OF COMMUNITY INITIATIVES.**

17 9.5–405.

18 (a) The Commission shall meet at the call of the chair, a majority of the
19 members, or the [Secretary] **GOVERNOR.**

20 (b) A member of the Commission:

21 (1) may not receive compensation as a member of the Commission; but

22 (2) is entitled to receive reimbursement for expenses under the
23 Standard State Travel Regulations, as provided in the State budget.

24 9.5–406.

25 (a) (1) With the approval of the [Secretary] **GOVERNOR**, the Commission
26 shall appoint a director.

27 (2) The director may not be a member of the Commission.

28 (3) The director serves at the pleasure of the Commission, subject to
29 the concurrence of the [Secretary] **GOVERNOR.**

1 (b) The director is a special appointment in the State Personnel Management
2 System.

3 (c) Subject to the rules and policies adopted by the Commission and the
4 administrative supervision of the [Secretary in accordance with Title 5, Subtitle 2]
5 **GOVERNOR IN ACCORDANCE WITH TITLE 8, SUBTITLE 3** of this article, the
6 director shall:

7 (1) administer the activities of the Commission; and

8 (2) supervise the appointment and removal of Commission personnel.

9 9.5-408.

10 (a) (1) The Commission may seek money from the federal government,
11 foundations, and private sources in addition to State financing.

12 (2) The Commission may accept gifts, grants, donations, bequests, or
13 endowments for any of its purposes.

14 (b) Money received under subsection (a) of this section, income from the
15 operation of the Banneker-Douglass Museum, and money from educational materials
16 and activities of the Commission are not subject to § 7-302 of [this article] **THE**
17 **STATE FINANCE AND PROCUREMENT ARTICLE.**

18 (c) Money maintained under this section is subject to audit by the State,
19 including the Legislative Auditor.

20 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.