

CHAPTER 521

(House Bill 782)

AN ACT concerning

Governor's Office of Community Initiatives – Reorganization of Various State Entities

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

BY renumbering

Article – State Government

Section 9–1301 through 9–1306, respectively, and the subtitle “Subtitle 13. Governor's Office on Service and Volunteerism”

to be Section 9.5–201 through 9.5–206, respectively, and the subtitle “Subtitle 2. Governor's Office on Service and Volunteerism”

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY transferring

Article – Human Services

Section 2–501 through 2–512, respectively, and the subtitle “Subtitle 5. Commission on Indian Affairs”

Annotated Code of Maryland

(2007 Volume)

to be

Article – State Government

Section 9.5–301 through 9.5–312, respectively, and the subtitle “Subtitle 3. Commission on Indian Affairs”

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY transferring

Article – State Finance and Procurement

Section 5A–201 through 5A–208, respectively, and the subtitle “Subtitle 2.
Commission on African American History and Culture”

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

to be

Article – State Government

Section 9.5–401 through 9.5–408, respectively, and the subtitle “Subtitle 4.
Commission on African American History and Culture”

Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 5A–102

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Government

Section 9.5–101 to be under the new title “Title 9.5. Governor’s Office of
Community Initiatives” and the new subtitle “Subtitle 1. Governmental
Units”

Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 9.5–202

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

BY repealing and reenacting, with amendments,

Article – State Government

Section 9.5–302, 9.5–305, 9.5–306, and 9.5–309

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

BY repealing and reenacting, with amendments,

Article – State Government

Section 9.5–402, 9.5–405, 9.5–406, and 9.5–408

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

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

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

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

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

Article – State Finance and Procurement

5A–102.

The Division of Historical and Cultural Programs includes[:

- (1) the Commission on African American History and Culture; and
- (2)] the Maryland Historical Trust.

Article – State Government

TITLE 9.5. GOVERNOR’S OFFICE OF COMMUNITY INITIATIVES.

SUBTITLE 1. GOVERNMENTAL UNITS.

9.5–101.

(A) THERE IS A GOVERNOR’S OFFICE OF COMMUNITY INITIATIVES, AS AUTHORIZED UNDER EXECUTIVE ORDER 01.01.07.2007.25.

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

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

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

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

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

9.5-202.

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

9.5-302.

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

9.5-305.

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

(b) A member of the Commission:

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

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

9.5-306.

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

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

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

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

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

(1) administer the activities of the Commission; and

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

9.5-309.

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

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

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

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

(2) The executive order:

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

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

(d) (1) This section does not:

(i) create a right of ownership or any other right to land;

(ii) create a benefit or entitlement of any kind;

(iii) impair existing rights, benefits, or entitlements belonging to Indians living in the State;

(iv) impair existing judicial rulings of the State regarding Indians of the State; or

(v) give the Commission the power to establish standards for membership in an Indian community.

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

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

9.5-402.

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

9.5-405.

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

(b) A member of the Commission:

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

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

9.5-406.

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

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

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

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

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

- (1) administer the activities of the Commission; and
- (2) supervise the appointment and removal of Commission personnel.

9.5-408.

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

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

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

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

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

Approved by the Governor, May 13, 2008.