

Chapter 281

(House Bill 874)

AN ACT concerning

General Assembly – Department of Legislative Services – Reorganization and Duties

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

BY repealing

Article – State Government

Section 2–1206, 2–1211, 2–1213, and 2–1216; and 2–1228 through 2–1233 and the part “Part V. Office of Legislative Information Systems”

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 2–1201 through 2–1203, 2–1205, 2–1207, 2–1208, 2–1217, 2–1219, 2–1234, and 2–1235

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–1204, 2–1209, 2–1212, 2–1214, 2–1215, 2–1215.1, 2–1218, 2–1223(a),
2–1236, and 2–1239

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – State Government

Section 2–1206, 2–1211, and 2–1216

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2–1228 through 2–1233 and the part “Part V. Office of Legislative Information Systems” of Article – State Government of the Annotated Code of Maryland be repealed.

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

Article – State Government

2–1201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Department” means the Department of Legislative Services.
- (c) “Executive Director” means the Executive Director of the Department.

2–1202.

There is a Department of Legislative Services in the Legislative Branch of the State government.

2–1203.

(a) The head of the Department is the Executive Director, who shall be appointed jointly by the President and the Speaker.

(b) The Executive Director:

(1) serves without a fixed term and may be removed by the Legislative Policy Committee on the recommendation of the President and the Speaker;

(2) is entitled to the salary provided in the State budget;

(3) shall devote full time to the duties of the Office; and

(4) shall serve in a nonpartisan capacity and ensure that the activities of the Department are conducted in a nonpartisan manner.

(c) Subject to the policies and directives of the President of the Senate and the Speaker of the House and the Legislative Policy Committee, the Executive Director has general administrative control of the operation of the Department and its units.

2-1204.

The Executive Director, under the direction of the President and the Speaker, shall:

(1) oversee the activities of the Department to ensure that its functions are performed correctly, efficiently, and in a timely and nonpartisan manner;

(2) coordinate the activities of the [components] **OFFICES** of the Department to **ENSURE THAT THE RESPONSIBILITIES OF EACH OFFICE ARE CARRIED OUT**, maximize cooperation among the Department's employees, and achieve the greatest efficiency in the use of personnel and other resources;

(3) prepare the annual budget for the Department after consultation with the office directors;

(4) conduct an annual evaluation of the performance of each office director [and the Legislative Auditor];

(5) communicate the opinions, needs, and concerns of the Department's employees to the President and the Speaker; and

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

2-1205.

(a) The Department shall employ a staff and engage other staff and consultant services in accordance with the State budget.

(b) Positions in the Department are subject to the personnel guidelines established under subsection (c) of this section.

(c) The Legislative Policy Committee shall adopt guidelines that are not inconsistent with law and that, for employees of the Department, govern:

(1) hiring;

(2) probationary periods;

- (3) tenure;
- (4) promotion;
- (5) overtime compensation;
- (6) discrimination;
- (7) compensatory work for absences due to religious beliefs;
- (8) holidays;
- (9) part-time employment;
- (10) grievance procedures;
- (11) removal; and
- (12) political activity.

(d) The provisions of § 2-304 of the State Personnel and Pensions Article do not apply to an employee of the Department.

[2-1206.

The following units are in the Department:

- (1) the Office of the Executive Director;
- (2) the Office of Legislative Audits;
- (3) the Office of Legislative Information Systems;
- (4) the Office of Policy Analysis; and
- (5) any other offices as may be designated by the President and the

Speaker.]

2-1206.

(A) THE FOLLOWING UNITS ARE IN THE DEPARTMENT:

- (1) THE OFFICE OF LEGISLATIVE AUDITS;**
- (2) THE OFFICE OF POLICY ANALYSIS;**

(3) THE OFFICE OF OPERATIONS AND SUPPORT SERVICES; AND

(4) ANY OTHER OFFICES AS MAY BE DESIGNATED BY THE PRESIDENT AND THE SPEAKER.

(B) WITH THE APPROVAL OF THE PRESIDENT AND THE SPEAKER AND IN CONSULTATION WITH THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE HOUSE OF DELEGATES, THE EXECUTIVE DIRECTOR SHALL APPOINT THE FOLLOWING OFFICE DIRECTORS:

(1) THE DIRECTOR OF THE OFFICE OF LEGISLATIVE AUDITS;

(2) THE DIRECTOR OF THE OFFICE OF POLICY ANALYSIS; ~~AND~~

(3) THE DIRECTOR OF THE OFFICE OF OPERATIONS AND SUPPORT SERVICES; AND

(4) ANY DIRECTOR OF AN OFFICE DESIGNATED BY THE PRESIDENT AND THE SPEAKER UNDER SUBSECTION (A)(4) OF THIS SECTION.

(C) EACH OFFICE DIRECTOR SERVES WITHOUT A FIXED TERM AND, SUBJECT TO THE APPROVAL OF THE PRESIDENT AND THE SPEAKER AND IN CONSULTATION WITH THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE HOUSE OF DELEGATES, MAY BE REMOVED BY THE EXECUTIVE DIRECTOR.

(D) EACH OFFICE DIRECTOR SHALL SERVE IN A NONPARTISAN CAPACITY AND ENSURE THAT ALL ACTIVITIES OF THE OFFICE ARE CONDUCTED IN A NONPARTISAN MANNER.

(E) EACH OFFICE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET.

(F) AFTER CONSULTATION WITH THE EXECUTIVE DIRECTOR, EACH OFFICE DIRECTOR MAY APPOINT AN APPROPRIATE NUMBER OF QUALIFIED INDIVIDUALS TO SERVE IN MANAGEMENT FUNCTIONS IN THE RESPECTIVE OFFICES.

2-1207.

In addition to any duties set forth elsewhere, the Department shall provide:

(1) budget and fiscal review, analysis, research, studies, and reports;

- (2) legislative drafting and statutory revision services;
- (3) legal research, review, analysis, studies, and reports;
- (4) general research and policy analysis;
- (5) fiscal/compliance, financial statement, and performance audits of units of the State government;
- (6) legislative research, legislative document and material collection and preservation, and other library services;
- (7) public information services about legislative activities;
- (8) document preparation and publication services;
- (9) legislative information systems maintenance, development, and support; and
- (10) administrative support services for the Department and, where appropriate, for the General Assembly relating to finance, personnel, distribution, telecommunications, printing and copying, supplies, housekeeping, and maintenance.

2-1208.

(a) The staff and facilities of the Department shall be available to prepare fiscal, legal, and policy reports for and otherwise help:

- (1) any standing committee;
- (2) any statutory committee;
- (3) any special committee of the Legislative Policy Committee; and
- (4) with the consent of the President and the Speaker, any joint legislative and executive body that the Governor appoints.

(b) The Executive Director shall assign, to the staff of the Department or to a special research or consulting agency, the preparation of any fiscal, legal, or policy report that the Legislative Policy Committee or a standing committee requests.

2-1209.

On or before December 1 of the year immediately preceding the beginning of a term of the General Assembly, the Department of Legislative Services, **IN CONSULTATION WITH AGENCIES AND INSTITUTIONS IN STATE GOVERNMENT AND ALL OTHER**

ENTITIES REQUIRED BY LAW TO SUBMIT REPORTS AT SPECIFIED TIMES AND ON SPECIFIED MATTERS TO THE GENERAL ASSEMBLY OR THE GOVERNOR, SHALL:

(1) [in consultation with agencies in the State government, shall] review the laws of the State that require [the agencies to submit] **THE SUBMISSION OF** reports at specified times and on specified matters to the General Assembly or the Governor; and

(2) make recommendations to the [presiding officers of the General Assembly] **LEGISLATIVE POLICY COMMITTEE AND PREPARE LEGISLATION** for [the] introduction [of legislation] to repeal or modify those [laws of the State that require the agencies] **STATUTORY REQUIREMENTS** to submit reports [at specified times and on specified matters to the General Assembly or the Governor, but which] **IF THE** reports are no longer warranted because they have become obsolete, duplicative, impractical, inefficient, or otherwise unnecessary.

[2-1211.

As used in this Part III, "Office" means the Office of the Executive Director.]

2-1211.

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

(B) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF OPERATIONS AND SUPPORT SERVICES.

(C) "OFFICE" MEANS THE OFFICE OF OPERATIONS AND SUPPORT SERVICES.

2-1212.

(a) There is an Office of [the Executive Director] **OPERATIONS AND SUPPORT SERVICES** in the Department.

(b) The head of the Office is the [Executive] Director.

[2-1213.

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

(b) Except as otherwise provided in this subtitle, the staff of the Office is subject to the guidelines as provided in § 2-1205 of this subtitle.]

[2-1214.] 2-1213.

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

- (i) office rent;
- (ii) secretarial and other services;
- (iii) telephone and other communication expenses;
- (iv) equipment;
- (v) supplies; and
- (vi) travel.

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

(3) The Office shall make payments and reimbursements consistent with the policies of the President and the Speaker, the Management Subcommittee, and the Legislative Policy Committee.

(b) (1) The President and the Speaker may authorize the Office to create accounts for revenues received from payment of fees or charges and to utilize the funds to provide services to individuals, organizations, or other units of State or local governments.

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

(3) On directive by the President and the Speaker, unexpended revenues in the accounts may revert to the State or may be retained for expenditure in a subsequent budget.

(4) The Comptroller's Office shall be notified of accounts created in accordance with this section.

[2-1215.] 2-1214.

(a) The Office shall manage all personnel activities of the Department and generally carry out the duties set forth in § 2-1205 of this subtitle.

(b) The Office shall manage the personnel activities of the General Assembly as assigned by the President and the Speaker.

[2-1215.1.] 2-1215.

In addition to any other duties set forth elsewhere, the Office shall:

(1) provide for the preparation and publication of legislation, session laws, journals of proceedings, indexes, and other documents; [and]

(2) [carry out any other function related to document preparation and publication required by the Executive Director] **DIRECTLY SUPERVISE SUPPORT SERVICES TO THE GENERAL ASSEMBLY THAT ARE NOT ASSIGNED TO ONE OF THE DEPARTMENT'S OTHER OFFICES; AND**

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

[2-1216.

The Office shall:

(1) directly supervise support services to the General Assembly that are not assigned to one of the Department's other offices; and

(2) perform any other function required by the Executive Director, the President and the Speaker, or the Legislative Policy Committee.]

2-1216.

THE OFFICE SHALL:

(1) DEVELOP, COORDINATE, SUPPORT, AND MAINTAIN THE PHYSICAL AND ONLINE SERVICES, TECHNOLOGY, APPLICATIONS, AND INFORMATION SYSTEMS THAT SUPPORT THE WORK AND MEET THE NEEDS OF THE GENERAL ASSEMBLY AND THE DEPARTMENT;

(2) EVALUATE AND MAKE RECOMMENDATIONS REGARDING THE PHYSICAL AND ONLINE SERVICES, TECHNOLOGY, APPLICATIONS, AND INFORMATION SYSTEMS THAT SUPPORT THE WORK OF THE GENERAL ASSEMBLY TO ENSURE MAXIMUM EFFICIENCY;

(3) EVALUATE AND ENSURE THAT APPROPRIATE SYSTEMS ARE IN PLACE TO ADDRESS CYBERSECURITY THREATS TO THE WORK OF THE GENERAL ASSEMBLY AND THE DEPARTMENT;

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

(5) CARRY OUT ANY OTHER FUNCTION REQUIRED BY THE EXECUTIVE DIRECTOR, THE PRESIDENT AND THE SPEAKER, OR THE LEGISLATIVE POLICY COMMITTEE.

2–1217.

There is an Office of Legislative Audits in the Department.

2–1218.

(a) The head of the Office of Legislative Audits is **THE DIRECTOR OF THE OFFICE OF LEGISLATIVE AUDITS, WHO SHALL SERVE AS** the Legislative Auditor[, who shall be appointed by the Executive Director, subject to the approval of the President and the Speaker].

(b) The Legislative Auditor must:

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

(2) at the time of appointment, have at least 3 years' auditing experience;

and

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

[(c) The Legislative Auditor serves without a fixed term and may be removed by the Executive Director, subject to the approval of the President and the Speaker.

(d) The Legislative Auditor is entitled to the salary provided in the State budget.]

[(e) **(C)** Subject to the policies and directives of the President and the Speaker, the Joint Audit Committee, and the overall supervision and control of the Executive Director, the Legislative Auditor has general administrative control of the operation of the Office of Legislative Audits.

[(f) The Legislative Auditor shall devote full time to the duties of office and shall serve in a nonpartisan capacity.]

2–1219.

(a) With the approval of the Executive Director, the Legislative Auditor shall appoint a Deputy Legislative Auditor and other professional staff and may contract with consultants as authorized representatives.

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

(2) The Deputy Legislative Auditor:

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

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

(c) With the approval of the Executive Director, the Legislative Auditor shall appoint professional staff to conduct audits of local school systems in accordance with § 2-1220(e) of this subtitle.

2-1223.

(a) (1) Except as prohibited by the federal Internal Revenue Code, [during an examination,] the employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of any unit of the State government or of a person or other body receiving State funds, with respect to any matter under the jurisdiction of the Office of Legislative Audits.

(2) In conjunction with an examination authorized under this subtitle, the access required by paragraph (1) of this subsection shall include the records of contractors and subcontractors that perform work under State contracts.

(3) The employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of:

(i) any local school system to perform the audits authorized under § 2-1220 of this subtitle or in accordance with a request for information as provided in § 5-114(d) of the Education Article;

(ii) the Board of Liquor License Commissioners for Baltimore City to perform the audits authorized under § 2-1220(f)(1) of this subtitle;

(iii) the board of license commissioners for a county or for the City of Annapolis to perform the audits authorized under § 2-1220(f)(2) of this subtitle; and

(iv) the Board of License Commissioners for Prince George's County to perform the audits authorized under § 2-1220(g) of this subtitle.

2-1234.

- (a) In this Part VI the following words have the meanings indicated.
- (b) "Director" means the Director of the Office.
- (c) "Office" means the Office of Policy Analysis.

2-1235.

There is an Office of Policy Analysis in the Department.

2-1236.

(a) The head of the Office is the Director[, who shall be appointed by the Executive Director, subject to the approval of the President and the Speaker].

[(b) The Director serves without a fixed term and may be removed by the Executive Director, subject to the approval of the President and the Speaker.

(c) The Director is entitled to the salary provided in the State budget.]

[(d) (B) Subject to the policies and directives of the President and the Speaker and the overall supervision and control of the Executive Director, the Director shall oversee the operation of the Office.

[(e) The Director shall serve in a nonpartisan capacity and conduct the affairs of the Office in a nonpartisan manner.

(f) The Director, after consultation with the Executive Director, shall appoint an appropriate number of qualified individuals to serve in management functions in the Office.]

[(g) (C) The Director shall facilitate the creation and oversee the operation of functional, subject matter, special project, and any other workgroups to achieve maximum cooperation and the greatest efficiency in the use of staff and resources in the Office.

2-1239.

(A) In addition to any other duties set forth elsewhere, the Office shall:

- (1) **SUBJECT TO SUBSECTION (B) OF THIS SECTION**, prepare analyses of the fiscal, legal, and policy impact of proposed legislation;
- (2) research and prepare comprehensive assessments and evaluations of issues of concern to the General Assembly; and
- (3) carry out any other function related to research services required by the Executive Director.

(B) THE OFFICE IS NOT REQUIRED TO PREPARE AN ANALYSIS OF AN ENABLING ACT, AS DEFINED IN § 8-101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, IF:

- (1) A FINANCIAL SHEET, IN THE FORM THAT THE OFFICE REQUIRES, IS SUBMITTED WITH THE LEGISLATION; AND**
- (2) THE OFFICE PUBLISHES THE FINANCIAL SHEET ON THE WEBSITE OF THE MARYLAND GENERAL ASSEMBLY.**

(C) (1) IN ORDER TO FACILITATE THE PREPARATION OF THE ANALYSES REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, A UNIT OF STATE GOVERNMENT SHALL RESPOND TO A REQUEST FROM THE OFFICE FOR INFORMATION ON THE ~~FINAL~~ FISCAL AND OPERATIONAL IMPACT OF PROPOSED LEGISLATION WITHIN 3 BUSINESS DAYS AFTER RECEIPT OF THE REQUEST.

(2) THE OFFICE MAY WAIVE THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION ON A CASE-BY-CASE BASIS.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before ~~December 1, 2018~~ October 1, 2019, the Department of Legislative Services, in consultation with the Department of Budget and Management, shall study the effectiveness and accessibility to the public of the goals developed in the managing for results State comprehensive plan developed in accordance with Title 3, Subtitle 10 of the State Finance and Procurement Article and the plan's objectives and performance measures.

(b) The study required under subsection (a) of this section shall include an evaluation of and recommendations on the creation of a consistent and ongoing system to measure government performance through an Open Performance Maryland System, including evaluating:

- (1) how to make agency performance standards more effective in measuring performance of the mission of the agency and the services provided;

(2) the creation or inclusion of existing customer service surveys of agency performance and services as applicable, including those created under the State Customer Service and Business Development Efforts Training Program established under § 14–204 of the Economic Development Article;

(3) whether and how to include agency performance data from the StateStat process established under § 3–1003 of the State Finance and Procurement Article;

(4) whether and how to include data relevant to agency performance from open data portals developed in accordance with Title 10, Subtitle 15 of the State Government Article; and

(5) how to publish agency performance data in graphic form and in a format easily accessible to the public, in a manner that demonstrates how an agency is performing and meeting the agency’s mission and responsibilities.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.