

HOUSE BILL 874

P5

8lr3091
CF 8lr3088

By: **The Speaker (By Request – Department of Legislative Services)**

Introduced and read first time: February 5, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Department of Legislative Services – Reorganization and**
3 **Duties**

4 FOR the purpose of requiring the Executive Director of the Department of Legislative
5 Services to ensure that the responsibilities of the offices of the Department are
6 carried out; altering the offices that comprise the Department; altering certain duties
7 of the Department to review certain reporting requirements; establishing the Office
8 of Operations and Support Services in the Department; repealing certain provisions
9 relating to the organization and duties of the Office of the Executive Director and
10 the Office of Legislative Information Systems; providing that the Office of Policy
11 Analysis is not required to prepare an analysis of certain enabling acts under certain
12 circumstances; requiring a certain unit of State government to respond to a request
13 from the Office of Policy Analysis for certain information within a certain period of
14 time except under certain circumstances; requiring the Department, in consultation
15 with the Department of Budget and Management, to study the effectiveness and
16 accessibility to the public of goals developed in a certain managing for results State
17 comprehensive plan on or before a certain date; requiring the study to include an
18 evaluation of and recommendations on the creation of a certain performance
19 measurement system; defining certain terms; making certain conforming changes;
20 and generally relating to the Department of Legislative Services.

21 BY repealing

22 Article – State Government
23 Section 2–1206, 2–1211, 2–1213, and 2–1216; and 2–1228 through 2–1233 and the
24 part “Part V. Office of Legislative Information Systems”
25 Annotated Code of Maryland
26 (2014 Replacement Volume and 2017 Supplement)

27 BY repealing and reenacting, without amendments,

28 Article – State Government
29 Section 2–1201 through 2–1203, 2–1205, 2–1207, 2–1208, 2–1217, 2–1219, 2–1234,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and 2–1235
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2017 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – State Government
6 Section 2–1204, 2–1209, 2–1212, 2–1214, 2–1215, 2–1215.1, 2–1218, 2–1236, and
7 2–1239
8 Annotated Code of Maryland
9 (2014 Replacement Volume and 2017 Supplement)

10 BY adding to
11 Article – State Government
12 Section 2–1206, 2–1211, and 2–1216
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2017 Supplement)

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

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

21 **Article – State Government**

22 2–1201.

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

26 2–1202.

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

29 2–1203.

- 30 (a) The head of the Department is the Executive Director, who shall be appointed
31 jointly by the President and the Speaker.
- 32 (b) The Executive Director:

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

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

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

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

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

10 2–1204.

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

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

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

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

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

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

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

25 2–1205.

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

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

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

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

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

15 [2-1206.

16 The following units are in the Department:

- 17 (1) the Office of the Executive Director;
- 18 (2) the Office of Legislative Audits;
- 19 (3) the Office of Legislative Information Systems;
- 20 (4) the Office of Policy Analysis; and
- 21 (5) any other offices as may be designated by the President and the
22 Speaker.]

23 **2-1206.**

24 **(A) THE FOLLOWING UNITS ARE IN THE DEPARTMENT:**

- 1 **(1) THE OFFICE OF LEGISLATIVE AUDITS;**
2 **(2) THE OFFICE OF POLICY ANALYSIS;**
3 **(3) THE OFFICE OF OPERATIONS AND SUPPORT SERVICES; AND**
4 **(4) ANY OTHER OFFICES AS MAY BE DESIGNATED BY THE PRESIDENT**
5 **AND THE SPEAKER.**

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

- 10 **(1) THE DIRECTOR OF THE OFFICE OF LEGISLATIVE AUDITS;**
11 **(2) THE DIRECTOR OF THE OFFICE OF POLICY ANALYSIS; AND**
12 **(3) THE DIRECTOR OF THE OFFICE OF OPERATIONS AND SUPPORT**
13 **SERVICES.**

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

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

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

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

27 2-1207.

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

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

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

15 2–1208.

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

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

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

26 2–1209.

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

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

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

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

13 [2-1211.

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

15 **2-1211.**

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

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

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

22 2-1212.

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

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

26 [2-1213.

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

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

1 ~~[2-1214.] 2-1213.~~

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

5 (i) office rent;

6 (ii) secretarial and other services;

7 (iii) telephone and other communication expenses;

8 (iv) equipment;

9 (v) supplies; and

10 (vi) travel.

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

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

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

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

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

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

26 ~~[2-1215.] 2-1214.~~

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

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

1 ~~[2-1215.1.]~~ **2-1215.**

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

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

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

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

12 ~~[2-1216.~~

13 The Office shall:

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

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

18 **2-1216.**

19 **THE OFFICE SHALL:**

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

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

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

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

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

6 2-1217.

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

8 2-1218.

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

13 (b) The Legislative Auditor must:

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

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

16 and

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

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

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

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

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

28 2-1219.

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

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

3 (2) The Deputy Legislative Auditor:

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

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

8 (c) With the approval of the Executive Director, the Legislative Auditor shall
9 appoint professional staff to conduct audits of local school systems in accordance with
10 § 2–1220(e) of this subtitle.

11 2–1234.

12 (a) In this Part VI the following words have the meanings indicated.

13 (b) “Director” means the Director of the Office.

14 (c) “Office” means the Office of Policy Analysis.

15 2–1235.

16 There is an Office of Policy Analysis in the Department.

17 2–1236.

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

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

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

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

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

28 (f) The Director, after consultation with the Executive Director, shall appoint an

1 appropriate number of qualified individuals to serve in management functions in the
2 Office.]

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

6 2–1239.

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

8 **(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION,** prepare analyses of
9 the fiscal, legal, and policy impact of proposed legislation;

10 **(2)** research and prepare comprehensive assessments and evaluations of
11 issues of concern to the General Assembly; and

12 **(3)** carry out any other function related to research services required by the
13 Executive Director.

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

17 **(1) A FINANCIAL SHEET, IN THE FORM THAT THE OFFICE REQUIRES,**
18 **IS SUBMITTED WITH THE LEGISLATION; AND**

19 **(2) THE OFFICE PUBLISHES THE FINANCIAL SHEET ON THE WEBSITE**
20 **OF THE MARYLAND GENERAL ASSEMBLY.**

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

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

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

29 (a) On or before December 1, 2018, the Department of Legislative Services, in
30 consultation with the Department of Budget and Management, shall study the
31 effectiveness and accessibility to the public of the goals developed in the managing for
32 results State comprehensive plan developed in accordance with Title 3, Subtitle 10 of the

1 State Finance and Procurement Article and the plan's objectives and performance
2 measures.

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

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

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

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

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

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

22 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2018.