

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

A BILL ENTITLED

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

24 Section 2-501 through 2-512, respectively, and the subtitle "Subtitle 5.
25 Commission on Indian Affairs"

26 Annotated Code of Maryland

27 (2007 Volume)

28 to be

29 Article - State Government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9.5–301 through 9.5–312, respectively, and the subtitle “Subtitle 3.
2 Commission on Indian Affairs”
3 Annotated Code of Maryland
4 (2004 Replacement Volume and 2007 Supplement)

5 BY transferring
6 Article – State Finance and Procurement
7 Section 5A–201 through 5A–208, respectively, and the subtitle “Subtitle 2.
8 Commission on African American History and Culture”
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2007 Supplement)

11 to be
12 Article – State Government
13 Section 9.5–401 through 9.5–408, respectively, and the subtitle “Subtitle 4.
14 Commission on African American History and Culture”
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2007 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Finance and Procurement
19 Section 5A–102
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2007 Supplement)

22 BY adding to
23 Article – State Government
24 Section 9.5–101 to be under the new title “Title 9.5. Governor’s Office of
25 Community Initiatives” and the new subtitle “Subtitle 1. Governmental
26 Units”
27 Annotated Code of Maryland
28 (2004 Replacement Volume and 2007 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article – State Government
31 Section 9.5–202
32 Annotated Code of Maryland
33 (2004 Replacement Volume and 2007 Supplement)
34 (As enacted by Section 1 of this Act)

35 BY repealing and reenacting, with amendments,
36 Article – State Government
37 Section 9.5–302, 9.5–305, 9.5–306, and 9.5–309
38 Annotated Code of Maryland
39 (2004 Replacement Volume and 2007 Supplement)
40 (As enacted by Section 2 of this Act)

41 BY repealing and reenacting, with amendments,
42 Article – State Government

1 Section 9.5–402, 9.5–405, 9.5–406, and 9.5–408
2 Annotated Code of Maryland
3 (2004 Replacement Volume and 2007 Supplement)
4 (As enacted by Section 3 of this Act)

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 2–501 through
12 2–512, respectively, and the subtitle “Subtitle 5. Commission on Indian Affairs” of
13 Article – Human Services of the Annotated Code of Maryland be transferred to be
14 Section(s) 9.5–301 through 9.5–312, respectively, and the subtitle “Subtitle 3.
15 Commission on Indian Affairs” of Article – State Government of the Annotated Code of
16 Maryland.

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

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

25 **Article – State Finance and Procurement**

26 5A–102.

27 The Division of Historical and Cultural Programs includes[:

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

30 **Article – State Government**

31 **TITLE 9.5. GOVERNOR’S OFFICE OF COMMUNITY INITIATIVES.**

32 **SUBTITLE 1. GOVERNMENTAL UNITS.**

33 **9.5–101.**

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

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

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

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

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

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

13 9.5-202.

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

16 9.5-302.

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

19 9.5-305.

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

22 (b) A member of the Commission:

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

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

26 9.5-306.

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

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

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

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

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

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

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

11 9.5–309.

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

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

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

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

23 (2) The executive order:

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

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

27 (d) (1) This section does not:

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

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

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

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

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

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

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

11 9.5–402.

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

14 9.5–405.

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

17 (b) A member of the Commission:

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

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

21 9.5–406.

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

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

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

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

29 (c) Subject to the rules and policies adopted by the Commission and the
30 administrative supervision of the [Secretary in accordance with Title 5, Subtitle 2]

1 **GOVERNOR IN ACCORDANCE WITH TITLE 8, SUBTITLE 3** of this article, the
2 director shall:

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

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

5 9.5–408.

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

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

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

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

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