

## Chapter 648

**(House Bill 130)**

AN ACT concerning

**Commission on LGBTQ Affairs – Established**

FOR the purpose of establishing the Commission on LGBTQ Affairs in the Governor's Office of Community Initiatives; providing for the appointment, qualifications, terms, ~~and~~ removal, *and resignation* of Commission members; requiring the Commission to elect annually a chair and vice chair; requiring the Commission to meet under certain circumstances; prohibiting a member of the Commission from receiving certain compensation, but authorizing reimbursement of certain expenses; authorizing the Commission to appoint a director under certain circumstances; establishing that the director is a special appointment; establishing the duties of the director and of the Commission; authorizing the Commission to seek and accept certain money; establishing that certain funds are not subject to certain reversion but are subject to certain audit; defining certain terms; and generally relating to the Commission on LGBTQ Affairs.

BY repealing and reenacting, with amendments,

Article – State Government

Section 9.5–101

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

BY adding to

Article – State Government

Section 9.5–501 through 9.5–508 to be under the new subtitle “Subtitle 5.  
Commission on LGBTQ Affairs”

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – State Government**

9.5–101.

(a) There is a Governor's Office of Community Initiatives, as authorized under Executive Order 01.01.2007.25.

(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) THE COMMISSION ON LGBTQ AFFAIRS, UNDER SUBTITLE 5 OF THIS TITLE; AND**
- [(4)] (5)** any other unit as authorized by law or executive order.

**SUBTITLE 5. COMMISSION ON LGBTQ AFFAIRS.**

**9.5–501.**

- (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**
- (B) “COMMISSION” MEANS THE COMMISSION ON LGBTQ AFFAIRS.**
- (C) “LGBTQ” MEANS LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER.**

**9.5–502.**

**THERE IS A COMMISSION ON LGBTQ AFFAIRS IN THE GOVERNOR’S OFFICE OF COMMUNITY INITIATIVES.**

**9.5–503.**

- (A) THE COMMISSION CONSISTS OF 15 MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.**
- (B) THE MEMBERS SHALL:**
  - (1) TO THE EXTENT PRACTICABLE, BE MEMBERS OF THE LGBTQ COMMUNITY;**
  - (2) INCLUDE AT LEAST TWO TRANSGENDER INDIVIDUALS;**
  - (3) TO THE EXTENT PRACTICABLE, REFLECT THE GENDER, RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE;**

(4) KNOW ABOUT ISSUES FACING LGBTQ COMMUNITIES AND BE SENSITIVE TO THE PROBLEMS OF LGBTQ COMMUNITIES;

(5) BE REPRESENTATIVES OF THE STATE'S LGBTQ COMMUNITIES OR HAVE AN INTEREST IN THE SUCCESS OF LGBTQ COMMUNITIES; AND

(6) PROVIDE VALUE TO THE WORK OF THE COMMISSION.

(C) (1) THE TERM OF A MEMBER IS 4 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER MAY BE REAPPOINTED.

(2) A MEMBER WHO HAS SERVED TWO CONSECUTIVE 4-YEAR TERMS MAY NOT BE REAPPOINTED UNTIL AT LEAST 1 YEAR HAS ELAPSED AFTER THE END OF THE PREVIOUS TERM.

(E) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR MISCONDUCT.

(F) A MEMBER WHO FAILS TO ATTEND AT LEAST 50% OF THE REGULARLY SCHEDULED MEETINGS DURING A 12-MONTH PERIOD SHALL BE CONSIDERED TO HAVE RESIGNED FROM THE COMMISSION.

**9.5-504.**

THE COMMISSION SHALL ELECT ANNUALLY A CHAIR AND VICE CHAIR FROM AMONG ITS MEMBERS.

**9.5-505.**

(A) THE COMMISSION SHALL MEET AT THE CALL OF THE CHAIR, A MAJORITY OF THE MEMBERS, OR THE 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.**

**9.5-506.**

**(A) (1) WITH THE APPROVAL OF THE 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 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 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.**

**9.5-507.**

**THE COMMISSION SHALL:**

**(1) ASSESS THE CHALLENGES FACING LGBTQ COMMUNITIES;**

**(2) COLLECT DATA ACROSS STATE AGENCIES ON:**

**(I) THE IMPLEMENTATION OF LGBTQ-INCLUSIVE POLICIES;**

**AND**

**(II) COMPLAINTS ALLEGING DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY;**

(3) STUDY AND ESTABLISH BEST PRACTICES FOR INCLUSION OF LGBTQ INDIVIDUALS AND COMMUNITIES;

~~(4) WORK WITH LOCAL GOVERNMENTS TO PASS LAWS THAT ARE INCLUSIVE OF LGBTQ INDIVIDUALS; AND~~

(4) INFORM THE EXECUTIVE AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT OF ISSUES CONCERNING WOMEN AND LGBTQ PERSONS;

(5) OFFER TESTIMONY ON ISSUES CONCERNING WOMEN AND LGBTQ PERSONS BEFORE LEGISLATIVE AND ADMINISTRATIVE BODIES;

(6) ACT AS A CLEARINGHOUSE FOR ACTIVITIES TO AVOID DUPLICATION OF EFFORTS;

(7) CREATE SURVEYS AND APPOINT ADVISORY COMMITTEES IN THE FIELDS OF:

(I) EDUCATION;

(II) SOCIAL SCIENCES;

(III) LABOR AND EMPLOYMENT LAWS AND POLICIES;

(IV) LAW ENFORCEMENT;

(V) HEALTH AND SAFETY;

(VI) NEW AND EXPANDED SERVICES;

(VII) LEGAL RIGHTS;

(VIII) FAMILY RELATIONS;

(IX) HUMAN RELATIONS; AND

(X) VOLUNTEER SERVICES; AND

~~(5)~~ (8) PUBLISH, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, AN ANNUAL REPORT, AND ANY OTHER MATERIAL THE COMMISSION CONSIDERS NECESSARY, THAT INCLUDES RECOMMENDATIONS ON POLICIES FOR LGBTQ ADULTS AND YOUTH THAT WORK TO END DISCRIMINATORY PRACTICES IN THE STATE.

**9.5-508.**

**(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 AND INCOME AND FEES DERIVED FROM ACTIVITIES OF THE COMMISSION ARE NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(C) MONEY MAINTAINED UNDER THIS SECTION IS SUBJECT TO AUDIT BY THE STATE, INCLUDING THE LEGISLATIVE AUDITOR.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.**