

EACH UNIT IN THE DEPARTMENT SHALL REPORT TO THE SECRETARY AS PROVIDED IN THE RULES, REGULATIONS, OR WRITTEN DIRECTIVES THAT THE SECRETARY ADOPTS.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Article 41, § 206(j).

The former reference to the "designee" of the Secretary is deleted as unnecessary.

As to use of the term "unit", see revisor's note to § 2-103(d) of this subtitle.

Defined terms: "Department" § 1-101
"Secretary" § 1-101

(H) TRANSFER OF FUNCTIONS, STAFF, OR FUNDS.

EXCEPT AS EXPRESSLY PROVIDED OTHERWISE, THE SECRETARY MAY TRANSFER, BY RULE, REGULATION, OR WRITTEN DIRECTIVE, ANY FUNCTION, STAFF, OR FUNDS FROM ANY UNIT IN THE DEPARTMENT TO THE OFFICE OF THE SECRETARY OR ANOTHER UNIT IN THE DEPARTMENT. ANY STAFF TRANSFERRED TO THE OFFICE OF THE SECRETARY SHALL BE PROVIDED SPACE, EQUIPMENT, AND SERVICES BY THE UNIT FROM WHICH IT WAS TRANSFERRED, UNLESS THE SECRETARY ORDERS REMOVAL TO ANOTHER LOCATION FOR THE PROPER AND EFFICIENT FUNCTIONING OF THAT OFFICE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Article 41, § 206(i).

This subsection is revised to enable the Secretary to reorganize units unless expressly prohibited from doing so. Express prohibitions now appear in those provisions as to each unit that was not part of the Department of Health (now defunct), the Department of Juvenile Services (now the Juvenile Services Administration), or the Department of Mental Hygiene (now the Mental Hygiene Administration) and that was not made subject to the authority of the Secretary by later enacted provisions. See generally 59 Op. Att'y Gen. 421 (1974), in which then Attorney General Burch determined that former Article 41, § 206(i) restricted the Secretary in transferring and reassigning functions, staff, and funds of the units in the Department.

Those units with autonomy in this area are: the State Anatomy Board; the State Postmortem Examiners Commission; the Health Planning and Development Agency; the Statewide Health