

HOUSE BILL 986

P1

5lr2280

By: **Delegates Bromwell, Barron, Cullison, Hayes, Hornberger, Impallaria, Kelly, Kipke, McDonough, McMillan, Miele, W. Miller, Morgan, Reznik, Saab, Sample-Hughes, Szeliga, and West**

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Maryland Commission on Efficiency in Government**

3 FOR the purpose of creating the Maryland Commission on Efficiency in Government;
4 specifying the duties of the Commission; providing for the membership, election of a
5 chair, quorum, terms, and reimbursement of members of the Commission;
6 authorizing the appointment of an Executive Director of the Commission; specifying
7 the duties of the Executive Director; requiring the Attorney General to assign an
8 Assistant Attorney General to the Commission for a certain purpose; requiring the
9 Commission, subject to a certain agreement, to use certain existing space and
10 equipment to the extent possible; providing for the use of certain personnel by the
11 Commission; beginning in a certain fiscal year, requiring the Commission to prepare
12 an annual budget of the Commission; requiring the governor to include a certain
13 appropriation in the State budget; providing that the Commission is subject to a
14 certain audit; providing a certain immunity from liability for the State, the
15 Commission, and members of the Commission; requiring personnel in units of the
16 State government to cooperate with the Commission for certain purposes;
17 authorizing certain persons to ask the Chair and the Executive Director of the
18 Commission to provide certain information; requiring, on or before a certain date and
19 every year thereafter, the Commission to submit a certain report containing certain
20 recommendations to certain persons; providing for the termination of the existence
21 of the Commission by a certain date; providing for the construction of a certain
22 provision of this Act; defining certain terms; providing for the termination of this
23 Act; and generally relating to the Maryland Commission on Efficiency in
24 Government.

25 BY adding to

26 Article – State Government

27 Section 9–3101 through 9–3111 to be under the new subtitle “Subtitle 31. Maryland
28 Commission on Efficiency in Government”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume)

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

5 **Article – State Government**

6 **SUBTITLE 31. MARYLAND COMMISSION ON EFFICIENCY IN GOVERNMENT.**

7 **9–3101.**

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) “COMMISSION” MEANS THE MARYLAND COMMISSION ON EFFICIENCY
11 IN GOVERNMENT.

12 (C) (1) “GOVERNMENTAL UNIT” MEANS A PERMANENT
13 INSTRUMENTALITY IN THE STATE GOVERNMENT.

14 (2) “GOVERNMENTAL UNIT” INCLUDES A DEPARTMENT, BOARD,
15 COMMISSION, AGENCY, OR A SUBUNIT IN STATE GOVERNMENT AND THE
16 COUNTY–FUNDED STATE ENTITIES SPECIFIED IN § 16–106 OF THE LOCAL
17 GOVERNMENT ARTICLE.

18 **9–3102.**

19 (A) THIS SUBTITLE MAY NOT BE CONSTRUED TO AUTHORIZE THE
20 COMMISSION TO EXERCISE REGULATORY AUTHORITY.

21 (B) CONSISTENT WITH THE COMMISSION’S ACCOUNTABILITY AND
22 REPORTING OBLIGATIONS UNDER §§ 9–3110 AND 9–3111 OF THIS SUBTITLE, THE
23 AUTHORITY OF THE COMMISSION IS ADVISORY ONLY.

24 **9–3103.**

25 (A) THERE IS A MARYLAND COMMISSION ON EFFICIENCY IN GOVERNMENT.

26 (B) THE COMMISSION IS AN INDEPENDENT UNIT IN THE STATE
27 GOVERNMENT.

28 **9–3104.**

1 **THE COMMISSION CONSISTS OF:**

2 **(1) TWO REPRESENTATIVES OF THE EXECUTIVE BRANCH,**
3 **APPOINTED BY THE GOVERNOR;**

4 **(2) TWO MEMBERS OF THE SENATE OF MARYLAND, ONE OF WHOM**
5 **SHALL BE FROM THE MINORITY PARTY, APPOINTED BY THE PRESIDENT OF THE**
6 **SENATE;**

7 **(3) TWO MEMBERS OF THE HOUSE OF DELEGATES, ONE OF WHOM**
8 **SHALL BE FROM THE MINORITY PARTY, APPOINTED BY THE SPEAKER OF THE**
9 **HOUSE;**

10 **(4) TWO REPRESENTATIVES OF THE JUDICIAL BRANCH, APPOINTED**
11 **BY THE CHIEF JUDGE OF THE COURT OF APPEALS;**

12 **(5) SEVEN REPRESENTATIVES OF THE BUSINESS COMMUNITY,**
13 **APPOINTED AS FOLLOWS:**

14 **(I) THREE APPOINTED BY THE GOVERNOR;**

15 **(II) TWO APPOINTED BY THE PRESIDENT OF THE SENATE OF**
16 **MARYLAND; AND**

17 **(III) TWO APPOINTED BY THE SPEAKER OF THE HOUSE OF**
18 **DELEGATES;**

19 **(6) ONE REPRESENTATIVE OF ORGANIZED LABOR, APPOINTED BY**
20 **THE GOVERNOR;**

21 **(7) ONE REPRESENTATIVE OF A LABOR ORGANIZATION**
22 **REPRESENTING STATE EMPLOYEES, APPOINTED BY THE GOVERNOR;**

23 **(8) TWO INDIVIDUALS FROM THE STATE'S HIGHER EDUCATION**
24 **ACADEMIC COMMUNITY, APPOINTED BY THE GOVERNOR;**

25 **(9) TWO INDIVIDUALS WITH EXPERIENCE IN LOCAL GOVERNMENT,**
26 **APPOINTED AS FOLLOWS:**

27 **(I) ONE APPOINTED BY THE MARYLAND ASSOCIATION OF**
28 **COUNTIES; AND**

1 (II) ONE APPOINTED BY THE MARYLAND MUNICIPAL LEAGUE;
2 AND

3 (10) FOUR REPRESENTATIVES FROM THE GENERAL PUBLIC,
4 APPOINTED AS FOLLOWS:

5 (I) TWO APPOINTED BY THE GOVERNOR;

6 (II) ONE APPOINTED BY THE PRESIDENT OF THE SENATE OF
7 MARYLAND; AND

8 (III) ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF
9 DELEGATES.

10 9-3105.

11 (A) THE COMMISSION SHALL:

12 (1) ELECT A CHAIR FROM AMONG THE MEMBERS OF THE
13 COMMISSION; AND

14 (2) DETERMINE THE TIMES AND PLACES OF THE MEETINGS OF THE
15 COMMISSION.

16 (B) A QUORUM OF THE COMMISSION IS 13 MEMBERS.

17 (C) (1) THE TERMS OF MEMBERS END ON JUNE 30, 2020.

18 (2) IF A VACANCY OCCURS DURING THE TERM OF A MEMBER, THE
19 APPOINTING AUTHORITY SHALL APPOINT ANOTHER INDIVIDUAL TO SERVE THE
20 REMAINDER OF THE TERM.

21 (D) A MEMBER OF THE COMMISSION:

22 (1) MAY NOT RECEIVE COMPENSATION; BUT

23 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
24 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

25 (E) (1) AFTER CONSULTATION WITH THE GOVERNOR, THE PRESIDENT
26 OF THE SENATE OF MARYLAND, AND THE SPEAKER OF THE HOUSE OF DELEGATES,
27 THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR WHO SHALL SERVE AT
28 THE PLEASURE OF THE COMMISSION.

1 **(2) THE EXECUTIVE DIRECTOR SHALL:**

2 **(I) BE THOROUGHLY EXPERIENCED IN THE FISCAL AND**
3 **OPERATIONAL POLICIES AND PRACTICES OF THE STATE AND PREFERABLY HAVE**
4 **EXPERIENCE IN THE PRIVATE SECTOR;**

5 **(II) MAKE RECOMMENDATIONS TO THE COMMISSION**
6 **CONCERNING:**

7 **1. THE HIRING OF PERMANENT AND PART-TIME STAFF**
8 **WHO SHALL BE UNCLASSIFIED STATE EMPLOYEES AND SERVE AT THE PLEASURE OF**
9 **THE EXECUTIVE DIRECTOR; AND**

10 **2. THE EMPLOYMENT OF CONSULTANTS AND**
11 **PROFESSIONAL PERSONNEL ON A CONTRACTUAL BASIS;**

12 **(III) MANAGE THE DAY-TO-DAY OPERATIONS OF THE**
13 **COMMISSION;**

14 **(IV) PERFORM OTHER FUNCTIONS THAT THE COMMISSION**
15 **ASSIGNS; AND**

16 **(V) RECEIVE AN ANNUAL SALARY AS DETERMINED IN THE**
17 **STATE BUDGET.**

18 **(F) THE ATTORNEY GENERAL SHALL ASSIGN ONE ASSISTANT ATTORNEY**
19 **GENERAL TO THE COMMISSION WHO SHALL PROVIDE LEGAL AID, ADVICE, AND**
20 **COUNSEL REQUIRED BY THE COMMISSION.**

21 **(G) AS AGREED ON BY THE GOVERNOR, THE PRESIDENT OF THE SENATE OF**
22 **MARYLAND, AND THE SPEAKER OF THE HOUSE OF DELEGATES, THE COMMISSION**
23 **SHALL, TO THE EXTENT POSSIBLE, USE EXISTING OFFICE SPACE AND EQUIPMENT IN**
24 **STATE FACILITIES.**

25 **(H) SUBJECT TO THE APPROVAL OF THE PRESIDENT OF THE SENATE OF**
26 **MARYLAND, THE SPEAKER OF THE HOUSE OF DELEGATES, THE EXECUTIVE**
27 **DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES, AND THE DIRECTOR**
28 **OF THE OFFICE OF POLICY ANALYSIS, THE COMMISSION MAY, TO THE EXTENT**
29 **PRACTICABLE, USE PERSONNEL FROM THE DEPARTMENT OF LEGISLATIVE**
30 **SERVICES AND THE OFFICE OF POLICY ANALYSIS.**

1 **(I) SUBJECT TO THE APPROVAL OF THE GOVERNOR, THE COMMISSION**
2 **MAY, TO THE EXTENT PRACTICABLE, USE PERSONNEL FROM THE EXECUTIVE**
3 **BRANCH.**

4 **9-3106.**

5 **(A) THIS SECTION MAY NOT BE CONSTRUED TO RESTRICT THE BUDGETARY**
6 **POWER OF THE GENERAL ASSEMBLY.**

7 **(B) (1) FOR FISCAL YEAR 2017, AND EVERY FISCAL YEAR THEREAFTER,**
8 **THE COMMISSION SHALL PREPARE A BUDGET FOR SUBMISSION TO THE GOVERNOR**
9 **WITH DUE REGARD TO THE DICTATES OF PRACTICALITY AND THE FISCAL CONDITION**
10 **OF THE STATE.**

11 **(2) THE GOVERNOR SHALL INCLUDE AN APPROPRIATION FOR THE**
12 **COMMISSION IN THE ANNUAL STATE BUDGET SUFFICIENT FOR THE OPERATION OF**
13 **THE COMMISSION.**

14 **(C) THE COMMISSION IS SUBJECT TO AN AUDIT BY THE OFFICE OF**
15 **LEGISLATIVE AUDITS IN ACCORDANCE WITH §§ 2-1220 THROUGH 2-1227 OF THIS**
16 **ARTICLE.**

17 **9-3107.**

18 **THE COMMISSION SHALL:**

19 **(1) FOR PURPOSES OF REALIZING COST EFFICIENCY:**

20 **(I) IDENTIFY PROGRAMS AND SUBUNITS WITHIN**
21 **GOVERNMENTAL UNITS THAT COULD BE REORGANIZED, MERGED, MODIFIED, OR**
22 **ELIMINATED; AND**

23 **(II) MAKE RECOMMENDATIONS FOR A CONCOMITANT**
24 **REDUCTION OR SHIFTING OF PERSONNEL;**

25 **(2) TO REDUCE UNNECESSARY EXPENDITURES WITHOUT**
26 **COMPROMISING THE QUALITY OF SERVICE DELIVERY OR THREATENING THE**
27 **HEALTH AND WELFARE OF THE CITIZENS OF THE STATE:**

28 **(I) ENCOURAGE THE DEVELOPMENT OF PROPOSALS FOR THE**
29 **PRIVATIZATION OF SELECTED PUBLIC SERVICES; AND**

1 **(II) DETERMINE THE EXTENT TO WHICH THE DELIVERY OF**
2 **PUBLIC SERVICES COULD BE COMPETITIVELY BID WITH THE PRIVATE SECTOR;**

3 **(3) ASSESS THE COSTS AND BENEFITS OF:**

4 **(I) EXISTING STATE MANDATES IMPOSED ON GOVERNMENTAL**
5 **UNITS; AND**

6 **(II) PROPOSALS TO HELP MITIGATE THE FISCAL IMPLICATIONS**
7 **OF THE MANDATES;**

8 **(4) STUDY THE OPERATIONS OF AND SERVICES PROVIDED BY**
9 **GOVERNMENTAL UNITS IN ORDER TO DEVELOP NEW MECHANISMS AND**
10 **PROCEDURES TO CONTROL THE COSTS AND EFFICIENCY OF THE GOVERNMENTAL**
11 **UNITS;**

12 **(5) TO FACILITATE THE COMMISSION'S STUDY OF THE OPERATIONS**
13 **AND SERVICES OF A GOVERNMENTAL UNIT, EXAMINE THE NONPRIVILEGED**
14 **RECORDS AND OTHER DATA OF THE GOVERNMENTAL UNIT IN RELEVANT AREAS OF**
15 **INTEREST TO THE COMMISSION, INCLUDING DATA THAT RELATES TO:**

16 **(I) CONTRACTING AND PURCHASING POLICIES;**

17 **(II) ORGANIZATIONAL STRUCTURE;**

18 **(III) BUDGET AND FINANCE; AND**

19 **(IV) PERSONNEL POLICIES AND PRACTICES;**

20 **(6) ENCOURAGE THE BUSINESS COMMUNITY TO PROVIDE**
21 **INNOVATIVE SUGGESTIONS FOR IMPROVING THE MANAGERIAL EFFICIENCY AND**
22 **COST EFFICIENCY OF THE OPERATIONS OF GOVERNMENTAL UNITS;**

23 **(7) ASCERTAIN AND ENCOURAGE THE USE OF SERVICES THAT COULD**
24 **BE MADE AVAILABLE FROM THE PUBLIC AND PRIVATE HIGHER EDUCATION**
25 **ACADEMIC COMMUNITY TO ASSIST STATE AGENCIES IN RESEARCH, PROBLEM**
26 **SOLVING, AND RELATED ASSISTANCE AS A VIABLE ALTERNATIVE TO CONTRACTING**
27 **WITH THE PRIVATE SECTOR;**

28 **(8) IDENTIFY ALTERNATIVE WAYS AND MEANS BY WHICH SPECIFIC**
29 **OPERATIONS OF GOVERNMENTAL UNITS COULD BECOME FISCALLY**
30 **SELF-SUSTAINING;**

1 **(9) DEVELOP PROPOSALS TO SET PERFORMANCE STANDARDS FOR**
2 **GOVERNMENT PROGRAMS WHEREBY HEADS OF GOVERNMENTAL UNITS ARE**
3 **RESPONSIBLE FOR:**

4 **(I) ESTABLISHING PERFORMANCE GOALS THAT ARE**
5 **INCORPORATED INTO THE ANNUAL STATE BUDGET; AND**

6 **(II) REPORTING ANNUALLY ON THE REALIZATION OF THE**
7 **GOALS;**

8 **(10) ASSESS COST-EFFICIENCY INCENTIVES THAT WOULD ALLOW**
9 **GOVERNMENTAL UNITS TO:**

10 **(I) REALIGN COMPENSATION STRUCTURES TO REWARD**
11 **PRODUCTIVITY INCREASES CONSISTENT WITH THE ATTAINMENT OF MUTUALLY**
12 **AGREED-ON SERVICE GOALS; AND**

13 **(II) CARRY FORWARD SAVINGS FROM 1 YEAR TO THE NEXT THAT**
14 **WOULD NOT BE SUBJECT TO THE STATE'S GENERAL FUND REVERSIONARY**
15 **REQUIREMENT UNDER § 7-302 OF THE STATE FINANCE AND PROCUREMENT**
16 **ARTICLE;**

17 **(11) ENCOURAGE THE USE OF THE STATE'S INNOVATIVE IDEA AWARDS**
18 **PROGRAM AND THE INCENTIVE PERFORMANCE AWARDS PROGRAM FOR STATE**
19 **EMPLOYEES UNDER TITLE 10, SUBTITLE 2 OF THE STATE PERSONNEL AND**
20 **PENSIONS ARTICLE AND ASSESS THE NEED FOR EXPANDING ELIGIBILITY UNDER**
21 **THESE PROGRAMS;**

22 **(12) WORK WITH APPROPRIATE STATE AND LOCAL OFFICIALS:**

23 **(I) TO ASSESS THE COSTS AND BENEFITS OF:**

24 **1. EXISTING STATE MANDATES IMPOSED ON LOCAL**
25 **GOVERNMENTS; AND**

26 **2. PROPOSALS TO HELP MITIGATE THE FISCAL**
27 **IMPLICATIONS OF THE MANDATES;**

28 **(II) TO EVALUATE THE FUNDING AND MANAGEMENT OF THOSE**
29 **COUNTY-FUNDED STATE ENTITIES SPECIFIED IN § 16-106 OF THE LOCAL**
30 **GOVERNMENT ARTICLE;**

1 (III) AS A SUBSTITUTE FOR INDIVIDUAL STATE GRANT
2 PROGRAMS, TO INVESTIGATE BLOCK GRANT FUNDING PROPOSALS THAT AFFORD
3 GREATER FLEXIBILITY AT THE LOCAL LEVEL FOR USE OF GRANT FUNDS;

4 (IV) TO IDENTIFY DUPLICATIVE PROGRAMS AND SERVICES AND
5 DETERMINE WHICH LEVEL OF GOVERNMENT SHOULD BE EXCLUSIVELY
6 RESPONSIBLE FOR ADMINISTRATION AND FUNDING OF THESE PROGRAMS AND
7 SERVICES;

8 (V) TO FORMULATE SHORT-TERM AND LONG-TERM
9 STRATEGIES THAT FOCUS ON THE OPERATING AND CAPITAL BUDGET NEEDS OF
10 LOCAL GOVERNMENTS AND THE EXTENT, IF ANY, TO WHICH THE STATE SHOULD BE
11 COMMITTED TO HELP FINANCE THESE NEEDS; AND

12 (VI) TO DETERMINE APPROPRIATE CHANGES, IF ANY, TO
13 EXISTING TAXING AUTHORITIES; AND

14 (13) HOLD REGULAR PUBLIC HEARINGS THROUGHOUT THE STATE FOR
15 THE PURPOSE OF SOLICITING PUBLIC INPUT PERTINENT TO COST EFFICIENCY IN
16 STATE GOVERNMENT.

17 9-3108.

18 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE STATE,
19 THE COMMISSION, AND THE MEMBERS OF THE COMMISSION ARE NOT PERSONALLY
20 LIABLE IN ANY ACTION FOR DAMAGES BECAUSE OF ACTS COMMITTED OR OMITTED
21 BY THE COMMISSION, ANY MEMBER OF THE COMMISSION, OR ANY EMPLOYEE OF
22 THE COMMISSION, IN THE PERFORMANCE OF THEIR DUTIES.

23 (B) THE IMMUNITY FROM LIABILITY PROVIDED IN SUBSECTION (A) OF THIS
24 SECTION DOES NOT APPLY IN THE CASE OF WILLFUL MALFEASANCE OR BREACH OF
25 TRUST BY THE STATE, THE COMMISSION, OR ANY OF ITS MEMBERS OR STAFF.

26 9-3109.

27 ALL PERSONNEL IN ANY GOVERNMENTAL UNIT SHALL COOPERATE WITH THE
28 COMMISSION IN THE DISCHARGE OF THE FUNCTIONS OF THE COMMISSION AND
29 WITH REGARD TO ANY REASONABLE REQUEST THAT THE COMMISSION MAKES FOR
30 INFORMATION ASSOCIATED WITH ITS PURPOSE UNDER THIS SUBTITLE.

31 9-3110.

1 **THE CHAIR OF THE COMMISSION AND THE EXECUTIVE DIRECTOR OF THE**
2 **COMMISSION MAY ASK THE SENATE OF MARYLAND, THE HOUSE OF DELEGATES, OR**
3 **A LEGISLATIVE COMMITTEE OF THE GENERAL ASSEMBLY TO PROVIDE**
4 **INFORMATION RELATIVE TO THE ACTIVITIES OF THE COMMISSION.**

5 **9-3111.**

6 **(A) ON OR BEFORE OCTOBER 1, 2016, AND EACH YEAR THEREAFTER, THE**
7 **COMMISSION SHALL SUBMIT A REPORT CONCERNING EACH GOVERNMENTAL UNIT**
8 **THAT THE COMMISSION HAS STUDIED TO:**

9 **(1) THE GOVERNMENTAL UNIT;**

10 **(2) THE GOVERNOR;**

11 **(3) THE LEGISLATIVE POLICY COMMITTEE; AND**

12 **(4) SUBJECT TO § 2-1246 OF THIS ARTICLE, THE GENERAL**
13 **ASSEMBLY.**

14 **(B) THE REPORT OF THE COMMISSION SHALL CONTAIN**
15 **RECOMMENDATIONS CONCERNING:**

16 **(1) MATTERS SPECIFIED IN § 9-3107 OF THIS SUBTITLE;**

17 **(2) THE NEED TO MODIFY OR ELIMINATE ANY EXISTING OPERATIONS**
18 **OR SERVICES THAT A UNIT PROVIDES;**

19 **(3) THE NEED FOR ANY FORMAL EXECUTIVE, JUDICIAL, OR**
20 **LEGISLATIVE ACTION;**

21 **(4) ISSUES IN NEED OF FURTHER STUDY BY THE COMMISSION; AND**

22 **(5) ANY OTHER MATTER THAT RELATES TO THE PURPOSES OF THE**
23 **COMMISSION UNDER THIS SUBTITLE.**

24 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July
25 1, 2015. It shall remain effective for a period of 5 years, and at the end of June 30, 2020,
26 with no further action required by the General Assembly, this Act shall be abrogated and
27 of no further force and effect.