

HOUSE BILL 321

L5

71r0978

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: January 25, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 ~~Washington Suburban Sanitary Commission and Maryland-National Capital~~
3 ~~Park and Planning Commission – Audit Committee and Office of the Inspector~~
4 ~~General~~

5 **MC/PG 110-17**

6 FOR the purpose of ~~establishing an Office of the Inspector General in the~~
7 ~~Maryland-National Capital Park and Planning Commission; authorizing the~~
8 ~~Inspector General to conduct certain investigations; requiring the Inspector General~~
9 ~~to conduct a certain audit; authorizing the Inspector General or a designated~~
10 ~~Assistant Inspector General to subpoena certain persons or evidence, administer~~
11 ~~oaths, and take depositions and other testimony for certain purposes; authorizing a~~
12 ~~certain court to compel compliance with a certain order or subpoena or compel~~
13 ~~certain testimony or the production of evidence under certain circumstances;~~
14 ~~requiring the Inspector General to submit certain information to the~~
15 ~~Maryland-National Capital Park and Planning Commission and the county~~
16 ~~executives of Montgomery County and Prince George's County each year;~~
17 ~~establishing an Office of the Inspector General in the Washington Suburban~~
18 ~~Sanitary Commission; authorizing the Inspector General to conduct certain~~
19 ~~investigations; requiring the Inspector General to conduct a certain audit;~~
20 ~~authorizing the Inspector General or a designated Assistant Inspector General to~~
21 ~~subpoena certain persons or evidence, administer oaths, and take depositions and~~
22 ~~other testimony for certain purposes; authorizing a certain court to compel~~
23 ~~compliance with a certain order or subpoena or compel certain testimony or the~~
24 ~~production of evidence under certain circumstances; requiring the Inspector General~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~to submit certain information to the Washington Suburban Sanitary Commission and the county executives of Montgomery County and Prince George's County each year; and generally relating to the establishment of Offices of the Inspector General in the Maryland National Capital Park and Planning Commission and the Washington Suburban Sanitary Commission~~ establishing an Audit Committee in the Maryland-National Capital Park and Planning Commission; providing for the membership, terms, chair, and duties of the Audit Committee; providing for the appointment of certain members of the Audit Committee; requiring the Commission to adopt certain regulations regarding the Audit Committee; authorizing the Commission to adopt certain rules of procedure and delegate certain other functions to the Audit Committee; establishing an Office of the Inspector General in the Commission; providing for the appointment, qualifications, and term of the Inspector General; prohibiting the Inspector General from participating in a certain merit system but authorizing the Inspector General to participate in a certain employee benefits program under certain terms and conditions; authorizing the Commission to offer a certain supplemental employee benefits program to an Inspector General under certain circumstances; authorizing the Commission to remove an Inspector General under certain circumstances; prohibiting the Inspector General from holding secondary employment during the term as Inspector General; authorizing the Inspector General to select certain employees as subordinate staff of the Office subject to certain conditions; authorizing the Inspector General to dismiss certain subordinate staff for certain causes; authorizing the Inspector General, subject to certain conditions, to retain consultants; setting forth the duties of the Office; authorizing the Office to conduct certain investigations, analyses, audits, and reviews, provide management advisories, and utilize the assistance of certain other persons; requiring the Inspector General to comply with generally accepted government auditing standards under certain circumstances; requiring the Inspector General to submit certain written reports to the Audit Committee and the Commission for publication on the Commission's Web site; prohibiting the Inspector General from disclosing certain information that is protected from disclosure; authorizing the Inspector General to make certain oral reports under certain circumstances; requiring the Inspector General to establish and follow procedures for safeguarding the identity of confidential sources and protecting confidential information; requiring the Commission to publish certain reports on its Web site; requiring the Inspector General to report certain allegations to certain persons under certain circumstances; requiring the Inspector General to coordinate with the Audit Committee to develop a certain work plan and establish certain goals and priorities for the Office; requiring the Inspector General to make the work plan available to the public, subject to certain laws; requiring the Inspector General to coordinate with certain persons for certain purposes under certain circumstances; requiring the Commission to include in its annual budget proposal certain amounts for the Office; requiring the Commission's general counsel to provide certain legal services to the Inspector General under certain circumstances; authorizing the Inspector General to employ and be represented by a special legal counsel without the consent of the general counsel under certain circumstances; requiring a Commission employee or official or a vendor of the Commission to promptly provide certain information to the Inspector General under certain circumstances; requiring the Inspector General to

1 notify certain persons if a Commission employee or official fails to provide certain
 2 information; requiring the Commission chair, vice-chair, or executive director to
 3 take certain action under certain circumstances; requiring the Commission officers
 4 to take certain action under certain circumstances; providing that a Commission
 5 employee should report any fraud, waste, or abuse to the Office; prohibiting a
 6 Commission employee, vendor, or employee of a vendor from being retaliated
 7 against, penalized, or threatened with retaliation for certain actions; prohibiting the
 8 Inspector General from disclosing the identity of a certain person under certain
 9 circumstances; authorizing the Inspector General or a designated assistant Inspector
 10 General to administer an oath or affirmation or take an affidavit from any person
 11 under certain circumstances; authorizing the Commission to adopt certain
 12 regulations; authorizing the Inspector General or a staff member authorized by the
 13 Inspector General to administer oaths and take depositions and other testimony for
 14 certain purposes; authorizing the Inspector General to subpoena any person or
 15 evidence for a certain purpose; authorizing a court of competent jurisdiction to
 16 compel compliance with a certain order or subpoena or testimony or the production
 17 of evidence; exempting certain employees of the Commission from a certain merit
 18 system; setting the terms of the initial voting members of the Audit Committee;
 19 transferring the functions, powers, and duties of the Office of Internal Audit of the
 20 Commission to the Office of the Inspector General of the Commission on a certain
 21 date; providing that certain employees who are transferred to the Office of the
 22 Inspector General shall be transferred without any diminution of their rights;
 23 defining certain terms; and generally relating to the Audit Committee and the Office
 24 of the Inspector General in the Maryland-National Capital Park and Planning
 25 Commission.

26 BY repealing and reenacting, without amendments,
 27 Article – Land Use
 28 Section 15–101
 29 Annotated Code of Maryland
 30 (2012 Volume and 2016 Supplement)

31 BY adding to
 32 Article – Land Use
 33 Section 15–401 through 15–405 to be under the new subtitle “Subtitle 4. ~~Office of the~~
 34 ~~Inspector General~~ Audit Committee”; and 15–501 through 15–508 to be under
 35 the new subtitle “Subtitle 5. Office of the Inspector General”
 36 Annotated Code of Maryland
 37 (2012 Volume and 2016 Supplement)

~~38 BY repealing and reenacting, without amendments,~~
~~39 Article – Public Utilities~~
~~40 Section 17–101~~
~~41 Annotated Code of Maryland~~
~~42 (2010 Replacement Volume and 2016 Supplement)~~

43 BY adding to

~~Article – Public Utilities~~

~~Section 17-601 to be under the new subtitle “Subtitle 6. Office of the Inspector General”~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2016 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Land Use

Section 16-102 and 16-201(a)

Annotated Code of Maryland

(2012 Volume and 2016 Supplement)

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

Article – Land Use

15-101.

(a) There is a Maryland–National Capital Park and Planning Commission.

(b) The Commission is a body politic and corporate and is an agency of the State.

~~**SUBTITLE 4. OFFICE OF THE INSPECTOR GENERAL.**~~

~~15-401.~~

~~(A) THERE IS AN OFFICE OF THE INSPECTOR GENERAL IN THE COMMISSION.~~

~~(B) THE INSPECTOR GENERAL:~~

~~(1) MAY INVESTIGATE MISMANAGEMENT, MISCONDUCT, FRAUD, WASTE, AND ABUSE AT THE COMMISSION; AND~~

~~(2) SHALL CONDUCT AN ANNUAL AUDIT OF THE COMMISSION.~~

~~(C) (1) THE INSPECTOR GENERAL, OR A DESIGNATED ASSISTANT INSPECTOR GENERAL, MAY SUBPOENA ANY PERSON OR EVIDENCE, ADMINISTER OATHS, AND TAKE DEPOSITIONS AND OTHER TESTIMONY FOR THE PURPOSE OF INVESTIGATING MISMANAGEMENT, MISCONDUCT, FRAUD, WASTE, OR ABUSE AT THE COMMISSION.~~

~~(2) IF A PERSON FAILS TO COMPLY WITH A LAWFUL ORDER OR SUBPOENA ISSUED UNDER THIS SUBSECTION, ON PETITION OF THE INSPECTOR~~

~~(I) COMPLIANCE WITH THE ORDER OR SUBPOENA; OR~~

~~(II) TESTIMONY OR THE PRODUCTION OF EVIDENCE.~~

~~(D) ON OR BEFORE JANUARY 1 EACH YEAR, THE INSPECTOR GENERAL SHALL SUBMIT TO THE COMMISSION AND THE COUNTY EXECUTIVES OF MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY A COPY OF THE AUDIT AND A SUMMARY OF THE REPORTS AND INVESTIGATIONS MADE BY THE INSPECTOR GENERAL IN ACCORDANCE WITH THIS SECTION.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.~~

SUBTITLE 4. AUDIT COMMITTEE.

15-401.

THERE IS AN AUDIT COMMITTEE IN THE COMMISSION.

15-402.

(A) THE AUDIT COMMITTEE CONSISTS OF FIVE MEMBERS.

(B) THE FOUR VOTING MEMBERS OF THE AUDIT COMMITTEE SHALL BE APPOINTED AS FOLLOWS:

(1) ONE COMMISSIONER WHO IS A MEMBER OF THE MONTGOMERY COUNTY PLANNING BOARD, APPOINTED BY THE CHAIR OF THE PLANNING BOARD;

(2) ONE COMMISSIONER WHO IS A MEMBER OF THE PRINCE GEORGE'S COUNTY PLANNING BOARD, APPOINTED BY THE CHAIR OF THE PLANNING BOARD;

(3) ONE MEMBER OF THE PUBLIC WHO IS QUALIFIED IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, APPOINTED BY THE MONTGOMERY COUNTY PLANNING BOARD; AND

(4) ONE MEMBER OF THE PUBLIC WHO IS QUALIFIED IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, APPOINTED BY THE PRINCE GEORGE'S COUNTY PLANNING BOARD.

(C) THE CHAIR OF THE COMMISSION SHALL SERVE AS AN EX OFFICIO NONVOTING MEMBER OF THE AUDIT COMMITTEE WHO MAY VOTE ONLY WHEN THERE IS A TIE VOTE AMONG THE VOTING MEMBERS.

1 **(D) (1) THE TERM OF A VOTING MEMBER OF THE AUDIT COMMITTEE IS 2**
2 **YEARS.**

3 **(2) THE TERMS OF THE VOTING MEMBERS OF THE AUDIT COMMITTEE**
4 **ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE AUDIT**
5 **COMMITTEE ON OCTOBER 1, 2017.**

6 **(3) AT THE END OF A TERM, A VOTING MEMBER CONTINUES TO SERVE**
7 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

8 **(4) IF A VACANCY OCCURS AFTER A TERM HAS BEGUN, THE**
9 **APPROPRIATE PLANNING BOARD SHALL APPOINT A SUCCESSOR.**

10 **(5) A VOTING MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
11 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED**
12 **AND QUALIFIES.**

13 **(E) (1) A MEMBER OF THE AUDIT COMMITTEE WHO IS A MEMBER OF THE**
14 **PUBLIC SHALL POSSESS:**

15 **(I) ADVANCED EDUCATION AND EXPERIENCE IN THE**
16 **MANAGEMENT OF GOVERNMENTAL ENTITIES THAT ARE COMPARABLE TO THE**
17 **COMMISSION IN SCOPE AND COMPLEXITY;**

18 **(II) DEMONSTRATED KNOWLEDGE AND EXPERIENCE IN THE**
19 **APPLICATION OF:**

20 **1. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES;**

21 **2. GENERALLY ACCEPTED GOVERNMENT AUDITING**
22 **STANDARDS; AND**

23 **3. INTERNAL CONTROL SYSTEMS; AND**

24 **(III) AN UNDERSTANDING OF THE APPROPRIATE FUNCTIONS OF**
25 **AN AUDIT COMMITTEE.**

26 **(2) A MEMBER OF THE AUDIT COMMITTEE WHO IS A MEMBER OF THE**
27 **PUBLIC MAY POSSESS DEMONSTRATED KNOWLEDGE AND EXPERIENCE IN THE**
28 **APPLICATION OF:**

29 **(I) SUSTAINABLE FINANCIAL MANAGEMENT PRACTICES FOR**
30 **PUBLIC ENTITIES; AND**

1 **(II) PUBLIC ACCOUNTABILITY.**

2 **(3) A MEMBER OF THE AUDIT COMMITTEE WHO IS A MEMBER OF THE**
3 **PUBLIC MAY NOT HAVE ANY OTHER BUSINESS OR CLOSE PERSONAL RELATIONSHIPS**
4 **WITH THE COMMISSION OR ITS OFFICERS, MANAGERS, OR EMPLOYEES.**

5 **(F) (1) BEFORE APPOINTING ANY MEMBER OF THE PUBLIC TO THE AUDIT**
6 **COMMITTEE, THE APPROPRIATE PLANNING BOARD SHALL SUBMIT THE NAME AND**
7 **QUALIFICATIONS OF THE PROPOSED NOMINEE FOR CONSIDERATION BY THE**
8 **COUNTY COUNCIL OF THAT COUNTY.**

9 **(2) ON AND AFTER 30 DAYS AFTER A PLANNING BOARD NOTIFIES THE**
10 **APPROPRIATE COUNTY COUNCIL OF A PROSPECTIVE NOMINEE TO THE AUDIT**
11 **COMMITTEE UNDER THIS PARAGRAPH, THE PROPOSED NOMINEE SHALL BE**
12 **ELIGIBLE FOR APPOINTMENT TO THE AUDIT COMMITTEE UNLESS THE COUNTY**
13 **COUNCIL NOTIFIES THE PLANNING BOARD IN WRITING OF AN OBJECTION TO THE**
14 **APPOINTMENT AND THE BASIS FOR THE OBJECTION.**

15 **(3) IF THE COUNTY COUNCIL NOTIFIES THE PLANNING BOARD OF AN**
16 **OBJECTION TO THE APPOINTMENT OF A PROSPECTIVE NOMINEE UNDER THIS**
17 **SUBSECTION, THE PLANNING BOARD SHALL SUBMIT THE NAME AND**
18 **QUALIFICATIONS OF ANOTHER PROSPECTIVE NOMINEE FOR CONSIDERATION.**

19 **(G) THE AUDIT COMMITTEE SHALL ELECT A VOTING MEMBER WHO IS ALSO**
20 **A COMMISSIONER AS CHAIR.**

21 **15-403.**

22 **THE AUDIT COMMITTEE SHALL SELECT AND APPOINT:**

23 **(1) THE INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT REQUIRED**
24 **TO AUDIT THE COMMISSION'S ANNUAL FINANCIAL REPORT UNDER § 15-115(A)(2)**
25 **OF THIS TITLE; AND**

26 **(2) THE INSPECTOR GENERAL AS PROVIDED IN SUBTITLE 5 OF THIS**
27 **TITLE.**

28 **15-404.**

29 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
30 **NONVOTING MEMBER OF THE AUDIT COMMITTEE MAY VOTE ON A DECISION OF THE**
31 **AUDIT COMMITTEE IN THE EVENT OF A TIE.**

1 **(B) THE APPOINTMENT OF THE INSPECTOR GENERAL MAY BE APPROVED**
2 **ONLY THROUGH A MAJORITY OF THE VOTING MEMBERS OF THE AUDIT COMMITTEE.**

3 **15-405.**

4 **(A) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE THAT THE**
5 **AUDIT COMMITTEE OPERATES INDEPENDENTLY FROM THE MANAGEMENT OF THE**
6 **COMMISSION.**

7 **(B) THE COMMISSION MAY:**

8 **(1) ADOPT RULES OF PROCEDURE; AND**

9 **(2) DELEGATE OTHER APPROPRIATE FUNCTIONS TO THE AUDIT**
10 **COMMITTEE.**

11 **(C) THE REGULATIONS ADOPTED UNDER THIS SECTION MAY PROVIDE FOR**
12 **A REASONABLE STIPEND TO COMPENSATE ONLY THE MEMBERS OF THE AUDIT**
13 **COMMITTEE WHO ARE NOT ALSO COMMISSIONERS.**

14 **SUBTITLE 5. OFFICE OF THE INSPECTOR GENERAL.**

15 **15-501.**

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

18 **(B) (1) "ABUSE" MEANS AN EMPLOYEE'S INTENTIONAL MISCONDUCT OR**
19 **MISUSE OF AUTHORITY OR POSITION:**

20 **(I) INVOLVING COMMISSION PROPERTY OR FUNDS THAT IS**
21 **IMPROPER OR DEFICIENT WHEN COMPARED TO CONDUCT A PRUDENT PERSON**
22 **WOULD CONSIDER REASONABLE UNDER THE SAME FACTS AND CIRCUMSTANCES; OR**

23 **(II) FOR THE PURPOSE OF FURTHERING IMPROPERLY THE**
24 **PRIVATE INTERESTS OF THE EMPLOYEE, A FAMILY MEMBER, OR A CLOSE PERSONAL**
25 **OR BUSINESS ASSOCIATE.**

26 **(2) "ABUSE" INCLUDES:**

27 **(I) THEFT OR MISAPPROPRIATION OF COMMISSION PROPERTY**
28 **OR FUNDS; AND**

29 **(II) DESTRUCTION OR ALTERATION OF OFFICIAL RECORDS.**

1 (C) (1) “FRAUD” MEANS AN INTENTIONAL ACT OR ATTEMPT TO OBTAIN
2 SOMETHING OF VALUE FROM THE COMMISSION OR ANOTHER PERSON THROUGH
3 WILLFUL MISREPRESENTATION.

4 (2) “FRAUD” INCLUDES A WILLFUL FALSE REPRESENTATION OF A
5 MATERIAL FACT, WHETHER BY WORDS OR BY CONDUCT, BY FALSE OR MISLEADING
6 ALLEGATIONS, OR BY CONCEALMENT OF THAT WHICH SHOULD HAVE BEEN
7 DISCLOSED, WHICH CAUSES THE COMMISSION TO ACT, OR FAIL TO ACT, TO THE
8 DETIMENT OF THE COMMISSION’S INTEREST.

9 (D) “OFFICE” MEANS THE OFFICE OF THE INSPECTOR GENERAL.

10 (E) “VENDOR” MEANS A PARTY OBLIGATED BY CONTRACT OR
11 SUBCONTRACT TO PROVIDE GOODS, SERVICES, OR PROPERTY TO THE COMMISSION
12 FOR CONSIDERATION, INCLUDING CONTRACTS AND SUBCONTRACTS FOR
13 CONSTRUCTION AND PROFESSIONAL SERVICES RELATED TO CONSTRUCTION.

14 (F) (1) “WASTE” MEANS AN INAPPROPRIATE ACT OR OMISSION BY AN
15 EMPLOYEE WITH CONTROL OVER, OR ACCESS TO, COMMISSION PROPERTY OR
16 FUNDS THAT UNREASONABLY DEPRIVES THE COMMISSION OF VALUE.

17 (2) “WASTE” INCLUDES MISMANAGEMENT OR OTHER
18 UNINTENTIONAL CONDUCT THAT IS DEFICIENT OR IMPROPER WHEN COMPARED TO
19 CONDUCT A PRUDENT PERSON WOULD CONSIDER NECESSARY TO PRESERVE THE
20 VALUE OF COMMISSION PROPERTY OR FUNDS UNDER THE SAME FACTS AND
21 CIRCUMSTANCES.

22 15-502.

23 THERE IS AN OFFICE OF THE INSPECTOR GENERAL IN THE COMMISSION.

24 15-503.

25 (A) (1) THE AUDIT COMMITTEE OF THE COMMISSION SHALL APPOINT
26 THE INSPECTOR GENERAL.

27 (2) (i) THE AUDIT COMMITTEE SHALL SELECT THE INSPECTOR
28 GENERAL SOLELY ON THE BASIS OF PROFESSIONAL ABILITY AND PERSONAL
29 INTEGRITY, WITHOUT REGARD TO POLITICAL AFFILIATION.

30 (ii) THE INSPECTOR GENERAL SHALL BE QUALIFIED
31 PROFESSIONALLY BY EXPERIENCE OR EDUCATION IN AUDITING, GOVERNMENT
32 OPERATIONS, OR FINANCIAL MANAGEMENT.

1 **(B) (1) THE TERM OF THE INSPECTOR GENERAL IS 4 YEARS BEGINNING**
2 **ON THE DATE OF APPOINTMENT.**

3 **(2) AN INDIVIDUAL MAY NOT SERVE AS INSPECTOR GENERAL FOR**
4 **MORE THAN THREE TERMS.**

5 **(3) THE INSPECTOR GENERAL MAY NOT PARTICIPATE IN THE MERIT**
6 **SYSTEM ADOPTED BY THE COMMISSION UNDER TITLE 16, SUBTITLE 1 OF THIS**
7 **ARTICLE, BUT:**

8 **(I) MAY PARTICIPATE IN ANY EMPLOYEE BENEFITS PROGRAM**
9 **OFFERED BY THE COMMISSION ON THE SAME TERMS AND CONDITIONS AS IT IS**
10 **OFFERED GENERALLY TO AN EMPLOYEE PARTICIPATING IN THE MERIT SYSTEM;**
11 **AND**

12 **(II) THE COMMISSION MAY OFFER TO AN INDIVIDUAL**
13 **APPOINTED AS INSPECTOR GENERAL ANY SUPPLEMENTAL EMPLOYEE BENEFIT**
14 **PROGRAMS IT DETERMINES ARE NECESSARY TO RECRUIT AND RETAIN AN**
15 **EMPLOYEE WHO DOES NOT PARTICIPATE IN THE MERIT SYSTEM.**

16 **(4) THE COMMISSION MAY REMOVE THE INSPECTOR GENERAL BY**
17 **RESOLUTION ADOPTED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN THREE OF**
18 **ITS MEMBERS FROM EACH COUNTY FOR NEGLECT OF DUTY, MALFEASANCE,**
19 **CONVICTION OF A FELONY, OR OTHER GOOD CAUSE.**

20 **(5) THE INSPECTOR GENERAL SHALL DISCHARGE THE DUTIES OF**
21 **OFFICE ON A FULL-TIME BASIS AND WITH NO SECONDARY EMPLOYMENT OF ANY**
22 **NATURE DURING THEIR TERM.**

23 **(C) (1) SUBJECT TO BUDGET AUTHORIZATION, APPLICABLE LAW, AND**
24 **THE PERSONNEL REGULATIONS OF THE COMMISSION, THE INSPECTOR GENERAL**
25 **MAY SELECT AS SUBORDINATE STAFF OF THE OFFICE ONE OR MORE:**

26 **(I) TEMPORARY TERM EMPLOYEES WHO DO NOT PARTICIPATE**
27 **IN THE MERIT SYSTEM ADOPTED BY THE COMMISSION UNDER TITLE 16, SUBTITLE**
28 **1 OF THIS ARTICLE; AND**

29 **(II) OTHER EMPLOYEES WHO PARTICIPATE IN THE MERIT**
30 **SYSTEM.**

31 **(2) NOTWITHSTANDING ANY PROVISION OF THE PERSONNEL**
32 **REGULATIONS TO THE CONTRARY, AN AUDITOR, ACCOUNTANT, INVESTIGATOR, OR**
33 **SIMILAR PROFESSIONAL EMPLOYEE APPOINTED AS SUBORDINATE STAFF OF THE**
34 **OFFICE SHALL BE SUBJECT TO DISMISSAL BY THE INSPECTOR GENERAL ONLY FOR**

1 NEGLECT OF DUTY, MALFEASANCE, CONVICTION OF A FELONY, OR OTHER GOOD
2 CAUSE.

3 (D) SUBJECT TO BUDGET AUTHORIZATION AND THE APPLICABLE
4 PROCUREMENT REGULATIONS, THE INSPECTOR GENERAL MAY RETAIN
5 CONSULTANTS BY CONTRACT.

6 15-504.

7 (A) THE OFFICE SHALL:

8 (1) ASSIST THE COMMISSION BY PROVIDING INDEPENDENT
9 EVALUATION AND RECOMMENDATIONS REGARDING OPPORTUNITIES TO:

10 (I) PRESERVE THE COMMISSION'S REPUTATION; AND

11 (II) IMPROVE THE EFFECTIVENESS, PRODUCTIVITY, OR
12 EFFICIENCY OF COMMISSION PROGRAMS, POLICIES, PRACTICES, AND OPERATIONS;

13 (2) ENSURE PUBLIC ACCOUNTABILITY BY PREVENTING,
14 INVESTIGATING, AND REPORTING INSTANCES OF FRAUD, WASTE, AND ABUSE OF
15 COMMISSION PROPERTY OR FUNDS;

16 (3) EXAMINE, EVALUATE, AND REPORT ON THE ADEQUACY AND
17 EFFECTIVENESS OF THE SYSTEMS OF INTERNAL CONTROLS AND THEIR RELATED
18 ACCOUNTING, FINANCIAL, TECHNOLOGY, AND OPERATIONAL POLICIES; AND

19 (4) REPORT NONCOMPLIANCE WITH AND PROPOSE WAYS TO IMPROVE
20 EMPLOYEE COMPLIANCE WITH APPLICABLE LAW, POLICY, AND ETHICAL
21 STANDARDS OF CONDUCT.

22 (B) IN DEVELOPING RECOMMENDATIONS, THE OFFICE MAY:

23 (1) CONDUCT ADMINISTRATIVE INVESTIGATIONS, BUDGETARY
24 ANALYSES, AND FINANCIAL, MANAGEMENT, OR PERFORMANCE AUDITS AND SIMILAR
25 REVIEWS;

26 (2) PROVIDE MANAGEMENT ADVISORIES; AND

27 (3) UTILIZE THE ASSISTANCE FROM ANY OTHER GOVERNMENT
28 AGENCY OR PRIVATE PARTY TO COMPLETE A PROJECT INITIATED BY THE OFFICE.

29 (C) WHEN APPLICABLE, THE INSPECTOR GENERAL SHALL COMPLY WITH
30 GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS.

1 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
2 **THE INSPECTOR GENERAL SHALL SUBMIT WRITTEN REPORTS TO THE AUDIT**
3 **COMMITTEE AND TO THE COMMISSION FOR PUBLICATION ON THE COMMISSION'S**
4 **WEB SITE.**

5 **(2) THE INSPECTOR GENERAL:**

6 **(I) MAY NOT DISCLOSE ANY RECORD, REPORT, OR RELATED**
7 **INFORMATION THAT IS PROTECTED FROM DISCLOSURE UNDER THE PUBLIC**
8 **INFORMATION ACT;**

9 **(II) MAY PROVIDE AN ORAL REPORT IF APPROPRIATE UNDER**
10 **GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS; AND**

11 **(III) SHALL ESTABLISH AND FOLLOW PROCEDURES FOR**
12 **SAFEGUARDING THE IDENTITY OF CONFIDENTIAL SOURCES AND PROTECTING**
13 **PRIVILEGED AND CONFIDENTIAL INFORMATION.**

14 **(3) THE COMMISSION SHALL PUBLISH WITH ANY REPORT SUBMITTED**
15 **BY THE INSPECTOR GENERAL ANY OFFICIAL WRITTEN COMMENTS OR RESPONSES**
16 **OFFERED BY THE COMMISSION'S MANAGEMENT.**

17 **(4) THE INSPECTOR GENERAL SHALL ALSO SUBMIT TO THE**
18 **COMMISSION FOR PUBLICATION ON THE COMMISSION'S WEB SITE PERIODIC**
19 **REPORTS THAT SUMMARIZE THE ACTIVITIES, FINDINGS, RECOMMENDATIONS, AND**
20 **ACCOMPLISHMENTS OF THE OFFICE.**

21 **(E) IF REASONABLE GROUNDS EXIST TO BELIEVE THAT A SERIOUS**
22 **VIOLATION OF FEDERAL, STATE, OR LOCAL LAW HAS OCCURRED, THE INSPECTOR**
23 **GENERAL SHALL REPORT THE ALLEGATION TO:**

24 **(1) AN APPROPRIATE LAW ENFORCEMENT AGENCY;**

25 **(2) THE STATE ETHICS COMMISSION; OR**

26 **(3) ANY OTHER AGENCY WITH JURISDICTION TO ENFORCE THE LAW.**

27 **15-505.**

28 **(A) (1) THE INSPECTOR GENERAL SHALL COORDINATE WITH THE AUDIT**
29 **COMMITTEE TO DEVELOP A WRITTEN WORK PLAN AND ESTABLISH PERIODIC GOALS**
30 **AND PRIORITIES FOR THE OFFICE BASED ON AN ASSESSMENT OF RELATIVE RISKS.**

1 **(2) IN DEVELOPING THE WORK PLAN, THE INSPECTOR GENERAL**
2 **SHALL TAKE INTO CONSIDERATION REQUESTS FROM THE PLANNING BOARDS,**
3 **COMMISSIONERS, COMMISSION OFFICERS, MANAGERS, AND EMPLOYEES, ELECTED**
4 **OFFICIALS, AND MEMBERS OF THE PUBLIC.**

5 **(3) THE INSPECTOR GENERAL SHALL MAKE THE WRITTEN WORK**
6 **PLAN AVAILABLE TO THE PUBLIC, SUBJECT TO THE PUBLIC INFORMATION ACT.**

7 **(B) IN PERFORMING THE DUTIES AUTHORIZED UNDER THIS SUBTITLE, THE**
8 **INSPECTOR GENERAL SHALL COORDINATE WITH THE PARK POLICE OR OTHER LAW**
9 **ENFORCEMENT AGENCY, AGENCY PERSONNEL ADMINISTRATORS, THE STATE**
10 **ETHICS COMMISSION, AND OTHER INTERNAL OFFICIALS OR EXTERNAL ENTITIES AS**
11 **APPROPRIATE TO AVOID UNNECESSARY DISRUPTION OR DUPLICATION OF EFFORT**
12 **IN CONDUCTING ANY AUDIT, ANALYSIS, OR ADMINISTRATIVE INVESTIGATION.**

13 **15-506.**

14 **(A) THE COMMISSION SHALL INCLUDE IN THE COMMISSION'S ANNUAL**
15 **OPERATING BUDGET PROPOSAL THE AMOUNTS RECOMMENDED BY THE AUDIT**
16 **COMMITTEE FOR THE OFFICE.**

17 **(B) SUBJECT TO BUDGET AUTHORIZATION AND ADEQUATE FUNDS:**

18 **(1) THE COMMISSION'S GENERAL COUNSEL SHALL PROVIDE LEGAL**
19 **SERVICES TO THE INSPECTOR GENERAL AND MAY EMPLOY SPECIAL COUNSEL IF**
20 **APPROPRIATE OR REQUIRED BY LAW; AND**

21 **(2) THE INSPECTOR GENERAL MAY EMPLOY AND BE REPRESENTED**
22 **BY A SPECIAL LEGAL COUNSEL WITHOUT CONSENT OF THE GENERAL COUNSEL IF**
23 **THE AUDIT COMMITTEE APPROVES OF A REQUEST AFTER CONSIDERING ANY**
24 **RECOMMENDATION OR COMMENT OFFERED BY THE GENERAL COUNSEL RELATING**
25 **TO THE REQUEST.**

26 **15-507.**

27 **(A) (1) ON REQUEST FROM THE INSPECTOR GENERAL, A COMMISSION**
28 **EMPLOYEE OR OFFICIAL SHALL PROMPTLY PROVIDE TO THE INSPECTOR GENERAL**
29 **ANY AVAILABLE DOCUMENT OR OTHER INFORMATION CONCERNING COMMISSION**
30 **OPERATIONS, BUDGET, PROGRAMS, OR VENDOR CONTRACTS.**

31 **(2) (i) THE INSPECTOR GENERAL SHALL NOTIFY THE AUDIT**
32 **COMMITTEE AND COMMISSION CHAIR, VICE-CHAIR, AND EXECUTIVE DIRECTOR IF**
33 **ANY COMMISSION EMPLOYEE OR OFFICIAL FAILS TO PROVIDE ANY INFORMATION**

1 OR DOCUMENT REQUESTED UNDER THIS SUBSECTION WITH REASONABLE
2 PROMPTNESS.

3 (II) THE COMMISSION CHAIR, VICE-CHAIR, OR EXECUTIVE
4 DIRECTOR SHALL TAKE ADMINISTRATIVE ACTION TO PRODUCE COMPLIANCE WITH
5 A PENDING REQUEST FOR INFORMATION BY THE INSPECTOR GENERAL AS
6 WARRANTED AND APPROPRIATE.

7 (B) (1) A VENDOR OF THE COMMISSION SHALL PROVIDE TO THE
8 INSPECTOR GENERAL ANY AVAILABLE DOCUMENT OR OTHER INFORMATION
9 CONCERNING ANY COMMISSION VENDOR CONTRACT, INCLUDING DOCUMENTS
10 RELATED TO THE PROCUREMENT OF THE CONTRACT.

11 (2) (I) THE INSPECTOR GENERAL SHALL PROMPTLY NOTIFY THE
12 AUDIT COMMITTEE AND COMMISSION OFFICERS IF ANY VENDOR FAILS TO PROVIDE
13 ANY INFORMATION OR DOCUMENT REQUESTED UNDER THIS SUBSECTION WITH
14 REASONABLE PROMPTNESS.

15 (II) THE COMMISSION OFFICERS SHALL TAKE APPROPRIATE
16 ADMINISTRATIVE OR CIVIL ACTION TO PRODUCE VENDOR COMPLIANCE WITH A
17 PENDING REQUEST FOR INFORMATION BY THE INSPECTOR GENERAL.

18 (C) (1) EACH COMMISSION EMPLOYEE SHOULD REPORT ANY FRAUD,
19 WASTE, OR ABUSE TO THE OFFICE.

20 (2) A COMMISSION EMPLOYEE, VENDOR, OR EMPLOYEE OF ANY
21 VENDOR MAY NOT BE RETALIATED AGAINST OR PENALIZED, OR THREATENED WITH
22 RETALIATION OR PENALTY, FOR PROVIDING INFORMATION TO, COOPERATING WITH,
23 OR IN ANY WAY ASSISTING THE INSPECTOR GENERAL AND STAFF OF THE OFFICE IN
24 CONNECTION WITH ANY ACTIVITY AUTHORIZED UNDER THIS SUBTITLE.

25 (3) THE INSPECTOR GENERAL MAY NOT DISCLOSE THE IDENTITY OF
26 A PERSON THAT REPORTS AN ALLEGATION OF FRAUD, WASTE, OR ABUSE UNLESS:

27 (I) THE REPORTING PERSON CONSENTS TO DISCLOSURE OF
28 THE PERSON'S IDENTITY;

29 (II) DISCLOSURE IS REASONABLY NECESSARY TO COMPLETE AN
30 AUDIT OR INVESTIGATION; OR

31 (III) ANOTHER PERSON IS LEGALLY ENTITLED TO DISCLOSURE
32 OF THE IDENTITY OF THE REPORTING PERSON.

1 **(D) THE INSPECTOR GENERAL OR A STAFF MEMBER AUTHORIZED BY THE**
2 **INSPECTOR GENERAL MAY ADMINISTER AN OATH OR AFFIRMATION OR TAKE AN**
3 **AFFIDAVIT FROM ANY PERSON IF NECESSARY TO PERFORM THE DUTIES UNDER THIS**
4 **SUBTITLE.**

5 **(E) THE COMMISSION MAY ADOPT REGULATIONS TO CARRY OUT THE**
6 **REQUIREMENTS OF THIS SECTION.**

7 **15-508.**

8 **(A) THE INSPECTOR GENERAL, OR A STAFF MEMBER AUTHORIZED BY THE**
9 **INSPECTOR GENERAL, MAY ADMINISTER OATHS AND TAKE DEPOSITIONS AND**
10 **OTHER TESTIMONY FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE**
11 **WITHIN THE COMMISSION.**

12 **(B) THE INSPECTOR GENERAL MAY SUBPOENA ANY PERSON OR EVIDENCE**
13 **FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE WITHIN THE**
14 **COMMISSION.**

15 **(C) IF A PERSON FAILS TO COMPLY WITH A LAWFUL ORDER OR SUBPOENA**
16 **ISSUED UNDER THIS SECTION, ON PETITION OF THE INSPECTOR GENERAL, A COURT**
17 **OF COMPETENT JURISDICTION MAY COMPEL:**

18 **(1) COMPLIANCE WITH THE ORDER OR SUBPOENA; OR**

19 **(2) TESTIMONY OR THE PRODUCTION OF EVIDENCE.**

20 **16-102.**

21 **(a) The Commission shall implement a merit system adopted under this subtitle.**

22 **(b) The merit system includes each employee of the Commission, except:**

23 **(1) the commissioners;**

24 **(2) the executive director, secretary-treasurer, and general counsel**
25 **appointed by the Commission under § 15-109 of this article;**

26 **(3) (I) THE INSPECTOR GENERAL; AND**

27 **(II) ANY TEMPORARY TERM EMPLOYEE OF THE OFFICE OF THE**
28 **INSPECTOR GENERAL APPOINTED UNDER § 15-503 OF THIS ARTICLE;**

29 **(4) a part-time or temporary employee under Subtitle 2 or Subtitle 5 of this**
30 **title;**

1 [(4)] (5) in Montgomery County, each position excluded under §
 2 20-204(b) of this article; and

3 [(5)] (6) in Prince George's County:

4 (i) the deputy chief of park police as provided in § 17-305 of this
 5 article; and

6 (ii) each director and deputy director as provided in § 20-204(c) of
 7 this article.

8 16-201.

9 (a) (1) (i) In this subsection the following words have the meanings
 10 indicated.

11 (ii) “Confidential employee” means an employee who acts in a
 12 confidential capacity with respect to an individual who formulates, determines, or
 13 implements management policies in the field of labor-management relations.

14 (iii) “Probationary employee” means a merit system employee during
 15 the employee’s initial probationary period following employment.

16 (2) The rights granted to Commission merit system employees under this
 17 subtitle do not apply to:

18 (i) attorneys in the General Counsel’s office;

19 (ii) confidential employees;

20 (iii) employees who are at grade J or above;

21 (iv) park police officers;

22 (v) **1. THE INSPECTOR GENERAL; AND**

23 **2. ANY SUBORDINATE EMPLOYEE OF THE OFFICE OF**
 24 **THE INSPECTOR GENERAL APPOINTED UNDER § 15-503 OF THIS ARTICLE;**

25 (vi) probationary employees; or

26 [(vi)] (vii) supervisors, as defined in § 2(11) of the National Labor
 27 Relations Act, 29 U.S.C. § 152(11).

1 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial voting
 2 members of the Audit Committee in the Maryland–National Capital Park and Planning
 3 Commission created in Section 1 of this Act shall expire as follows:

4 (1) one voting member appointed by the Montgomery County Planning
 5 Board and one voting member appointed by the Prince George’s County Planning Board in
 6 2018; and

7 (2) one voting member appointed by the Montgomery County Planning
 8 Board and one voting member appointed by the Prince George’s County Planning Board in
 9 2019.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the functions, powers, and
 11 duties of the Office of Internal Audit of the Maryland–National Capital Park and Planning
 12 Commission shall be transferred to the Office of the Inspector General of the Commission
 13 on the effective date of this Act.

14 SECTION 4. AND BE IT FURTHER ENACTED, That all employees who are
 15 transferred to the Office of the Inspector General of the Maryland–National Capital Park
 16 and Planning Commission as a result of this Act shall be transferred on the effective date
 17 of this Act without any diminution of their rights, including collective bargaining rights,
 18 benefits, or employment or retirement status.

19 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
 20 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.