

SENATE BILL 171

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1999 Regular Session  
9lr0832

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By: **Senator Bromwell**

Introduced and read first time: January 29, 1999

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - Personnel and Procurement**

3 FOR the purpose of authorizing the Public Service Commission to alter the salary  
4 plan and classes of Commission personnel, subject to certain review; providing  
5 that certain Commission personnel hired after a certain date are in the  
6 executive service, management service, or are special appointments in the State  
7 Personnel Management System; providing for the continuation of certain  
8 professional service positions subject to certain contingencies; exempting the  
9 Commission from certain procurement provisions; requiring a certain annual  
10 report by a certain date; and generally relating to the Public Service  
11 Commission, personnel, and procurement.

12 BY repealing and reenacting, with amendments,  
13 Article - Public Utility Companies  
14 Section 2-108(d)  
15 Annotated Code of Maryland  
16 (1998 Volume)

17 BY adding to  
18 Article - Public Utility Companies  
19 Section 2-108(e) through (g)  
20 Annotated Code of Maryland  
21 (1998 Volume)

22 BY repealing and reenacting, with amendments,  
23 Article - State Finance and Procurement  
24 Section 11-203(a)(1)(xv) and (xvi)  
25 Annotated Code of Maryland  
26 (1995 Replacement Volume and 1998 Supplement)

27 BY adding to  
28 Article - State Finance and Procurement  
29 Section 11-203(a)(1)(xvii)

1 Annotated Code of Maryland  
2 (1995 Replacement Volume and 1998 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article - State Finance and Procurement  
5 Section 11-203(b)  
6 Annotated Code of Maryland  
7 (1995 Replacement Volume and 1998 Supplement)

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

10 **Article - Public Utility Companies**

11 2-108.

12 (d) (1) The State budget shall provide sufficient money for the Commission  
13 to hire, develop, and organize a staff to perform the functions of the Commission,  
14 including analyzing data submitted to the Commission and participating in  
15 proceedings as provided in § 3-104 of this article.

16 (2) As the Commission considers necessary, the Commission shall hire  
17 experts including economists, cost of capital experts, rate design experts, accountants,  
18 engineers, transportation specialists, and lawyers.

19 (3) The Commission may retain on a case by case basis additional  
20 experts as required for a particular matter.

21 (4) The lawyers who represent the Commission staff in proceedings  
22 before the Commission shall be appointed by the Commission and shall be organized  
23 and operate independently of the office of General Counsel.

24 (5) (i) As required, the Commission shall hire hearing examiners.

25 (ii) Hearing examiners are a separate organizational unit and shall  
26 report directly to the Commission.

27 (6) The Commission shall hire personal staff members for each  
28 commissioner as required to provide advice, draft proposed orders and rulings, and  
29 perform other personal staff functions.

30 (7) Subject to § 3-104 of this article, the Commission may delegate to a  
31 commissioner or personnel the authority to perform an administrative function  
32 necessary to carry out a duty of the Commission.

33 (8) (i) Except as provided in [paragraph (ii)] PARAGRAPHS (II) AND  
34 (III) of this item or otherwise by law, all personnel of the Commission are subject to  
35 the provisions of the State Personnel and Pensions Article.

1 (ii) The following are in the executive service, management service,  
2 or are special appointments in the State Personnel Management System:

- 3 1. each commissioner of the Commission;
- 4 2. the Executive Director;
- 5 3. the General Counsel and each assistant general counsel;
- 6 4. the People's Counsel;
- 7 5. the commissioners' personal staff members; [and]
- 8 6. each license hearing officer; AND
- 9 7. ALL COMMISSION PERSONNEL HIRED TO POSITIONS IN  
10 THE PROFESSIONAL SERVICE AFTER JUNE 30, 1999.

11 (III) IF A POSITION IS HELD BY AN EMPLOYEE IN THE  
12 PROFESSIONAL SERVICE IN THE STATE PERSONNEL MANAGEMENT SERVICE ON  
13 JUNE 30, 1999, THE POSITION SHALL BE DESIGNATED AS A SPECIAL APPOINTMENT  
14 WHEN THE POSITION BECOMES VACANT.

15 (E) EXCEPT FOR COMMISSION PERSONNEL IN POSITIONS SUBJECT TO  
16 SUBSECTION (D)(8)(III) OF THIS SECTION, THE COMPENSATION OF PERSONNEL  
17 UNDER SUBSECTION (D) OF THIS SECTION SHALL BE DETERMINED BY THE  
18 COMMISSION AND, IF POSSIBLE, IN ACCORDANCE WITH THE STATE PAY PLAN.

19 (F) (1) AT LEAST 45 DAYS BEFORE THE EFFECTIVE DATE OF THE CHANGE,  
20 THE COMMISSION SHALL SUBMIT TO THE SECRETARY OF BUDGET AND  
21 MANAGEMENT EACH CHANGE TO SALARY PLANS THAT INVOLVES INCREASES OR  
22 DECREASES IN SALARY RANGES OTHER THAN THOSE ASSOCIATED WITH ROUTINE  
23 RECLASSIFICATIONS AND PROMOTIONS OR GENERAL SALARY INCREASES APPROVED  
24 BY THE GENERAL ASSEMBLY.

25 (2) REPORTABLE CHANGES INCLUDE CREATION OR ABOLITION OF  
26 CLASSES, REGRADING THE CLASSES FROM ONE ESTABLISHED RANGE TO ANOTHER,  
27 OR CREATION OF NEW PAY SCHEDULES OR RANGES.

28 (3) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:

29 (I) REVIEW THE PROPOSED CHANGES; AND

30 (II) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE  
31 PROPOSED CHANGES, ADVISE THE COMMISSION WHETHER THE CHANGES WOULD  
32 HAVE AN ADVERSE EFFECT ON COMPARABLE STATE JOBS.

33 (4) FAILURE OF THE SECRETARY TO RESPOND IN A TIMELY MANNER IS  
34 NOT CONSIDERED A STATEMENT OF ADVERSE EFFECT.

1 (G) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE COMMISSION SHALL  
 2 REPORT TO THE SECRETARY OF BUDGET AND MANAGEMENT AND, SUBJECT TO §  
 3 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY SETTING  
 4 FORTH ALL PERSONNEL POSITIONS, CLASSIFICATIONS, AND SALARIES IN THE  
 5 COMMISSION AS OF THE END OF THE PRECEDING CALENDAR YEAR.

6 **Article - State Finance and Procurement**

7 11-203.

8 (a) Except as provided in subsection (b) of this section, this Division II does  
 9 not apply to:

10 (1) procurement by:

11 (xv) the Forvm for Rural Maryland; [and]

12 (xvi) the Maryland State Lottery Agency, for negotiating and  
 13 entering into private sector cooperative marketing projects that directly enhance  
 14 promotion of the Maryland State Lottery and its products, if the cooperative  
 15 marketing project:

16 1. provides a substantive promotional or marketing value  
 17 that the lottery determines acceptable in exchange for advertising or other  
 18 promotional activities provided by the lottery;

19 2. does not involve the advertising or other promotion of  
 20 alcohol or tobacco products; and

21 3. is reviewed by the Attorney General and approved by the  
 22 Maryland Lottery Director or the Director's designee; AND

23 (XVII) THE PUBLIC SERVICE COMMISSION.

24 (b) (1) The following provisions of this Division II apply to each procurement  
 25 enumerated in subsection (a) of this section:

26 (i) § 11-205 of this subtitle ("Fraud in procurement");

27 (ii) § 12-204 of this article ("Board approval for designated  
 28 contracts");

29 (iii) Title 12, Subtitle 2 of this article ("Supervision of Capital  
 30 Expenditures and Real Property Leases");

31 (iv) § 13-219 of this article ("Required clauses - Nondiscrimination  
 32 clause");

33 (v) § 13-221 of this article ("Disclosures to Secretary of State");

34 (vi) Title 16 of this article ("Debarment of Contractors"); and

1 (vii) Title 17 of this article ("Special Provisions - State and Local  
2 Subdivisions").

3 (2) A procurement by an entity listed in subsection (a)(1)(i) through (xv)  
4 of this section shall be made under procedures that promote the purposes stated in §  
5 11-201(a) of this subtitle.

6 (3) (i) A unit that procures human, social, or educational services from  
7 an entity enumerated in subsection (a)(2) of this section shall publish in the Contract  
8 Weekly notice of a procurement contract or an extension or renewal of a procurement  
9 contract if:

10 1. the procurement contract, extension, or renewal costs  
11 more than \$25,000; and

12 2. the procurement is made for 3rd party clients described in  
13 § 13-106 of this article.

14 (ii) The notice required under this paragraph shall be published not  
15 more than 30 days after the execution and approval of the procurement contract or  
16 the extension or renewal of the procurement contract.

17 (4) The purchase of advisory services from the General Selection Board  
18 or the Transportation Selection Board under § 13-305 of this article shall be governed  
19 by the Maryland Architectural and Engineering Services Act.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 July 1, 1999.