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By: **Delegates Guns, Hammen, and D. Davis**  
Introduced and read first time: February 11, 2000  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission and People's Counsel - Personnel**

3 FOR the purpose of authorizing the Public Service Commission and the People's  
4 Counsel to alter the salary plan and classes of their respective personnel, subject  
5 to certain review; providing that certain personnel of the Commission and of the  
6 Office of People's Counsel, respectively, are in the executive service,  
7 management service, or are special appointments in the State Personnel  
8 Management System; requiring certain annual reports by certain dates;  
9 clarifying the method of funding of the Office of People's Counsel; providing for  
10 the application of this Act; and generally relating to the Public Service  
11 Commission and the Office of People's Counsel.

12 BY repealing and reenacting, with amendments,  
13 Article - Public Utility Companies  
14 Section 2-108(d), 2-110(b), and 2-203  
15 Annotated Code of Maryland  
16 (1998 Volume and 1999 Supplement)

17 BY adding to  
18 Article - Public Utility Companies  
19 Section 2-108(e) through (g)  
20 Annotated Code of Maryland  
21 (1998 Volume and 1999 Supplement)

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

24 **Article - Public Utility Companies**

25 2-108.

26 (d) (1) The State budget shall provide sufficient money for the Commission  
27 to hire, develop, and organize a staff to perform the functions of the Commission,

1 including analyzing data submitted to the Commission and participating in  
2 proceedings as provided in § 3-104 of this article.

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

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

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

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

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

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

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

20 (8) (i) Except as provided in paragraph (ii) of this item or otherwise by  
21 law, all personnel of the Commission are subject to the provisions of the State  
22 Personnel and Pensions Article.

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

- 25 1. each commissioner of the Commission;
- 26 2. the Executive Director;
- 27 3. the General Counsel and each assistant general counsel;
- 28 4. [the People's Counsel] THE EXECUTIVE SECRETARY;
- 29 5. the commissioners' personal staff members; [and]
- 30 6. THE CHIEF HEARING OFFICER;
- 31 7. each license hearing officer; AND
- 32 8. ALL COMMISSION PERSONNEL IN POSITIONS IN:
  - 33 A. THE MANAGEMENT SERVICE;

1 B. THE PROFESSIONAL SERVICE; AND

2 C. THE SKILLED SERVICE WHO ARE EMPLOYED AS  
3 ACCOUNTANTS, AUDITORS, AND ENGINEERS.

4 (E) THE COMPENSATION OF THE FOLLOWING PERSONNEL SHALL BE  
5 DETERMINED BY THE COMMISSION AND, IF POSSIBLE, IN ACCORDANCE WITH THE  
6 STATE PAY PLAN:

7 (1) THE EXECUTIVE DIRECTOR;

8 (2) THE GENERAL COUNSEL;

9 (3) THE SPECIAL APPOINTMENT ATTORNEYS IN THE OFFICE OF  
10 GENERAL COUNSEL;

11 (4) THE EXECUTIVE SECRETARY;

12 (5) THE CHIEF HEARING OFFICER;

13 (6) EACH LICENSE HEARING OFFICER; AND

14 (7) ALL COMMISSION PERSONNEL IN POSITIONS IN:

15 (I) THE PROFESSIONAL SERVICE;

16 (II) THE MANAGEMENT SERVICE; AND

17 (III) THE SKILLED SERVICE WHO ARE EMPLOYED AS ACCOUNTANTS,  
18 AUDITORS, AND ENGINEERS.

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.

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

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

8 2-110.

9 (b) (1) (i) Subject to paragraphs (2) and (3) of this subsection, the costs  
10 and expenses of the Commission AND THE OFFICE OF PEOPLE'S COUNSEL shall be  
11 borne by the public service companies that are subject to the Commission's  
12 jurisdiction.

13 (ii) The costs and expenses shall be assessed as provided in this  
14 section.

15 (2) An appropriation for the costs and expenses of the Commission AND  
16 THE OFFICE OF PEOPLE'S COUNSEL shall be included in the State budget and paid  
17 from the State treasury.

18 (3) The State treasury shall be reimbursed from the money collected  
19 under this section FOR THE COSTS AND EXPENSES OF THE COMMISSION AND THE  
20 OFFICE OF PEOPLE'S COUNSEL.

21 2-203.

22 (a) The State budget shall provide sufficient money for the Office of People's  
23 Counsel to hire necessary staff in addition to the staff assistance that is provided  
24 under § 2-205(c)(2) of this subtitle.

25 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION OR  
26 OTHERWISE BY LAW, ALL PERSONNEL OF THE OFFICE OF PEOPLE'S COUNSEL ARE  
27 SUBJECT TO THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

28 (2) THE FOLLOWING ARE IN THE EXECUTIVE SERVICE, MANAGEMENT  
29 SERVICE, OR ARE SPECIAL APPOINTMENTS IN THE STATE PERSONNEL MANAGEMENT  
30 SYSTEM:

31 (I) THE PEOPLE'S COUNSEL;

32 (II) THE DEPUTY PEOPLE'S COUNSEL;

33 (III) ATTORNEYS THAT ARE IN THE MANAGEMENT SERVICE OR ARE  
34 SPECIAL APPOINTMENTS;

35 (IV) ADMINISTRATIVE OFFICERS THAT ARE SPECIAL  
36 APPOINTMENTS; AND

1 (V) ADMINISTRATORS THAT ARE IN THE SKILLED SERVICE OR ARE  
2 SPECIAL APPOINTMENTS.

3 (C) THE COMPENSATION OF THE FOLLOWING PERSONNEL SHALL BE  
4 DETERMINED BY THE PEOPLE'S COUNSEL AND, IF POSSIBLE, IN ACCORDANCE WITH  
5 THE STATE PAY PLAN:

6 (1) THE DEPUTY PEOPLE'S COUNSEL;

7 (2) ATTORNEYS THAT ARE:

8 (I) IN THE MANAGEMENT SERVICE; OR

9 (II) SPECIAL APPOINTMENTS;

10 (3) ADMINISTRATIVE OFFICERS THAT ARE SPECIAL APPOINTMENTS;  
11 AND

12 (4) ADMINISTRATORS THAT ARE:

13 (I) IN THE SKILLED SERVICE; OR

14 (II) SPECIAL APPOINTMENTS.

15 (D) (1) AT LEAST 45 DAYS BEFORE THE EFFECTIVE DATE OF THE CHANGE,  
16 THE PEOPLE'S COUNSEL SHALL SUBMIT TO THE SECRETARY OF BUDGET AND  
17 MANAGEMENT EACH CHANGE TO SALARY PLANS THAT INVOLVES INCREASES OR  
18 DECREASES IN SALARY RANGES OTHER THAN THOSE ASSOCIATED WITH ROUTINE  
19 RECLASSIFICATIONS AND PROMOTIONS OR GENERAL SALARY INCREASES APPROVED  
20 BY THE GENERAL ASSEMBLY.

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

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

25 (I) REVIEW THE PROPOSED CHANGES; AND

26 (II) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE  
27 PROPOSED CHANGES, ADVISE THE PEOPLE'S COUNSEL WHETHER THE CHANGES  
28 WOULD HAVE AN ADVERSE EFFECT ON COMPARABLE STATE JOBS.

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

31 (E) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE PEOPLE'S COUNSEL  
32 SHALL REPORT TO THE SECRETARY OF BUDGET AND MANAGEMENT AND, SUBJECT  
33 TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY  
34 SETTING FORTH ALL PERSONNEL POSITIONS, CLASSIFICATIONS, AND SALARIES IN

1 THE OFFICE OF PEOPLE'S COUNSEL AS OF THE END OF THE PRECEDING CALENDAR  
2 YEAR.

3 [(b)] (F) The Office of People's Counsel may retain as necessary for a  
4 particular matter or hire experts in the field of utility regulation, including cost of  
5 capital experts, rate design experts, accountants, economists, engineers,  
6 transportation specialists, and lawyers.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act  
8 shall apply to and be construed to affect personnel of the Public Service Commission  
9 and the Office of People's Counsel in positions in existence on or after July 1, 2000.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 2000.