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By: **Delegates Guns, Hammen, and D. Davis**  
Introduced and read first time: February 11, 2000  
Assigned to: Environmental Matters  
Re-referred to: Appropriations, February 25, 2000

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 25, 2000

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CHAPTER \_\_\_\_\_

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:

1 **Article - Public Utility Companies**

2 2-108.

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

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

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

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

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

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

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

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

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

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

- 29 1. each commissioner of the Commission;
- 30 2. the Executive Director;
- 31 3. the General Counsel and each assistant general counsel;
- 32 4. [the People's Counsel] THE EXECUTIVE SECRETARY;
- 33 5. the commissioners' personal staff members; [and]
- 34 6. ~~THE CHIEF HEARING OFFICER;~~ EXAMINER; AND

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1 each license hearing officer; ~~AND,~~  
 2 ~~8. ALL COMMISSION PERSONNEL IN POSITIONS IN:~~  
 3 ~~A. THE MANAGEMENT SERVICE;~~  
 4 ~~B. THE PROFESSIONAL SERVICE; AND~~  
 5 ~~C. THE SKILLED SERVICE WHO ARE EMPLOYED AS~~  
 6 ~~ACCOUNTANTS, AUDITORS, AND ENGINEERS.~~

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

10 (1) THE EXECUTIVE DIRECTOR;

11 (2) THE GENERAL COUNSEL;

12 (3) THE SPECIAL APPOINTMENT ATTORNEYS IN THE OFFICE OF  
 13 GENERAL COUNSEL;

14 (4) THE EXECUTIVE SECRETARY;

15 (5) THE CHIEF HEARING ~~OFFICER~~ EXAMINER;

16 (6) EACH LICENSE HEARING OFFICER; AND

17 (7) ALL COMMISSION PERSONNEL IN POSITIONS IN:

18 ~~(I) THE PROFESSIONAL SERVICE;~~

19 ~~(II) THE MANAGEMENT SERVICE; AND~~

20 ~~(III) THE SKILLED SERVICE WHO ARE EMPLOYED AS ACCOUNTANTS,~~  
 21 ~~AUDITORS, AND ENGINEERS~~ THE MANAGEMENT SERVICE; AND

22 ~~(IV)~~ (II) PROFESSIONAL AND TECHNICAL CLASSIFICATIONS UNIQUE TO  
 23 THE COMMISSION.

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

30 (2) REPORTABLE CHANGES INCLUDE CREATION OR ABOLITION OF  
 31 CLASSES, REGRADING THE CLASSES FROM ONE ESTABLISHED RANGE TO ANOTHER,  
 32 CHANGES IN SALARY GUIDELINES TO ADMINISTER THE PAY SCHEDULES, OR  
 33 CREATION OF NEW PAY SCHEDULES OR RANGES.

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

2 (I) REVIEW THE PROPOSED CHANGES; AND

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

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

8 (G) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE COMMISSION SHALL  
9 REPORT TO THE SECRETARY OF BUDGET AND MANAGEMENT AND, SUBJECT TO §  
10 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY SETTING  
11 FORTH ALL PERSONNEL POSITIONS, CLASSIFICATIONS, AND SALARIES IN THE  
12 COMMISSION AS OF THE END OF THE PRECEDING CALENDAR YEAR.

13 2-110.

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

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

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

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

26 2-203.

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

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

33 (2) THE FOLLOWING ARE IN THE EXECUTIVE SERVICE, MANAGEMENT  
34 SERVICE, OR ARE SPECIAL APPOINTMENTS IN THE STATE PERSONNEL MANAGEMENT  
35 SYSTEM:

36 (I) THE PEOPLE'S COUNSEL;

1 (II) THE DEPUTY PEOPLE'S COUNSEL; AND

2 (III) ATTORNEYS THAT ARE IN THE MANAGEMENT SERVICE OR ARE  
3 SPECIAL APPOINTMENTS;

4 ~~(IV) ADMINISTRATIVE OFFICERS THAT ARE SPECIAL~~  
5 ~~APPOINTMENTS; AND~~

6 ~~(V) ADMINISTRATORS THAT ARE IN THE SKILLED SERVICE OR ARE~~  
7 ~~SPECIAL APPOINTMENTS.~~

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

11 (1) THE DEPUTY PEOPLE'S COUNSEL;

12 (2) ATTORNEYS THAT ARE:

13 (I) IN THE MANAGEMENT SERVICE; OR

14 (II) SPECIAL APPOINTMENTS; AND

15 ~~(3) ADMINISTRATIVE OFFICERS THAT ARE SPECIAL APPOINTMENTS;~~  
16 ~~AND~~

17 ~~(4) ADMINISTRATORS THAT ARE:~~

18 ~~(I) IN THE SKILLED SERVICE; OR~~

19 ~~(II) SPECIAL APPOINTMENTS~~ ALL POSITIONS IN MANAGEMENT,  
20 PROFESSIONAL AND TECHNICAL CLASSIFICATIONS UNIQUE TO THE OFFICE OF  
21 PEOPLE'S COUNSEL.

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

28 (2) REPORTABLE CHANGES INCLUDE CREATION OR ABOLITION OF  
29 CLASSES, REGRADING THE CLASSES FROM ONE ESTABLISHED RANGE TO ANOTHER,  
30 CHANGES IN SALARY GUIDELINES TO ADMINISTER THE PAY SCHEDULES, OR  
31 CREATION OF NEW PAY SCHEDULES OR RANGES.

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

33 (I) REVIEW THE PROPOSED CHANGES; AND

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

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

6 (E) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE PEOPLE'S COUNSEL  
7 SHALL REPORT TO THE SECRETARY OF BUDGET AND MANAGEMENT AND, SUBJECT  
8 TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY  
9 SETTING FORTH ALL PERSONNEL POSITIONS, CLASSIFICATIONS, AND SALARIES IN  
10 THE OFFICE OF PEOPLE'S COUNSEL AS OF THE END OF THE PRECEDING CALENDAR  
11 YEAR.

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

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

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