
By: **Senators Hollinger, Britt, Brochin, Conway, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Giannetti, Gladden, Green, Grosfeld, Hogan, Hughes, Jimeno, Jones, Kasemeyer, Kelley, Kramer, Lawlah, McFadden, Miller, Pinsky, Ruben, Stone, and Teitelbaum**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 24, 2006

Rules suspended

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2006

CHAPTER _____

1 AN ACT concerning

2 **Public Service Commission, the People's Counsel, and the Office of People's**
3 **Counsel**

4 FOR the purpose of altering the manner of appointment of the members of the Public
5 Service Commission; ~~altering certain eligibility requirements of members of the~~
6 ~~Commission; providing that the Office of People's Counsel is a unit of the Office~~
7 ~~of the Attorney General; altering the manner of appointment of the People's~~
8 ~~Counsel; providing that the People's Counsel serves at the pleasure of the~~
9 ~~Attorney General; providing that the People's Counsel and the Office of the~~
10 ~~Attorney General shall administer and operate the Office of People's Counsel;~~
11 ~~providing for the termination of office of each member of the Commission~~
12 ~~-serving on a certain date; providing for the terms of the members of the~~
13 ~~Commission appointed under this Act; providing for the removal of the People's~~
14 ~~Counsel; transferring the functions and activities of the Office of People's~~
15 ~~Counsel to the Office of the Attorney General; providing that certain employees~~
16 ~~of the Office of People's Counsel who are transferred to the Office of the Attorney~~
17 ~~General under this Act shall be transferred without any diminution of their~~
18 ~~rights, benefits, or employment status; providing for the construction of this Act;~~
19 ~~altering the manner for selecting the Chairman of the Commission; altering the~~
20 ~~beginning of the term of office of the members and Chairman of the Commission;~~
21 making this Act an emergency measure; and generally relating to the Public
22 Service Commission, ~~the People's Counsel, and the Office of People's Counsel.~~

1 BY repealing and reenacting, with amendments,
 2 Article - Public Utility Companies
 3 Section 2-102, ~~2-202, and 2-204~~ and 2-103
 4 Annotated Code of Maryland
 5 (1998 Volume and 2005 Supplement)

6 ~~BY adding to~~
 7 ~~Article - Public Utility Companies~~
 8 ~~Section 2-201.1~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(1998 Volume and 2005 Supplement)~~

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

13 **Article - Public Utility Companies**

14 2-102.

15 (a) The Commission consists of five commissioners[, appointed by the
 16 Governor with the advice and consent of the Senate] APPOINTED AS FOLLOWS:

17 (1) ~~ONE COMMISSIONER~~ TWO COMMISSIONERS APPOINTED BY THE
 18 PRESIDENT OF THE SENATE;

19 (2) ~~ONE COMMISSIONER~~ TWO COMMISSIONERS APPOINTED BY THE
 20 SPEAKER OF THE HOUSE OF DELEGATES; AND

21 (3) ONE COMMISSIONER APPOINTED BY THE ~~ATTORNEY GENERAL; AND~~

22 (4) ~~TWO COMMISSIONERS APPOINTED BY THE GOVERNOR.~~

23 (b) (1) Each commissioner shall be a registered voter of the State.

24 (2) ~~{The Commission shall be broadly representative of the public~~
 25 ~~interest and shall be composed of individuals with diverse training and experience.}~~
 26 ~~EACH COMMISSIONER MUST HAVE EXPERIENCE IN PUBLIC UTILITY REGULATION~~
 27 ~~AND MAY NOT BE APPOINTED AS REPRESENTING OR SUPPORTING ANY SPECIAL~~
 28 ~~INTEREST.~~

29 (3) ~~A COMMISSIONER MAY NOT HAVE BEEN EMPLOYED BY A PUBLIC~~
 30 ~~SERVICE COMPANY FOR AT LEAST 5 YEARS IMMEDIATELY PRECEDING~~
 31 ~~APPOINTMENT TO THE COMMISSION.~~

32 (c) Each commissioner shall devote full time to the duties of office.

33 (d) (1) The term of a commissioner is 5 years and begins on ~~July 1~~ APRIL 10.

1 (2) The terms of commissioners are staggered as required by the terms in
2 effect for commissioners on [October 1, 1998] ~~JULY~~ + APRIL 10, 2006.

3 (3) At the end of a term, a commissioner continues to serve until a
4 successor qualifies.

5 (4) A commissioner who is appointed after a term has begun serves for
6 the rest of the term and until a successor qualifies.

7 (e) Before taking office, each appointee to the Commission shall take the oath
8 required by Article I, § 9 of the Maryland Constitution.

9 (f) The Governor may remove a commissioner for incompetence or misconduct
10 in accordance with § 3-307 of the State Government Article.

11 2-103.

12 (a) [With the advice and consent of the Senate, the Governor shall appoint]
13 FROM AMONG THE COMMISSIONERS, THE COMMISSION SHALL ELECT a Chairman.

14 (b) (1) The term of the Chairman is 5 years and begins on [July 1] APRIL
15 10.

16 (2) At the end of a term, the Chairman continues to serve until a
17 successor qualifies.

18 (3) A Chairman who is [appointed] ELECTED after a term has begun
19 serves for the rest of the term and until a successor qualifies.

20 ~~2-201.1.~~

21 ~~THE OFFICE OF PEOPLE'S COUNSEL IS A UNIT OF THE OFFICE OF THE~~
22 ~~ATTORNEY GENERAL.~~

23 ~~2-202.~~

24 (a) ~~[With the advice and consent of the Senate, the Governor] THE ATTORNEY~~
25 ~~GENERAL shall appoint the People's Counsel.~~

26 (b) ~~The People's Counsel serves at the pleasure of the [Governor] ATTORNEY~~
27 ~~GENERAL.~~

28 (c) ~~The People's Counsel shall have been admitted to practice law in the State.~~

29 (d) ~~Before taking office, the People's Counsel shall take the oath required by~~
30 ~~Article I, § 9 of the Maryland Constitution.~~

31 (e) ~~The People's Counsel shall devote full time to the duties of office.~~

32 (f) ~~The People's Counsel is entitled to a salary of at least \$35,000 a year as~~
33 ~~provided in the State budget.~~

1 ~~2-204.~~

2 (a) (1) ~~The Office of People's Counsel shall evaluate each matter pending~~
 3 ~~before the Commission to determine if the interests of residential and noncommercial~~
 4 ~~users are affected.~~

5 (2) ~~If the Office of People's Counsel considers the interest of residential~~
 6 ~~and noncommercial users to be affected, the Office of People's Counsel shall appear~~
 7 ~~before the Commission and courts on behalf of residential and noncommercial users~~
 8 ~~in each matter or proceeding over which the Commission has original jurisdiction,~~
 9 ~~including a proceeding on the rates, service, or practices of a public service company~~
 10 ~~or on a violation of this article.~~

11 (3) ~~As the Office of People's Counsel considers necessary, the Office of~~
 12 ~~People's Counsel shall conduct investigations and request the Commission to initiate~~
 13 ~~proceedings to protect the interests of residential and noncommercial users.~~

14 (b) ~~The People's Counsel AND THE OFFICE OF THE ATTORNEY GENERAL shall~~
 15 ~~administer and operate the Office of People's Counsel.~~

16 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
 17 provisions of § 2-102 of the Public Utility Companies Article, the term of office of each
 18 commissioner of the Public Service Commission serving on the effective date of this
 19 Act shall terminate at the end of ~~June 30~~ April 9, 2006. The terms of office of each of
 20 the commissioners of the Public Service Commission appointed under Section 1 of this
 21 Act shall begin on ~~July 1~~ April 10, 2006, and shall expire as follows:

22 (1) ~~one~~ the member appointed by the Governor in 2007;

23 (2) ~~the one~~ member appointed by the ~~Attorney General~~ Speaker of the
 24 House in 2008;

25 (3) ~~the one~~ member appointed by the ~~Speaker of the House~~ President of
 26 the Senate in 2009;

27 (4) the second member appointed by the ~~Governor~~ Speaker of the House
 28 in 2010; and

29 (5) the second member appointed by the President of the Senate in 2011.

30 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the~~
 31 ~~provisions of § 2-202 of the Public Utility Companies Article, the People's Counsel in~~
 32 ~~office on the effective date of this Act shall be removed from office at the end of June~~
 33 ~~30, 2006.~~

34 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the functions and~~
 35 ~~activities of the Office of People's Counsel are transferred to the Office of the Attorney~~
 36 ~~General.~~

1 ~~SECTION 5. AND BE IT FURTHER ENACTED, That all persons who are~~
2 ~~classified employees of the Office of People's Counsel before the effective date of this~~
3 ~~Act and who are transferred to the Office of the Attorney General as part of the~~
4 ~~transfer of the Office of People's Counsel under this Act shall be transferred without~~
5 ~~any diminution of their rights, benefits, or employment status, including merit~~
6 ~~system and retirement status, if any.~~

7 ~~SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in~~
8 ~~this Act, nothing in this Act shall be construed to affect the funding, employees, or~~
9 ~~property of the Office of People's Counsel.~~

10 SECTION ~~7-3~~. AND BE IT FURTHER ENACTED, That this Act is an
11 emergency measure, is necessary for the immediate preservation of the public health
12 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
13 members elected to each of the two Houses of the General Assembly, and shall take
14 effect from the date it is enacted.