

HOUSE BILL 419

L5, G2

8lr0868

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

Introduced and read first time: January 24, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Office of the Inspector General**

3 **PG/MC 101–18**

4 FOR the purpose of establishing an Office of the Inspector General in the Washington
5 Suburban Sanitary Commission; providing for the appointment, qualifications, and
6 term of the inspector general; providing for the establishment, membership,
7 qualifications, and function of an appointment committee; prohibiting the inspector
8 general from participating in a certain merit system but authorizing the inspector
9 general to participate in a certain employee benefits program under certain terms
10 and conditions; authorizing the Commission to offer a certain supplemental
11 employee benefits program to an inspector general under certain circumstances;
12 authorizing the Commission to remove an inspector general under certain
13 circumstances; prohibiting the inspector general from holding secondary
14 employment during the inspector general's term; authorizing the inspector general
15 to select certain employees as subordinate staff of the Office subject to certain
16 conditions; authorizing the inspector general to dismiss certain subordinate staff for
17 certain causes; authorizing the inspector general, subject to certain conditions, to
18 retain consultants; establishing the duties of the inspector general and of the Office;
19 authorizing the Commission to include a certain audit in another certain audit;
20 authorizing the Office to conduct certain investigations, analyses, audits, and
21 reviews, provide management advisories, and utilize the assistance of certain other
22 persons; requiring the inspector general to comply with generally accepted
23 government auditing standards under certain circumstances; requiring the inspector
24 general to submit certain written reports to the Commission for publication on the
25 Commission's website; prohibiting the inspector general from disclosing certain
26 information that is protected from disclosure; authorizing the inspector general to
27 make certain oral reports under certain circumstances; requiring the inspector
28 general to establish and follow procedures for safeguarding the identity of
29 confidential sources and protecting confidential information; requiring the
30 Commission to publish certain reports on its website; requiring the inspector general

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 to report certain allegations to certain persons under certain circumstances;
2 requiring the Commission to adopt certain regulations on independent operation of
3 the Office; requiring the inspector general to consult with the Commission to develop
4 a certain work plan and establish certain goals and priorities for the Office; requiring
5 the inspector general to make the work plan available to the public, subject to certain
6 laws; requiring the inspector general to coordinate with certain persons for certain
7 purposes under certain circumstances; requiring the Commission to include in its
8 annual budget proposal certain amounts for the Office; requiring the Commission's
9 general counsel to provide certain legal services to the inspector general under
10 certain circumstances; authorizing the inspector general to employ and be
11 represented by a special legal counsel without the consent of the general counsel
12 under certain circumstances; requiring a Commission employee or official or a
13 vendor of the Commission to promptly provide certain information to the inspector
14 general under certain circumstances; requiring the inspector general to notify
15 certain persons if a Commission employee or official fails to provide certain
16 information; requiring the Commission chair, vice chair, or executive director to take
17 certain action under certain circumstances; requiring the Commission officers to
18 take certain action under certain circumstances; providing that a Commission
19 employee should report any fraud, waste, or abuse to the Office; prohibiting a
20 Commission employee, vendor, or employee of a vendor from being retaliated
21 against, penalized, or threatened with retaliation for certain actions; prohibiting the
22 inspector general from disclosing the identity of a certain person under certain
23 circumstances; authorizing the inspector general or a designated assistant inspector
24 general to administer an oath or affirmation or take an affidavit from any person
25 under certain circumstances; authorizing the Commission to adopt certain
26 regulations; authorizing the inspector general or a staff member authorized by the
27 inspector general to administer oaths and take depositions and other testimony for
28 certain purposes; authorizing the inspector general to subpoena any person or
29 evidence for a certain purpose; authorizing a court of competent jurisdiction to
30 compel compliance with a certain order or subpoena or testimony or the production
31 of evidence; exempting certain employees of the Commission from a certain merit
32 system; defining certain terms; and generally relating to the Office of the Inspector
33 General in the Washington Suburban Sanitary Commission.

34 BY repealing and reenacting, without amendments,
35 Article – Public Utilities
36 Section 17–101
37 Annotated Code of Maryland
38 (2010 Replacement Volume and 2017 Supplement)

39 BY adding to
40 Article – Public Utilities
41 Section 17–601 through 17–609 to be under the new subtitle “Subtitle 6. Office of the
42 Inspector General”
43 Annotated Code of Maryland
44 (2010 Replacement Volume and 2017 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article – Public Utilities
3 Section 18–106 and 18–107
4 Annotated Code of Maryland
5 (2010 Replacement Volume and 2017 Supplement)

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

8 **Article – Public Utilities**

9 17–101.

- 10 (a) There is a Washington Suburban Sanitary Commission.
11 (b) The Commission has jurisdiction over the sanitary district.

12 **SUBTITLE 6. OFFICE OF THE INSPECTOR GENERAL.**

13 **17–601.**

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) (1) “ABUSE” MEANS AN EMPLOYEE’S INTENTIONAL MISCONDUCT OR
17 MISUSE OF AUTHORITY OR POSITION:

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

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

24 (2) “ABUSE” INCLUDES:

25 (I) THEFT OR MISAPPROPRIATION OF COMMISSION PROPERTY
26 OR FUNDS; AND

27 (II) DESTRUCTION OR ALTERATION OF OFFICIAL RECORDS.

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

1 (2) "FRAUD" INCLUDES A WILLFUL FALSE REPRESENTATION OF A
2 MATERIAL FACT, WHETHER BY WORDS OR BY CONDUCT, BY FALSE OR MISLEADING
3 ALLEGATIONS, OR BY CONCEALMENT OF THAT WHICH SHOULD HAVE BEEN
4 DISCLOSED, THAT CAUSES THE COMMISSION TO ACT, OR FAIL TO ACT, TO THE
5 DETRIMENT OF THE COMMISSION'S INTEREST.

6 (D) "OFFICE" MEANS THE OFFICE OF THE INSPECTOR GENERAL.

7 (E) "VENDOR" MEANS A PARTY OBLIGATED BY CONTRACT OR
8 SUBCONTRACT TO PROVIDE GOODS, SERVICES, OR PROPERTY TO THE COMMISSION
9 FOR CONSIDERATION, INCLUDING CONTRACTS AND SUBCONTRACTS FOR
10 CONSTRUCTION AND PROFESSIONAL SERVICES RELATED TO CONSTRUCTION.

11 (F) (1) "WASTE" MEANS AN INAPPROPRIATE ACT OR OMISSION BY AN
12 EMPLOYEE WITH CONTROL OVER, OR ACCESS TO, COMMISSION PROPERTY OR
13 FUNDS THAT UNREASONABLY DEPRIVES THE COMMISSION OF VALUE.

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

19 17-602.

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

21 17-603.

22 (A) (1) THE COMMISSION SHALL APPOINT THE INSPECTOR GENERAL.

23 (2) (I) THE COMMISSION SHALL SELECT THE INSPECTOR
24 GENERAL:

25 1. SOLELY ON THE BASIS OF PROFESSIONAL ABILITY
26 AND PERSONAL INTEGRITY; AND

27 2. WITHOUT REGARD TO POLITICAL AFFILIATION.

28 (II) THE INSPECTOR GENERAL SHALL BE QUALIFIED
29 PROFESSIONALLY BY EXPERIENCE OR EDUCATION IN AUDITING, GOVERNMENT
30 OPERATIONS, OR FINANCIAL MANAGEMENT.

1 **(3) THE COMMISSION SHALL SELECT THE INSPECTOR GENERAL**
2 **FROM A LIST OF RECOMMENDED CANDIDATES PREPARED BY THE APPOINTMENT**
3 **COMMITTEE UNDER SUBSECTION (B) OF THIS SECTION BY AN AFFIRMATIVE VOTE OF**
4 **NOT LESS THAN FOUR COMMISSIONERS.**

5 **(B) (1) THE COMMISSION SHALL ESTABLISH AN APPOINTMENT**
6 **COMMITTEE WHENEVER THE POSITION OF INSPECTOR GENERAL IS VACANT.**

7 **(2) THE APPOINTMENT COMMITTEE SHALL REVIEW POTENTIAL**
8 **CANDIDATES FOR APPOINTMENT AS INSPECTOR GENERAL AND SHALL RECOMMEND**
9 **CANDIDATES TO THE COMMISSION.**

10 **(3) (I) THE APPOINTMENT COMMITTEE CONSISTS OF:**

- 11 1. ONE COMMISSIONER FROM MONTGOMERY COUNTY;
- 12 2. ONE COMMISSIONER FROM PRINCE GEORGE'S
- 13 COUNTY;
- 14 3. ONE MEMBER OF THE PUBLIC SELECTED BY THE
- 15 MONTGOMERY COUNTY COUNCIL; AND
- 16 4. ONE MEMBER OF THE PUBLIC SELECTED BY THE
- 17 PRINCE GEORGE'S COUNTY COUNCIL.

18 **(II) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A**
19 **MEMBER OF THE PUBLIC SHALL POSSESS:**

- 20 1. ADVANCED EDUCATION AND EXPERIENCE IN THE
- 21 MANAGEMENT OF GOVERNMENTAL ENTITIES THAT ARE COMPARABLE TO THE
- 22 COMMISSION IN SCOPE AND COMPLEXITY;
- 23 2. DEMONSTRATED KNOWLEDGE AND EXPERIENCE IN
- 24 THE APPLICATION OF:
- 25 A. GENERALLY ACCEPTED GOVERNMENT AUDITING
- 26 STANDARDS; AND
- 27 B. INTERNAL CONTROL SYSTEMS; AND
- 28 3. AN UNDERSTANDING OF THE APPROPRIATE
- 29 FUNCTIONS OF AN APPOINTMENT COMMITTEE.

1 (III) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A
2 MEMBER OF THE PUBLIC MAY POSSESS DEMONSTRATED KNOWLEDGE AND
3 EXPERIENCE IN THE APPLICATION OF:

4 1. SUSTAINABLE FINANCIAL MANAGEMENT PRACTICES
5 FOR PUBLIC ENTITIES; AND

6 2. PUBLIC ACCOUNTABILITY.

7 (IV) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A
8 MEMBER OF THE PUBLIC MAY NOT HAVE ANY OTHER BUSINESS OR CLOSE PERSONAL
9 RELATIONSHIPS WITH THE COMMISSION OR ITS OFFICERS, MANAGERS, OR
10 EMPLOYEES.

11 (4) (I) THE APPOINTMENT COMMITTEE SHALL INITIALLY
12 PREPARE A LIST OF AT LEAST THREE AND NOT MORE THAN SIX CANDIDATES TO
13 RECOMMEND FOR APPOINTMENT AS INSPECTOR GENERAL AND SUBMIT THE LIST TO
14 THE COMMISSION.

15 (II) 1. IF THE COMMISSION IS UNABLE TO SELECT AN
16 INSPECTOR GENERAL FROM THE LIST PREPARED BY THE APPOINTMENT
17 COMMITTEE, THE APPOINTMENT COMMITTEE SHALL PREPARE ONE OR MORE
18 ADDITIONAL LISTS OF RECOMMENDED CANDIDATES AS NEEDED UNTIL THE
19 COMMISSION MAKES A FINAL APPOINTMENT OF AN INSPECTOR GENERAL.

20 2. THE ADDITIONAL LISTS PREPARED UNDER THIS
21 SUBPARAGRAPH MAY CONTAIN ANY NUMBER OF CANDIDATES.

22 (5) (I) ON COMPLETION OF THE FINAL APPOINTMENT OF AN
23 INSPECTOR GENERAL, THE APPOINTMENT COMMITTEE IS TERMINATED.

24 (II) THE COMMISSION SHALL ESTABLISH A NEW APPOINTMENT
25 COMMITTEE WHENEVER THERE IS A VACANCY IN THE POSITION OF INSPECTOR
26 GENERAL.

27 (C) (1) THE TERM OF THE INSPECTOR GENERAL IS 4 YEARS BEGINNING
28 ON THE DATE OF APPOINTMENT.

29 (2) AN INDIVIDUAL MAY NOT SERVE AS INSPECTOR GENERAL FOR
30 MORE THAN THREE TERMS.

31 (3) THE INSPECTOR GENERAL MAY NOT PARTICIPATE IN THE MERIT
32 SYSTEM ADOPTED BY THE COMMISSION UNDER TITLE 18, SUBTITLE 1 OF THIS

1 ARTICLE, BUT:

2 (I) THE INSPECTOR GENERAL MAY PARTICIPATE IN ANY
3 EMPLOYEE BENEFITS PROGRAM THE COMMISSION OFFERS ON THE SAME TERMS
4 AND CONDITIONS AS IT IS OFFERED GENERALLY TO AN EMPLOYEE PARTICIPATING
5 IN THE MERIT SYSTEM; AND

6 (II) THE COMMISSION MAY OFFER TO AN INDIVIDUAL
7 APPOINTED AS INSPECTOR GENERAL ANY SUPPLEMENTAL EMPLOYEE BENEFIT
8 PROGRAMS THE COMMISSION DETERMINES ARE NECESSARY TO RECRUIT AND
9 RETAIN AN EMPLOYEE WHO DOES NOT PARTICIPATE IN THE MERIT SYSTEM.

10 (4) (I) THE COMMISSION MAY REMOVE THE INSPECTOR GENERAL
11 BY RESOLUTION ADOPTED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO OF
12 ITS THREE MEMBERS FROM EACH COUNTY FOR NEGLECT OF DUTY, MALFEASANCE,
13 CONVICTION OF A FELONY, OR OTHER GOOD CAUSE.

14 (II) BEFORE THE COMMISSION MAY ADOPT A RESOLUTION OF
15 REMOVAL, THE COMMISSION OR A DESIGNEE OF THE COMMISSION MUST HOLD A
16 PUBLIC HEARING IF THE INSPECTOR GENERAL REQUESTS A HEARING WITHIN 10
17 DAYS AFTER THE INSPECTOR GENERAL RECEIVES NOTICE OF PROPOSED REMOVAL
18 FROM THE COMMISSION.

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

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

25 (I) TEMPORARY TERM EMPLOYEES WHO DO NOT PARTICIPATE
26 IN THE MERIT SYSTEM ADOPTED BY THE COMMISSION UNDER TITLE 18, SUBTITLE
27 1 OF THIS ARTICLE; AND

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

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

1 A FELONY, OR OTHER GOOD CAUSE.

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

5 17-604.

6 (A) THE INSPECTOR GENERAL MAY:

7 (1) INVESTIGATE MISMANAGEMENT, MISCONDUCT, FRAUD, WASTE,
8 AND ABUSE AT THE COMMISSION; AND

9 (2) CONDUCT AN ANNUAL AUDIT OF THE COMMISSION AS NEEDED.

10 (B) IF THE INSPECTOR GENERAL CONDUCTS AN AUDIT UNDER SUBSECTION
11 (A)(2) OF THIS SECTION, THE INSPECTOR GENERAL SHALL SUBMIT TO THE
12 COMMISSION AND THE COUNTY EXECUTIVES OF MONTGOMERY COUNTY AND
13 PRINCE GEORGE'S COUNTY A COPY OF THE AUDIT AND A SUMMARY OF THE
14 REPORTS AND INVESTIGATIONS MADE BY THE INSPECTOR GENERAL IN
15 ACCORDANCE WITH THIS SECTION.

16 (C) THE COMMISSION MAY INCLUDE ANY AUDIT BY THE INSPECTOR
17 GENERAL IN THE AUDIT OF THE COMMISSION PUBLISHED UNDER § 17-401 OF THIS
18 TITLE.

19 17-605.

20 (A) THE OFFICE SHALL:

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

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

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

26 (2) ENSURE PUBLIC ACCOUNTABILITY BY PREVENTING,
27 INVESTIGATING, AND REPORTING INSTANCES OF FRAUD, WASTE, AND ABUSE OF
28 COMMISSION PROPERTY OR FUNDS;

29 (3) EXAMINE, EVALUATE, AND REPORT ON THE ADEQUACY AND
30 EFFECTIVENESS OF THE SYSTEMS OF INTERNAL CONTROLS AND THEIR RELATED

1 ACCOUNTING, FINANCIAL, TECHNOLOGY, AND OPERATIONAL POLICIES; AND

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

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

6 (1) CONDUCT ADMINISTRATIVE INVESTIGATIONS, BUDGETARY
7 ANALYSES, AND FINANCIAL, MANAGEMENT, OR PERFORMANCE AUDITS AND SIMILAR
8 REVIEWS;

9 (2) PROVIDE MANAGEMENT ADVISORIES; AND

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

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

14 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
15 THE INSPECTOR GENERAL SHALL SUBMIT WRITTEN REPORTS TO THE COMMISSION
16 FOR PUBLICATION ON THE COMMISSION'S WEBSITE.

17 (2) THE INSPECTOR GENERAL:

18 (I) MAY NOT DISCLOSE ANY RECORD, REPORT, OR RELATED
19 INFORMATION THAT IS PROTECTED FROM DISCLOSURE UNDER THE PUBLIC
20 INFORMATION ACT;

21 (II) MAY PROVIDE AN ORAL REPORT IF APPROPRIATE UNDER
22 GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS; AND

23 (III) SHALL ESTABLISH AND FOLLOW PROCEDURES FOR
24 SAFEGUARDING THE IDENTITY OF CONFIDENTIAL SOURCES AND PROTECTING
25 PRIVILEGED AND CONFIDENTIAL INFORMATION.

26 (3) THE COMMISSION SHALL PUBLISH WITH ANY REPORT SUBMITTED
27 BY THE INSPECTOR GENERAL ANY OFFICIAL WRITTEN COMMENTS OR RESPONSES
28 OFFERED BY THE COMMISSION'S MANAGEMENT.

29 (4) THE INSPECTOR GENERAL SHALL ALSO SUBMIT TO THE
30 COMMISSION FOR PUBLICATION ON THE COMMISSION'S WEBSITE PERIODIC
31 REPORTS THAT SUMMARIZE THE ACTIVITIES, FINDINGS, RECOMMENDATIONS, AND

1 ACCOMPLISHMENTS OF THE OFFICE.

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

5 (1) AN APPROPRIATE LAW ENFORCEMENT AGENCY;

6 (2) THE STATE ETHICS COMMISSION; OR

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

8 (F) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE THAT THE
9 OFFICE OPERATES INDEPENDENTLY FROM THE MANAGEMENT OF THE
10 COMMISSION.

11 17-606.

12 (A) (1) THE INSPECTOR GENERAL SHALL CONSULT WITH THE
13 COMMISSION TO DEVELOP A WRITTEN WORK PLAN AND ESTABLISH PERIODIC GOALS
14 AND PRIORITIES FOR THE OFFICE BASED ON AN ASSESSMENT OF RELATIVE RISKS.

15 (2) IN DEVELOPING THE WORK PLAN, THE INSPECTOR GENERAL
16 SHALL TAKE INTO CONSIDERATION REQUESTS FROM COMMISSIONERS,
17 COMMISSION OFFICERS, MANAGERS, AND EMPLOYEES, ELECTED OFFICIALS, AND
18 MEMBERS OF THE PUBLIC.

19 (3) THE INSPECTOR GENERAL SHALL MAKE THE WRITTEN WORK
20 PLAN AVAILABLE TO THE PUBLIC, SUBJECT TO THE PUBLIC INFORMATION ACT.

21 (B) IN PERFORMING THE DUTIES AUTHORIZED UNDER THIS SUBTITLE, THE
22 INSPECTOR GENERAL SHALL COORDINATE WITH LAW ENFORCEMENT AGENCIES,
23 AGENCY PERSONNEL ADMINISTRATORS, THE STATE ETHICS COMMISSION, AND
24 OTHER INTERNAL OFFICIALS OR EXTERNAL ENTITIES AS APPROPRIATE TO AVOID
25 UNNECESSARY DISRUPTION OR DUPLICATION OF EFFORT IN CONDUCTING ANY
26 AUDIT, ANALYSIS, OR ADMINISTRATIVE INVESTIGATION.

27 17-607.

28 (A) THE COMMISSION SHALL INCLUDE IN THE COMMISSION'S ANNUAL
29 OPERATING BUDGET PROPOSAL THE AMOUNTS RECOMMENDED FOR THE OFFICE.

30 (B) SUBJECT TO BUDGET AUTHORIZATION AND ADEQUATE FUNDS:

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

4 **(2) THE INSPECTOR GENERAL MAY EMPLOY AND BE REPRESENTED BY**
5 **A SPECIAL LEGAL COUNSEL WITHOUT CONSENT OF THE GENERAL COUNSEL IF THE**
6 **COMMISSION APPROVES OF A REQUEST AFTER CONSIDERING ANY**
7 **RECOMMENDATION OR COMMENT OFFERED BY THE GENERAL COUNSEL RELATING**
8 **TO THE REQUEST.**

9 **17-608.**

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

14 **(2) (I) THE INSPECTOR GENERAL SHALL NOTIFY THE COMMISSION**
15 **CHAIR, VICE CHAIR, AND EXECUTIVE DIRECTOR IF ANY COMMISSION EMPLOYEE OR**
16 **OFFICIAL FAILS TO PROVIDE ANY INFORMATION OR DOCUMENT REQUESTED UNDER**
17 **THIS SUBSECTION WITH REASONABLE PROMPTNESS.**

18 **(II) THE COMMISSION CHAIR, VICE CHAIR, OR EXECUTIVE**
19 **DIRECTOR SHALL TAKE ADMINISTRATIVE ACTION TO PRODUCE COMPLIANCE WITH**
20 **A PENDING REQUEST FOR INFORMATION BY THE INSPECTOR GENERAL AS**
21 **WARRANTED AND APPROPRIATE.**

22 **(B) (1) A VENDOR OF THE COMMISSION SHALL PROVIDE TO THE**
23 **INSPECTOR GENERAL ANY AVAILABLE DOCUMENT OR OTHER INFORMATION**
24 **CONCERNING ANY COMMISSION VENDOR CONTRACT, INCLUDING DOCUMENTS**
25 **RELATED TO THE PROCUREMENT OF THE CONTRACT.**

26 **(2) (I) THE INSPECTOR GENERAL SHALL PROMPTLY NOTIFY**
27 **COMMISSION OFFICERS IF ANY VENDOR FAILS TO PROVIDE ANY INFORMATION OR**
28 **DOCUMENT REQUESTED UNDER THIS SUBSECTION WITH REASONABLE**
29 **PROMPTNESS.**

30 **(II) THE COMMISSION OFFICERS SHALL TAKE APPROPRIATE**
31 **ADMINISTRATIVE OR CIVIL ACTION TO PRODUCE VENDOR COMPLIANCE WITH A**
32 **PENDING REQUEST FOR INFORMATION BY THE INSPECTOR GENERAL.**

33 **(C) (1) EACH COMMISSION EMPLOYEE SHOULD REPORT ANY FRAUD,**
34 **WASTE, OR ABUSE TO THE OFFICE.**

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

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

8 **(I) THE REPORTING PERSON CONSENTS TO DISCLOSURE OF**
9 **THE PERSON'S IDENTITY;**

10 **(II) DISCLOSURE IS REASONABLY NECESSARY TO COMPLETE AN**
11 **AUDIT OR INVESTIGATION; OR**

12 **(III) ANOTHER PERSON IS LEGALLY ENTITLED TO DISCLOSURE**
13 **OF THE IDENTITY OF THE REPORTING PERSON.**

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

18 **(E) THE COMMISSION MAY ADOPT REGULATIONS TO CARRY OUT THIS**
19 **SECTION.**

20 **17-609.**

21 **(A) THE INSPECTOR GENERAL, OR A STAFF MEMBER AUTHORIZED BY THE**
22 **INSPECTOR GENERAL, MAY ADMINISTER OATHS AND TAKE DEPOSITIONS AND OTHER**
23 **TESTIMONY FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE**
24 **WITHIN THE COMMISSION.**

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

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

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

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

1 18-106.

2 (a) The Commission shall organize its employees in a manner that promotes the
3 efficient disposition of all matters within the Commission's jurisdiction.

4 (b) To carry out this division, the Commission may:

5 (1) organize its employees into departments or other divisional
6 organizations;

7 (2) establish the functions, duties, and responsibilities of the general
8 manager, secretary, treasurer, chief engineer, general counsel, **INSPECTOR GENERAL**, and
9 other employees the Commission considers necessary; and

10 (3) appoint, discharge, and set the compensation of its employees in
11 accordance with this subtitle.

12 18-107.

13 (a) The Commission may establish a merit system that includes all of its
14 employees except:

15 (1) the general manager, secretary, treasurer, and chief engineer;

16 (2) the head of a department; [and]

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

18 **(II) ANY TEMPORARY EMPLOYEE OF THE OFFICE OF THE**
19 **INSPECTOR GENERAL APPOINTED UNDER § 17-603 OF THIS ARTICLE; AND**

20 ~~[(3)]~~ **(4)** a part time, temporary, or contract employee.

21 (b) The Commission may:

22 (1) appoint or promote a merit system employee to the position of general
23 [manager or] **MANAGER**, department head, **OR INSPECTOR GENERAL** or designate a
24 merit system employee as the general [manager or] **MANAGER**, department head, **OR**
25 **INSPECTOR GENERAL** on an acting basis;

26 (2) retain the employee in the merit system in the position or grade from
27 which the employee was appointed or promoted; and

28 (3) continue to exclude the positions of general [manager and] **MANAGER**,
29 department head, **AND INSPECTOR GENERAL** from the merit system.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2018.