

# HOUSE BILL 419

L5, G2

8lr0868

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

Introduced and read first time: January 24, 2018

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

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## CHAPTER \_\_\_\_\_

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Commission's website; prohibiting the inspector general from disclosing certain  
2 information that is protected from disclosure; authorizing the inspector general to  
3 make certain oral reports under certain circumstances; requiring the inspector  
4 general to establish and follow procedures for safeguarding the identity of  
5 confidential sources and protecting confidential information; requiring the  
6 Commission to publish certain reports on its website; requiring the inspector general  
7 to report certain allegations to certain persons under certain circumstances;  
8 requiring the Commission to adopt certain regulations on independent operation of  
9 the Office; requiring the inspector general to consult with the Commission to develop  
10 a certain work plan and establish certain goals and priorities for the Office; requiring  
11 the inspector general to make the work plan available to the public, subject to certain  
12 laws; requiring the inspector general to coordinate with certain persons for certain  
13 purposes under certain circumstances; requiring the Commission to include in its  
14 annual budget proposal certain amounts for the Office; requiring the Commission's  
15 general counsel to provide certain legal services to the inspector general under  
16 certain circumstances; authorizing the inspector general to employ and be  
17 represented by a special legal counsel without the consent of the general counsel  
18 under certain circumstances; requiring a Commission employee or official or a  
19 vendor of the Commission to promptly provide certain information to the inspector  
20 general under certain circumstances; requiring the inspector general to notify  
21 certain persons if a Commission employee or official fails to provide certain  
22 information; requiring the Commission chair, vice chair, or executive director to take  
23 certain action under certain circumstances; requiring the Commission officers to  
24 take certain action under certain circumstances; providing that a Commission  
25 employee should report any fraud, waste, or abuse to the Office; prohibiting a  
26 Commission employee, vendor, or employee of a vendor from being retaliated  
27 against, penalized, or threatened with retaliation for certain actions; prohibiting the  
28 inspector general from disclosing the identity of a certain person under certain  
29 circumstances; authorizing the inspector general or a designated assistant inspector  
30 general to administer an oath or affirmation or take an affidavit from any person  
31 under certain circumstances; authorizing the Commission to adopt certain  
32 regulations; authorizing the inspector general or a staff member authorized by the  
33 inspector general to administer oaths and take depositions and other testimony for  
34 certain purposes; providing that the Commission Board of Ethics has primary  
35 authority over certain investigations; authorizing the Commission Board of Ethics  
36 and its counsel to issue subpoenas for certain purposes; authorizing a certain  
37 subpoena to be enforced judicially; authorizing the inspector general to subpoena any  
38 person or evidence for a certain purpose; authorizing a court of competent  
39 jurisdiction to compel compliance with a certain order or subpoena or testimony or  
40 the production of evidence; exempting certain employees of the Commission from a  
41 certain merit system; transferring the functions, powers, and duties of the Office of  
42 Internal Audit of the Commission to the Office of the Inspector General of the  
43 Commission on a certain date; providing that certain employees who are transferred  
44 to the Office of the Inspector General shall be transferred without any diminution of  
45 certain rights; defining certain terms; and generally relating to the Office of the  
46 Inspector General in the Washington Suburban Sanitary Commission.

1 BY repealing and reenacting, without amendments,  
 2 Article – Public Utilities  
 3 Section 17–101 and 19–101  
 4 Annotated Code of Maryland  
 5 (2010 Replacement Volume and 2017 Supplement)

6 BY adding to  
 7 Article – Public Utilities  
 8 Section 17–601 through 17–609 to be under the new subtitle “Subtitle 6. Office of the  
 9 Inspector General”  
 10 Annotated Code of Maryland  
 11 (2010 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, with amendments,  
 13 Article – Public Utilities  
 14 Section 18–106 ~~and 18–107~~, 18–107, and 19–106  
 15 Annotated Code of Maryland  
 16 (2010 Replacement Volume and 2017 Supplement)

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

19 **Article – Public Utilities**

20 17–101.

21 (a) There is a Washington Suburban Sanitary Commission.

22 (b) The Commission has jurisdiction over the sanitary district.

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

24 **17–601.**

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 26 INDICATED.

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

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

1                   **(II) FOR THE PURPOSE OF FURTHERING IMPROPERLY THE**  
2 **PRIVATE INTERESTS OF THE EMPLOYEE, A FAMILY MEMBER, OR A CLOSE PERSONAL**  
3 **OR BUSINESS ASSOCIATE.**

4                   **(2) “ABUSE” INCLUDES:**

5                   **(I) THEFT OR MISAPPROPRIATION OF COMMISSION PROPERTY**  
6 **OR FUNDS; AND**

7                   **(II) DESTRUCTION OR ALTERATION OF OFFICIAL RECORDS.**

8                   **(C) (1) “FRAUD” MEANS AN INTENTIONAL ACT OR ATTEMPT TO OBTAIN**  
9 **SOMETHING OF VALUE FROM THE COMMISSION OR ANOTHER PERSON THROUGH**  
10 **WILLFUL MISREPRESENTATION.**

11                   **(2) “FRAUD” INCLUDES A WILLFUL FALSE REPRESENTATION OF A**  
12 **MATERIAL FACT, WHETHER BY WORDS OR BY CONDUCT, BY FALSE OR MISLEADING**  
13 **ALLEGATIONS, OR BY CONCEALMENT OF THAT WHICH SHOULD HAVE BEEN**  
14 **DISCLOSED, THAT CAUSES THE COMMISSION TO ACT, OR FAIL TO ACT, TO THE**  
15 **DETRIMENT OF THE COMMISSION’S INTEREST.**

16                   **(D) “OFFICE” MEANS THE OFFICE OF THE INSPECTOR GENERAL.**

17                   **(E) “VENDOR” MEANS A PARTY OBLIGATED BY CONTRACT OR**  
18 **SUBCONTRACT TO PROVIDE GOODS, SERVICES, OR PROPERTY TO THE COMMISSION**  
19 **FOR CONSIDERATION, INCLUDING CONTRACTS AND SUBCONTRACTS FOR**  
20 **CONSTRUCTION AND PROFESSIONAL SERVICES RELATED TO CONSTRUCTION.**

21                   **(F) (1) “WASTE” MEANS AN INAPPROPRIATE ACT OR OMISSION BY AN**  
22 **EMPLOYEE WITH CONTROL OVER, OR ACCESS TO, COMMISSION PROPERTY OR**  
23 **FUNDS THAT UNREASONABLY DEPRIVES THE COMMISSION OF VALUE.**

24                   **(2) “WASTE” INCLUDES MISMANAGEMENT OR OTHER**  
25 **UNINTENTIONAL CONDUCT THAT IS DEFICIENT OR IMPROPER WHEN COMPARED TO**  
26 **CONDUCT A PRUDENT PERSON WOULD CONSIDER NECESSARY TO PRESERVE THE**  
27 **VALUE OF COMMISSION PROPERTY OR FUNDS UNDER THE SAME FACTS AND**  
28 **CIRCUMSTANCES.**

29 **17-602.**

30                   **THERE IS AN OFFICE OF THE INSPECTOR GENERAL IN THE COMMISSION.**

31 **17-603.**

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

2                   (2)   (I)   THE COMMISSION SHALL SELECT THE INSPECTOR  
3 GENERAL:

4                           1.   SOLELY ON THE BASIS OF PROFESSIONAL ABILITY  
5 AND PERSONAL INTEGRITY; AND

6                           2.   WITHOUT REGARD TO POLITICAL AFFILIATION.

7                           (II) THE INSPECTOR GENERAL SHALL BE QUALIFIED  
8 PROFESSIONALLY BY EXPERIENCE OR EDUCATION IN AUDITING, GOVERNMENT  
9 OPERATIONS, OR FINANCIAL MANAGEMENT.

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

14           (B)   (1)   THE COMMISSION SHALL ESTABLISH AN APPOINTMENT  
15 COMMITTEE WHENEVER THE POSITION OF INSPECTOR GENERAL IS VACANT.

16                   (2)   THE APPOINTMENT COMMITTEE SHALL REVIEW POTENTIAL  
17 CANDIDATES FOR APPOINTMENT AS INSPECTOR GENERAL AND SHALL RECOMMEND  
18 CANDIDATES TO THE COMMISSION.

19                   (3)   (I)   THE APPOINTMENT COMMITTEE CONSISTS OF:

20                           1.   ONE COMMISSIONER FROM MONTGOMERY COUNTY;

21                           2.   ONE COMMISSIONER FROM PRINCE GEORGE'S  
22 COUNTY;

23                           3.   ONE MEMBER OF THE PUBLIC SELECTED BY THE  
24 MONTGOMERY COUNTY COUNCIL; AND

25                           4.   ONE MEMBER OF THE PUBLIC SELECTED BY THE  
26 PRINCE GEORGE'S COUNTY COUNCIL.

27                           (II) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A  
28 MEMBER OF THE PUBLIC SHALL POSSESS:

1                   1.     ADVANCED EDUCATION AND EXPERIENCE IN THE  
2 MANAGEMENT OF GOVERNMENTAL ENTITIES THAT ARE COMPARABLE TO THE  
3 COMMISSION IN SCOPE AND COMPLEXITY;

4                   2.     DEMONSTRATED KNOWLEDGE AND EXPERIENCE IN  
5 THE APPLICATION OF:

6                   A.     GENERALLY ACCEPTED GOVERNMENT AUDITING  
7 STANDARDS; AND

8                   B.     INTERNAL CONTROL SYSTEMS; AND

9                   3.     AN UNDERSTANDING OF THE APPROPRIATE  
10 FUNCTIONS OF AN APPOINTMENT COMMITTEE.

11                   (III) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A  
12 MEMBER OF THE PUBLIC MAY POSSESS DEMONSTRATED KNOWLEDGE AND  
13 EXPERIENCE IN THE APPLICATION OF:

14                   1.     SUSTAINABLE FINANCIAL MANAGEMENT PRACTICES  
15 FOR PUBLIC ENTITIES; AND

16                   2.     PUBLIC ACCOUNTABILITY.

17                   (IV) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A  
18 MEMBER OF THE PUBLIC MAY NOT HAVE ANY OTHER BUSINESS OR CLOSE PERSONAL  
19 RELATIONSHIPS WITH THE COMMISSION OR ITS OFFICERS, MANAGERS, OR  
20 EMPLOYEES.

21                   (4) (I) THE APPOINTMENT COMMITTEE SHALL INITIALLY  
22 PREPARE A LIST OF AT LEAST THREE AND NOT MORE THAN SIX CANDIDATES TO  
23 RECOMMEND FOR APPOINTMENT AS INSPECTOR GENERAL AND SUBMIT THE LIST TO  
24 THE COMMISSION.

25                   (II) 1.     IF THE COMMISSION IS UNABLE TO SELECT AN  
26 INSPECTOR GENERAL FROM THE LIST PREPARED BY THE APPOINTMENT  
27 COMMITTEE, THE APPOINTMENT COMMITTEE SHALL PREPARE ONE OR MORE  
28 ADDITIONAL LISTS OF RECOMMENDED CANDIDATES AS NEEDED UNTIL THE  
29 COMMISSION MAKES A FINAL APPOINTMENT OF AN INSPECTOR GENERAL.

30                   2.     THE ADDITIONAL LISTS PREPARED UNDER THIS  
31 SUBPARAGRAPH MAY CONTAIN ANY NUMBER OF CANDIDATES.

1           **(5) (I) ON COMPLETION OF THE FINAL APPOINTMENT OF AN**  
2 **INSPECTOR GENERAL, THE APPOINTMENT COMMITTEE IS TERMINATED.**

3           **(II) THE COMMISSION SHALL ESTABLISH A NEW APPOINTMENT**  
4 **COMMITTEE WHENEVER THERE IS A VACANCY IN THE POSITION OF INSPECTOR**  
5 **GENERAL.**

6           **(C) (1) THE TERM OF THE INSPECTOR GENERAL IS ~~4~~ 5 YEARS BEGINNING**  
7 **ON THE DATE OF APPOINTMENT.**

8           **(2) AN INDIVIDUAL MAY NOT SERVE AS INSPECTOR GENERAL FOR**  
9 **MORE THAN THREE TERMS.**

10           **(3) THE INSPECTOR GENERAL MAY NOT PARTICIPATE IN THE MERIT**  
11 **SYSTEM ADOPTED BY THE COMMISSION UNDER TITLE 18, SUBTITLE 1 OF THIS**  
12 **ARTICLE, BUT:**

13           **(I) THE INSPECTOR GENERAL MAY PARTICIPATE IN ANY**  
14 **EMPLOYEE BENEFITS PROGRAM THE COMMISSION OFFERS ON THE SAME TERMS**  
15 **AND CONDITIONS AS IT IS OFFERED GENERALLY TO AN EMPLOYEE PARTICIPATING**  
16 **IN THE MERIT SYSTEM; AND**

17           **(II) THE COMMISSION MAY OFFER TO AN INDIVIDUAL**  
18 **APPOINTED AS INSPECTOR GENERAL ANY SUPPLEMENTAL EMPLOYEE BENEFIT**  
19 **PROGRAMS THE COMMISSION DETERMINES ARE NECESSARY TO RECRUIT AND**  
20 **RETAIN AN EMPLOYEE WHO DOES NOT PARTICIPATE IN THE MERIT SYSTEM.**

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

25           **(II) BEFORE THE COMMISSION MAY ADOPT A RESOLUTION OF**  
26 **REMOVAL, THE COMMISSION OR A DESIGNEE OF THE COMMISSION MUST HOLD A**  
27 **PUBLIC HEARING IF THE INSPECTOR GENERAL REQUESTS A HEARING WITHIN 10**  
28 **DAYS AFTER THE INSPECTOR GENERAL RECEIVES NOTICE OF PROPOSED REMOVAL**  
29 **FROM THE COMMISSION.**

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

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

4 (I) TEMPORARY TERM EMPLOYEES WHO DO NOT PARTICIPATE  
5 IN THE MERIT SYSTEM ADOPTED BY THE COMMISSION UNDER TITLE 18, SUBTITLE  
6 1 OF THIS ARTICLE; AND

7 (II) OTHER EMPLOYEES WHO PARTICIPATE IN THE MERIT  
8 SYSTEM.

9 (2) NOTWITHSTANDING ANY PROVISION OF THE PERSONNEL  
10 REGULATIONS TO THE CONTRARY, AN AUDITOR, AN ACCOUNTANT, AN  
11 INVESTIGATOR, OR A SIMILAR PROFESSIONAL EMPLOYEE APPOINTED AS  
12 SUBORDINATE STAFF OF THE OFFICE SHALL BE SUBJECT TO DISMISSAL BY THE  
13 INSPECTOR GENERAL ONLY FOR NEGLIGENCE OF DUTY, MALFEASANCE, CONVICTION OF  
14 A FELONY, OR OTHER GOOD CAUSE.

15 (E) SUBJECT TO BUDGET AUTHORIZATION AND THE APPLICABLE  
16 PROCUREMENT REGULATIONS, THE INSPECTOR GENERAL MAY RETAIN  
17 CONSULTANTS BY CONTRACT.

18 17-604.

19 (A) THE INSPECTOR GENERAL MAY:

20 (1) INVESTIGATE MISMANAGEMENT, MISCONDUCT, FRAUD, WASTE,  
21 AND ABUSE AT THE COMMISSION; AND

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

23 (B) IF THE INSPECTOR GENERAL CONDUCTS AN AUDIT UNDER SUBSECTION  
24 (A)(2) OF THIS SECTION, THE INSPECTOR GENERAL SHALL SUBMIT TO THE  
25 COMMISSION AND THE COUNTY EXECUTIVES OF MONTGOMERY COUNTY AND  
26 PRINCE GEORGE'S COUNTY A COPY OF THE AUDIT AND A SUMMARY OF THE  
27 REPORTS AND INVESTIGATIONS MADE BY THE INSPECTOR GENERAL IN  
28 ACCORDANCE WITH THIS SECTION.

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

32 17-605.

1           **(A) THE OFFICE SHALL:**

2                   **(1) ASSIST THE COMMISSION BY PROVIDING INDEPENDENT**  
3 **EVALUATION AND RECOMMENDATIONS REGARDING OPPORTUNITIES TO:**

4                           **(I) PRESERVE THE COMMISSION'S REPUTATION; AND**

5                           **(II) IMPROVE THE EFFECTIVENESS, PRODUCTIVITY, OR**  
6 **EFFICIENCY OF COMMISSION PROGRAMS, POLICIES, PRACTICES, AND OPERATIONS;**

7                   **(2) ENSURE PUBLIC ACCOUNTABILITY BY PREVENTING,**  
8 **INVESTIGATING, AND REPORTING INSTANCES OF FRAUD, WASTE, AND ABUSE OF**  
9 **COMMISSION PROPERTY OR FUNDS;**

10                   **(3) EXAMINE, EVALUATE, AND REPORT ON THE ADEQUACY AND**  
11 **EFFECTIVENESS OF THE SYSTEMS OF INTERNAL CONTROLS AND THEIR RELATED**  
12 **ACCOUNTING, FINANCIAL, TECHNOLOGY, AND OPERATIONAL POLICIES; ~~AND~~**

13                   **(4) REPORT NONCOMPLIANCE WITH AND PROPOSE WAYS TO IMPROVE**  
14 **EMPLOYEE COMPLIANCE WITH APPLICABLE LAW, POLICY, AND ETHICAL**  
15 **STANDARDS OF CONDUCT;**

16                   **(5) CONDUCT AUDITS AS REQUIRED UNDER § 25-405 OF THIS**  
17 **ARTICLE; AND**

18                   **(6) CONDUCT OTHER AUDITS RELATED TO THE OPERATION OF THE**  
19 **COMMISSION.**

20           **(B) IN DEVELOPING RECOMMENDATIONS, THE OFFICE MAY:**

21                   **(1) CONDUCT ADMINISTRATIVE INVESTIGATIONS, BUDGETARY**  
22 **ANALYSES, AND FINANCIAL, MANAGEMENT, OR PERFORMANCE AUDITS AND SIMILAR**  
23 **REVIEWS;**

24                   **(2) PROVIDE MANAGEMENT ADVISORIES; AND**

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

27           **(C) WHEN APPLICABLE, THE INSPECTOR GENERAL SHALL COMPLY WITH**  
28 **GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS.**

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

4           (2) THE INSPECTOR GENERAL:

5                   (I) MAY NOT DISCLOSE ANY RECORD, REPORT, OR RELATED  
6 INFORMATION THAT IS PROTECTED FROM DISCLOSURE UNDER THE PUBLIC  
7 INFORMATION ACT;

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

10                   (III) SHALL ESTABLISH AND FOLLOW PROCEDURES FOR  
11 SAFEGUARDING THE IDENTITY OF CONFIDENTIAL SOURCES AND PROTECTING  
12 PRIVILEGED AND CONFIDENTIAL INFORMATION.

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

16           (4) THE INSPECTOR GENERAL SHALL ALSO SUBMIT TO THE  
17 COMMISSION FOR PUBLICATION ON THE COMMISSION'S WEBSITE PERIODIC  
18 REPORTS THAT SUMMARIZE THE ACTIVITIES, FINDINGS, RECOMMENDATIONS, AND  
19 ACCOMPLISHMENTS OF THE OFFICE.

20           (E) IF REASONABLE GROUNDS EXIST TO BELIEVE THAT A SERIOUS  
21 VIOLATION OF FEDERAL, STATE, OR LOCAL LAW OR COMMISSION REGULATIONS  
22 HAS OCCURRED, THE INSPECTOR GENERAL SHALL REPORT THE ALLEGATION TO:

23                   (1) AN APPROPRIATE LAW ENFORCEMENT AGENCY;

24                   (2) THE STATE ETHICS COMMISSION; ~~OR~~

25                   (3) THE COMMISSION BOARD OF ETHICS; OR

26                   (4) ANY OTHER AGENCY WITH JURISDICTION TO ENFORCE THE LAW.

27           (F) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE THAT THE  
28 OFFICE OPERATES INDEPENDENTLY FROM THE MANAGEMENT OF THE  
29 COMMISSION.

30 17-606.

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

4           (2) IN DEVELOPING THE WORK PLAN, THE INSPECTOR GENERAL  
5 SHALL TAKE INTO CONSIDERATION REQUESTS FROM COMMISSIONERS,  
6 COMMISSION OFFICERS, MANAGERS, AND EMPLOYEES, ELECTED OFFICIALS, AND  
7 MEMBERS OF THE PUBLIC.

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

10          (B) (1) IN PERFORMING THE DUTIES AUTHORIZED UNDER THIS  
11 SUBTITLE, THE INSPECTOR GENERAL SHALL COORDINATE WITH LAW  
12 ENFORCEMENT AGENCIES, AGENCY PERSONNEL ADMINISTRATORS, THE STATE  
13 ETHICS COMMISSION, THE COMMISSION BOARD OF ETHICS, AND OTHER INTERNAL  
14 OFFICIALS OR EXTERNAL ENTITIES AS APPROPRIATE TO AVOID UNNECESSARY  
15 DISRUPTION OR DUPLICATION OF EFFORT IN CONDUCTING ANY AUDIT, ANALYSIS,  
16 OR ADMINISTRATIVE INVESTIGATION.

17           (2) THE COMMISSION BOARD OF ETHICS SHALL HAVE PRIMARY  
18 AUTHORITY FOR INVESTIGATIONS OF ABUSE RELATED TO ACTIONS SPECIFIED IN §  
19 17-601(B)(1)(II) OF THIS SUBTITLE.

20 17-607.

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

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

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

27           (2) THE INSPECTOR GENERAL MAY EMPLOY AND BE REPRESENTED BY  
28 A SPECIAL LEGAL COUNSEL WITHOUT CONSENT OF THE GENERAL COUNSEL IF THE  
29 COMMISSION APPROVES OF A REQUEST AFTER CONSIDERING ANY  
30 RECOMMENDATION OR COMMENT OFFERED BY THE GENERAL COUNSEL RELATING  
31 TO THE REQUEST.

32 17-608.

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

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

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

13           **(B) (1) A VENDOR OF THE COMMISSION SHALL PROVIDE TO THE**  
14 **INSPECTOR GENERAL ANY AVAILABLE DOCUMENT OR OTHER INFORMATION**  
15 **CONCERNING ANY COMMISSION VENDOR CONTRACT, INCLUDING DOCUMENTS**  
16 **RELATED TO THE PROCUREMENT OF THE CONTRACT.**

17           **(2) (I) THE INSPECTOR GENERAL SHALL PROMPTLY NOTIFY**  
18 **COMMISSION OFFICERS IF ANY VENDOR FAILS TO PROVIDE ANY INFORMATION OR**  
19 **DOCUMENT REQUESTED UNDER THIS SUBSECTION WITH REASONABLE**  
20 **PROMPTNESS.**

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

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

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

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

33           **(I) THE REPORTING PERSON CONSENTS TO DISCLOSURE OF**  
34 **THE PERSON'S IDENTITY;**

1                   **(II) DISCLOSURE IS REASONABLY NECESSARY TO COMPLETE AN**  
2 **AUDIT OR INVESTIGATION; OR**

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

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

9           **(E) THE COMMISSION MAY ADOPT REGULATIONS TO CARRY OUT THIS**  
10 **SECTION.**

11 **17-609.**

12           **(A) THE INSPECTOR GENERAL, OR A STAFF MEMBER AUTHORIZED BY THE**  
13 **INSPECTOR GENERAL, MAY ADMINISTER OATHS AND TAKE DEPOSITIONS AND OTHER**  
14 **TESTIMONY FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE**  
15 **WITHIN THE COMMISSION.**

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

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

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

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

24 **18-106.**

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

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

28                   **(1) organize its employees into departments or other divisional**  
29 **organizations;**

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

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

6 18–107.

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

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

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

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

12 **(II) ANY TEMPORARY EMPLOYEE OF THE OFFICE OF THE**  
13 **INSPECTOR GENERAL APPOINTED UNDER § 17–603 OF THIS ARTICLE; AND**

14 ~~[(3)]~~ (4) a part time, temporary, or contract employee.

15 (b) The Commission may:

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

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

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

24 19–101.

25 In this title, “Board” means the Board of Ethics established by the Commission under  
26 regulations adopted in accordance with Title 5, Subtitle 8, Part IV of the General Provisions  
27 Article.

28 19–106.

29 **(A) The Board AND ITS COUNSEL EACH may:**

1           **(1) administer oaths; AND**

2           **(2) ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO**  
3 **TESTIFY OR TO PRODUCE OTHER EVIDENCE.**

4           **(B) A SUBPOENA ISSUED UNDER THIS SECTION MAY BE ENFORCED**  
5 **JUDICIALLY.**

6           SECTION 2. AND BE IT FURTHER ENACTED, That the functions, powers, and  
7 duties of the Office of Internal Audit of the Washington Suburban Sanitary Commission  
8 shall be transferred to the Office of the Inspector General of the Commission on the effective  
9 date of this Act.

10           SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are  
11 transferred to the Office of the Inspector General of the Washington Suburban Sanitary  
12 Commission as a result of this Act shall be transferred on the effective date of this Act  
13 without any diminution of their rights, including collective bargaining rights, benefits, or  
14 employment or retirement status.

15           SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.