

HB2100/663926/1

BY: Delegate Miller

AMENDMENTS TO HOUSE BILL 2100
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “**Constitutional Amendments – General Assembly and Representatives in Congress and Establishment of the State Inspector General**”; in line 6, strike “and”; in line 8, after “plan” insert “; **and establishing the Office of the State Inspector General**”; and after line 14, insert:

“**BY proposing an addition to the Maryland Constitution**
Article XXI – State Inspector General
Section 1 through 4”.

AMENDMENT NO. 2

On page 2, after line 25, insert:

“ARTICLE XXI – STATE INSPECTOR GENERAL

1.

THERE SHALL BE AN INSPECTOR GENERAL ELECTED BY THE QUALIFIED VOTERS OF THE STATE, ON GENERAL TICKET, ON THE TUESDAY NEXT AFTER THE FIRST MONDAY IN THE MONTH OF NOVEMBER, 2030, AND ON THE SAME DAY AND MONTH IN EVERY FOURTH YEAR THEREAFTER, AT THE PLACES OF VOTING FOR DELEGATES TO THE GENERAL ASSEMBLY; AND EVERY PERSON QUALIFIED TO VOTE FOR DELEGATES, SHALL BE QUALIFIED AND ENTITLED TO VOTE FOR INSPECTOR GENERAL; THE ELECTION TO BE HELD IN THE SAME MANNER AS THE ELECTION OF DELEGATES, AND THE RETURNS THEREOF, UNDER SEAL, TO BE

ADDRESSED TO THE SPEAKER OF THE HOUSE OF DELEGATES, AND ENCLOSED AND TRANSMITTED TO THE SECRETARY OF STATE, AND DELIVERED TO SAID SPEAKER, AT THE COMMENCEMENT OF THE SESSION OF THE GENERAL ASSEMBLY, NEXT ENSUING SAID ELECTION.

2.

THE INSPECTOR GENERAL SHALL HOLD OFFICE FOR 4 YEARS FROM THE TIME OF THE INSPECTOR GENERAL'S ELECTION AND QUALIFICATION, AND UNTIL THE INSPECTOR GENERAL'S SUCCESSOR IS ELECTED AND QUALIFIED; AND A PERSON WHO HAS SERVED TWO CONSECUTIVE POPULAR ELECTIVE TERMS OF THE OFFICE AS INSPECTOR GENERAL SHALL BE INELIGIBLE TO SERVE AS INSPECTOR GENERAL FOR THE TERM IMMEDIATELY FOLLOWING THE SECOND OF SAID TWO CONSECUTIVE POPULAR ELECTIVE TERMS.

3.

(A) THE INSPECTOR GENERAL SHALL, IN CASES RELATING TO FRAUD, WASTE, ABUSE, CORRUPTION, AND FINANCIAL MISMANAGEMENT ACROSS ALL UNITS OF GOVERNMENT IN THE STATE, INVESTIGATE, COMMENCE, AND PROSECUTE ANY CIVIL OR CRIMINAL SUIT OR ACTION OR CATEGORY OF SUCH SUITS OR ACTIONS IN ANY OF THE FEDERAL COURTS OR IN ANY COURT OF THIS STATE, OR BEFORE ADMINISTRATIVE AGENCIES AND QUASI-LEGISLATIVE BODIES, ON THE PART OF THE STATE OR IN WHICH THE STATE MAY BE INTERESTED.

(B) (1) THE INSPECTOR GENERAL MAY:

(I) ADMINISTER OATHS, TAKE TESTIMONY, AND ISSUE SUBPOENAS FOR THE PRODUCTION OF DOCUMENTS, RECORDS, OR WITNESSES;

(II) ACCESS, WITHOUT PRIOR NOTICE, STATE AND LOCAL AGENCY FACILITIES, FINANCIAL SYSTEMS, E-MAIL RECORDS, DATABASES, AND OFFICIAL COMMUNICATIONS;

(III) CONDUCT AUDITS AND ISSUE AUDIT REPORTS AND FINDINGS RELATING TO SIGNIFICANT FINANCIAL NONCOMPLIANCE, UNADDRESSED FRAUD, OR REPEATED AUDIT FAILURES; AND

(IV) REFER EVIDENCE OF CRIMINAL MISCONDUCT TO A STATE'S ATTORNEY, THE OFFICE OF THE STATE PROSECUTOR, OR THE ATTORNEY GENERAL.

(2) THE OFFICE OF LEGISLATIVE AUDITS SHALL HAVE CONCURRENT AUTHORITY TO ISSUE AUDIT REPORTS UNDER THIS SUBSECTION.

(3) THE ISSUING AGENCY SHALL IMMEDIATELY PUBLISH AN AUDIT REPORT OR FINDING ISSUED UNDER THIS SUBSECTION ON A PUBLICLY ACCESSIBLE WEBSITE.

4.

(A) THE HEAD OF AN AGENCY THAT IS SUBJECT TO AN AUDIT REPORT ISSUED BY THE INSPECTOR GENERAL SHALL SUBMIT A CORRECTIVE ACTION PLAN TO THE INSPECTOR GENERAL NOT LATER THAN 30 DAYS AFTER THE AUDIT REPORT IS ISSUED.

(Over)

(B) THE INSPECTOR GENERAL SHALL CONDUCT AN AUDIT OF AN AGENCY THAT SUBMITS A CORRECTIVE ACTION PLAN NOT SOONER THAN 180 DAYS AFTER THE CORRECTIVE ACTION PLAN IS SUBMITTED.

(C) IF AN AUDIT CONDUCTED UNDER SUBSECTION (B) OF THIS SECTION DETERMINES THAT THE AGENCY SUBJECT TO THE AUDIT HAS FAILED TO RESOLVE THE ISSUES IDENTIFIED IN THE INITIAL AUDIT REPORT:

(1) THE INSPECTOR GENERAL SHALL CERTIFY THE AGENCY'S NONCOMPLIANCE TO THE COMPTROLLER;

(2) THE COMPTROLLER SHALL WITHHOLD NOT LESS THAN 10% OF THE AGENCY'S DISCRETIONARY OPERATIONAL BUDGET UNTIL THE INSPECTOR GENERAL CERTIFIES THE AGENCY'S COMPLIANCE; AND

(3) THE INSPECTOR GENERAL MAY PETITION THE CIRCUIT COURT TO IMPOSE A CIVIL PENALTY ON INDIVIDUALS RESPONSIBLE FOR INTENTIONAL OR GROSSLY NEGLIGENT NONCOMPLIANCE."

On page 3, in line 13, strike "and"; and in line 15, after "laws" insert “, and establishes the Office of the State Inspector General as a constitutional officer elected statewide”.