



The Annapolis Observer

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What to Expect

This publication is designed to keep you informed about legislation impacting WSSC during the 2008 Maryland General Assembly Session. Previous issues of the *Observer* are available on the Intergovernmental Relations Office (IRO) webpage www.wsscwater.com/iro/website.

The Observer provides brief updates on major initiatives that could impact the Agency. For more detailed information about the bills listed in this document, please contact the WSSC IRO at 301-206-8228.

Legislative Lingo: Word of the Week

Legislative Day vs. Calendar Day

The General Assembly is in session for 90 legislative days each year. Each meeting of the House or the Senate convenes and adjourns on one day. When a body recesses, the meeting day for that body does not advance, as it is a continuation of the same meeting. The day remains the same "legislative day" even though the meeting may not resume on the same "calendar day". A "legislative day" may span several "calendar days". Several "legislative days" may occur in one "calendar day".

At the beginning of the 90 day session, both bodies typically convene and adjourn on one "calendar day". As the session progresses, it has become a common parliamentary practice to recess rather than adjourn in order to save "legislative days". This allows each body to convene and adjourn several times in one "calendar day" to meet the constitutionally mandated requirement that all bills must be read three times on three separate days in each chamber. A bill may pass from first reading to third reading on a single "calendar day" by adjourning from one "legislative day" to the next.

Bill histories record events occurring during a meeting of the Senate or House using "legislative day". Committee hearings, committee reports, and governor's actions are shown using "calendar day". Bill history events are listed chronologically within chamber, followed by post passage information. Dates may not appear to be in chronological order as a combination of each chamber's "legislative day" and various "calendar days" are used

Bills of Interest to WSSC

Keep in mind dates shown are a mix of calendar days and legislative days. Dates provided reflect those posted on the General Assembly website.

Bi-County Bills

PG/MC 102-08 (HB 940) WSSC and Maryland National Capital Park and Planning Commission Appointments, Interviews and Financial Statements - This bill continues the current statutory requirement for County Executive appointees to the WSSC to be interviewed for conflicts of interest but makes it permissive for other candidates as well. It allows the County Executive to delegate the ability to require an interviewee to produce relevant documentation and allows the County Executive to delegate the release of interview transcripts of the appointee and destruction of transcripts for all other interviewees.

PG/MC 102-08 (HB 940) Positions	
WSSC	Support
MNCPPC	Support
Montgomery County Council	Support
Montgomery County Executive	Support
Prince George's County Council	
Prince George's County Executive	Support

PG/MC 102-08 (HB 940) Bill Status	
Montgomery County House Delegation	Referred to WSSC Matters Subcommittee. Subcommittee voted to report out as Favorable 1/21/08. Full Delegation voted to report out as Favorable 1/25/08.
Prince George's County House Delegation	Referred to the Bi County Subcommittee. Subcommittee voted to report out as Favorable 2/6/08. Full Delegation voted to report out as Favorable 2/8/08.
Montgomery County Senate Delegation	Delegation voted to report out as Favorable 2/14/08.
Prince George's County Senate Delegation	
House	2/6 First Reading Economic Matters 2/15 Hearing 2/22 at 1:00 pm
Senate	

PG/MC 104-08 (HB 932) Washington Suburban Sanitary Commission – Budget Approval - This bill provides that if the county councils of Montgomery and Prince George's Counties fail to concur on the WSSC capital budget or any provision within the capital budget by a certain time, the funding levels may not exceed the previous year's funding levels. The bill includes language that allows a single line item to be rejected for any single capital budget project, similar to a line item veto. WSSC believes this bill would have a negative impact on the Agency should it become law for several reasons. First, the construction industry may find it problematic to bid under such uncertainty. If projects were cancelled, vetoed, or financially constrained after awarded, it would be costly to WSSC and the ratepayers. Additionally, projects including MBE and SLBE subcontractors could potentially be delayed, creating a detrimental impact on these businesses. Second, there

could be a negative impact on facilities included in the 30 Year Infrastructure Plan to recapitalize WSSC’s aging infrastructure. Third, the WSSC AAA Bond Rating would be in jeopardy given the importance rating agencies place on governance of public entities in their rating criteria. Finally, WSSC could face IRS penalties if the Agency’s ability to spend bond money in a timely manner was hampered and arbitrage rules broken.

PG/MC 104-08 (HB 932) Positions	
WSSC	Oppose
Montgomery County Council	Oppose
Montgomery County Executive	Oppose
Prince George’s County Council	Support
Prince George’s County Executive	

PG/MC 104-08 (HB 932) Bill Status	
Montgomery County House Delegation	Referred to WSSC Matters Subcommittee. Hearing held 12/13/07.
Prince George’s County House Delegation	Referred to the Bi County Subcommittee. Subcommittee voted to report out as Favorable 2/13/08. Full Delegation voted to report out as Favorable 2/15/08.
Montgomery County Senate Delegation	
Prince George’s County Senate Delegation	
House	2/6 First Reading Economic Matters
Senate	

PG/MC 106-08 (HB 926) Washington Suburban Sanitary Commission – System Development Surcharge - Exemptions – This bill expands current law regarding WSSC SDC exemptions from those community based organizations whose “exclusive” use of the property is to provide programs and services to youth whose property those whose “primary” use of the property is to provide programs and services to youth. Additionally, this bill changes the current law’s sunset from 2009 to 2012.

PG/MC 106-08 (HB 926) Positions	
WSSC	Support
Montgomery County Council	
Montgomery County Executive	
Prince George’s County Council	Support
Prince George’s County Executive	No Position

PG/MC 106-08 (HB 926) Bill Status

<i>Montgomery County House Delegation</i>	Referred to WSSC Matters Subcommittee. Hearing held 12/13/07.
<i>Prince George's County House Delegation</i>	Referred to the Bi County Subcommittee. Subcommittee voted to report out as Unfavorable 2/13/08. Full Delegation put the bill on Hold 2/15/08. Full Delegation voted to report out as Unfavorable 2/22/08.
<i>Montgomery County Senate Delegation</i>	
<i>Prince George's County Senate Delegation</i>	
<i>House</i>	2/6 First Reading Economic Matters
<i>Senate</i>	

PG/MC 115-08 (HB 929) Prince George's County Energy Tax – WSSC - This bill precludes WSSC from being exempted, except under certain circumstances, from a tax on energy or fuel used in Prince George's County. This tax would be on any form of energy or fuel used in the county not otherwise exempted. The tax would thus be on WSSC as a user of energy as itemized on the Agency's utility bills and collected by the vendor on behalf of the county.

PG/MC 115-08 (HB 929) Positions

WSSC	Support
<i>Montgomery County Council</i>	No Position
<i>Montgomery County Executive</i>	Support
<i>Prince George's County Council</i>	Support
<i>Prince George's County Executive</i>	No Position

PG/MC 115-08 Bill Status

<i>Montgomery County House Delegation</i>	Referred to WSSC Matters Subcommittee. Hearing held 12/13/07. Subcommittee put the bill on Hold 2/11/08.
<i>Prince George's County House Delegation</i>	Referred to the Bi County Subcommittee. Subcommittee voted to report out as Favorable 1/30/08. Full Delegation voted to report out as Favorable 2/8/08.
<i>Montgomery County Senate Delegation</i>	
<i>Prince George's County Senate Delegation</i>	
<i>House</i>	2/6 First Reading Ways & Means 2/13 Hearing 3/11 at 1:00 pm
<i>Senate</i>	



Maryland Bills To Watch

HB 16 Local Government Tort Claims Act – Notice

This bill extends to one year the time period during which notice must be given in order to bring an action for unliquidated damages against a local government or its employees under the Local Government Tort Claims Act (LGTCGA).

Under current law an action for unliquidated damages against an entity covered by the LGTCGA or its employees may not be brought unless notice of the claim meeting specific requirements is given within 180 days of the injury. Unless a defendant can show that its defense was prejudiced by lack of required notice, a court, upon motion or for good cause shown, may entertain a suit that does not meet LGTCGA notice requirements.

The LGTCGA defines local government to include counties, municipal corporations and Baltimore City, and various agencies and authorities of local governments, such as community colleges, county public libraries, special taxing districts, nonprofit community service corporations, sanitary districts, housing authorities, and commercial district management authorities.

The LGTCGA limits the liability of a local government to \$200,000 per individual claim and \$500,000 per total claims that arise from the same occurrence for damages from tortious acts or omissions (including intentional and constitutional torts). It further provides that the local government is liable for tortious acts or omissions of its employees acting within the scope of employment. It thus prevents local governments from asserting a common law claim of governmental immunity from liability for such acts of its employees.

HB 16 Bill Status

House 9/20/07 Pre-filed
 1/9/08 First Reading Judiciary
 1/7/08 Hearing 1/15 at 1:00 p.m.

Senate

HB 127

This bill requires certain employees of utility facility owners, including contractors and subcontractors, to make certain efforts to determine if a resident is home and make their presence known before entering private residential property for certain purposes, with certain exceptions; requiring a certain employee of a utility facility owner to post a certain notice of a certain visit; requires certain employees of a utility facility owner to be clearly identifiable as employees of the utility facility owner; requires vehicles used by certain employees of utility facility owners to be clearly identifiable and display a phone number, subject to a certain exception; providing for the construction of this Act; defines certain terms; and generally relating to notice and identification requirements for employees of a utility facility owner.

HB 127 Bill Status

House 1/17/08 First Reading Economic Matters
 1/23/08 Hearing 2/5 at 1:00 pm
 2/12/08 Unfavorable Report by Economic Matters

Senate

HB 369 (SB 213 is the companion bill)

This bill alters the Chesapeake Bay 2010 Trust Fund and its purposes; providing for the uses of the Fund; establishing in statute the BayStat Program and BayStat Subcabinet; requiring the Program to distribute funds from the Trust Fund to the BayStat Subcabinet agencies; requiring the BayStat Subcabinet agencies to redistribute the funds through grants to various entities and to the Chesapeake Bay Nonpoint Source Fund; etc.

HB 369 Bill Status

House 1/25/08 First Reading Environmental Matters
 1/30/08 Hearing 2/27 at 1:00 pm

Senate

HB 398 (SB 265 is identical)

This bill expands circumstances under which a court may reverse or modify a final decision in specified contested cases under the Administrative Procedure Act to include a finding, conclusion, or decision that is an abuse of discretion, fails to comply with the agency's established rules and regulations, or does not reasonably state the basis for the nature and extent of a penalty or sanction.

HB 369 Bill Status

House 1/28/08 First Reading Health and Government Operations
 1/30/08 Hearing 2/6 at 1:00 pm

Senate

HB 628

This bill requires applicants for certain financial assistance from certain funds to demonstrate that certain steps were taken to include certain small, minority, and women's business enterprises; authorizes the Department of the Environment to withhold certain financial assistance under certain circumstances; requires certain agreements for grants from a certain fund to require grantees to demonstrate that certain steps were taken to include certain small business enterprises, minority business enterprises, and women's business enterprises; and generally relates to the small business enterprise, minority business enterprise, and women's business enterprise participation in environmental financial assistance programs.

HB 628 Bill Status

House 2/1/08 First Reading Environmental Matters
 2/6/08 Hearing 2/27 at 1:00 pm

Senate

HB 865

This bill, the government efficiency and streamlining operations bill, requires certain persons to use eMaryland Marketplace to advertise for a certain procurement and to publish notice of an award of a certain contract; defines certain terms; provides for the construction of this Act; and generally relates to the use of eMaryland Marketplace.

SB 265 (HB 398 is identical)

This bill expands circumstances under which a court may reverse or modify a final decision in specified contested cases under the Administrative Procedure Act to include a finding, conclusion, or decision that is an abuse of discretion, fails to comply with the agency's established rules and regulations, or does not reasonably state the basis for the nature and extent of a penalty or sanction.

HB 369 Bill Status

<i>House</i>	
<i>Senate</i>	1/24/08 First Reading Judicial Proceedings 2/6/08 Hearing 2/12 at 1:00 pm

SB 382

This bill requires upgrades to specified sewage treatment plants in the Patuxent River watershed on or before a specified date under specified circumstances; and requires the Bay Restoration Fund to be used to pay for the upgrades.

SB 382 Bill Status

<i>House</i>	
<i>Senate</i>	1/30/08 First Reading Education, Health and Environmental Affairs 2/13/08 Hearing 2/28 at 1:00 pm

SB 409

This bill prohibits the State or any of its instrumentalities or political subdivisions from acquiring all or any part of private property by condemnation if the property is subject to an agricultural land preservation easement or a conservation easement under the Rural Legacy Program, listed in the National Register of Historic Places, and designated as a National Historic Landmark.

SB 409 Bill Status

<i>House</i>	
<i>Senate</i>	1/31/08 First Reading Judiciary 2/6/08 Hearing 2/27 at 1:00 pm

For a complete listing of all bills introduced before the Maryland General Assembly, visit their website mlis.state.md.us.

The Week at a Glance*

WHO	WHERE	WHEN
Montgomery County Bi County Committee	Room 218	Mondays at 6:30 pm
Montgomery County House Delegation	Room 170	Fridays at 9:00 am
Prince George's County Bi County Committee	Room 150	Wednesdays at 9:00 am
Prince George's County House Delegation	Room 150	Fridays at 9:30 am
Montgomery County Senate Delegation	Schweinhaut Subcommittee Hearing Room, Miller Senate Bldg	TBD
Prince George's County Senate Delegation	TBD	TBD

* Dates, times and location subject to change anytime, at the discretion of the Chairs

County Information

Montgomery County Delegation

<http://www.montgomerycountydelegation.com/>

House Delegation

Delegate Brian Feldman, Chair
Delegate Susan Lee, Vice Chair
Phone: 301-858-3010

Senate Delegation

Senator Rona Kramer, Chair
Senator Rich Madaleno, Vice Chair
Phone: 301-858-3625

Prince George's County Delegation

<http://www.princegeorghousedelegation.com>

House Delegation

Delegate Barbara A. Frush, Chair
Delegate Tawanna
P. Gaines, Vice Chair
Delegate Marvin E. Holmes, Jr., 2nd Vice Chair
Phone: 301-858-3074

Senate Delegation

Senator Anthony Muse, Chair
Phone: 301-858-3745

Montgomery County Bi-County Committee Members

Del. Kathleen Dumais, Chair	Del. Tom Hucker
Del. Luiz Simmons, Vice Chair	Del. Ben Kramer
Del. Al Carr	Del. Krill Reznik
Del. Bill Frick	Del. Herman Taylor

Prince George's County Bi-County Committee Members

Del. Melony G. Griffith, Chair	Del. Anne Healey
Del. Jolene Ivey, Vice Chair	Del. Gerron Levi
Del. Aiesha Braveboy	Del. Veronica Turner
Del. Tawanna P. Gaines	Del. Michael Vaughn

Annapolis Transportation and Parking



For many visitors the easiest option is to park at the Naval Academy Stadium and take the Annapolis Transit Trolley Shuttle. There are several public garages including Whitmore, Gotts, and the Gorman Street garages. They fill up fast. There is also limited metered parking, but they ticket often. Your best bet is to arrive early, and car-pool if possible.

About IRO

The IRO oversees the Commission's legislative agenda and represents WSSC before elected bodies. The office is responsible for researching, developing, analyzing, and lobbying for or against legislation impacting the Commission. We also serve as a liaison between the Commission and elected officials.

How To Reach US

Annapolis Office (during session)

68 State Circle, Suite 3
Annapolis, Maryland 21401
phone: 301.261.2789 fax: 410.268.9593

Laurel Office (year round)

14501 Sweitzer Lane, Suite 1226A
Laurel, Maryland 20707
phone: 301.206.8228 fax: 301.206.8229

On The Web

The WSSC IRO has its own webpage to keep you up to date and informed with our legislative activities. In addition to introductory information about the Office and Maryland General Assembly, you will find links to information about bills and our Annapolis Reports archive. www.wsscwater.com/iro/irowebsite

Who We Are

Kurt Wineland, IRO Director
Kwinela@wsscwater.com

Sheilah F. Mirmiran, IRO Coordinator
Smirmir@wsscwater.com

Gene Williams, IRO Coordinator
Ewillia@wsscwater.com

Leola Toomer-Castro, IRO Liaison
Ltoomer@wsscwater.com

Althea Whatley, IRO Administrative Assistant
Awhatle@wsscwater.com

James L. Hearn, Environmental Legislative Support
Jhearn@wsscwater.com