



The Annapolis Observer

February 29, 2008

Volume V, Number 9

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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

Consideration of Bills Originating in Once Chamber and Amended in the Second Chamber

Concurrence / Non-Concurrence

If a bill is amended in the second chamber, the bill is returned to the chamber of origin where a vote must be taken on whether the chamber of origin should concur in or reject the amendment(s) attached to the bill by the second chamber. If concurrence is voted, a final vote is then taken on the bill as amended by the second chamber, and action on the bill by the legislature is complete. The bill is reprinted or "enrolled" to include the opposite chamber amendment(s) and then presented to the Governor for his consideration.

If the original chamber rejects the amendment(s) or refuses to "concur" in the opposite chamber's amendments, at least three courses of action are possible: 1) the second chamber may be asked to withdraw its amendment(s); 2) if the second chamber refuses to withdraw its amendment(s), either chamber may request a conference committee to resolve the differences between the two versions of the bill; or 3) the second chamber may "recede" or agree to withdraw its amendments.

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	No Position
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>	No Position
<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 (LGTC).

Under current law an action for unliquidated damages against an entity covered by the LGTC 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 LGTC notice requirements.

The LGTC 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 LGTC 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 398 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.

SB 265 Bill Status

House

Senate 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

House

Senate 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

House

Senate 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	Thursdays at 4:00 pm
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. Luiz Simmons, Vice Chair
Del. Al Carr
Del. Bill Frick

Del. Tom Hucker
Del. Ben Kramer
Del. Krill Reznik
Del. Herman Taylor

Prince George's County Bi-County Committee Members

Del. Melony G. Griffith, Chair
Del. Jolene Ivey, Vice Chair
Del. Aiesha Braveboy
Del. Tawanna P. Gaines

Del. Anne Healey
Del. Gerron Levi
Del. Veronica Turner
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

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