



# The Annapolis Observer

March 14, 2008

Volume V, Number 11

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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](http://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

### *Crossover*

The Crossover Date is the actual day when each Chamber is required to send those bills it intends to pass favorably to the Opposite Chamber. Bills received after this date are subject to referral to Rules Committees (Senate Rule 32(c), House Courtesy Date). The Crossover Date is always the 76<sup>th</sup> Day of Session, which is March 24 this year.

### *Third Reading*

Generally, the third reading is the "final" vote on a bill by the full body. This vote usually occurs one or two days after the bill has passed second reading. No amendments may be offered during the third reading deliberations, which must conclude with a recorded roll call vote. Most bills require only a simple majority, one more than half the membership of the body, for passage. Constitutional amendments and emergency legislation require approval by three-fifths of the membership. Third reading passage sends the bill to the opposite chamber for consideration.

## 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.

<b>PG/MC 102-08 (HB 940) Positions</b>	
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

<b>PG/MC 102-08 (HB 940) Bill Status</b>	
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	Awaiting action.
House	2/6 First Reading Environmental Matters 2/15 Hearing 2/22 at 1:00 pm 3/3 Favorable Report by Environmental Matters 3/4 Favorable Report Adopted Second Reading Passed 3/6 Third Reading Passed (137-0)
Senate	3/7 First Reading Education Health and Environmental Affairs 3/12 Hearing 3/28 at 1:00 pm

**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. Subcommittee voted to report out as Unfavorable 3/3/08. Full Delegation voted to report out as Unfavorable 3/7/08.	
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 Environmental Matters
	3/12	Withdrawn
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 “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 Environmental Matters
	3/3	Withdrawn
<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**

<i>WSSC</i>	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 voted to report out as Favorable 3/10/08. Full Delegation voted to report out as Favorable 3/14/08.	
<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

<i>House</i>	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

<i>House</i>	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**

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

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**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**

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

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**HB 615 (SB 549 is the crossfile)**

This bill requires a custodian of public records to deny inspection of the records if the request is related to a matter that is the subject of a pending civil action. An exception is provided if a petition for inspection is filed with the court in which the civil action is pending and the court grants the petition on a showing of good cause for the necessity of inspection. The bill provides that if the petition is granted, the court order shall be narrowly tailored to satisfy only the purpose for which the inspection was sought. The bill prohibits a court from finding a show of good cause on the basis that a particular entity of State or local government is the only source of the information.

**HB 615 Bill Status**

<i>House</i>	1/31/08 First Reading Health and Government Operations 2/6/08 Hearing 2/27 at 1:00 pm
<i>Senate</i>	

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**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.



**SB 213 (HB 369 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.

**SB 213 Bill Status**

<i>House</i>	3/10/08	First Reading Environmental Matters
<i>Senate</i>	1/18/08	First Reading Education, Health and Environmental Affairs
	1/23/08	Hearing 2/6 at 1:00 pm
	3/3/08	Favorable with Amendments Report by Education Health and Environmental Affairs Favorable with Amendments Laid Over (Senator Pinsky) Adopted
	3/4/08	Favorable with Amendments Favorable with Amendments Special Order 3/5 (Senator Pipkin) Adopted
	3/5/08	Favorable with Amendments Report Adopted Floor Amendment (Senator Stoltzfus) Rejected (12-35) Floor Amendment (Senator Conway) Adopted Floor Amendment (Senator Glassman) Rejected (8-38) Floor Amendment (Senator Pipkin) Adopted Second Reading Passed with Amendments
	3/7/08	Third Reading Passed (46-0)

**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**

<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

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**SB 549 (HB 615 is the crossfile)**

This bill requires a custodian of public records to deny inspection of the records if the request is related to a matter that is the subject of a pending civil action. An exception is provided if a petition for inspection is filed with the court in which the civil action is pending and the court grants the petition on a showing of good cause for the necessity of inspection. The bill provides that if the petition is granted, the court order shall be narrowly tailored to satisfy only the purpose for which the inspection was sought. The bill prohibits a court from finding a show of good cause on the basis that a particular entity of State or local government is the only source of the information.

**SB 549 Bill Status**

<i>House</i>	
<i>Senate</i>	2/1/08 First Reading Education Health and Environmental Affairs 2/20/08 Hearing 3/6 at 1:00 pm

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For a complete listing of all bills introduced before the Maryland General Assembly, visit their website [mlis.state.md.us](http://mlis.state.md.us).

## The Week at a Glance\*

WHO	WHERE	WHEN
Montgomery County Bi County Committee	Room 218	As required
Montgomery County House Delegation	Room 170	Fridays at 9:00 am
Prince George's County Bi County Committee	Room 150	As required
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., 2<sup>nd</sup> 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. Alfred 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. Aisha 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](http://www.wsscwater.com/iro/irowebsite)

### Who We Are

Kirk Wineland, IRO Director  
[Kwinela@wsscwater.com](mailto:Kwinela@wsscwater.com)

Sheilah F. Mirmiran, IRO Coordinator  
[Smirmir@wsscwater.com](mailto:Smirmir@wsscwater.com)

Gene Williams, IRO Coordinator  
[Ewillia@wsscwater.com](mailto:Ewillia@wsscwater.com)

Leola Toomer-Castro, IRO Liaison  
[Ltoomer@wsscwater.com](mailto:Ltoomer@wsscwater.com)

Althea Whatley, IRO Administrative Assistant  
[Awhatle@wsscwater.com](mailto:Awhatle@wsscwater.com)

James L. Hearn, Environmental Legislative Support  
[Jhearn@wsscwater.com](mailto:Jhearn@wsscwater.com)