



The Annapolis Observer

March 21, 2008

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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 or if you would like to suggest a bill to be added, please contact the WSSC IRO at 301-206-8228.

Legislative Lingo: Word of the Week

Second (Opposite) Chamber Consideration

The procedure in the second chamber follows a pattern very similar to that of the original chamber. The third reader bill is read in the second chamber for the first time (first reading) and assigned to a committee.

At the committee hearing in the second chamber, testimony may be limited in duration and, in some cases, testimony is presented by the bill's sponsor only. At the voting session, the committee may vote to report the bill to the floor with a favorable, favorable with amendment(s), or unfavorable vote. If the committee report is favorable, the bill and any committee or floor amendments are considered by the full body and a second reading voice vote is taken. In the second chamber, the bill is not ordered "printed for third reading." Rather, the presiding officer orders the bill "passed" to third reading.

On third reading, the bill is again considered by the second chamber and at this time, unlike in its chamber of origin, a bill may be amended on third reading. On third reading, the bill must receive a favorable vote from the majority of the membership to pass. If the second chamber does not amend a bill, a message is sent to the bill's chamber of origin, declaring the bill passed by "yeas and nays." The bill is then sent to the Governor for his 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.

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	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 (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 pm

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

<i>House</i>	1/25/08 First Reading Environmental Matters
	1/30/08 Hearing 2/27 at 1:00 pm
	3/19/08 Favorable with Amendments Report by Environmental Matters
	3/16/08 Favorable with Amendments Report Adopted
	Special Order 3/20 (Delegate Frank) Adopted
	3/17/08 Second Reading Passed with Amendments
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<i>Senate</i>	

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
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<i>Senate</i>	

HB 581(SB 831 is the crossfile)

This bill authorizes specified fee revenue collected for the Bay Restoration Fund to be used to award grants to local governments for the costs of connecting communities located in the Chesapeake and Atlantic Coastal Bays Critical Area and that have failing onsite sewage disposal systems and holding tanks to sewerage systems.

HB 581 Bill Status

<i>House</i>	1/31/08 First Reading Environmental Matters
	2/6/08 Hearing 2/27 at 1:00 pm
	3/21/08 Favorable with Amendments Report by Environmental Matters
<hr/>	
<i>Senate</i>	

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

House 1/31/08 First Reading Health and Government Operations
 2/6/08 Hearing 2/27 at 1:00 pm
 3/18/08 Withdrawn

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
 3/12/08 Favorable Report by Environmental Matters
 3/13/08 Favorable Report Adopted, Second Reading Passed
 3/15/08 Third Reading Passed (137-0)

Senate 3/19/08 First Reading Education Health and Environmental Affairs
 3/20/08 Hearing 3/25 at 1:00 pm

HB 734

This bill increases the percentage of specified funds from the Bay Restoration Fund that are disbursed to fund cover crop activities; altering the percentage of funds that are used for purposes relating to onsite sewage disposal systems; etc.

HB 734 Bill Status

House 2/4/08 First Reading Environmental Matters
 2/6/08 Hearing 2/27 at 1:00 pm
 3/13/08 Unfavorable Report by Environmental Matters

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.

HB 865 Bill Status

<i>House</i>	2/6/08	First Reading Health and Government Operations Hearing 3/12 at 1:00 pm
	2/13/08	Hearing Cancelled Hearing 2/27 at 1:00 pm
	3/11/08	Favorable with Amendments Report by Health and Government Operations
	3/12/08	Favorable with Amendments Report Adopted, Second Reading Passed with Amendments
	3/14/08	Third Reading Passed (134-0)
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<i>Senate</i>	3/17/08	First Reading Education Health and Environmental Affairs
	3/19/08	Hearing 3/27 at 1:00 pm

HB 1529 (SB 927 is the crossfile)

This bill prohibits the Department of the Environment from issuing a sewage sludge utilization permit for a site unless the site meets all county zoning and land use requirements or ordinances.

HB 1529 Bill Status

<i>House</i>	2/22/08	First Reading House Rules and Executive Nominations
	2/29/08	Re-referred Environmental Matters
	3/3/08	Hearing 3/18 at 1:00 pm
	3/20/08	Withdrawn
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<i>Senate</i>		

SB 189

This departmental bill expands standing for the right to a contested case hearing on surface water discharge permits issued by the Maryland Department of the Environment. Specifically, the bill authorizes a person that meets the threshold standing requirements under federal law to request a contested case hearing on such permits.

Under current State law, a person may request a contested case hearing to appeal a final determination with respect to surface water discharge permits if the person makes factual allegations with sufficient particularity to demonstrate that the person is aggrieved by the final determination and the final determination is legally consistent with any provisions of law applicable to the final determination being challenged or based upon an incorrect determination of a relevant and material fact. Under Maryland common law, organizations do not have standing to assert claims unless the organization has its own interest, separate and apart from the interest of its members. In contrast, under federal law, organizations have standing to assert the interests of their members.

SB 189 Bill Status

House

Senate 1/18/08 First Reading Education, Health and Environmental Affairs
 1/23/08 Hearing 2/6 at 1:00 pm
 2/1/08 Hearing cancelled

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

House 3/10/08 First Reading Environmental Matters
 3/18/08 Hearing 3/26 at 1:00 pm

Senate 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

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

<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

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 3/19/08 Referred to interim study by Education Health and Environmental Affairs

SB 831 (HB 581 is the crossfile)

This bill authorizes specified fee revenue collected for the Bay Restoration Fund to be used to award grants to local governments for the costs of connecting to sewerage systems communities located in the Chesapeake and Atlantic Coastal Bays Critical Area that have failing onsite sewage disposal systems or holding tanks.

SB 831 Bill Status

House

Senate 2/8/08 First Reading Senate Rules
 2/14/08 Re-referred Education Health and Environmental Affairs
 2/20/08 Hearing 3/4 at 1:00 p.m.

SB 927 (HB 1529 is the crossfile)

This bill Prohibiting the Department of the Environment from issuing a sewage sludge utilization permit for a site unless the site meets all county zoning and land use requirements or ordinances.

SB 927 Bill Status

House

Senate 2/20/08 First Reading Senate Rules
 3/3/08 Re-referred Education Health and Environmental Affairs
 3/5/08 Hearing 3/18 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	As required
Montgomery County House Delegation	Room 170	As required
Prince George's County Bi County Committee	Room 150	As required
Prince George's County House Delegation	Room 150	As required
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. 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

Who We Are

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