
By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: February 10, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary District - At Large Commissioners**
3 **PG/MC 5-00**

4 FOR the purpose of altering the composition of the Washington Suburban Sanitary
5 Commission; providing for the appointment and removal of certain
6 commissioners under certain circumstances; altering a certain appointment
7 requirement; providing for staggered terms; and generally relating to the
8 composition of the Washington Suburban Sanitary Commission.

9 BY repealing and reenacting, with amendments,
10 Article 29 - Washington Suburban Sanitary District
11 Section 1-102, 1-103, and 1-104
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 1999 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 29 - Washington Suburban Sanitary District**

17 1-102.

18 (a) (1) There is a Washington Suburban Sanitary Commission.

19 (2) The WSSC has jurisdiction over the Washington Suburban Sanitary
20 District.

21 (b) The WSSC consists of:

22 (1) 3 commissioners from Prince George's County appointed by the
23 County Executive subject to the confirmation of the County Council; [and]

24 (2) 3 commissioners from Montgomery County appointed by the County
25 Executive subject to the confirmation of the County Council; AND

1 (3) 3 COMMISSIONERS AT LARGE APPOINTED BY THE GOVERNOR
2 SUBJECT TO THE PROVISIONS OF § 1-103(D) OF THIS SUBTITLE.

3 (c) (1) The term of a commissioner is 4 years, beginning on June 1 of the
4 year of appointment.

5 (2) The terms of commissioners are staggered as required by the terms
6 provided for commissioners on July 1, 1982 AND JULY 1, 2000.

7 (3) At the end of a term, a commissioner continues to serve until a
8 successor is appointed and takes the oath of office.

9 (4) A commissioner who is appointed after a term has begun serves only
10 for the rest of the term and until a successor is appointed and takes the oath of office.

11 (d) A vacancy on the WSSC does not impair the right of the remaining
12 commissioners to exercise all the powers of the WSSC.

13 (e) (1) Each appointee shall be a resident of the sanitary district.

14 (2) An individual may not be appointed or continue in office as a member
15 of the WSSC if the individual holds any other position of profit or trust under the
16 Constitution or laws of this State or any political subdivision of this State.

17 (3) No more than [2] 4 commissioners from Montgomery County may be
18 of the same political party.

19 (4) Each appointee from Montgomery County shall be a registered voter
20 of Montgomery County and each appointee from Prince George's County shall be a
21 registered voter of Prince George's County.

22 1-103.

23 (a) (1) The GOVERNOR OR THE County Executive shall make any
24 appointment from a list of applicants. The list of applicants shall:

25 (i) Be completed at least 3 weeks before the date THE GOVERNOR
26 OR the County Executive makes the actual appointment; and

27 (ii) Be open to the public for inspection from the time the list is first
28 begun until an appointment is made by THE GOVERNOR OR the County Executive.

29 (2) If THE GOVERNOR OR a County Executive does not choose to appoint
30 an individual from the names on the list, THE GOVERNOR OR the County Executive
31 shall prepare additional lists and follow the procedure applicable to the first list. The
32 3 week period begins with the closing of each list.

33 (b) The GOVERNOR OR THE County Executive or a designee of THE GOVERNOR
34 OR the County Executive shall interview in private each applicant for appointment or
35 reappointment to the WSSC as to possible or potential conflicts of interest.

1 (c) (1) In Montgomery County, the applicant shall be interviewed:

2 (i) In a question and answer fashion; and

3 (ii) Under oath about all sources of income, property holdings,
4 business interests, and financial interests of the applicant, and the applicant's
5 spouse, father, mother, brother, sister, or child.

6 (2) The County Executive of Montgomery County may require the
7 production of any documents that the County Executive wishes the applicant to
8 produce.

9 (3) A written transcript of the interview:

10 (i) Shall be made;

11 (ii) Unless waived by the applicant, may be reviewed by the
12 applicant;

13 (iii) May be altered for the applicant by the transcribing officer if
14 accompanied by a statement of the reason given by the applicant for the alteration;
15 and

16 (iv) Shall be signed by the applicant.

17 (4) The transcribing officer shall certify on the transcript that:

18 (i) The applicant was duly sworn by the officer; and

19 (ii) The transcript is a true record of the testimony given by the
20 applicant.

21 (5) The County Executive of Montgomery County shall:

22 (i) Publicly disclose the complete transcribed testimony of actual
23 appointees to the WSSC 3 weeks after their appointment; and

24 (ii) Destroy the complete transcript of all other applicants
25 immediately without the disclosure to anyone of any information contained in the
26 transcript.

27 (D) THE GOVERNOR SHALL APPOINT:

28 (1) 1 COMMISSIONER SELECTED FROM A LIST OF NAMES SUBMITTED BY
29 THE PUBLIC SERVICE COMMISSION;

30 (2) 1 COMMISSIONER SELECTED FROM A LIST OF NAMES SUBMITTED BY
31 THE PEOPLE'S COUNSEL; AND

32 (3) 1 ADDITIONAL COMMISSIONER AT LARGE.

1 (E) THE GOVERNOR SHALL APPOINT NO MORE THAN 2 COMMISSIONERS FROM
2 MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY TO THE COMMISSION.

3 1-104.

4 (a) A commissioner may be removed before the completion of the
5 commissioner's term:

6 (1) In Montgomery County:

7 (i) By the County Executive with the approval of a majority of the
8 members of the County Council; or

9 (ii) Unless the Montgomery County Executive disapproves the
10 resolution in writing within 30 days of its adoption, by resolution of a majority of the
11 members of the County Council; [and]

12 (2) In Prince George's County, by the County Executive with the
13 approval of a majority of the members of the County Council; AND

14 (3) IF APPOINTED BY THE GOVERNOR, BY THE GOVERNOR FOR
15 INCOMPETENCE OR MISCONDUCT IN ACCORDANCE WITH §§ 8-501 AND 8-502 OF THE
16 STATE GOVERNMENT ARTICLE.

17 (b) (1) Unless a hearing is waived in writing by the commissioner
18 designated for removal, prior to any removal under this subsection a public hearing
19 shall be held:

20 (i) In Montgomery County, by the body initiating the removal
21 proceeding; and

22 (ii) In Prince George's County, by the County Council.

23 (2) Each commissioner shall be given an opportunity at the hearing to
24 present a defense.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the
26 commissioners appointed by the Governor on July 1, 2000, to the Washington
27 Suburban Sanitary Commission shall expire as follows:

28 (1) one commissioner in 2004;

29 (2) one commissioner in 2003; and

30 (3) one commissioner in 2002.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2000.