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

Introduced and read first time: February 11, 2000

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Task Force on Privatization -**
3 **Implementation of Recommendations**
4 **PG/MC 10-00**

5 FOR the purpose of establishing a Committee on Washington Suburban Sanitary
6 Commission (WSSC) Ancillary Services; establishing a Bicounty Committee on
7 Privatization Options; specifying the purposes and providing for the
8 membership and staffing of the committees; requiring the committees to
9 undertake certain evaluations and develop certain plans and recommendations;
10 requiring the WSSC to cooperate with the committees; authorizing the Bicounty
11 Committee on Privatization Options to appoint advisory committees; requiring
12 the county executives of Montgomery County and Prince George's County and
13 the WSSC to execute a memorandum of understanding pertaining to a
14 competitive action program; requiring the WSSC to implement the competitive
15 action program; requiring the Bicounty Committee on Privatization Options to
16 monitor certain work; requiring the submission of certain reports; providing for
17 the termination of this Act; and generally relating to the establishment of
18 certain committees relating to the future of certain services in the Washington
19 Suburban Sanitary District and to the administration and operations of the
20 WSSC.

21 BY adding to
22 Article 29 - Washington Suburban Sanitary District
23 Section 20-101 through 20-103, inclusive, to be under the new title "Title 20.
24 Provisions of Limited Duration"
25 Annotated Code of Maryland
26 (1997 Replacement Volume and 1999 Supplement)

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

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

2 TITLE 20. PROVISIONS OF LIMITED DURATION.

3 20-101.

4 (A) (1) THERE IS A COMMITTEE ON WSSC ANCILLARY SERVICES.

5 (2) THE PURPOSE OF THE COMMITTEE IS TO EVALUATE AND DEVELOP
6 AN IMPLEMENTATION PLAN FOR THE TRANSFER OF ANCILLARY SERVICES
7 PERFORMED BY THE WSSC IN THE SANITARY DISTRICT TO THE MONTGOMERY
8 COUNTY AND PRINCE GEORGE'S COUNTY GOVERNMENTS.

9 (B) (1) THE COMMITTEE CONSISTS OF 15 MEMBERS.

10 (2) THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY SHALL
11 APPOINT:12 (I) A REPRESENTATIVE OF THE MONTGOMERY COUNTY
13 EXECUTIVE'S OFFICE;14 (II) A REPRESENTATIVE FROM THE MONTGOMERY COUNTY
15 AGENCY EXPECTED TO BE PRIMARILY RESPONSIBLE FOR ANCILLARY SERVICES
16 TRANSFERRED FROM THE WSSC;17 (III) A REPRESENTATIVE OF THE MONTGOMERY COUNTY
18 ATTORNEY'S OFFICE;19 (IV) A REPRESENTATIVE FROM THE MONTGOMERY COUNTY OFFICE
20 OF HUMAN RESOURCES; AND21 (V) A REPRESENTATIVE OF THE MONTGOMERY COUNTY OFFICE OF
22 MANAGEMENT AND BUDGET.23 (3) THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY SHALL
24 APPOINT:25 (I) A REPRESENTATIVE OF THE PRINCE GEORGE'S COUNTY
26 EXECUTIVE'S OFFICE;27 (II) A REPRESENTATIVE FROM THE PRINCE GEORGE'S COUNTY
28 AGENCY EXPECTED TO BE PRIMARILY RESPONSIBLE FOR ANCILLARY SERVICES
29 TRANSFERRED FROM THE WSSC;30 (III) A REPRESENTATIVE OF THE PRINCE GEORGE'S COUNTY
31 ATTORNEY'S OFFICE;32 (IV) A REPRESENTATIVE FROM THE PRINCE GEORGE'S COUNTY
33 OFFICE OF FINANCE; AND

1 (V) A REPRESENTATIVE OF THE PRINCE GEORGE'S COUNTY OFFICE
2 OF PERSONNEL.

3 (4) THE GENERAL MANAGER OF THE WSSC SHALL APPOINT:

4 (I) A REPRESENTATIVE OF THE GENERAL MANGER'S OFFICE;

5 (II) A REPRESENTATIVE OF THE WSSC OFFICE OF GENERAL
6 COUNSEL;

7 (III) A REPRESENTATIVE OF THE WSSC OFFICE OF BUDGET AND
8 FINANCIAL PLANNING; AND

9 (IV) A REPRESENTATIVE OF THE WSSC HUMAN RESOURCES
10 DIVISION.

11 (5) THE MASTER PLUMBERS AND GAS FITTERS ASSOCIATION SHALL
12 APPOINT A REPRESENTATIVE OF ITS ASSOCIATION.

13 (C) (1) THE REPRESENTATIVES OF THE COUNTY EXECUTIVES OF
14 MONTGOMERY AND PRINCE GEORGE'S COUNTIES APPOINTED UNDER SUBSECTION
15 (B)(2)(I) AND (3)(I) OF THIS SECTION SHALL SERVE AS COCHAIRMAN OF THE
16 COMMITTEE.

17 (2) THE WSSC SHALL PROVIDE STAFF SUPPORT TO THE COMMITTEE
18 AND COOPERATE WITH AND ASSIST THE COMMITTEE IN CARRYING OUT ITS CHARGE.

19 (D) (1) THE COMMITTEE SHALL CONSIDER THE TRANSFER FROM THE WSSC
20 TO THE RESPECTIVE COUNTIES OF:

21 (I) APPROPRIATE FACILITY PLANNING RESPONSIBILITIES;

22 (II) CROSS CONNECTION/BACKFLOW PREVENTION INSPECTIONS;

23 (III) EXAMINATION AND LICENSING OF GAS FITTERS;

24 (IV) FATS, OIL, AND GREASE PROGRAM INSPECTIONS;

25 (V) GAS FITTING PERMITS AND INSPECTIONS;

26 (VI) ON-SITE WATER/SEWER SYSTEM APPROVALS AND
27 INSPECTIONS;

28 (VII) PLUMBING PERMITS AND INSPECTIONS; AND

29 (VIII) OTHER ANCILLARY SERVICES PERFORMED BY THE WSSC THAT
30 THE COMMITTEE CONSIDERS APPROPRIATE FOR TRANSFER FROM THE WSSC TO THE
31 RESPECTIVE COUNTIES.

1 (2) THE COMMITTEE SHALL CONSIDER THE TRANSFER OF
2 RESPONSIBILITY FOR THE EXAMINATION AND LICENSURE OF MASTER PLUMBERS
3 FROM THE WSSC TO THE STATE BOARD OF PLUMBING.

4 (E) (1) IN THE DEVELOPMENT OF ITS PLAN UNDER THIS SECTION, THE
5 COMMITTEE SHALL ADDRESS OPTIONS AND ISSUES RELATED TO THE TRANSFER OF
6 ANCILLARY SERVICES FROM THE WSSC TO THE RESPECTIVE COUNTY
7 GOVERNMENTS, INCLUDING:

8 (I) THE EFFECT ON EFFICIENCY AND EFFECTIVENESS OF SERVICE
9 DELIVERY;

10 (II) FINANCIAL, MANAGEMENT, AND PERSONNEL
11 CONSIDERATIONS;

12 (III) REALLOCATION OF ASSETS OF THE WSSC DIRECTLY RELATING
13 TO THE PROVIDING OF ANCILLARY SERVICES; AND

14 (IV) OTHER MATTERS THAT THE COMMITTEE CONSIDERS
15 APPROPRIATE RELATING TO THE TRANSFER OF ANCILLARY SERVICES.

16 (2) THE COMMITTEE SHALL DEVELOP ANY LEGISLATION THAT IS
17 NECESSARY FOR IMPLEMENTATION OF ITS PLAN AND INCLUDE THE LEGISLATION AS
18 PART OF ITS REPORT UNDER SUBSECTION (G) OF THIS SECTION.

19 (F) THROUGHOUT THE DEVELOPMENT OF ITS PLAN, THE COMMITTEE SHALL
20 KEEP THE BICOUNTY COMMITTEE ON PRIVATIZATION OPTIONS ESTABLISHED
21 UNDER § 20-103 OF THIS TITLE APPRISED OF ITS PROGRESS.

22 (G) ON OR BEFORE DECEMBER 15, 2000, THE COMMITTEE SHALL REPORT ITS
23 PLAN TO:

24 (1) THE COUNTY EXECUTIVES OF MONTGOMERY COUNTY AND PRINCE
25 GEORGE'S COUNTY;

26 (2) THE COUNTY COUNCILS OF MONTGOMERY COUNTY AND PRINCE
27 GEORGE'S COUNTY;

28 (3) THE STATE SENATE SELECT COMMITTEES REPRESENTING
29 MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY;

30 (4) THE HOUSE OF DELEGATES DELEGATIONS REPRESENTING
31 MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY; AND

32 (5) THE BICOUNTY COMMITTEE ON PRIVATIZATION OPTIONS
33 ESTABLISHED UNDER § 20-103 OF THIS TITLE.

34 20-102.

35 (A) THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY, THE COUNTY
36 EXECUTIVE OF PRINCE GEORGE'S COUNTY, AND THE WSSC SHALL EXECUTE A

1 MEMORANDUM OF UNDERSTANDING OUTLINING A COMPETITIVE ACTION PROGRAM
2 DESIGNED TO REDUCE THE WSSC'S ACTUAL CONTROLLABLE OPERATIONS AND
3 MANAGEMENT COSTS CONSISTENT WITH LEVELS OUTLINED BY THE TASK FORCE ON
4 PRIVATIZATION.

5 (B) THE COMPETITIVE ACTION PROGRAM SHALL INCLUDE QUANTIFIABLE
6 OBJECTIVES AND A STRATEGY FOR ACHIEVING THE GOALS AND OBJECTIVES OF THE
7 PROGRAM AND A TIMETABLE BY WHICH THE OBJECTIVES ARE EXPECTED TO BE
8 ACHIEVED.

9 (C) THE WSSC SHALL IMPLEMENT THE COMPETITIVE ACTION PROGRAM IN A
10 MANNER CONSISTENT WITH THE MEMORANDUM OF UNDERSTANDING.

11 (D) THE WSSC PERIODICALLY SHALL BRIEF THE BICOUNTY COMMITTEE ON
12 PRIVATIZATION OPTIONS ESTABLISHED UNDER § 20-103 OF THIS TITLE ON THE
13 COMPETITIVE ACTION PROGRAM AND THE WSSC'S PROGRESS ON ITS
14 IMPLEMENTATION.

15 (E) (1) ON OR BEFORE DECEMBER 15, 2000, THE WSSC SHALL SUBMIT A
16 COPY OF THE MEMORANDUM OF UNDERSTANDING REQUIRED UNDER SUBSECTION
17 (A) OF THIS SECTION AND THE WSSC'S PLAN FOR ITS IMPLEMENTATION TO THE
18 SENATE SELECT COMMITTEES AND HOUSE OF DELEGATES DELEGATIONS
19 REPRESENTING MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY.

20 (2) ON OR BEFORE SEPTEMBER 30, 2001 AND ON OR BEFORE SEPTEMBER
21 30 EACH SUBSEQUENT YEAR THROUGH 2005, THE WSSC SHALL SUBMIT A REPORT ON
22 THE IMPLEMENTATION OF THE COMPETITIVE ACTION PROGRAM, INCLUDING THE
23 PROGRESS ON MEETING THE GOALS AND OBJECTIVES OF THE PROGRAM DURING
24 THE PREVIOUS FISCAL YEAR, TO:

25 (I) THE COUNTY EXECUTIVES OF MONTGOMERY COUNTY AND
26 PRINCE GEORGE'S COUNTY;

27 (II) THE COUNTY COUNCILS OF MONTGOMERY COUNTY AND
28 PRINCE GEORGE'S COUNTY;

29 (III) THE STATE SENATE SELECT COMMITTEES REPRESENTING
30 MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY; AND

31 (IV) THE HOUSE OF DELEGATES DELEGATIONS REPRESENTING
32 MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY.

33 20-103.

34 (A) (1) THERE IS A BICOUNTY COMMITTEE ON PRIVATIZATION OPTIONS.

35 (2) THE PURPOSE OF THE BICOUNTY COMMITTEE IS TO EVALUATE THE
36 PRIVATIZATION OPTIONS DEVELOPED BY THE TASK FORCE ON PRIVATIZATION AND
37 TO DEVELOP A LONG-TERM PLAN FOR THE PROVISION OF WATER AND SEWER
38 SERVICES IN THE SANITARY DISTRICT.

1 (B) (1) THE BICOUNTY COMMITTEE CONSISTS OF NINE MEMBERS.

2 (2) OF THE NINE MEMBERS OF THE BICOUNTY COMMITTEE:

3 (I) ONE MEMBER SHALL BE APPOINTED BY THE COUNTY
4 EXECUTIVE OF MONTGOMERY COUNTY;

5 (II) ONE MEMBER SHALL BE APPOINTED BY THE COUNTY
6 EXECUTIVE OF PRINCE GEORGE'S COUNTY;

7 (III) ONE MEMBER SHALL BE APPOINTED BY THE COUNTY COUNCIL
8 OF MONTGOMERY COUNTY;

9 (IV) ONE MEMBER SHALL BE APPOINTED BY THE COUNTY COUNCIL
10 OF PRINCE GEORGE'S COUNTY;

11 (V) ONE MEMBER SHALL BE APPOINTED BY THE CHAIRMAN OF
12 THE MONTGOMERY COUNTY SELECT COMMITTEE OF THE STATE SENATE;

13 (VI) ONE MEMBER SHALL BE APPOINTED BY THE CHAIRMAN OF
14 THE PRINCE GEORGE'S COUNTY SELECT COMMITTEE OF THE STATE SENATE;

15 (VII) ONE MEMBER SHALL BE APPOINTED BY THE CHAIRMAN OF
16 THE MONTGOMERY COUNTY DELEGATION OF THE HOUSE OF DELEGATES;

17 (VIII) ONE MEMBER SHALL BE APPOINTED BY THE CHAIRMAN OF
18 THE PRINCE GEORGE'S COUNTY DELEGATION OF THE HOUSE OF DELEGATES; AND

19 (IX) ONE MEMBER SHALL BE APPOINTED BY THE CHAIRMAN OF
20 THE PUBLIC SERVICE COMMISSION.

21 (C) (1) THE REPRESENTATIVES OF THE COUNTY EXECUTIVES OF
22 MONTGOMERY AND PRINCE GEORGE'S COUNTIES APPOINTED UNDER SUBSECTION
23 (B)(2)(I) AND (II) OF THIS SECTION SHALL SERVE AS COCHAIRMEN OF THE BICOUNTY
24 COMMITTEE.

25 (2) THE WSSC SHALL PROVIDE STAFF SUPPORT TO THE BICOUNTY
26 COMMITTEE AND COOPERATE WITH AND ASSIST THE BICOUNTY COMMITTEE IN
27 CARRYING OUT ITS CHARGE.

28 (D) (1) IN UNDERTAKING ITS CHARGE, THE BICOUNTY COMMITTEE MAY
29 APPOINT ADVISORY COMMITTEES TO EVALUATE SPECIFIC ISSUES AND TO DEVELOP
30 RECOMMENDATIONS ADDRESSING THOSE ISSUES AS THE BICOUNTY COMMITTEE
31 MAY DIRECT.

32 (2) IF THE BICOUNTY COMMITTEE APPOINTS ADVISORY COMMITTEES
33 UNDER THIS SUBSECTION, TO THE EXTENT POSSIBLE, EACH ADVISORY COMMITTEE
34 SHALL:

35 (I) INCLUDE INDIVIDUALS APPOINTED BASED ON THEIR
36 EXPERTISE IN THE OPERATION AND MANAGEMENT OF A PUBLIC UTILITY; AND

1 (II) REFLECT THE DIVERSITY OF INTERESTS AFFECTED BY THE
2 POTENTIAL RECOMMENDATIONS OF THE BICOUNTY COMMITTEE.

3 (E) (1) THE BICOUNTY COMMITTEE SHALL EVALUATE THE FIVE BASE CASE
4 SCENARIOS AFFECTING THE WSSC DEVELOPED BY THE TASK FORCE ON
5 PRIVATIZATION, AND ANY VARIATION OF THESE SCENARIOS, FOR THE PURPOSE OF
6 DEVELOPING A LONG-TERM PLAN FOR PROVISION OF WATER AND SEWER SERVICES
7 IN THE SANITARY DISTRICT.

8 (2) IN CONDUCTING ITS EVALUATION AND DEVELOPING
9 RECOMMENDATIONS, THE BICOUNTY COMMITTEE SHALL:

10 (I) DEVELOP AN OPERATIONAL PLAN FOR IMPLEMENTATION OF
11 ITS RECOMMENDATIONS;

12 (II) ADDRESS THE GOVERNANCE STRUCTURE APPROPRIATE FOR
13 IMPLEMENTATION; AND

14 (III) DEVELOP A SUGGESTED AGENCY STRUCTURE AND
15 MANAGEMENT SYSTEM THAT IS TO BE CHARGED WITH CARRYING OUT
16 IMPLEMENTATION OF THE PLAN.

17 (3) AS PART OF ITS EVALUATION, THE BICOUNTY COMMITTEE SHALL
18 MONITOR THE WORK OF:

19 (I) THE COMMITTEE ON WSSC ANCILLARY SERVICES ESTABLISHED
20 UNDER § 20-101 OF THIS TITLE; AND

21 (II) THE WSSC IN IMPLEMENTING THE COMPETITIVE ACTION
22 PROGRAM REQUIRED UNDER § 20-102 OF THIS TITLE.

23 (F) (1) ON OR BEFORE DECEMBER 15, 2002, THE BICOUNTY COMMITTEE
24 SHALL ISSUE A REPORT TO:

25 (I) THE COUNTY EXECUTIVES OF MONTGOMERY COUNTY AND
26 PRINCE GEORGE'S COUNTY;

27 (II) THE COUNTY COUNCILS OF MONTGOMERY COUNTY AND
28 PRINCE GEORGE'S COUNTY;

29 (III) THE STATE SENATE SELECT COMMITTEES REPRESENTING
30 MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY; AND

31 (IV) THE HOUSE OF DELEGATES DELEGATIONS REPRESENTING
32 MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY.

33 (2) THE REPORT SHALL INCLUDE:

34 (I) THE INFORMATION REQUIRED UNDER SUBSECTION (E) OF THIS
35 SECTION;

1 (II) LEGISLATION NECESSARY FOR IMPLEMENTATION OF ITS PLAN;

2 AND

3 (III) A RECOMMENDATION CONCERNING THE FUTURE ROLE OF THE
4 BICOUNTY COMMITTEE IN THE IMPLEMENTATION OF ITS PLAN.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2000. It shall remain effective for a period of 5 years and 3 months and, at the
7 end of September 30, 2005, with no further action required by the General Assembly,
8 this Act shall be abrogated and of no further force and effect.