

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 285

(Frederick County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

Environment - County Water and Sewerage Plan - Appeal

This bill provides that a person aggrieved by a reclassification decision made by a county governing body regarding a specific property governed by the county's plan for water supply and sewerage systems may appeal to the circuit court. The person must have participated in the public hearing before the county governing body, and the appeal must be taken in accordance with the provisions of the Maryland Rules governing Judicial Review of Administrative Agency Decisions. The county governing body may be a party to the appeal. The governing body of a municipal corporation may be a party to the appeal under specified conditions.

Fiscal Summary

State Effect: None. The bill would not affect State operations or finances.

Local Effect: The bill is not expected to have a significant impact on local finances.

Small Business Effect: Minimal.

Analysis

Current Law: Each county is required to have a county plan or a plan with adjoining counties that addresses water supply systems, sewerage systems, solid waste disposal systems, solid waste acceptance facilities, and the systematic collection and disposal of solid waste, including litter. Each county governing body must review its county plan at least once every three years in accordance with a schedule set by the Maryland Department of the Environment (MDE). Each county governing body must adopt and

submit to MDE a revision or amendment to its county plan if the governing body considers a revision or amendment necessary or if MDE requires a revision or amendment. Before a revision or amendment is adopted, the county governing body must conduct a public hearing.

A person aggrieved by a reclassification made by a county governing body with respect to a water supply and sewerage plan has the ability to challenge that decision by filing an action in circuit court for a writ of mandamus or a declaratory judgment. In general, a civil action must be filed within three years. By contrast, pursuant to the Judicial Review of Administrative Agency Decisions (JRAAD) under the Maryland Rules, a petition for judicial review must generally be filed within 30 days of the order or action that is being challenged. In addition, unlike a hearing in a typical civil action, judicial review conducted under JRAAD is limited to the record that was before the agency or deciding body.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Charles County, Frederick County, Montgomery County, Maryland Department of the Environment, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2003
ncs/cer Revised - House Third Reader - March 13, 2003

Analysis by: Lesley Frymier

Direct Inquiries to:
(410) 946-5510
(301) 970-5510