

HOUSE BILL 750

L5

71r0362

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

Introduced and read first time: February 8, 2007

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2007

CHAPTER _____

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission and Maryland–National Capital**
3 **Park and Planning Commission – Appointments – Interviews and Financial**
4 **Statements**

5 **MC/PG 102–07**

6 FOR the purpose of authorizing, rather than requiring, the county executives of
7 Montgomery County and Prince George's County to conduct certain interviews
8 of each applicant for appointment or reappointment to the Washington
9 Suburban Sanitary Commission (WSSC); requiring the county executives to
10 conduct certain interviews of applicants selected for appointment to the WSSC;
11 authorizing a designee of the County Executive of Montgomery County to
12 require certain applicants to produce certain documents; altering certain
13 requirements relating to the deadline for filing of certain financial disclosure
14 statements filed by certain applicants for appointments to the WSSC and to the
15 Maryland–National Capital Park and Planning Commission (M–NCPPC) in
16 Montgomery County and Prince George's County; clarifying certain
17 requirements relating to the content of certain financial disclosure statements
18 filed by certain applicants for appointment to the WSSC and M–NCPPC;
19 making stylistic changes; and generally relating to applications for
20 appointments to the WSSC and the M–NCPPC.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article 29 – Washington Suburban Sanitary District
 3 Section 1–103
 4 Annotated Code of Maryland
 5 (2003 Replacement Volume and 2006 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – State Government
 8 Section 15–821
 9 Annotated Code of Maryland
 10 (2004 Replacement Volume and 2006 Supplement)

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

13 **Article 29 – Washington Suburban Sanitary District**

14 1–103.

15 (a) (1) The County Executive shall make any appointment from a list of
 16 applicants. The list of applicants shall:

17 (i) Be completed at least 3 weeks before the date the County
 18 Executive makes the actual appointment; and

19 (ii) Be open to the public for inspection from the time the list is
 20 first begun until an appointment is made by the County Executive.

21 (2) If [a] **THE** County Executive does not choose to appoint an
 22 individual from the names on the list, the County Executive shall prepare additional
 23 lists and follow the procedure applicable to the first list. The [3 week] **3-WEEK** period
 24 begins with the closing of each list.

25 (b) (1) **[The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
 26 County Executive or a designee of the County Executive [shall] **MAY** interview in
 27 private each applicant for appointment or reappointment to the WSSC as to possible
 28 or potential conflicts of interest.

29 **(2) THE COUNTY EXECUTIVE OR A DESIGNEE OF THE COUNTY**
 30 **EXECUTIVE SHALL INTERVIEW IN PRIVATE, BEFORE APPOINTMENT, AN**

1 **APPLICANT WHO IS SELECTED FOR APPOINTMENT TO THE WSSC AS TO**
2 **POSSIBLE OR POTENTIAL CONFLICTS OF INTEREST.**

3 (c) (1) In Montgomery County, **IF THE COUNTY EXECUTIVE OR A**
4 **DESIGNEE OF THE COUNTY EXECUTIVE CONDUCTS AN INTERVIEW UNDER**
5 **SUBSECTION (B) OF THIS SECTION**, the applicant shall be interviewed:

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

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

10 (2) The County Executive of Montgomery County **OR A DESIGNEE OF**
11 **THE COUNTY EXECUTIVE** may require the production of any documents that the
12 County Executive **OR DESIGNEE** wishes the applicant to produce.

13 (3) A written transcript of the interview:

14 (i) Shall be made;

15 (ii) Unless waived by the applicant, may be reviewed by the
16 applicant;

17 (iii) May be altered for the applicant by the transcribing officer if
18 accompanied by a statement of the reason given by the applicant for the alteration;
19 and

20 (iv) Shall be signed by the applicant.

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

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

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

25 (5) The County Executive of Montgomery County **OR A DESIGNEE OF**
26 **THE COUNTY EXECUTIVE** shall:

1 (i) Publicly disclose the complete transcribed testimony of AN
 2 actual [appointees] APPOINTEE to the WSSC 3 weeks after [their] THE appointment;
 3 and

4 (ii) Destroy the complete transcript of [all] ANY other
 5 [applicants] APPLICANT immediately without the disclosure to anyone of any
 6 information contained in the transcript.

7 Article - State Government

8 15-821.

9 (a) An applicant for appointment as commissioner shall file the financial
 10 disclosure statement required by this Part III as prescribed in this section.

11 (b) The statement shall be filed with the county council and the chief
 12 administrative officer of the county from which the applicant seeks appointment.

13 (c) (1) In Montgomery County, an applicant for appointment or
 14 reappointment to the Maryland-National Capital Park and Planning Commission
 15 shall file the statement not later than 5 days before the [initial date set for the
 16 interview by the county council] INTERVIEW CONDUCTED UNDER ARTICLE 28,
 17 § 2-114 OF THE CODE. The statement shall cover the 12-month period ending 60
 18 days before the [initial date set for the interview] DAY THE STATEMENT IS FILED.

19 (2) In Prince George's County, an applicant for appointment to the
 20 Maryland-National Capital Park and Planning Commission shall file the statement
 21 not later than 5 days before the ~~initial date set for the confirmation hearing by the~~
 22 ~~county council~~ CONFIRMATION HEARING CONDUCTED UNDER ARTICLE 28, §
 23 2-101 OF THE CODE. The statement shall cover the 12-month period ending 60 days
 24 before the initial date set for the confirmation hearing.

25 (d) ~~(1) IN MONTGOMERY COUNTY, AN APPLICANT FOR~~
 26 ~~APPOINTMENT TO THE WASHINGTON SUBURBAN SANITARY COMMISSION~~
 27 ~~SHALL FILE THE STATEMENT NOT LATER THAN 5 DAYS BEFORE THE INTERVIEW~~
 28 ~~CONDUCTED UNDER ARTICLE 29, § 1-103 OF THE CODE. THE STATEMENT~~
 29 ~~SHALL COVER THE 12-MONTH PERIOD ENDING 60 DAYS BEFORE THE DAY THE~~
 30 ~~STATEMENT IS FILED.~~

31 ~~(2) [An] IN PRINCE GEORGE'S COUNTY, AN~~ applicant for
 32 appointment to the Washington Suburban Sanitary Commission shall file the

1 statement not later than 5 days before the interview [required by Article 29]
 2 **CONDUCTED UNDER ARTICLE 29, § 1-103** of the Code. The statement shall cover
 3 the 12-month period ending 60 days before the ~~initial date set for the interview~~ **DAY**
 4 **THE STATEMENT IS FILED.**

5 (e) An applicant for appointment to the Washington Suburban Transit
 6 Commission shall file the statement at least 10 days before the appointment becomes
 7 effective. The statement shall cover the 12-month period ending not more than 60
 8 days before the day the statement is filed.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 10 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.