

HOUSE BILL 940

L5

(8lr0661)

ENROLLED BILL

—*Environmental Matters/Education, Health, and Environmental Affairs*—

Introduced by **Prince George’s County Delegation and Montgomery County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o’clock, _____M.

Speaker.

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 **PG/MC 102–08**

6 FOR the purpose of authorizing, rather than requiring, the county executives of
7 Montgomery County and Prince George’s County or a designee of the county
8 executive to conduct certain interviews of each applicant for appointment or
9 reappointment to the Washington Suburban Sanitary Commission (WSSC);
10 requiring the county executives or a designee of the county executive to conduct
11 certain interviews of applicants selected for appointment to the WSSC;
12 authorizing a designee of the County Executive of Montgomery County to
13 require certain applicants to produce certain documents; *requiring the County*

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.

Italics indicate opposite chamber / conference committee amendments.



1 Executive of Prince George's County or a designee of the County Executive to
 2 provide to inform the Prince George's County Council, before appointment to the
 3 WSSC, the complete transcript of the interview of possible or potential conflicts of
 4 interest of a certain applicant; altering certain requirements relating to the
 5 deadline for filing of certain financial disclosure statements filed by certain
 6 applicants for appointments to the WSSC and to the Maryland–National
 7 Capital Park and Planning Commission (MNCPPC) in Montgomery County and
 8 Prince George's County; clarifying certain requirements relating to the content
 9 of certain financial disclosure statements filed by certain applicants for
 10 appointment to the WSSC and the MNCPPC; making stylistic changes; and
 11 generally relating to applications for appointments to the WSSC and the
 12 MNCPPC.

13 BY repealing and reenacting, with amendments,
 14 Article 29 – Washington Suburban Sanitary District
 15 Section 1–103
 16 Annotated Code of Maryland
 17 (2003 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,
 19 Article – State Government
 20 Section 15–821
 21 Annotated Code of Maryland
 22 (2004 Replacement Volume and 2007 Supplement)

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

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

26 1–103.

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

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

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

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

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

5 (2) **THE COUNTY EXECUTIVE OR A DESIGNEE OF THE COUNTY**
6 **EXECUTIVE SHALL INTERVIEW IN PRIVATE, BEFORE APPOINTMENT, AN**
7 **APPLICANT WHO IS SELECTED FOR APPOINTMENT TO THE WSSC AS TO**
8 **POSSIBLE OR POTENTIAL CONFLICTS OF INTEREST.**

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

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

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

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

19 (3) A written transcript of the interview:

20 (i) Shall be made;

21 (ii) Unless waived by the applicant, may be reviewed by the
22 applicant;

23 (iii) May be altered for the applicant by the transcribing officer if
24 accompanied by a statement of the reason given by the applicant for the alteration;
25 and

26 (iv) Shall be signed by the applicant.

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

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

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

31 (5) The County Executive of Montgomery County **OR A DESIGNEE OF**
32 **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 **(6) THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY OR A**
 8 **DESIGNEE OF THE COUNTY EXECUTIVE SHALL ~~PROVIDE TO INFORM THE PRINCE~~**
 9 **GEORGE'S COUNTY COUNCIL, BEFORE APPOINTMENT, ~~THE COMPLETE~~**
 10 **~~TRANSCRIPT OF THE INTERVIEW OF POSSIBLE OR POTENTIAL CONFLICTS OF~~**
 11 **INTEREST OF AN APPLICANT WHO IS SELECTED FOR APPOINTMENT TO THE**
 12 **WSSC.**

13 **Article – State Government**

14 15–821.

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

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

19 (c) (1) In Montgomery County, an applicant for appointment or
 20 reappointment to the Maryland–National Capital Park and Planning Commission
 21 shall file the statement not later than 5 days before the [initial date set for the
 22 interview by the county council] **INTERVIEW CONDUCTED UNDER ARTICLE 28,**
 23 **§ 2–114 OF THE CODE.** The statement shall cover the 12–month period ending 60
 24 days before the [initial date set for the interview] **DAY THE STATEMENT IS FILED.**

25 (2) In Prince George's County, an applicant for appointment to the
 26 Maryland–National Capital Park and Planning Commission shall file the statement
 27 not later than 5 days before the [initial date set for the confirmation hearing by the
 28 county council] **CONFIRMATION HEARING CONDUCTED UNDER ARTICLE 28, §**
 29 **2–101 OF THE CODE.** The statement shall cover the 12–month period ending 60 days
 30 before the initial date set for the confirmation hearing.

31 (d) An applicant for appointment to the Washington Suburban Sanitary
 32 Commission shall file the statement not later than 5 days before the interview
 33 [required by Article 29] **CONDUCTED UNDER ARTICLE 29, § 1–103** of the Code. The
 34 statement shall cover the 12–month period ending 60 days before the [initial date set
 35 for the interview] **DAY THE STATEMENT IS FILED.**

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.