

CHAPTER 527

(House Bill 940)

AN ACT concerning

Washington Suburban Sanitary Commission and Maryland–National Capital Park and Planning Commission – Appointments – Interviews and Financial Statements

PG/MC 102–08

FOR the purpose of authorizing, rather than requiring, the county executives of Montgomery County and Prince George’s County or a designee of the county executive to conduct certain interviews of each applicant for appointment or reappointment to the Washington Suburban Sanitary Commission (WSSC); requiring the county executives or a designee of the county executive to conduct certain interviews of applicants selected for appointment to the WSSC; authorizing a designee of the County Executive of Montgomery County to require certain applicants to produce certain documents; *requiring the County Executive of Prince George’s County or a designee of the County Executive to ~~provide to inform the Prince George’s County Council, before appointment to the WSSC, the complete transcript of the interview~~ of possible or potential conflicts of interest of a certain applicant*; altering certain requirements relating to the deadline for filing of certain financial disclosure statements filed by certain applicants for appointments to the WSSC and to the Maryland–National Capital Park and Planning Commission (MNCPPC) in Montgomery County and Prince George’s County; clarifying certain requirements relating to the content of certain financial disclosure statements filed by certain applicants for appointment to the WSSC and the MNCPPC; making stylistic changes; and generally relating to applications for appointments to the WSSC and the MNCPPC.

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

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

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

Article 29 – Washington Suburban Sanitary District

1–103.

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

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

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

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

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

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

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

(i) In a question and answer fashion; and

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

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

- (3) A written transcript of the interview:
 - (i) Shall be made;
 - (ii) Unless waived by the applicant, may be reviewed by the applicant;
 - (iii) May be altered for the applicant by the transcribing officer if accompanied by a statement of the reason given by the applicant for the alteration; and
 - (iv) Shall be signed by the applicant.
- (4) The transcribing officer shall certify on the transcript that:
 - (i) The applicant was duly sworn by the officer; and
 - (ii) The transcript is a true record of the testimony given by the applicant.
- (5) The County Executive of Montgomery County **OR A DESIGNEE OF THE COUNTY EXECUTIVE** shall:
 - (i) Publicly disclose the complete transcribed testimony of AN actual [appointees] **APPOINTEE** to the WSSC 3 weeks after [their] **THE** appointment; and
 - (ii) Destroy the complete transcript of [all] **ANY** other [applicants] **APPLICANT** immediately without the disclosure to anyone of any information contained in the transcript.

(6) THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY OR A DESIGNEE OF THE COUNTY EXECUTIVE SHALL ~~PROVIDE TO~~ INFORM THE PRINCE GEORGE'S COUNTY COUNCIL, BEFORE APPOINTMENT, ~~THE COMPLETE TRANSCRIPT OF THE INTERVIEW~~ OF POSSIBLE OR POTENTIAL CONFLICTS OF INTEREST OF AN APPLICANT WHO IS SELECTED FOR APPOINTMENT TO THE WSSC.

Article – State Government

15–821.

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

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

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

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

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

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

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

Approved by the Governor, May 13, 2008.