

# HOUSE BILL 1137

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HB 932/08 – ENV

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By: **Montgomery County Delegation and Prince George's County Delegation**  
Introduced and read first time: February 13, 2009  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Budget Approval**

3 **MC/PG 105–09**

4 FOR the purpose of providing that if the county councils of Montgomery and Prince  
5 George's counties fail to concur in a change in the funding of an item in the  
6 capital budget of the Washington Suburban Sanitary Commission (WSSC) by a  
7 certain time, the funding level for that item may not exceed a certain level;  
8 providing that if the county councils of Montgomery and Prince George's  
9 counties fail to approve the capital budget of the WSSC by a certain time, the  
10 funding levels for the capital budgets may not exceed a certain level; and  
11 generally relating to the capital budget of the Washington Suburban Sanitary  
12 Commission.

13 BY repealing and reenacting, with amendments,  
14 Article 29 – Washington Suburban Sanitary District  
15 Section 1–204  
16 Annotated Code of Maryland  
17 (2003 Replacement Volume and 2008 Supplement)

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

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

21 1–204.

22 (a) The WSSC:

23 (1) Before January 15 of each year, shall prepare capital and operating  
24 budgets for the next fiscal year, which shall include projects and contracts authorized

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 under §§ 1–206 and 1–208 of this subtitle, which shall be open for inspection by the  
2 public and copies shall be made available to the public on request;

3 (2) Before February 15 of each year, shall hold a public hearing on the  
4 proposed budgets after giving at least 21 days' notice of the hearing by publication in  
5 at least 2 newspapers published and generally circulated in Montgomery County and 2  
6 newspapers published and generally circulated in Prince George's County;

7 (3) On or before March 1 of each year, shall prepare and submit to the  
8 County Executives of Montgomery and Prince George's counties, the capital and  
9 operating budgets for the WSSC, for the next fiscal year together with the record of  
10 any public hearing which was held on the budgets;

11 (4) Shall identify the sources of revenue allocable to the various  
12 proposed expenditures;

13 (5) Shall propose a complete schedule of rates for the water  
14 consumption and sewer usage charges and ad valorem tax levies that the WSSC  
15 considers necessary to finance the budgets;

16 (6) Shall certify the amounts necessary to be raised for the next year  
17 for the payment of interest and principal on all outstanding bonds and notes of the  
18 WSSC; and

19 (7) Between March 1 and April 1 of each year, may submit to the  
20 County Executives of Montgomery and Prince George's counties amendatory items to  
21 the proposed budgets, together with a declaration of need identifying the sources of  
22 revenue allocable to the proposed amendatory items.

23 (b) Each County Executive shall transmit to the County Council of the  
24 county:

25 (1) The proposed budgets, together with recommendations on the  
26 proposed budgets, and the record of any public hearing held by the WSSC, not later  
27 than March 15 of each year; and

28 (2) Amendatory items to the proposed budgets with their  
29 recommendations within 10 days after receipt of the amendatory items.

30 (c) (1) Each County Council:

31 (i) On public notice, may hold public hearings on the proposed  
32 budgets of the WSSC not earlier than 21 calendar days following receipt from the  
33 County Executive;

34 (ii) May add to, delete from, increase, or decrease an item of  
35 either budget, and shall transmit by May 15 any proposed changes to the other County  
36 Council for review and concurrence; and

1 (iii) On or before June 1 of each year, shall approve the budgets  
2 and transmit them to the WSSC.

3 (2) (i) **1.** If the County Councils fail to concur in a change with  
4 respect to **THE FUNDING OF** any item **IN THE OPERATING BUDGET OF THE WSSC**  
5 by June 1, the failure to concur constitutes approval of the item submitted by the  
6 WSSC.

7 **2. IF THE COUNTY COUNCILS FAIL TO CONCUR IN A**  
8 **CHANGE WITH RESPECT TO THE FUNDING OF ANY ITEM IN THE CAPITAL BUDGET**  
9 **OF THE WSSC, THE FUNDING LEVEL FOR THE ITEM MAY NOT EXCEED THE**  
10 **FUNDING LEVEL FOR THE ITEM IN THE CAPITAL BUDGET FOR THE**  
11 **IMMEDIATELY PRECEDING FISCAL YEAR.**

12 (ii) **1.** If the County Councils fail to approve the [budgets on  
13 or before] **OPERATING BUDGET OF THE WSSC BY** June 1 of each year, the proposed  
14 [budgets] **OPERATING BUDGET** of the WSSC [are] **IS** adopted.

15 **2. IF THE COUNTY COUNCILS FAIL TO APPROVE THE**  
16 **CAPITAL BUDGET OF THE WSSC BY JUNE 1 OF EACH YEAR, THE FUNDING**  
17 **LEVEL FOR THE CAPITAL BUDGET MAY NOT EXCEED THE FUNDING LEVEL FOR**  
18 **THE CAPITAL BUDGET FOR THE IMMEDIATELY PRECEDING FISCAL YEAR.**

19 (e) (1) The WSSC may submit to the County Executives of the counties  
20 proposed supplements to the approved budgets. The submittals shall include full  
21 particulars.

22 (2) Within 10 days of receipt of the proposed supplements, the County  
23 Executive of each county shall transmit the proposed supplements to the County  
24 Council of that county, together with recommendations.

25 (3) Each County Council:

26 (i) May hold public hearings on the proposed supplements; and

27 (ii) May add to, delete from, increase, or decrease the proposed  
28 supplements.

29 (4) The failure of the County Councils to jointly approve or amend the  
30 proposed supplements within 90 days from the date of transmittal of the proposed  
31 supplements to the County Executives by the WSSC constitutes disapproval of the  
32 supplements by the County Councils of Montgomery and Prince George's counties as  
33 submitted by the WSSC.

1           (f)    (1)    Through joint action, the County Councils may recommend to the  
2 WSSC rates for water consumption and sewer usage charges and ad valorem tax levies  
3 on transmission of the approved budget of the WSSC.

4           (2)    On receipt of the budgets and recommendations from the County  
5 Councils, the WSSC shall approve a rate schedule taking into consideration the  
6 proposed rate changes recommended by the joint action of the Councils.

7           (3)    Subject to the provisions of § 6–103 of this article, the rates for  
8 sewer and water usage charges shall be uniform throughout the sanitary district.

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2009.