

HOUSE BILL 1131

L5

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By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: February 11, 2016
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

3 **PG/MC 104–16**

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

12 BY repealing and reenacting, with amendments,
13 Article – Public Utilities
14 Section 17–202
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2015 Supplement)

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

19 **Article – Public Utilities**

20 17–202.

21 (a) The Commission:

22 (1) before January 15 of each year, shall prepare capital and operating
23 budgets for the next fiscal year that shall include projects and contracts authorized under
24 §§ 17–204 and 17–205 of this subtitle;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) shall make available to the public, on request, copies of the budgets
2 described in item (1) of this subsection;

3 (3) before February 15 of each year, shall hold a public hearing on the
4 proposed capital and operating budgets after giving at least 21 days' notice of the hearing
5 by publication in at least two newspapers of general circulation in Montgomery County and
6 two newspapers of general circulation in Prince George's County;

7 (4) on or before March 1 of each year, shall submit to the county executives
8 of Montgomery County and Prince George's County the proposed capital and operating
9 budgets for the next fiscal year, including the record of any public hearing on the proposed
10 capital or operating budget held by the Commission;

11 (5) shall identify the sources of revenue allocable to each proposed
12 expenditure;

13 (6) shall propose a complete schedule of rates for water service charges,
14 sewer usage charges, and ad valorem taxes that the Commission considers necessary to
15 finance the capital and operating budgets;

16 (7) shall certify the amount necessary to be raised for the next fiscal year
17 for debt service payments on all outstanding bonds and notes of the Commission; and

18 (8) between March 1 and April 1 of each year, may submit to the county
19 executives of Montgomery County and Prince George's County amendments to the proposed
20 capital or operating budget, including a declaration of need identifying the sources of
21 revenue allocable to the proposed amendments.

22 (b) The county executives of Montgomery County and Prince George's County
23 shall submit to the respective county council:

24 (1) on or before March 15 of each year, the proposed capital and operating
25 budgets, including:

26 (i) recommendations on the proposed capital and operating budgets;
27 and

28 (ii) the record of any public hearing on the capital or operating
29 budget held by the Commission; and

30 (2) any amendments to the proposed capital and operating budgets with
31 the county executive's recommendations within 10 days after receipt of the amendments.

32 (c) (1) The county councils of Montgomery County and Prince George's
33 County:

1 (i) after giving public notice, may hold public hearings on the
2 proposed capital and operating budgets not earlier than 21 calendar days after receipt of
3 the capital and operating budgets from the respective county executive;

4 (ii) may add to, delete from, increase, or decrease an item of the
5 capital or operating budget;

6 (iii) on or before May 15 of each year, shall submit any proposed
7 changes to the capital or operating budgets to the other county council for review and
8 concurrence; and

9 (iv) on or before June 1 of each year, shall approve the capital and
10 operating budgets and submit them to the Commission.

11 (2) (i) If the county councils fail to concur in a change with respect to
12 **THE FUNDING OF** any item in the capital **BUDGET** or operating budget on or before June
13 1 of each year, [the failure to concur constitutes approval of the item as submitted by the
14 Commission] **THE FUNDING LEVEL FOR THE ITEM MAY NOT EXCEED THE FUNDING**
15 **LEVEL FOR THE ITEM IN THE RESPECTIVE BUDGET FOR THE IMMEDIATELY**
16 **PRECEDING FISCAL YEAR.**

17 (ii) If the county councils fail to approve the capital **BUDGET** [and]
18 **OR** operating [budgets] **BUDGET** on or before June 1 of each year, [the proposed capital
19 and operating budgets of the Commission are deemed approved] **THE FUNDING LEVEL**
20 **FOR THE RESPECTIVE BUDGET MAY NOT EXCEED THE FUNDING LEVEL FOR THE**
21 **RESPECTIVE BUDGET FOR THE IMMEDIATELY PRECEDING FISCAL YEAR.**

22 (d) (1) The Commission may submit detailed proposed supplements to the
23 approved capital and operating budgets to the county executives of Montgomery County
24 and Prince George's County.

25 (2) Within 10 days after receipt of a proposed budget supplement, each
26 county executive shall submit the proposed budget supplement, including
27 recommendations, to the respective county council.

28 (3) Each county council:

29 (i) may hold public hearings on the proposed budget supplement;
30 and

31 (ii) may add to, delete from, increase, or decrease the proposed
32 budget supplement.

33 (4) The failure of the county councils to jointly approve or amend the
34 proposed budget supplement within 90 days after the date that the Commission submits

1 the proposed budget supplement to the county executives constitutes disapproval of the
2 supplement as submitted by the Commission.

3 (e) (1) On submission of the approved capital and operating budgets the
4 county councils of Montgomery County and Prince George's County may jointly recommend
5 to the Commission rates for:

6 (i) water service charges;

7 (ii) sewer usage charges; and

8 (iii) ad valorem taxes.

9 (2) (i) On receipt of the capital and operating budgets and
10 recommendations from the county councils, the Commission shall approve a rate schedule.

11 (ii) In approving a rate schedule the Commission shall consider the
12 proposed rate changes jointly recommended by the county councils.

13 (3) Subject to § 25–101 of this article, the rates for water service charges
14 and sewer usage charges shall be uniform throughout the sanitary district.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2016.