

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Carter

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

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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Public Utilities

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17–202.

(a) The Commission:

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

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

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

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

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

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

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

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

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

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

5 (i) recommendations on the proposed capital and operating budgets;
6 and

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

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

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

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

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

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

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

23 (2) (i) If the county councils fail to concur in a change with respect to
24 **THE FUNDING OF** any item in the capital **BUDGET** or operating budget on or before June
25 1 of each year, [the failure to concur constitutes approval of the item as submitted by the
26 Commission] **THE FUNDING LEVEL FOR THE ITEM MAY NOT EXCEED THE FUNDING**
27 **LEVEL FOR THE ITEM IN THE RESPECTIVE BUDGET FOR THE IMMEDIATELY**
28 **PRECEDING FISCAL YEAR.**

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

6 (d) (1) The Commission may submit detailed proposed supplements to the
7 approved capital and operating budgets to the county executives of Montgomery County
8 and Prince George’s County.

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

12 (3) Each county council:

13 (i) may hold public hearings on the proposed budget supplement;
14 and

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

17 (4) The failure of the county councils to jointly approve or amend the
18 proposed budget supplement within 90 days after the date that the Commission submits
19 the proposed budget supplement to the county executives constitutes disapproval of the
20 supplement as submitted by the Commission.

21 (e) (1) On submission of the approved capital and operating budgets the
22 county councils of Montgomery County and Prince George’s County may jointly recommend
23 to the Commission rates for:

24 (i) water service charges;

25 (ii) sewer usage charges; and

26 (iii) ad valorem taxes.

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

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

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

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