

HOUSE BILL 843

M3, C5, L6

EMERGENCY BILL
ENROLLED BILL

(3lr2442)

— *Environment and Transportation/Education, Energy, and the Environment* —

Introduced by **Delegates Smith, Ebersole, Addison, Allen, Amprey, Attar, Bhandari, Boyce, Cardin, Conaway, Edelson, Embry, Forbes, Guyton, Jackson, R. Lewis, Mangione, McCaskill, Metzgar, Pasteur, Ruth, Stein, White, and Young**

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 **Baltimore Regional Water Governance Task Force**

3 FOR the purpose of establishing the Baltimore Regional Water Governance Task Force to
4 study approaches to water and wastewater governance in the Baltimore region; and
5 generally relating to water supply and wastewater treatment in the Baltimore
6 region.

7 Preamble

8 WHEREAS, The General Assembly of Maryland granted general authority to
9 Baltimore City to develop a water supply system within and outside of its borders, impound

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 and withdraw water from the Gunpowder River, the Patapsco River, and the Little
2 Gunpowder River, and withdraw water from the Susquehanna River; and

3 WHEREAS, The water supply system developed by Baltimore City has supported
4 the development and expansion of adjacent regional counties; and

5 WHEREAS, Chapter 539 of 1924 established a Metropolitan District within
6 Baltimore County authorizing Baltimore County to construct, maintain, and operate
7 wastewater systems within the Metropolitan District and required Baltimore City to
8 extend the water supply lines within the Metropolitan District; and

9 WHEREAS, Chapter 729 of 1939 authorized Baltimore County to enter into
10 contractual agreements with Baltimore City for the disposal of wastewater and for the
11 establishment, construction, operation, and maintenance of and costs associated with the
12 water supply and wastewater systems; and

13 WHEREAS, Baltimore County and Baltimore City entered into agreements in 1945
14 and 1963, and, most recently, in 1972 and 1974 recognizing that “substantial increases in
15 population, volume of sewage, operation and maintenance costs, and costs of construction”
16 for the jointly-used water and wastewater systems compelled updates to the jurisdiction
17 management and funding of the systems; and

18 WHEREAS, In 1991, arbitration clarified that individuals who use water services
19 within the Metropolitan District were customers of Baltimore City’s water system and were
20 principals of Baltimore County in the provision of water services; and

21 WHEREAS, Due to regional population growth, Baltimore City’s water and
22 wastewater system now provides water and wastewater service to additional jurisdictions,
23 including Anne Arundel County, Carroll County, Harford County, and Howard County and
24 now serves more than 1.8 million regional residents; and

25 WHEREAS, In accordance with Title 9, Subtitle 5 of the Environment Article,
26 Baltimore City alone develops the plans for water supply and wastewater systems,
27 including operations, maintenance, and capital investments, while Baltimore County pays
28 their proportionate share of the costs; and

29 WHEREAS, Baltimore City and Baltimore County jointly engaged consultants to
30 conduct a comprehensive business process review to identify strengths and weaknesses of
31 the current governance, planning, data management, and operations of the water and
32 wastewater utilities, to identify opportunities to improve interjurisdictional collaboration,
33 and to understand the current state of the structures and processes for the delivery of water
34 and wastewater services, including operations, planning, and billing, the results of which
35 were finalized in July 2021 in the Water/Sewer Services Comprehensive Business Process
36 Review; and

37 WHEREAS, The consultants provided several models of governance and operations
38 that may provide optimal customer service, system reliability, or interjurisdictional

1 collaboration, and specifically recommended the exploration of alternative governance
2 structures; and

3 WHEREAS, The consultants highlighted the development, operations, and
4 governance of several existing regional models for water and wastewater across the
5 country; now, therefore,

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That:

8 (a) There is a Baltimore Regional Water Governance Task Force.

9 (b) (1) The Task Force consists of the following members:

10 (i) one member of the Senate of Maryland, appointed by the
11 President of the Senate;

12 (ii) one member of the House of Delegates, appointed by the Speaker
13 of the House;

14 (iii) two members appointed by the Governor;

15 (iv) five members appointed by the Mayor of Baltimore City;

16 (v) three members appointed by the County Executive of Baltimore
17 County; and

18 (vi) one member from either Anne Arundel County, Carroll County,
19 Howard County, or Harford County, appointed by the Chair of the Baltimore Metropolitan
20 Council.

21 (2) Each member shall:

22 (i) have knowledge of:

23 1. water;

24 2. wastewater; or

25 3. financing of water or wastewater infrastructure; or

26 (ii) represent ratepayers in their respective jurisdictions.

27 (c) The Mayor of Baltimore City and the County Executive of Baltimore County
28 shall jointly designate a chair of the Task Force.

(d) The Mayor of Baltimore City and the County Executive of Baltimore County shall jointly provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The Task Force shall strive for consensus among its members.

(2) An affirmative vote of 10 members is needed for the Task Force to act.

(g) The Task Force shall:

(1) review the findings under Task 2 (Review the City and County Organizational Structure and Governance Models) of the Water/Sewer Services Comprehensive Business Process Review for Baltimore City and Baltimore County, as finalized in July 2021;

(2) review the findings under Task 2.4 (Governance Model Examples and Case Reviews) of the Water/Sewer Services Comprehensive Business Process Review for Baltimore City and Baltimore County, as finalized in July 2021, and other existing regional water and wastewater governance models to assess how different regional approaches may improve:

(i) management;

(ii) operations;

(iii) employee recruitment;

(iv) retention and training;

(v) billing and collections;

(vi) planning for capital improvements;

(vii) emergency management; and

(viii) rate stability for customers;

(3) assess alternative governance structures for the Baltimore region's water and wastewater utility, including frameworks for:

(i) governance;

(ii) financing;

(iii) capital planning;

(iv) future system capacity expansion;

(v) decision-making processes; and

(vi) ongoing operations and maintenance of safe, efficient, equitable, and affordable water and wastewater systems serving the Baltimore region;

(4) analyze the fiscal implications and efficiencies of each alternative governance structure, including estimated short- and long-term costs, 10-year historical costs that both jurisdictions have paid to the utility, and cost-savings associated with:

(i) systems transitions;

(ii) asset leases and capital planning;

(iii) rate restructuring for Baltimore City, Baltimore County, and other wholesale stakeholders;

(iv) debt consolidation and extension;

(v) staffing and pension liabilities; and

(vi) other relevant costs to jurisdictions or customers served by the shared systems; and

(5) recommend the governance model best suited for water and wastewater systems in the Baltimore region and the necessary legislation and funding to establish the recommended model.

(h) In developing the recommendations and report required under this section, the Task Force shall consult with the Department of the Environment and the Maryland Environmental Service.

(i) ~~*It is the intent of the General Assembly that the Task Force strengthen the governance of the Baltimore region's water and wastewater utility as a public asset.*~~

~~(i)~~ On or before January 30, 2024, the Task Force shall report its findings and recommendations to the Mayor of Baltimore City, the County Executive of Baltimore County, the Governor, and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted. It shall remain effective through June 30, 2024, and, at the end of June 30, 2024,
6 this Act, with no further action required by the General Assembly, shall be abrogated and
7 of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.