

HOUSE BILL 1195

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

Introduced and read first time: February 6, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Membership, Transparency,**
3 **Billing, and Planning**
4 **(WSSC Transparency and Reform Act of 2025)**

5 **MC/PG 105–25**

6 FOR the purpose of requiring one of the commissioners from Montgomery County on the
7 Washington Suburban Sanitary Commission to be the Director of the Montgomery
8 County Department of Environmental Protection or the Director's designee;
9 requiring the Commission to develop certain long-range planning scenarios on a
10 periodic basis; requiring the Commission to include certain information related to
11 the Commission on the Commission's searchable website; prohibiting the
12 Commission from limiting how frequently certain customers may receive a certain
13 billing adjustment; altering the authorized billing frequency for certain charges;
14 requiring the Commission to appoint a representative to a certain coordinating
15 committee; requiring the Office of Program Evaluation and Government
16 Accountability in the Department of Legislative Services to conduct a certain review
17 of the efficiency and sustainability of the Commission's operations; and generally
18 relating to the Washington Suburban Sanitary Commission.

19 BY repealing and reenacting, with amendments,
20 Article – Public Utilities
21 Section 17–102, 17–107, 17–401, and 25–504(a) and (b)
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2024 Supplement)

24 BY adding to
25 Article – Public Utilities
26 Section 17–202.1 and 28–102
27 Annotated Code of Maryland
28 (2020 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Public Utilities

17–102.

(a) The Commission consists of:

(1) three commissioners from Prince George's County, appointed by the
County Executive subject to the confirmation of the County Council; and

(2) three commissioners from Montgomery County, **OF WHOM:**

(I) TWO ARE appointed by the County Executive subject to the
confirmation of the County Council; **AND**

**(II) ONE IS THE DIRECTOR OF THE MONTGOMERY COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OR THE DIRECTOR'S DESIGNEE.**

(b) (1) Each commissioner from Prince George's County shall be a resident of
the sanitary district.

(2) (i) Each commissioner from Montgomery County shall be a
registered voter of Montgomery County.

(ii) Each commissioner from Prince George's County shall be a
registered voter of Prince George's County.

(c) (1) **[An] EXCEPT AS PROVIDED IN SUBSECTION (A)(2)(II) OF THIS
SECTION, AN** individual may not be appointed or continue in office as a commissioner if
the individual holds any other position of profit or trust under the Constitution or laws of
the State or any political subdivision of the State.

(2) Not more than two commissioners from Montgomery County may be of
the same political party.

(d) (1) The term of a commissioner is 4 years and begins on June 1 of the year
of appointment.

(2) The terms of commissioners are staggered as required by the terms
provided for commissioners on July 1, 1982.

(3) At the end of a term, a commissioner continues to serve until a successor
is appointed and takes the oath of office.

(4) A commissioner who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and takes the oath of office.

(5) A vacancy on the Commission does not impair the right of the remaining commissioners to exercise all the powers of the Commission.

17–107.

(a) (1) **[The] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE** members of the Commission are entitled to the following annual salaries:

(i) chair \$13,500;

(ii) vice chair \$13,000; and

(iii) commissioners \$13,000.

(2) The salary shall be paid every 2 weeks.

(b) While in office, commissioners may participate in any Commission program of group health, life, and disability insurance to the same extent and under the same terms as Commission staff.

(c) The Commission may employ a staff in accordance with the Commission's budget.

(D) A MEMBER OF THE COMMISSION WHO ALSO SERVES AS THE DIRECTOR OF THE MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION MAY NOT RECEIVE COMPENSATION FOR DUTIES PERFORMED AS A MEMBER OF THE COMMISSION.

17–202.1.

(A) FOR FISCAL YEAR 2026 AND EVERY 5 FISCAL YEARS THEREAFTER, THE COMMISSION SHALL DEVELOP LONG–RANGE PLANNING SCENARIOS FOR ITS OPERATING AND CAPITAL BUDGETS AND DEBT SERVICE.

(B) THE SCENARIOS SHALL INCLUDE:

(1) PROJECTIONS THAT DO NOT INCLUDE THE AD VALOREM TAX AUTHORIZED UNDER § 22–112 OF THIS ARTICLE;

(2) PROJECTIONS THAT INCLUDE A RANGE OF AD VALOREM TAXES; AND

(3) SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION, STRESS TESTING THE IMPACT OF A WIDE RANGE OF ECONOMIC CONDITIONS THAT MAY AFFECT THE COMMISSION AND ITS FINANCIAL SOLVENCY, INCLUDING CHANGES IN EMPLOYMENT RATES, INTEREST RATES, AND WATER USAGE.

(C) (1) THE COMMISSION MAY CONSULT WITH INDEPENDENT EXPERTS IN DEVELOPING LONG-RANGE PLANNING SCENARIOS UNDER THIS SECTION.

(2) STRESS TESTING DONE UNDER SUBSECTION (B)(3) OF THIS SECTION SHALL BE BASED ON INDUSTRY STANDARDS.

17-401.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Payee" means a person that receives from the Commission an aggregate payment of \$25,000 in a single fiscal year.

(ii) "Payee" does not include:

1. a Commission employee with respect to the employee's compensation; or

2. a Commission retiree with respect to the retiree's retirement allowance.

(3) "Searchable website" means a website created in accordance with this section that displays and searches payment data of the Commission.

(b) The Commission shall:

(1) publish annually in at least one newspaper in Montgomery County and one newspaper in Prince George's County a copy of the current financial statement of the Commission;

(2) employ a certified public accountant licensed to practice in the State to audit the books and accounts of the Commission;

(3) keep available for public inspection during business hours at its principal office the annual audit and current financial statement; and

(4) file annually with the county executives and county councils of Montgomery County and Prince George's County, and the Montgomery County and Prince George's County Senate and House delegations to the Maryland General Assembly a certified copy of the annual audit and current financial statement.

(c) On or before July 1, 2020, the Commission shall develop and operate a single searchable website accessible to the public at no cost through the Internet.

(d) The searchable website shall contain Commission payment data including:

(1) the name of each payee receiving a payment;

(2) the location of the payee by postal zip code; and

(3) the amount of the payment.

(e) The searchable website shall allow the user to:

(1) search data for fiscal year 2019 and each fiscal year thereafter; and

(2) search by the following data fields:

(i) a payee receiving a payment; and

(ii) the zip code of a payee receiving a payment.

(F) THE SEARCHABLE WEBSITE SHALL CONTAIN ALL BOND RATING REPORTS ISSUED FOR THE COMMISSION FROM ONE OF THE MAJOR CREDIT RATING AGENCIES, INCLUDING:

(1) A COPY OF ANY AUDITS COMPLETED IN RELATION TO A BOND RATING REPORT; AND

(2) A COPY OF ANY FINANCIAL STATEMENTS PROVIDED IN RELATION TO A BOND RATING REPORT.

(G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SEARCHABLE WEBSITE SHALL CONTAIN DATA RELATED TO THE REFUND HEARING BOARD OF THE COMMISSION AND THE DISPUTE RESOLUTION BOARD OF THE COMMISSION, INCLUDING:

(I) THE NUMBER OF CASES FILED;

(II) THE NUMBER OF CASES CLOSED;

(III) THE NUMBER OF CASES GRANTED;

(IV) THE NUMBER OF CASES DENIED;

(V) THE REFUND AMOUNT REQUESTED IN EACH CASE; AND

(VI) THE REFUND AMOUNT GRANTED IN EACH CASE.

(2) THE DATA PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT CONTAIN ANY PERSONALLY IDENTIFIABLE INFORMATION.

(H) THE SEARCHABLE WEBSITE SHALL INCLUDE A COPY OF ANY STRESS TESTING COMPLETED FOR ANY LONG-RANGE PLANNING SCENARIOS DEVELOPED IN ACCORDANCE WITH § 17-202.1 OF THIS TITLE.

~~[(f)]~~ (I) This section may not be construed to require the disclosure of information that is required to be kept confidential under federal, State, or local law.

~~[(g)]~~ (J) (1) Subject to paragraph (2) of this subsection, the county council or county executive of Montgomery County or Prince George's County may, in person or by a duly authorized agent, audit and examine the books and records of the Commission.

(2) The Commission may not be required to pay the cost of the audit or examination under paragraph (1) of this subsection.

25-504.

(a) The Commission:

(1) may provide for the billing and collection of the water and sewer usage charges on an estimated basis for periods of 6 months or less, based on the historical daily average consumption calculated from actual previous usage;

(2) shall read the meter at least once every 6 months; and

(3) (i) shall base the final bill for the 6-month period on the actual consumption adjusted by previous estimates, if the meter had not been read because it was inaccessible;

(ii) shall base the final bill for the 6-month period on the historical daily average consumption, calculated from actual previous usage, if a final reading cannot be made because:

1. the meter malfunctioned;

2. the meter had been taken out of service for repairs, maintenance, or water system relining purposes; or

3. there was theft of service;

(iii) may modify the historical daily average consumption calculation based on appropriate evidence submitted by the owner; [and]

(iv) **MAY NOT LIMIT HOW FREQUENTLY A CUSTOMER MAY RECEIVE AN ADJUSTMENT UNDER § 3.20.040(A) OR (B) OF THE WASHINGTON SUBURBAN SANITARY COMMISSION CODE OF REGULATIONS; AND**

(v) may not base a final bill on estimated usage for two consecutive 6-month periods.

(b) (1) **(I)** The Commission shall bill for the amount of water and sewer usage charges to each property served monthly, every other month, **OR** four times a year, [or twice a year,] as the Commission determines.

(II) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COMMISSION SHALL BILL ON A MONTHLY BASIS.

(2) On receipt each bill is payable to the Commission.

28-102.

THE COMMISSION SHALL APPOINT A REPRESENTATIVE TO SERVE ON THE COORDINATING COMMITTEE ESTABLISHED UNDER PART IV OF THE 1984 AVENEL FARM DEVELOPMENT PLAN MASTER AGREEMENT SIGNED BY THE COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Washington Suburban Sanitary Commission shall study the feasibility of using differential rates among different customer classes for the Commission's service rates and charges, including studying the revenue possibilities of and economic impact on the different customer classes.

(b) On or before October 1, 2026, the Commission shall report its findings and recommendations, including any recommended statutory changes, to the members of the Montgomery County and Prince George's County delegations to the General Assembly, in accordance with § 2-1257 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Office of Program Evaluation and Government Accountability in the Department of Legislative Services shall conduct a review of the efficiency and sustainability of the operations of the Washington Suburban Sanitary Commission.

(b) The review conducted under subsection (a) of this section shall include:

(1) a review of the statutory provisions related to the Commission,

1 including the Commission's regulations, policies, and procedures;

2 (2) a review of the Commission's budgetary process, including the annual
3 setting of rates through the relevant county councils;

4 (3) a review of the Commission's process for entering into consent decrees;

5 (4) a review of the subject matter expertise of appointed commissioners;

6 (5) benchmarking with other systems across a range of operating cost
7 metrics related to the efficiency and sustainability of the Commission;

8 (6) a review of the effectiveness of the Commission's capital program and
9 its ability to maintain water and sewer distribution pipelines and processing plants that
10 meet asset management standards;

11 (7) a study on the Commission's use of its police force, including:

12 (i) a comparison of the size and scope of the Commission's police
13 force with the police force of other utilities; and

14 (ii) whether there are more efficient approaches to water utility
15 security and policing;

16 (8) an analysis on the impact of the Commission not being a government
17 entity in the context of access to government programs that provide customer water
18 assistance or other available funding;

19 (9) a review of the role the Public Service Commission plays in oversight of
20 the Commission, including in its review of the reasonableness of any rate, charge, or
21 assessment done in accordance with § 25–105 of the Public Utilities Article; and

22 (10) an analysis of whether the Office of the Inspector General of the
23 Commission is effective in achieving the purposes of the Office, including:

24 (i) whether the Office is sufficiently independent of the Commission
25 and management within the Commission; and

26 (ii) whether the mandate of the Office should include additional
27 reviews and reports that would help achieve the purposes of the Office, including reports
28 on the effectiveness of internal controls over finance, operations, and compliance activities.

29 (c) On or before October 1, 2027, the Office of Program Evaluation and
30 Government Accountability shall report its findings and recommendations to the members
31 of the Montgomery County and Prince George's County delegations to the General
32 Assembly, in accordance with § 2–1257 of the State Government Article.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2025. Section 2 of this Act shall remain effective for a period of 1 year and 1
3 month and, at the end of October 31, 2026, Section 2 of this Act, with no further action
4 required by the General Assembly, shall be abrogated and of no further force and effect.
5 Section 3 of this Act shall remain effective for a period of 2 years and 1 month and, at the
6 end of October 31, 2027, Section 3 of this Act, with no further action required by the General
7 Assembly, shall be abrogated and of no further force and effect.