

HOUSE BILL 872

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EMERGENCY BILL

3lr2835

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

Introduced and read first time: February 9, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Service in Regional Transit**
3 **Districts in Prince George's County – Contracts**

4 **MC/PG 111–23**

5 FOR the purpose of authorizing the Washington Suburban Sanitary Commission to enter
6 into contracts with the District of Columbia or the District of Columbia Water and
7 Sewer Authority for the construction, maintenance, and operation of a water supply,
8 sewer, or drainage system for certain property located within a regional transit
9 district in Prince George's County; requiring that a contract entered into under this
10 Act include and address certain items; and generally relating to the Washington
11 Suburban Sanitary Commission and water, sewer, and drainage service in Prince
12 George's County.

13 BY repealing and reenacting, with amendments,
14 Article – Public Utilities
15 Section 17–204
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2022 Supplement)

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

20 **Article – Public Utilities**

21 17–204.

22 (a) (1) Subject to paragraph (2) of this subsection, the Commission may enter
23 into a contract or agreement concerning the construction, maintenance, and operation of
24 the water supply, sewer, or drainage systems under its control or under the control or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ownership of the District of Columbia or any other agency, authority, or commission
2 specified in this section.

3 (2) The Commission may enter into a contract or agreement under
4 paragraph (1) of this subsection with:

5 (i) the District of Columbia;

6 (ii) any federal, state, county, or municipal authority in the State or
7 any other state; or

8 (iii) any public water, sewer, or drainage commission in the State or
9 any other state.

10 (b) The Commission may contract with, as a primary party or as a subcontractor,
11 or invest in any person for the ownership, joint-venturing, management, operation,
12 supervision, assistance, participation, or any other activity relating to the design,
13 construction, operation, maintenance, or management of water or wastewater systems,
14 including systems, services, expertise, intellectual property, and techniques developed in
15 connection with, or usable or marketable with respect to, water or wastewater systems.

16 **(C) (1) THE COMMISSION MAY CONTRACT WITH THE DISTRICT OF**
17 **COLUMBIA OR THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**
18 **CONCERNING THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A WATER**
19 **SUPPLY, SEWER, OR DRAINAGE SYSTEM BY THE DISTRICT OF COLUMBIA OR THE**
20 **AUTHORITY FOR PROPERTY THAT:**

21 **(I) IS LOCATED:**

22 **1. WITHIN A REGIONAL TRANSIT DISTRICT IN PRINCE**
23 **GEORGE'S COUNTY;**

24 **2. ON A BOUNDARY LINE WITH THE DISTRICT OF**
25 **COLUMBIA; AND**

26 **3. WITHIN ONE-HALF MILE OF AN EXISTING MASS**
27 **TRANSIT RAIL STATION THAT IS OPERATED BY THE WASHINGTON METROPOLITAN**
28 **AREA TRANSIT AUTHORITY;**

29 **(II) QUALIFIES AS AN EXPEDITED TRANSIT-ORIENTED**
30 **DEVELOPMENT PROJECT UNDER THE ZONING LAWS OF THE COUNTY;**

31 **(III) HAS OBTAINED SITE PLAN APPROVAL IN THE COUNTY; AND**

1 (IV) LACKS FRONTAGE ON A COUNTY RIGHT-OF-WAY FOR
2 WATER OR SEWER CONNECTION.

3 (2) ANY CONTRACT ENTERED INTO UNDER THIS SUBSECTION
4 BETWEEN THE COMMISSION AND THE DISTRICT OF COLUMBIA OR THE DISTRICT OF
5 COLUMBIA WATER AND SEWER AUTHORITY SHALL:

6 (I) ALLOCATE CONSTRUCTION AND MAINTENANCE COSTS AND
7 BILLING AND COLLECTION RESPONSIBILITIES;

8 (II) INCLUDE RATE-SETTING PROCEDURES AND A NOTICE THAT
9 THE RATES MAY NOT EXCEED THE ACTUAL COSTS OF SERVICE INCURRED BY THE
10 COMMISSION OR THE DISTRICT OF COLUMBIA OR THE AUTHORITY;

11 (III) INCLUDE A NOTICE OF THE COMMISSION'S AUTHORITY TO
12 INSPECT METERS AND EQUIPMENT;

13 (IV) REQUIRE THE COMMISSION AND THE DISTRICT OF
14 COLUMBIA OR THE AUTHORITY TO NOTIFY CUSTOMERS OF HEALTH AND SAFETY
15 ADVISORIES;

16 (V) INCLUDE A STATEMENT SPECIFYING THE LEGAL
17 AUTHORITY TO ESTABLISH PROGRAMS TO ASSIST LOW-INCOME CUSTOMERS; AND

18 (VI) LIMIT THE ABILITY OF THE COMMISSION OR THE DISTRICT
19 OF COLUMBIA OR THE AUTHORITY TO REDUCE SERVICES PROVIDED TO A
20 CUSTOMER THAT RECEIVES SERVICE UNDER A CONTRACT ENTERED INTO UNDER
21 THIS SUBSECTION.

22 [(c)] (D) (1) Any contract or agreement entered into under this section has
23 the full effect of a contract between the District of Columbia and the State or between the
24 other agencies, authorities, or persons described in the section and this State.

25 (2) The authority granted in this section is in addition to, and is not limited
26 by, the authority granted by any other Act of the General Assembly.

27 SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing obligation
28 or contract right may not be impaired in any way by this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
30 measure, is necessary for the immediate preservation of the public health or safety, has
31 been passed by a ye and nay vote supported by three-fifths of all the members elected to
32 each of the two Houses of the General Assembly, and shall take effect from the date it is
33 enacted.