

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 865
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Washington Suburban Sanitary Commission and”; in line 4, strike “- Removal”; strike beginning with “authorizing” in line 6 down through “Commission” in line 15 and substitute “altering the date on which a commissioner of the Maryland-National Capital Park and Planning Commission from Prince George’s County is appointed; applying certain provisions regarding conflicts of interest to commissioners from Prince George’s County; providing for the termination of the terms of certain commissioners of the Maryland-National Capital Park and Planning Commission; providing for the appointment and terms of office of certain commissioners of the Maryland-National Capital Park and Planning Commission; providing for the effective date of this Act; and generally relating to commissioners of the Maryland-National Capital Park and Planning Commission from Prince George’s County”; in line 18, strike “2-103” and substitute “2-102 and 2-115”; and strike in their entirety lines 21 through 25, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 2 on page 2 through line 8 on page 3, inclusive, and substitute:

“2-102.

The term of office of each member of the Commission is four years. [Appointments] IN MONTGOMERY COUNTY, APPOINTMENTS shall be made on or before June 15 of the year in which any appointment is to be made, and terms of office shall begin as of that [date and if] DATE. IN PRINCE GEORGE’S COUNTY, APPOINTMENTS SHALL BE MADE ON OR BEFORE FEBRUARY 1 OF THE YEAR IN WHICH ANY APPOINTMENT IS TO BE MADE, AND TERMS OF OFFICE SHALL BEGIN AS OF THAT DATE. IF any appointment is not made as provided in this section a vacancy exists which shall be filled as provided in this article for the filling of vacancies on the Commission. The members of the Commission in office immediately prior to

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July 1, 1975 shall remain in office under the provision of this article for the remainder of the terms for which they were appointed. Members may continue to serve until their successors are appointed and have qualified. In Montgomery County a person may not be appointed for 3 consecutive, full terms. Those members who have served 2 consecutive terms may complete their current terms.

2-115.

(a) THIS SECTION APPLIES TO COMMISSIONERS APPOINTED FROM MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY.

(B) No commissioner may:

(1) Decide or participate in a decision in which the commissioner has a financial interest, whether as owner, member, partner, officer, employee, stockholder, or other participant of or in any private business or professional enterprise, that will be affected by such decision, nor may a commissioner knowingly participate in a decision affecting the financial interest of a person related to the commissioner or the commissioner's spouse, father, mother, brother, sister, or child, jointly or severally. This paragraph may not be construed to prohibit a commissioner from having or holding private investment, business, or professional interests, but shall be construed to apply when these interests are or reasonably may be in conflict with the proper performance of duty by the commissioner. These interests shall be presumed to be in conflict with the proper performance of duty by the commissioner when the commissioner or the commissioner's spouse, father, mother, brother, sister or child, jointly or severally, owns a total of more than three percent of the invested capital or capital stock of any groups, firms, corporations, or associations involved in the decision being made by the commissioner or the commission or planning board on which the commissioner serves or receives a total combined compensation of more than \$5,000 per year from any individual, groups, firms, corporations, or associations involved in the decision being made by the commissioner or the commission or planning board on which the commissioner serves. The prohibition does not apply to or include an interest or investment in land geographically remote from the land involved in the decision, the ownership of a recorded single family lot on which the member actually resides, or a possibility of reverter, a mortgage, or other security interest in which the real property in interest is not as otherwise defined in this paragraph.

(2) Act as broker, agent, attorney, representative, or employee of any person in the person's business dealings with Montgomery County, Prince George's County, the

Maryland-National Capital Park and Planning Commission or Washington Suburban Sanitary Commission nor may the commissioners decide or participate in a decision on any matter in which a close business or professional associate has acted in any of these capacities or represented private interests before either county or the above commissions. The commissioners may not represent private interest or appear in a position of advocacy, other than in the performance of their official duties, either in person or by associate, in any matter or proceeding pending before the Montgomery County Council, the Prince George's County Council, Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission, the Prince George's County Board of Appeals, or the Montgomery County Board of Appeals.

(3) Solicit or accept any gift, favor, loan, service, promise, employment or thing which might influence or tend to influence the proper performance of the commissioner's duty.

(4) Disclose any confidential information concerning the property, management, or affairs of either county, Maryland-National Capital Park and Planning Commission or Washington Suburban Sanitary Commission or use such information to advance the financial or other private interests of the commissioner or other persons.

(5) Attempt to influence for a purpose contrary to the provisions of this section any other county or State official in the conduct of the other official's duties.

~~[(b)]~~ (C) No part of this section may be construed to prohibit a commissioner from appearing in the pursuit of the commissioner's private interests as a citizen; or from accepting or receiving any benefit by operation of law, or prosecuting or pursuing any claim, right, privilege, or remedy which is the commissioner's by operation of law.

~~[(c)]~~ (D) When a commissioner has any interest as described in this section which is or reasonably may be incompatible with or in conflict with any of the commissioner's official duties or acts, the commissioner shall disclose the interest in a regular public meeting of the commission or the planning boards and the disclosure shall appear in the minutes, and the commissioner is disqualified and may not participate in the decision or act affected thereby.

~~[(d)]~~ (E) Any commissioner convicted of violating subsection [(a)] (B) of this section is

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guilty of a misdemeanor, and shall be punishable by a fine of not more than \$1,000 or six months in jail, or both fine and imprisonment, or by suspension from the commission or employment for not more than six months, or by outright forfeiture and removal from office, or by any combination of these, as in the discretion of the court is fit and proper.

~~[(e)]~~ (F) The provisions of this section are severable and are as provided in Article 1, § 23 of the Code.”.

AMENDMENT NO. 3

On page 3, after line 8, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding Article 28, § 2-102 of the Code, the terms of all the commissioners of the Maryland-National Capital Park and Planning Commission appointed from Prince George’s County serving on June 14, 2003, or their successors selected to fill a vacancy, shall terminate on June 15, 2003. The terms of the commissioners appointed from Prince George’s County whose term of office begins on June 15, 2003, shall terminate on January 31, 2007, or until their successors are appointed and qualify. Beginning with the term of office of the commissioners appointed in 2007, the appointment of the commissioners shall conform to the provisions of Article 28, § 2-102 of the Code as enacted by this Act.”;

in line 9, strike “2.” and substitute “3.”; and in line 10, strike “October” and substitute “June”.