

# HOUSE BILL 397

L5, L6

2lr0322

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

Introduced and read first time: January 19, 2022

Assigned to: Environment and Transportation

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Committee Report: Favorable

House action: Adopted

Read second time: March 1, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Montgomery**  
3 **County – County Council and District Council – Voting Thresholds**

4 **PG/MC 100–22**

5 FOR the purpose of adjusting the voting thresholds necessary for the Montgomery County  
6 Council or the Montgomery County District Council to take certain actions related  
7 to the Maryland–National Capital Park and Planning Commission; and generally  
8 relating to the votes of the Montgomery County Council and District Council  
9 members.

10 BY repealing and reenacting, with amendments,

11 Article – Land Use

12 Section 15–103(a), 15–106(b), 15–108(b)(1), 18–107, 18–116, 22–209(c), and  
13 23–104(b)

14 Annotated Code of Maryland

15 (2012 Volume and 2021 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Land Use

18 Section 15–106(a)

19 Annotated Code of Maryland

20 (2012 Volume and 2021 Supplement)

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**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.



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

3 **Article – Land Use**

4 15–103.

5 (a) (1) In Montgomery County, the County Council shall make an appointment  
6 to the Commission from a list of applicants.

7 (2) The list shall be:

8 (i) completed at least 3 weeks before an appointment is made; and

9 (ii) made available to the public.

10 (3) If the County Council does not appoint an individual whose name  
11 appears on the list or if no name appears on the list, the County Council shall provide for  
12 the preparation of a second list and follow the procedures under paragraph (2) of this  
13 subsection.

14 (4) Within 3 days after making an appointment, the County Council shall  
15 submit the name of the appointee to the County Executive.

16 (5) Within 30 days after the appointment is submitted, the County  
17 Executive shall approve or disapprove the appointment.

18 (6) An appointment that is not disapproved by the County Executive in  
19 accordance with this subsection is deemed to be approved.

20 (7) If the County Executive disapproves an appointment, the County  
21 Executive shall return the appointment to the County Council with the reasons for the  
22 disapproval stated in writing.

23 (8) By the affirmative vote of [seven] NINE of its members, the County  
24 Council may appoint a commissioner over the disapproval of the County Executive.

25 15–106.

26 (a) The County Executive of Prince George's County, with the approval of a  
27 majority of the members of the County Council, and the Montgomery County Council, with  
28 the approval of the County Executive in accordance with subsection (b) of this section, shall  
29 each designate a commissioner for the position of chair or vice chair.

30 (b) (1) Within 3 days after making a designation, the Montgomery County  
31 Council shall submit the name of the designee to the County Executive.

1           (2) Within 30 days after the designation is submitted, the County  
2 Executive shall approve or disapprove the designation.

3           (3) If the County Executive disapproves a designee, the County Executive  
4 shall return the name of the designee to the County Council with the reasons for the  
5 disapproval stated in writing.

6           (4) By the affirmative vote of [six] EIGHT of its members, the County  
7 Council may designate a commissioner for the position of chair or vice chair over the  
8 disapproval of the County Executive.

9           (5) A designation that has not been disapproved by the County Executive  
10 in accordance with this subsection is deemed to be approved.

11 15–108.

12           (b) (1) (i) With the approval of the County Executive of Montgomery  
13 County, the County Council may authorize an appropriate supplementary salary for the  
14 commissioner designated by Montgomery County to serve on a full–time basis.

15                       (ii) If the County Executive fails to approve a supplementary salary  
16 authorization by the County Council within 30 days after the authorization is submitted,  
17 the County Council, by an affirmative vote of [six] EIGHT of its members, may authorize  
18 the supplementary salary without the approval of the County Executive.

19 18–107.

20           (a) Within 3 calendar days after approval of the budgets, each county council shall  
21 submit the budgets to the respective county executive.

22           (b) Within 10 days after delivery of the budgets by the county council, the county  
23 executive may disapprove or reduce any item contained in the budgets or the planning work  
24 program.

25           (c) If the county executive disapproves or reduces any item in the budgets, the  
26 county executive shall return the budgets to the respective county council with the reasons  
27 for the county executive’s disapproval or reduction stated in writing.

28           (d) **(1) [Within] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
29 **SUBSECTION, WITHIN** 30 days after the respective county executive returns the budgets,  
30 each county council may, by affirmative vote of six of its members, reapprove or restore any  
31 item over the disapproval of the county executive.

32                       **(2) IN MONTGOMERY COUNTY, WITHIN 30 DAYS AFTER THE COUNTY**  
33 **EXECUTIVE RETURNS THE BUDGETS, THE COUNTY COUNCIL MAY, BY AFFIRMATIVE**

1 VOTE OF EIGHT OF ITS MEMBERS, REAPPROVE OR RESTORE ANY ITEM OVER THE  
2 DISAPPROVAL OF THE COUNTY EXECUTIVE.

3 18–116.

4 In Montgomery County, the County Council may amend an approved 6–year capital  
5 improvements program at any time by an affirmative vote of [six] EIGHT of its members.

6 22–209.

7 (c) (1) Except as provided in paragraph (2) of this subsection, an application  
8 that seeks a zoning classification not shown as appropriate or suitable in the text or on the  
9 land use map of a master plan that the district council has approved under § 21–107 of this  
10 article may be granted only by the affirmative vote of [six] EIGHT members of the district  
11 council.

12 (2) If the Commission recommends approval of the application for  
13 reclassification or if the application is for a zoning classification created after the district  
14 council approves the master plan, the affirmative vote of [five] SIX members of the district  
15 council is required to grant the application.

16 23–104.

17 (b) (1) In Montgomery County:

18 (i) within 3 days after adopting a subdivision regulation or  
19 amendment, the district council shall submit the regulation or amendment to the County  
20 Executive; and

21 (ii) within 10 days after the subdivision regulation or amendment is  
22 submitted, the County Executive shall approve or disapprove the regulation or amendment.

23 (2) If the County Executive disapproves the subdivision regulation or  
24 amendment, the County Executive shall return the regulation or amendment to the district  
25 council with the reasons for the disapproval stated in writing.

26 (3) By the affirmative vote of [six] EIGHT of its members, the district  
27 council may enact the subdivision regulation or amendment over the disapproval of the  
28 County Executive.

29 (4) A subdivision regulation or amendment that has not been disapproved  
30 by the County Executive in accordance with this subsection is considered to be approved.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
32 apply only prospectively and may not be applied or interpreted to have any effect on or

1 application to the voting threshold necessary to take any action by the Montgomery County  
2 Council or the Montgomery County District Council before December 5, 2022.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2022.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.