

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

House Bill 397

(Prince George's County Delegation and Montgomery  
County Delegation)

Environment and Transportation

Education, Health, and Environmental Affairs

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**Maryland-National Capital Park and Planning Commission - Montgomery  
County - County Council and District Council - Voting Thresholds**  
**PG/MC 100-22**

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This bill establishes new voting thresholds for the Montgomery County Council or Montgomery County District Council in matters concerning the Maryland National Capital Park and Planning Commission (M-NCPPC), as specified. The bill applies prospectively and may not be applied or interpreted to have any effect on or application to the voting threshold necessary to take any action by the county council or the county district council before December 5, 2022.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary/Current Law:**

*Appointments to Maryland National Capital Park and Planning Commission*

In Montgomery County, the county council must make an appointment to M-NCPPC, as specified. If the county executive does not approve an appointment for a commissioner, the

county council may override the county executive's decision. The bill increases, from seven to nine, the number of affirmative votes required for the county council to appoint a commissioner over the disapproval of the county executive.

*Designation of Maryland National Capital Park and Planning Commission Chair or Vice Chair*

The Prince George's County Executive, with the approval of a majority of the members of the county council, and the Montgomery County Council, with the approval of the Montgomery County Executive, must each designate a commissioner for the position of M-NCPPC chair or vice chair.

In Montgomery County, if the county executive does not approve the county council's designee for the position of M-NCPPC chair or vice chair, the bill increases, from six to eight, the number of affirmative votes required for the county council to override the county executive's disapproval.

*Compensation – Supplementary Salaries*

In Montgomery County, with the approval of the county executive, the county council may authorize an appropriate supplementary salary for the commissioner designated by the county to serve on a full-time basis. If the county executive fails to approve a supplementary salary authorization by the county council within 30 days after the authorization is submitted, the bill increases, from six to eight, the number of affirmative votes required for the county council to authorize the supplementary salary without the county executive's approval.

*Budget Procedures*

Under current law, within 10 calendar days after the delivery of the M-NCPPC budgets by the respective county council, the county executive may disapprove or reduce any item contained in the budgets or the planning work program. If the county executive disapproves or reduces any item in the budgets, the county executive must return the budgets to the respective county council with the reasons for the county executive's disapproval stated in writing. Within 30 days after the respective county executive returns the budgets, each county council may, by the affirmative vote of six of its members, reapprove or restore any item over the disapproval of the county executive.

In Montgomery County, the bill increases, from six to eight, the number of affirmative votes required for the county council to reapprove or restore any item over the disapproval of the county executive.

### *Amendment of Approved Program in Montgomery County*

The bill increases, from six to eight, the number of affirmative votes required for the county council to amend an approved six-year capital improvements program at any time by an affirmative vote of six of its members.

### *Zoning*

In Montgomery County, the bill increases, from six to eight, the number of affirmative votes required for the district council to approve an application that seeks a zoning classification not shown as appropriate or suitable in the text or on the land use map of a master plan that the district council has approved under § 21-107 of the Land Use Article.

If M-NCPPC recommends approval of the application for zoning reclassification or if the application is for a zoning classification created after the Montgomery County District Council approves the master plan, the bill increases, from five to six, the number of affirmative votes required for the district council to grant the application.

### *Subdivision*

Under current law, in Montgomery County, within 10 calendar days after the district council submits a subdivision regulation or amendment to the county executive, the county executive must approve or disapprove the regulation or amendment. If the county executive disapproves the regulation or amendment, the county executive must return the regulation or amendment to the district council with the reasons for the county executive's disapproval stated in writing.

The bill increases, from six to eight, the number of affirmative votes required for the district council to enact the subdivision regulation or amendment over the disapproval of the county executive.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland-National Capital Park and Planning Commission; Montgomery County; Prince George's County; Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2022  
rh/tso Third Reader - March 10, 2022

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