

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 778

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

Health and Government Operations

Education, Energy, and the Environment

**Montgomery County - Bicounty Agencies - Commissioner Discipline, Disclosures,
Training, and Ethics**
MC/PG 105-23

This bill alters provisions of law pertaining to commissioners appointed from Montgomery County to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The bill authorizes a commissioner of a bi-county agency from Montgomery County or an applicant for appointment as commissioner to M-NCPPC from Montgomery County to electronically submit financial disclosures to the Montgomery County Council instead of submitting a paper copy. Additionally, the bill requires the Montgomery County Planning Board to report to the Montgomery County Delegation to the General Assembly on its ability to publish frequently updated, timely information on regulatory matters over which the board has decision-making authority on its website by December 31, 2023, as specified.

Fiscal Summary

State Effect: None.

Local Effect: The bill does not materially affect M-NCPPC operations or finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: M-NCPPC consists of 10 commissioners. Five of the commissioners are required to be residents and registered voters of Montgomery County and five must be residents and registered voters of Prince George's County.

Removal or Disciplinary Actions – Commissioners of Montgomery County

Under current law, the Montgomery County Council may remove any commissioner appointed from Montgomery County, under specified conditions, before the expiration of the commissioner's term.

The bill specifies that before an appointed commissioner may be removed or *disciplined*, the cause for removal or *disciplinary action* must be stated in writing and a public hearing held on the removal or *disciplinary action*.

Engaging in Other Employment – Montgomery County

The bill prohibits the chair of the Montgomery County Planning Board from engaging in any other full-time employment while serving as chair.

Prohibited Solicitations – Montgomery County

The bill prohibits commissioners appointed from Montgomery County from accepting or soliciting a financial contribution from any person with business before M-NCPPC, for any political candidate, political organization, or ballot question, or soliciting an endorsement of or opposition to a political candidate.

Code of Conduct of a Former Commissioner – Montgomery County

Within one calendar year after leaving office, a former commissioner of Montgomery County is prohibited from assisting or representing another party for compensation in a matter that was the subject of action before the Montgomery County Planning Board while the commissioner served on the board, as specified.

Training – Montgomery County

The bill requires the commissioners appointed from Montgomery County to successfully complete training within the first three months of being appointed, in the following areas: (1) open meetings laws; (2) the Maryland Department of Planning's Planning Commissioner, Planning Board, and Board of Appeals Education Course; and (3) appropriate training on Maryland Public Ethics Law and M-NCPPC policies and practices on ethics, drug- and alcohol-free workplace, and workplace harassment and intimidation.

Failure of a commissioner to meet the training requirements does not invalidate a decision made by M-NCPPC or establish a private cause of action.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

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

Fiscal Note History: First Reader - March 2, 2023
rh/tso Third Reader - March 27, 2023
Revised - Amendment(s) - March 27, 2023

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