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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401
MONTGOMERY COUNTY DELEGATION

February 14, 2023

The Honorable Joseline Pena-Melnyk
Chair, House Health and Government Operations Committee
House Office Building, Room 241
Annapolis Maryland 21401

RE: MC/PG 105-23 Montgomery County – Maryland–National Capital Park and Planning Commission – Commissioner Requirements and Open Meetings (Montgomery County Planning Trust and Transparency Act of 2023) (HB 778)

Dear Chair Pena-Melnyk,

The Montgomery County House Delegation has voted Favorable with amendment on HB 778 (MC/PG 105-23) Montgomery County – Maryland–National Capital Park and Planning Commission – Commissioner Requirements and Open Meetings (Montgomery County Planning Trust and Transparency Act of 2023). The vote in the Montgomery County House Delegation was unanimous. The Delegation lists and a copy of the amendment are attached.

We request that your committee give HB 778 a Favorable with amendment report. We thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Carr".

Julie Palakovich Carr, Chair
Montgomery County House Delegation

BY: Delegate Palakovich Carr
(To be offered in the Montgomery County House Delegation)

AMENDMENTS TO MC/PG 105–23
(Sprint Copy)

AMENDMENT NO. 1:

On page 1, at the top of the page, strike “EMERGENCY BILL”; strike beginning with “**Maryland**” in line 2 down through “**2023**” in line 4 and substitute “**Bicounty Agencies – Commissioner Discipline, Disclosures, Training, and Ethics**”; strike beginning with “altering” in line 6 down through “County” in line 12 and substitute “authorizing a bicounty commissioner and an applicant for the Maryland–National Capital Park and Planning Commission to submit certain financial statements to the Montgomery County Council electronically”; and in line 14, strike “and establishing procedures for the Montgomery County Executive or” and substitute “the”.

On pages 1 and 2, strike beginning with “requiring” in line 21 on page 1 down through “circumstances” in line 2 on page 2; and strike beginning with the first “the” in line 3 down through “Board” in line 5 and substitute “applicants and members of bicounty commissions from Montgomery County”.

On page 2, after line 5, insert:

“BY repealing and reenacting, without amendments,
Article - General Provisions
Section 5-824(a)
Annotated Code of Maryland
(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article - General Provisions
Section 5-824(c), 5-825, and 5-826
Annotated Code of Maryland
(2019 Replacement Volume and 2022 Supplement)”;

in line 13, strike “15–102, 15–103(a),”; in the same line, strike “, 15–106,” and substitute “and”; and in the same line, strike “, 15–120(b), and 20–202(e)”;

and in line 18, strike “15–103.1 and”.

AMENDMENT NO. 2:

On page 2, after line 22, insert:

“Article – General Provisions

5–824.

(a) In this section, as to the Washington Suburban Transit Commission, “commissioner” includes the members appointed from Montgomery County or Prince George’s County and the members appointed by the Governor.

(c) (1) Each commissioner shall file a financial disclosure statement electronically with the Ethics Commission.

(2) Except as provided in paragraph (3) of this subsection, each commissioner shall also print a paper copy of the electronically filed financial disclosure statement and submit it to the chief administrative officer of the county from which the commissioner is appointed.

(3) In Montgomery County, each commissioner shall also:

(I) print a paper copy of the electronically filed financial disclosure statement and submit it to the county council; OR

(II) ELECTRONICALLY SUBMIT A COPY OF THE FINANCIAL DISCLOSURE TO THE COUNTY COUNCIL.

5–825.

(a) An applicant for appointment as commissioner shall file the financial disclosure statement required by this part electronically with the Ethics Commission.

(b) (1) Except as provided in paragraph (2) of this subsection, an applicant shall also print a paper copy of the electronically filed statement and submit it to the chief administrative officer of the county from which the applicant seeks appointment.

(2) In Montgomery County, each applicant to the Maryland–National Capital Park and Planning Commission shall also:

(I) print a paper copy of the electronically filed statement and submit it to the county council; OR

(II) ELECTRONICALLY SUBMIT A COPY OF THE FINANCIAL DISCLOSURE TO THE COUNTY COUNCIL.

5-826.

(a) (1) Except as provided in paragraph (2) of this subsection, the chief administrative officer of a county shall transmit each financial disclosure statement of a commissioner or appointed applicant to the executive director of the appropriate bicounty commission.

(2) In Montgomery County, the county council shall transmit each financial disclosure statement of a commissioner or appointed applicant to the Maryland-National Capital Park and Planning Commission to the executive director of the commission.

(b) The executive director and the chief administrative officer shall retain the statement for the entire term of office of the commissioner.

(c) (1) Within 15 days after an appointment to a bicounty commission has become final, **IF AN APPLICANT PROVIDED A PAPER COPY OF A FINANCIAL DISCLOSURE**, the county council and the chief administrative officer of the county involved shall return to each applicant who is not appointed the original and all copies of the statement submitted by that applicant.

(2) On notification by the chief administrative officer of the county involved that an applicant was not appointed, the Ethics Commission shall promptly delete the statement electronically filed by the applicant.”.

On pages 2 through 5, strike in their entirety the lines beginning with line 27 on page 2 through line 19 on page 5, inclusive.

On page 5, in line 21, strike “(I)”; in the same line, strike the brackets; in lines 21 and 22, strike “**WITH THE APPROVAL OF THE COUNTY EXECUTIVE, THE**”; and strike in their entirety lines 24 and 25.

On page 6, strike in their entirety lines 1 and 2; and strike in their entirety lines 14 through 27, inclusive.

On page 7, strike in their entirety lines 1 through 22, inclusive.

On page 8, in lines 1, 16, 17, 18, 19, 21, and 24, in each instance, strike the bracket; in line 1, strike “**IN PRINCE GEORGE’S COUNTY, THE**”; strike in their entirety lines 3 through 9, inclusive; in line 17, strike “**THE**”; in the same line, strike “**EXECUTIVE**”; strike beginning with “**APPOINTED**” in line 19

down through “SUBTITLE” in line 20; and in line 28, strike “PARAGRAPH (2) OF”.

On page 9, strike beginning with “(1)” in line 3 down through “(2)” in line 10; in line 10, strike “THE” and substitute “A”; strike beginning with “BY” in line 10 down through “COUNTY” in line 11 and substitute “CHAIR”; in line 11, strike “§ 15-103.1” and substitute “§ 15-106”; in line 12, after “OTHER” insert “FULL-TIME”; and in the same line, strike “ON THE BOARD” and substitute “AS CHAIR”.

On pages 9 and 10, strike in their entirety the lines beginning with line 13 on page 9 down through line 14 on page 10, inclusive.

On page 10, strike beginning with “IN” in line 16 down through “(B)” in line 19.

On pages 10 and 11, strike in their entirety the lines beginning with line 24 on page 10 through line 22 on page 11, inclusive, and substitute:

“(B) A COMMISSIONER MAY NOT:

(1) SOLICIT OR ACCEPT FROM ANY PERSON WITH BUSINESS BEFORE THE COMMISSION A FINANCIAL CONTRIBUTION FOR ANY POLITICAL CANDIDATE, POLITICAL ORGANIZATION OR BALLOT QUESTION; OR

(2) SOLICIT FROM ANY PERSON WITH BUSINESS BEFORE THE COMMISSION AN ENDORSEMENT OF OR OPPOSITION TO A POLITICAL CANDIDATE.”.

On page 11, in line 24, strike “A” and substitute “**NOTWITHSTANDING THE REQUIREMENTS OF § 5-504 OF THE GENERAL PROVISIONS ARTICLE, A**”.

On page 12, in line 5, strike “DURING THE FIRST YEAR OF EACH TERM OF THE COMMISSIONER” and substitute:

“(A) WITHIN THE FIRST 3 MONTHS FOLLOWING APPOINTMENT”;

in line 9, strike “A COURSE RELATING TO HARASSMENT” and substitute “**THE MARYLAND DEPARTMENT OF PLANNING’S PLANNING COMMISSIONER, PLANNING BOARD AND BOARD OF APPEALS**”

EDUCATION COURSE"; and strike beginning with "A" in line 10 down through "BIAS" in line 11 and substitute "APPROPRIATE TRAINING ON:

(I) MARYLAND PUBLIC ETHICS LAW; AND

(II) MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION POLICIES AND PRACTICES ON:

1. ETHICS;

2. DRUG AND ALCOHOL-FREE WORKPLACE;

AND

3. WORKPLACE HARASSMENT AND INTIMIDATION.

(B) FAILURE OF A COMMISSIONER TO MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION DOES NOT INVALIDATE A DECISION MADE BY THE COMMISSION OR ESTABLISH A PRIVATE CAUSE OF ACTION".

On pages 12 through 14, strike in their entirety the lines beginning with line 12 on page 12 down through line 5 on page 14, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 31, 2023, the Planning Board of the Maryland-National Capital Park and Planning Commission shall report to the members of the Montgomery County Delegation to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the ability of the Board to publish on its website frequently updated, timely information on regulatory matters over which the board has decision-making authority, including the ability of the board to provide:

(1) summaries of the substance of applications;

(2) information on required findings;

(3) information on any community concerns received by the Commission; and

(4) information on additional written testimony received by the Commission after the deadline for public testimony.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.”.

EXPLANATION OF THE AMENDMENTS:

AMENDMENT NO. 1

Technical Amendment.

AMENDMENT NO. 2

This amendment makes numerous substantive changes to the bill. The amendment:

- Adds provisions authorizing a commissioner of a bicounty agency from Montgomery County or an applicant to the M–NCPCC to submit financial statements to the County Council electronically.
- Strikes provisions altering the selection process for appointments to the M–NCPCC from Montgomery County.
- Strikes provision authorizing the removal of a commissioner by the County Executive with the approval of the County Council and requirement of a public hearing for a disciplinary action against a commissioner.
- Strikes provisions establishing a new process for selecting a chair and vice chair of the Commission
- Strikes provisions authorizing the County Executive of Montgomery County to set the salary of the chair of the Commission from Montgomery County with the approval of the County Council.
- Alters language limiting the outside employment of any commissioner to instead prohibit the employment of the chair in any other full–time employment while serving as chair.
- Alters language relating to prohibitions against political activity by a commissioner to mirror language in § 19A–16A of the Montgomery County Code.
- Alters criteria for training requirements for commissioners.
- Strikes provisions relating to agendas and minutes of meetings of the Planning Board.
- Requires the Planning Board to report to the Montgomery County Delegation on the Board’s ability to provide certain timely information on its website.
- Strikes the designation as an emergency bill and establishes a standard effective date of October 1, 2023.

MONTGOMERY COUNTY HOUSE DELEGATION VOTING LIST – 2023 Session

DATE: 2/10/23
 BILL NUMBER/TITLE: MC 16 125-23 Amendment JEC
 REQUESTED BY: Del Palakovich Carr

MOTION: favorable favorable as amended unfavorable hold/special order

Move Del Korman

Second Del Shetty

Amendments Del Palakovich Carr amendments

Other: _____

	YEA	NAY	ABSTAIN	ABSENT
Del. Palakovich Carr, CHAIR	/			
Del. Acevero				
Del. Barve				
Del. Charkoudian				
Del. Crutchfield				
Del. Cullison				
Del. Foley				
Del. Fraser-Hidalgo				
Del. Kaiser				✓
Del. Kaufman				
Del. Kelly				
Del. Korman				
Del. Lopez				
Del. Love				✓
Del. Mireku-North	/			
Del. Moon				
Del. Qi				
Del. Queen				
Del. Reznik				
Del. Shetty				
Del. Solomon				
Del. Stewart				✓
Del. Vogel				
Del. Wilkins				
Del. Wu				
Del. Ziegler				✓

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FINAL DISPOSITION: 22-0-4 FAV FWA UNF LIMBO HOLD S/O

ABSENT = absent for vote, see attendance sheet for attendance

Total Votes = 26; Majority = 14; 2/3 Vote = 18

MONTGOMERY COUNTY HOUSE DELEGATION VOTING LIST – 2023 Session

DATE: 2/10/23

BILL NUMBER/TITLE: MC/RP-105-23 Montgomery County MNCPPC Commissioner Reappointment

REQUESTED BY: Sen Kramer

MOTION: favorable favorable as amended unfavorable hold/special order

Move Del Foley

Second Del Charkoudian

Amendments Del Palakovich Carr Car

Other: _____

	YEA	NAY	ABSTAIN	ABSENT
Del. Palakovich Carr, CHAIR				
Del. Acevero				
Del. Barve				
Del. Charkoudian				
Del. Crutchfield				
Del. Cullison				
Del. Foley				
Del. Fraser-Hidalgo				
Del. Kaiser				
Del. Kaufman				
Del. Kelly				
Del. Korman				
Del. Lopez				
Del. Love				
Del. Mireku-North				
Del. Moon				
Del. Qi				
Del. Queen				
Del. Reznik				
Del. Shetty				
Del. Solomon				
Del. Stewart				✓
Del. Vogel				
Del. Wilkins				
Del. Wu				✓
Del. Ziegler				

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FINAL DISPOSITION: 24-022 FAV **FWA** UNF LIMBO HOLD S/O

ABSENT = absent for vote, see attendance sheet for attendance
Total Votes = 26; Majority = 14; 2/3 Vote = 18