



HB0778/143029/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

06 MAR 23
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BY: Montgomery County Delegation
(To be offered in the Health and Government Operations
Committee)

AMENDMENTS TO HOUSE BILL 778
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “EMERGENCY BILL”; strike beginning with “**Maryland–National**” 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 “employment;” in line 13 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;”; in line 14, strike “and establishing procedures for the Montgomery County Executive or” and substitute “the”; strike beginning with “requiring” in line 21 down through “circumstances;” in line 23 and substitute “prohibiting the chair of the Montgomery County Planning Board from engaging in certain employment;”; strike beginning with the first “the” in line 24 down through “Board” in line 26 and substitute “applicants and members of bicounty commissions from Montgomery County”; and after line 26, 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

**HB0778/143029/01 Montgomery County Delegation
Amendments to HB 778
Page 2 of 7**

(2019 Replacement Volume and 2022 Supplement)”.

On page 2, in line 5, strike “15–102, 15–103(a),”; in the same line, strike “, 15–106, 15–108, 15–120(b), and 20–202(e)”; in line 10, strike “15–103.1 and”; and in the same line, after “15–123” insert “and 20–210”.

AMENDMENT NO. 2

On page 2, after line 14, 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

**HB0778/143029/01 Montgomery County Delegation
Amendments to HB 778
Page 3 of 7**

**(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

(Over)

**HB0778/143029/01 Montgomery County Delegation
Amendments to HB 778
Page 4 of 7**

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 4, strike in their entirety the lines beginning with line 19 on page 2 through line 28 on page 4, inclusive.

On page 4, in line 30, strike “**(I)**”; in the same line, strike the brackets; and in the same line, strike “**WITH THE APPROVAL OF THE COUNTY EXECUTIVE,**”.

On page 5, in line 1, strike “**THE**”; and strike in their entirety lines 3 through 6, inclusive.

On pages 5 through 8, strike in their entirety the lines beginning with line 18 on page 5 through line 30 on page 8, inclusive.

On pages 8 and 9, strike beginning with “**IN**” in line 32 on page 8 down through “**(B)**” in line 2 on page 9.

**HB0778/143029/01 Montgomery County Delegation
Amendments to HB 778
Page 5 of 7**

On pages 9 and 10, strike in their entirety the lines beginning with line 7 on page 9 through line 2 on page 10, 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 10, in line 4, strike “A” and substitute “**NOTWITHSTANDING THE REQUIREMENTS OF § 5-504 OF THE GENERAL PROVISIONS ARTICLE, A**”; in line 10, strike “**DURING THE FIRST YEAR OF EACH TERM OF THE COMMISSIONER**” and substitute:

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

in line 14, 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 15 down through “**BIAS**” in line 16 and substitute “**APPROPRIATE TRAINING ON:**

(I) MARYLAND PUBLIC ETHICS LAW; AND

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

(Over)

**HB0778/143029/01 Montgomery County Delegation
Amendments to HB 778
Page 6 of 7**

- 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 10 and 11, strike in their entirety the lines beginning with line 17 on page 10 through line 34 on page 11, inclusive, and substitute:

“20-210.

THE CHAIR OF THE MONTGOMERY COUNTY PLANNING BOARD MAY NOT ENGAGE IN ANY OTHER FULL-TIME EMPLOYMENT WHILE SERVING AS CHAIR.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 31, 2023, the Montgomery County 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;**

**HB0778/143029/01 Montgomery County Delegation
Amendments to HB 778
Page 7 of 7**

(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.”