



OFFICE OF INTERGOVERNMENTAL RELATIONS

Marc Elrich
County Executive

Melanie Wenger
Director

January 24, 2019

MEMORANDUM

TO: Montgomery County Council

FROM: Melanie L. Wenger, Director *MLW*
Office of Intergovernmental Relations

SUBJECT: Discussion: State Legislation

PURPOSE: Receive information; provide input on State bills – Council votes may be required

UPDATE OF 2019 SESSION

- Update on FY 20 Governor's Budget Request and Public School Construction Discussions

STATE LEGISLATION – POSITIONS NEEDED

Statewide Bills

1. **HB 84, Maryland Farms and Families Fund – Purpose, Use, Funding, and Grant Qualifications – Alterations**
(Delegates Charkoudian, Hettleman, Feldmark, Glenn, Guyton, Hill, Korman, Lehman, R. Lewis, Lierman, McIntosh, Queen, Smith, Stewart, Terrasa, Washington, C. Watson, and Wilkins)

Bill summary: The Maryland Farms and Families Fund (the "Fund") was established by the General Assembly in 2017 (HB 586/SB 278) in an effort to make healthy food more affordable to Maryland residents and to support the State's farmers and farmers markets by leveraging federal funding. The Fund provides grants to non-profit organizations that match purchases made by

consumers with Farmers Market Nutrition Program, Supplemental Nutrition Assistance Program, and the Special Supplemental Food Program for Women, Infants, and Children benefits at participating farmer's markets. The grants received by the non-profits are distributed to Maryland farmers markets for healthy local food incentives, as well as for program administration and outreach. The Fund builds on existing match programs that the non-profits named in the bill currently offer to federal benefits recipients, thus leveraging the federal funding already available and creating further incentives for Maryland residents to use their benefits at farmers markets.

House Bill 84 makes changes to the qualifications for participating nonprofit organizations and requires the Governor to appropriate \$500,000 to the Fund annually beginning in Fiscal Year 2021.

County Executive position and/or Department comments: The Department of Agriculture supports the bill and believes it will increase the purchasing power of food-insecure Maryland residents with limited access to fresh fruits and vegetables while helping to increase revenue for farmers through redemption of federal nutrition benefits at Maryland farmers markets.

MACo position: No position.

Council staff comments: Council staff recommends support of House Bill 84. The bill provides additional resources (State funding) for low-income residents to purchase fresh fruits and vegetables. This additional purchasing power would directly benefit local farmers who sell that produce.

2. **HB 91, Public-Private Partnerships – Presolicitation Reports – Environmental Impact Statement Requirement**
(Delegates Carr and Korman)

Bill summary: House Bill 91 is emergency legislation that prohibits a reporting agency from submitting a presolicitation report to the Comptroller, State Treasurer, budget committees, and Department of Legislative Services for a public private partnership (P3) until a draft Environmental Impact Statement (“EIS”) is available for the project, if the National Environmental Policy Act requires one. The bill also requires the presolicitation report submitted in December for the I-495 and I-270 P3 Program to be withdrawn pending the adoption of a draft EIS and the selection of an alternative involving priced managed lanes. Finally, HB 91 requires any report resubmission to compare the proposed P3 and a State procurement using design-build contracts.

County Executive position and/or Department comments: County Executive supports.

MACo position: Not tracking bill.

Council staff comments: N/A.

3. **HB 120/SB 203, Natural Resources – No Net Loss of Forest – Definition**
(Delegates Love, Fraser-Hidalgo, Acevero, Bridges, Brooks, Cain, Charkoudian, Crutchfield, Ebersole, Gilchrist, Ivey, Kelly, Korman, Lafferty, Lehman, R. Lewis, Lisanti, Lopez, Luedtke, Moon, Qi, Solomon, Stewart, and Terrasa / **Senators** Young, Elfreth, Feldman, Hester, Leem Pinsky, Rosapepe, Washington and West)

Bill summary: This bill changes the standard for achieving a “no net loss of forest” policy. Under current law, no net loss of forest means that 40 percent of all land in Maryland is covered by tree canopy. According to the Department of Natural Resources Forest Service a tree canopy is “any area covered by trees when viewed from above. This includes forests, trees in a yard or park, trees in an urban setting, orchards, and trees where animal grazing or other agricultural operations may be taking place below.”

House Bill 120 would require that 40 percent of all land in Maryland be covered by forest land. Forest land is defined as “a biological community dominated by trees and other woody plants that are capable of producing timber or other wood products with a stocking of at least 100 trees per acre with at least 50% of those trees having a 2-inch or greater diameter at 4.5 feet above the ground.” Forest land includes forested areas that have been cut but not converted to other land uses. Md. Code Ann., Natural Resources § 5-101(e).

County Executive position and/or Department comments: N/A.

MACo position: TBD – will review next week.

Council staff comments: N/A.

4. **HB 127/SB 36, Health Insurance – Health Benefit Plans – Special Enrollment Period for Pregnancy**
(Delegate Kelly / Senator Lam)

Bill summary: House Bill 127/ Senate Bill 36 would create a special enrollment period for all small employer health benefit plans during which an eligible employee or his/her spouse or dependent who becomes pregnant may enroll in a health plan.

The bill would also create a special enrollment period for the individual marketplace of the Maryland Health Benefit Exchange during which an individual who purchases coverage through the individual exchange can enroll in a health plan through the exchange if the individual or his/her dependent becomes pregnant, and a special enrollment period during which an individual who purchases coverage outside of the exchange can enroll in a health plan if the individual or his/her dependent becomes pregnant.

The enrollment periods shall allow for enrollment at any time after the commencement of pregnancy and remain open for the duration of the pregnancy. Coverage would become effective no later than the first day of the month in which the individual receives certification of pregnancy.

The bill would apply to the health plans issued, delivered, or renewed after January 1, 2020.

County Executive position and/or Department comments: N/A.

MACo position: Not tracking bill.

Council staff comments: N/A.

5. **HB 139/SB 135, Public Health – Overdose and Infectious Disease Prevention Site Program**

(Delegates Pena-Melnyk, Hettleman, Bhandari, Carr, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Hill, Johnson, Jones, Kelly, Kerr, Krimm, Lafferty, J. Lewis, R. Lewis, Lierman, Lopez, McIntosh, Moon, Mosby, Patterson, Rosenberg, Shetty, Stein, Stewart, Terrasa, Turner, Washington, Wells, and K. Young / Senators Feldman, Benson, Carter, Ferguson, Hayes, King, Kramer, Lee, Washington, and Young)

Bill summary: The bills would allow the Maryland Department of Health, in consultation with local health departments, to approve up to six single-site programs throughout the State in areas with high incidence of drug use, where the following would occur:

- Provision of a location supervised by health care professionals or other trained staff where drug users can consume pre-obtained drugs;
- Provision of sterile injection supplies, collection of used hypodermic needles and syringes, and provision of secure hypodermic need and syringe disposal services;
- Answering of questions about safe injection practices;
- Administration of first aid;
- Monitoring participants for potential overdose;
- Administration of rescue medication, including naloxone;
- Provision of access or referrals to services such as substance abuse disorder counseling and treatment services; testing for HIV, viral hepatitis, and sexually transmitted diseases; reproductive health education and services; and wound care;
- Education of participants on the risks of contracting HIV and viral hepatitis;
- Provision of overdose prevention education and access to or referral to obtain naloxone;
- Education of participants regarding proper disposal of hypodermic needles and syringes;
- Provision of reasonable and adequate security of the program site and equipment, including access to needles and syringes; and
- Training of staff to deliver services offered by the program.

Program sites would be established by community-based organizations, which are defined in the bill as including hospitals, clinics, substance abuse treatment centers, medical offices, federally-qualified health centers, mental health facilities, local health departments, and faith-based organizations.

To the extent possible, the program sites approved by the Maryland Department of Health (in consultation with local health departments) shall include two sites in urban areas, two sites in suburban areas, and two sites in rural areas of the State.

A program may:

- With the consent of the individual, bill the insurance carrier of the individual who uses the services of the program for the cost of covered services;
- Accept donations, grants, and other financial assistance;
- Apply for grants from the Maryland Department of Health or any non-profit or other private organization; and
- Use a mobile facility to operate and provide services.

A program may not be located in an area that is zoned for residential uses.

The bill contains protections from arrest, prosecution, or any civil or administrative penalty for participants of the program, staff, property owners, or volunteers who are acting within the scope of the program. An annual report would be required for each program site that reports demographics and aggregated data on the program's services.

The bills would take effect July 1, 2019 and sunset four years later on June 30, 2023.

County Executive position and/or Department comments: N/A.

MACo position: Not tracking bill.

Council staff comments: N/A.

6. Electric Low-Speed Scooter – Departmental Proposal

Bill summary: Montgomery County Department of Transportation (“MCDOT”) and Montgomery County Department of Police (“MCPD”) recommended that the County seek Statewide legislation to define the term “electric low-speed scooter” (commonly called “e-scooter”) and add this type of vehicle to the definition of “bicycle” under State law.

New forms of mobility devices are entering the marketplace at a rapid pace. Within the last year, e-bicycles (a bicycle with an integrated electric motor which can be used for propulsion) and e-scooters (a motorized scooter with handlebars and a floorboard designed to be stood on when riding) have become more readily available for purchase through retailers and as companies deploy these devices for short-term rental. As adoption of these technologies has increased, Montgomery County has seen more e-bicycles and e-scooters within the County, some originating within the County and others arriving through programs in neighboring jurisdictions. These “micro-mobility” devices offer the promise of increased personal mobility and may help the County achieve its long-term goal to increase non-auto driver mode share in support of sustainable transportation and the County's climate action plan.

Within the last few month, e-bicycles have become readily available in the County through an expanded dockless-bikeshare pilot program and the County's Capital Bikeshare system. Early data shows that utilization of e-bicycles is outpacing that of traditional bikeshare bicycles. Currently, e-bicycles are defined in State law and included in the definition of “bicycle” under

State law. This provides a legal framework for the operation of these devices on public streets and other transportation facilities. However, e-scooters are not addressed in State law because they are so new.

By classifying e-scooters as a bicycle under State law (same as e-bicycles), the MCDOT/MCPD proposal would make all State law governing the operation of bicycles applicable to e-scooters, including rules governing the types of roads on which bicycles may operate and adherence to traffic control devices. For example, a State law that prohibits bicycles on roads with a speed limit of more than 50 miles per hour or “expressways” as defined in State law would apply to e-scooters. Regarding sidewalks, State law currently has a “default” provision which prohibits the operation of bicycles on sidewalks unless a local ordinance allows them on sidewalks. Therefore, if this bill is enacted, e-scooters would be prohibited by default from being operated on sidewalks; but the County would be authorized to enact a local law overriding that default provision and establishing the circumstances under which e-scooters may be operated on sidewalks, including sidewalks adjacent to both County and State roads. The Office of the County Attorney (“OCA”) believes that the County would retain authority to regulate the operation of e-scooters on County roads as necessary to protect public safety (e.g., minimum age and helmet requirements), including the authority to ban e-scooters altogether from County roads. OCA does not believe that the County would have similar authority regarding the operation of e-scooters on State roads on which bicycles can operate under State law – i.e., State roads with a posted speed limit of 50 mph or less (e.g., Veirs Mill Road, Connecticut Avenue, Georgia Avenue).

Delegate Fraser-Hidalgo and Senator Smith agreed to sponsor this legislation. A bill is being drafted and should be introduced shortly in both houses. Delegate Fraser-Hidalgo chairs the Environment & Transportation Subcommittee on Motor Vehicles and Transportation, and Senator Smith is Vice Chair of the Judicial Proceedings Committee where this bill would be assigned.

County Executive position: County Executive supports.

MACo position: N/A.

Council staff comments: N/A.

Local and Bi-County Bills

1. **MC 22-19, Montgomery County – Residential Leases – Just Cause Eviction**
(Delegate Wilkins)

Bill summary: MC 22-19 prohibits a landlord in Montgomery County from evicting a tenant “holding over” in the absence of just cause. Under the bill, just cause exists if: (1) a tenant has caused a substantial breach of the lease or substantial damage to the leased premises or another area of the property and after receiving notice to cure or correct the breach or pay the cost of repair the tenant fails to comply; (2) a tenant continues to engage in disorderly conduct after receiving notice to cease; (3) a tenant has engaged in illegal activity on the leased premises or on a public right of way abutting the leased premises; (4) a tenant, without reasonable cause, refuses to grant

the landlord access to the leased premises for repairs, improvements or inspection of the leased premises; (5) a landlord in good faith seeks to recover possession of the premises for use by the landlord's family member; (6) a landlord in good faith seeks to permanently remove the leased premises from the rental market; or (7) a landlord, after obtaining all necessary permits, seeks to undertake substantial repairs or renovations that cannot be completed if the premises are occupied.

Under County law, a landlord must provide 60 days' notice if the landlord does not intend to offer the existing tenant a renewed lease term. If a tenant remains in possession of the leased premises after the expiration of the lease term and the landlord wants to repossess the premises, then the tenant is considered to be holding over under current State law. If a tenant holds over, the tenant become a month-to-month tenant, but all other terms of the expired lease remain in effect (albeit on a monthly basis). A landlord may file a complaint in District Court if a tenant refuses to relinquish possession at the end of the term. If the landlord provides proper notice, the lease term fully expires and the tenant remains in possession of the premises, then the Court will issue a judgment for possession in favor of the landlord.

The bill sponsor introduced a "Just Cause Eviction" bill last year (MC 15-18) that was substantively different from MC 22-19. That bill was intended to apply to all landlord and tenant relationships in Montgomery County, not just tenants holding over. The bill included a provision that required landlords to renew leases on substantially similar terms. The bill did not define "substantially similar terms" and gave rise to the question of what, if any, increase in rent was permissible under the bill. It also raised the question of whether other changes to the lease would be allowed at renewal.

MC 22-19 makes significant changes to the tenant holding over process in Montgomery County. A landlord will no longer be able to evict a tenant for holding over, absent an enumerated just cause or failure to pay rent. As interpreted by the Office of the County Attorney ("OCA"), the bill would still allow a landlord to increase rent once every 12 months, provided the landlord gives the tenant 90 days' notice as required by County Code § 29-54. In other words, the tenant can continue to stay in possession of the property indefinitely after expiration of the lease, as a month-to-month tenant, subject to eviction for just cause as long as the tenant continues to pay the required rent.

The bill sponsor has confirmed it is her intention that MC 22-19 apply only to tenants holding over. In order to accomplish this, the bill will require some technical amendments. As drafted, § 8-206.1 of the bill appears to have broad application to all landlord tenant relationships in Montgomery County. OCA suggests either moving the language from § 8-206.1 into the section addressing tenants holding over (§ 8-402) or creating a new section that addresses tenants holding over in Montgomery County.

The County Council Planning, Housing and Economic Development, and the Public Safety Committees will hold a joint meeting on Thursday, January 24th to discuss this bill.

County Executive position and/or Department comments: County Executive supports with amendments / County Council position pending.

MACo position: N/A.

Council staff comments: N/A.

2. **MC/PG 103-19, Montgomery County – Planning and Zoning Authority –
Municipal Corporations**
(Delegate Carr)

Bill summary: Under the Regional District Act (“RDA”), the County’s zoning laws apply to 12 of the County’s 19 municipalities (Friendship Heights, Glen Echo, Somerset, Garret Park, Chevy Chase, Chevy Chase Section 3, Town of Chevy Chase Section 5, Chevy Chase View, Chevy Chase Village, North Chevy Chase, Kensington, and Takoma Park). The remaining seven municipalities are excluded from the RDA and have authority to adopt and enforce their own zoning laws (Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove). However, the RDA also gives Takoma Park and Kensington a type of “concurrent jurisdiction” that allows each municipality to independently enforce the County’s zoning laws within its boundaries. In addition, the RDA gives Takoma Park and Kensington authority to require a supermajority (2/3) vote, rather than majority vote, of the Planning Board (4 out of 5 votes) and District Council (6 out of 9 votes) regarding any action relating to zoning within their respective boundaries. The supermajority vote requirement is triggered when the municipality passes a resolution opposing action. This bill is intended to extend the same authority currently granted to Takoma Park and Kensington to all 12 municipalities covered by the RDA so long as the municipality has adopted a local ethics law that has been approved by the State Ethics Commission.

State law requires a municipality to have a local ethics law that is consistent with State law governing financial disclosure, conflicts of interest, and lobbying. The local ethics law must be approved by the State Ethics Commission unless the municipality has received an exemption. The State Ethics Commission may grant a full or partial exemption to the State Ethics law governing financial disclosure, conflicts of interest, or lobbying if application of State law to the municipality: (1) would be an unreasonable invasion of privacy; (2) would reduce significantly the availability of qualified individuals for public service; and (3) is not necessary to preserve the purposes of the State ethics law. This bill only applies to a municipality covered by the RDA that has a local ethics law that fully complies with applicable provisions of the State Ethics law. The bill does not apply to a municipality that has received a partial or full exemption. This means that the bill applies only to Takoma Park because it is the only municipality that has adopted a local ethics law that has been fully approved by the Commission. Since Kensington does not yet have a local ethics law approved by the Commission, the bill would essentially repeal Kensington’s existing concurrent jurisdiction and authority to trigger the super majority.

Delegate Carr has proposed two amendments to this bill which are attached at Number 6. The first amendment is technical and clarifying. The second amendment amends the bill so that it does not impact Kensington. Delegate Solomon has proposed an amendment that is attached at Number 7. This amendment would make the bill applicable to a municipality that has received a partial

exemption from the State Ethics law. Delegate Carr advised OIR that this amendment would make the bill applicable to the Town of Chevy Chase and Chevy Chase Village.

County Executive position and/or Department comments: County Executive supports / County Council opposes. See formal position statement at Number 3.

MACo position: N/A.

M-NCPPC position: Opposes.

Council staff comments: N/A.

3. **MC/PG 106-19, Montgomery County – Land Use Documents – Certification**
(Senator Kramer)

Bill summary: This bill requires an applicant who seeks to subdivide land in the County to certify under penalty of perjury that the following documents are true, correct and complete to the best of the applicant's knowledge: (1) forest conservation plan exemption application; (2) natural resources inventory/forest stand delineation, including any required maps or drawings; (3) forest mitigation bank application; and (4) concept plan or other local development plan that does not require either a natural resources inventory/forest stand or forest conservation plan exemption.

The County Executive supports this bill with an amendment to require an applicant for a preliminary subdivision plan to certify under penalty of perjury that the applicant has disclosed all rights of way and recorded easements. The County Council has not yet taken a position on the bill. The formal position statement for this bill is attached at Number 8. The County Executive's amendment is attached at Number 9. The Montgomery County Planning Board has proposed an amendment that would delete the penalty of perjury from the bill. That amendment, along with changes requested by Senator Kramer (to add back the penalty of perjury) and the County Executive (to make it applicable to rights of way and recorded easements) is attached at Number 10.

County Executive position and/or Department comments: County Executive supports with amendments / County Council position pending.

MACo position: N/A.

Council staff comments: Council staff believes that this bill is not necessary in light of current requirements of County law governing law of subdivisions.

M-NCPPC: Support with amendments.

This packet contains:

	<u>Number</u>
• 2019 Session Montgomery County Local Aid FY 2019 v. FY 2020	1
• 2019 Session Montgomery County Capital Projects – Non-transportation Related	2
• MC/PG 103-19 Related Documents	3
• MC/PG 106-19 Related Documents	8
• Montgomery County Local and Bi-County Legislation Status	11

Montgomery County Council
Re: Discussion: State Legislation
January 24, 2019
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Additional information:

Link to the Montgomery County Office of Intergovernmental website:
<https://www.montgomerycountymd.gov/oir/>.

Link to the Maryland General Assembly website:
<http://mgaleg.maryland.gov/webmga/frmlst.aspx?tab=home>.

Link to the Montgomery County Delegation website which allows you to access the text of all local and bi-county bills: <http://www.montgomerycountydelegation.com/legislation.html>.

Link to the Montgomery County Association of Counties (MACo) website:
<https://www.mdcounties.org/>.

**Montgomery County Local Aid
Year-Over-Year Comparison
(\$ in thousands) -- draft 1-22-19**

<u>Direct Aid</u>	<u>Working</u>	<u>Request</u>	<u>FY 2019 vs. FY 2020 **</u>	
	<u>FY 2019</u>	<u>FY 2020</u>	<u>chg. \$</u>	<u>chg. %</u>
Primary & Secondary Education	712,289	740,812	28,523	4.0
Libraries	3,236	3,388	152	4.7
Community Colleges	51,668	52,480	812	1.6
Health Formula Grant	4,039	4,148	109	2.7
Transportation	13,016	14,710	1,694	13.0
<i>County Highway User/Capital Grants</i>	7,808	8,826	1,018	13.0
<i>Municipal Highway User/Capital Grants</i>	4,829	5,505	676	14.0
<i>Elderly and Handicapped</i>	379	379	-	-
Police	16,304	16,532	228	1.4
Fire and Rescue	1,962	1,952	(10)	(0.5)
Recreation (POS/Parks) and Environment	9,693	10,203	510	5.3
 Total Direct Aid	 812,207	 844,225	 32,018	 3.9
 <u>Retirement Contributions</u>	 <u>FY 2019</u>	 <u>FY 2020</u>	 <u>chg. \$</u>	 <u>chg. %</u>
Board of Education	155,859	162,549	6,690	4.3
Library Employees	3,195	3,295	100	3.1
Community College Faculty	11,085	11,260	175	1.6
			-	
 Total Retirement Contributions	 170,139	 177,104	 6,965	 4.1

** direct aid changes calculated here are generally lower than those shown in Administration documents

Sources: Administration's *Maryland Budget Highlights Fiscal Year 2020*, 2018 *The 90 Day Report*, and *DLS 2019 Fiscal Briefing*

Montgomery County Office of Intergovernmental Relations

January 22, 2019



Montgomery County Capital Projects – Non-transportation Related

Fiscal Year 2020
Draft 1-18-19

Public Schools (75% Allocation of Base Program)	38,886,000
Col. Zadok Magruder High	174,000
Diamond Elementary	355,000
Dr. Martin Luther King, Jr. Middle	430,000
Fallsmead Elementary	309,000
Flower Valley Elementary	258,000
Kemp Mill Elementary	226,000
Lucy V. Barnsley Elementary	156,000
Luxmanor Elementary	6,921,000
Montgomery Knolls Elementary	422,000
Potomac Elementary	2,826,000
Rosemont Elementary	177,000
Seneca Valley High	10,273,000
Sherwood Elementary	261,000
Thomas Edison School of Technology	4,229,000
Targeted Supplemental Grant Program (EGRC)	11,869,000
Higher Education Facilities	6,975,000
Montgomery College - Catherine and Isiah Leggett Math/Science Bldg.	6,500,000
Montgomery College Facilities Renewal	475,000
Health Facilities	3,125,000
Holy Cross Health Network	600,000
John L. Gildner RICA	140,000
Cornerstone Montgomery, Inc.	1,500,000
Main Street Connect, Inc.	885,000
Public Safety	2,000,000
City of Gaithersburg Police Station	2,000,000
Parks and Recreation	800,000
Seneca Creek State Park Shop and Cold Storage	200,000
Seneca Creek State Park Roads/Lots Resurfacing	600,000
Other Legislative Initiatives	1,800,000
A Wider Circle Community Service Center	500,000
Imagination Stage	500,000
KID Museum	300,000
Olney Theatre Center for the Arts	500,000
Environment	90,949,000
Water Quality Restoration Projects	60,620,000
Sanitary Sewer Reconstruction - Little Falls Basin	5,109,000
Sanitary Sewer Reconstruction - Muddy Branch Basin	5,096,000
Sanitary Sewer Reconstruction - Rock Creek Basin	5,226,000
Sanitary Sewer Reconstruction - Northwest Sewer Basin	6,214,000
Sanitary Sewer Reconstruction - Sligo Creek Sewer Basin	5,109,000
Sanitary Sewer Reconstruction - Watts Branch Sewer Basin	3,575,000
Grand Total	144,535,000

Montgomery County Office of Intergovernmental Relations
January 18, 2019





Montgomery County **Office of** **Intergovernmental Relations**

ROCKVILLE: 240-777-6550
ANNAPOLIS: 240-777-8270

BILL NO: MC/PG 103-19
DATE: Dec. 17, 2018
SUBMITTED BY: Delegate Carr
CONTACT PERSON: Kathleen Boucher
ASSIGNED TO: Montgomery County Delegation
COUNTY EXECUTIVE POSITION: Support
COUNTY COUNCIL POSITION: Oppose

MC 103-19

Montgomery County – Planning and Zoning Authority – Municipal Corporations

Under current State law, the County's zoning laws apply to the following 12 municipalities: Town of Garrett Park, Town of Glen Echo, Town of Kensington, Village of Martins Addition, Town of Somerset, City of Takoma Park, Chevy Chase Village, Chevy Chase View, Chevy Chase Section 3, Town of Chevy Chase, Chevy Chase Section 5, and North Chevy Chase. The County's Department of Permitting Services enforces the County's zoning laws in these municipalities. However, under current State law, the City of Takoma Park and Town of Kensington also have "concurrent jurisdiction" to enforce the County's zoning laws within their boundaries. In addition, a supermajority (2/3) vote (rather than simple majority vote) of the Planning Board and District Council is required to take any action relating to land use, planning, and zoning in these two municipalities if that action is contrary to a resolution of the Mayor and Council. This bill makes the current rules governing concurrent jurisdiction and supermajority votes for the City of Takoma Park and the Town of Kensington applicable to all 12 municipalities listed above so long as the municipality has adopted a local ethics law that has been approved by the State Ethics Commission (Commission).

Under current State law, a municipality must have a local ethics law that is approved by the Commission unless it receives an exemption from State law governing conflicts of interest, financial disclosure, and lobbying. The Commission may grant an exemption to a municipality when a standard established in State law: (1) would be an unreasonable invasion of privacy; (2) would reduce significantly the availability of qualified individuals for public service; and (3) is not necessary to preserve the purposes of the State ethics law. Currently, the City of

Takoma Park is the only municipality listed above that has a local ethics law approved by the Commission.

The County Executive supports this bill. The County Council opposes this bill because it diminishes the Council's land use authority and essentially repeals Kensington's existing protections regarding concurrent jurisdiction and the supermajority voting requirement.



POSITION STATEMENT

Bill: MC/PG 103-19 - Montgomery County – Planning and Zoning Authority – Municipal Corporations

Position: Oppose

Date: December 17, 2018

Contact: Adrian R. Gardner, General Counsel
Elizabeth L. Adams, Associate General Counsel

What The Bill Does: This bill would (1) effectively enable concurrent zoning enforcement jurisdiction for every municipality in Montgomery County and, as a separate matter, (2) require a super-majority vote by Montgomery County’s Planning Board and District Council for various planning and zoning actions if the subject municipality’s mayor and council disagree.

Why We Oppose: The Maryland-National Capital Park and Planning Commission flatly opposes the bill’s Planning Board super-majority requirements for several reasons.

- The Planning Board consists of only five members, and simple unanticipated vacancies or absences on the Board can make it almost impossible to achieve a super-majority.
- If just one member is absent, the bill would require unanimity; that is, giving one member what amounts to a veto power.
- If two members are absent for a meeting or a portion of a meeting, the Planning Board could not act. This is particularly troubling because the subdivision regulations impose specific deadlines for Planning Board action in certain cases, and deferring a case requires the developer’s consent.
- The Planning Board already solicits and weighs the interests of municipal jurisdictions very carefully; so additional procedural hurdles are unnecessary and ill advised.

As a general matter of public policy, this bill invites a piecemeal, more balkanized approach to various planning and zoning decisions in Montgomery County which creates a potential to confound important county-wide goals – for example, the County’s all-hands effort to increase the availability of affordable housing.

The Commission respectfully urges an unfavorable report on MC/PG 103-19.

Office of the General Counsel

221 Prince George Street, First Floor, Annapolis, Maryland 21401
410.263.1930 tel. • 410.263.3745 fax

6411 Kenilworth Avenue, Suite 200, Riverdale, Maryland 20737
301.454.1670 tel. • 301.454.1674 fax

By: Delegate Carr

(To be offered in the Montgomery County Delegation)

AMENDMENTS TO MC/PG 103-19

(Sprint Copy)

AMENDMENT NO. 1

On page 1 of the sprint, in line 3, strike “103-18” and substitute “103-19”.

On page 2, in line 5, after “repealing” insert “and reenacting, without amendments,”; and in line 7, strike “and the subtitle “Subtitle 2. Municipal Zoning – Specific Municipalities””.

AMENDMENT NO. 2

On page 3, in lines 6 and 7, in each instance, strike the bracket; in line 8, strike “(3)” and substitute “(4)”; in the same line, after “(i)” insert “1.”; after line 11, insert:

“2. THIS PARAGRAPH DOES NOT APPLY TO THE CITY OF TAKOMA PARK AND THE TOWN OF KENSINGTON.”

On page 4, strike line 7 in its entirety; and in lines 8, 16, 17, and 25, in each instance, strike the bracket.

By: Delegate

(To be offered in the Montgomery County Delegation)

AMENDMENT TO MC/PG 103-19

(Sprint Copy)

On page 3 of the sprint, in line 9, strike "AN" and substitute "A FULL".



Montgomery County
Office of
Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

BILL NO: MC/PG 106-19

DATE: Dec. 17, 2018

SUBMITTED BY: Delegate Kramer

CONTACT PERSON: Kathleen Boucher

ASSIGNED TO: Montgomery County Delegation

COUNTY EXECUTIVE POSITION: Support with Amendments

COUNTY COUNCIL POSITION: Pending

MC/PG 106-19

Montgomery County – Land Use Documents – Certification

This bill requires an applicant who seeks to subdivide land in the County to certify under penalty of perjury that the following documents are true, correct and complete to the best of the applicant's knowledge: (1) forest conservation plan exemption application; (2) natural resources inventory/forest stand delineation, including any required maps or drawings; (3) forest mitigation bank application; and (4) concept plan or other local development plan that does not require either a natural resources inventory/forest stand or forest conservation plan exemption.

The County Executive supports this bill with an amendment that would require an applicant to certify under penalty of perjury that a document showing recorded easements is true, correct and complete to the best of the applicant's knowledge. The County Council deferred taking a position on this bill until it can discuss it in more detail in January

PROPOSED AMENDMENT

(Montgomery County Exec.)

MC/PG 106-19 – Montgomery County – Land Use Documents - Certifications

23-109.

(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(B) AN APPLICANT FOR A PRELIMINARY PLAN OF SUBDIVISION SHALL DISCLOSE ALL RECORDED EASEMENTS AND RIGHTS OF WAY FOR THE PROPERTY PROPOSED FOR SUDIVISION.

(C) THE SUBDIVISION REGULATIONS SHALL REQUIRE AN APPLICANT FOR A PRELIMINARY PLAN TO SIGN [A] THE CERTIFICATION [UNDER THE PENALTY OF PERJURY] OUTLINED IN SUBSECTION (D) FOR:

- (1) A FOREST CONSERVATION PLAN EXEMPTION APPLICATION;
- (2) A NATURAL RESOURCES INVENTORY/FOREST STAND DELINEATION, INCLUDING ANY REQUIRED MAPS OR DRAWINGS;
- (3) A FOREST MITIGATION BANK APPLICATION; [AND]
- (4) A CONCEPT PLAN OR ANY OTHER LOCAL DEVELOPMENT PLAN 22 THAT DOES NOT REQUIRE EITHER A NATURAL RESOURCES INVENTORY/FOREST STAND DELINEATION OR A FOREST CONSERVATION PLAN EXEMPTION; **AND**
- (5) THE DISCLOSURE OF RECORDED EASEMENTS AND PUBLIC RIGHTS OF WAY REQUIRED BY SUBSECTION (B).**

[(C)] (D) A CERTIFICATION REQUIRED UNDER THIS SECTION SHALL BE IN THE FOLLOWING FORM:

“I (WE) CERTIFY, UNDER THE PENALTY OF PERJURY, THAT THIS DOCUMENT, INCLUDING ANY ACCOMPANYING FORMS, STATEMENTS, MAPS, OR DRAWINGS, HAS BEEN EXAMINED BY ME (US) AND THE INFORMATION CONTAINED HEREIN, TO THE BEST OF MY (OUR) KNOWLEDGE, INFORMATION, AND BELIEF, IS TRUE, CORRECT, AND COMPLETE.”

PROPOSED AMENDMENT
(M-NCPPC amendment revised with Senator Kramer and Montgomery County language)
MC/PG 106 Land Use Documents – Certifications

23-109.

(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(B) THE SUBDIVISION OF LAND CHAPTER OF THE COUNTY CODE SHALL REQUIRE AN APPLICANT FOR A PRELIMINARY PLAN OF SUBDIVISION, OR APPLICANT'S DESIGNEE, TO SIGN A CERTIFICATION THAT THE APPLICATION DISCLOSES ALL RECORDED EASEMENTS AND RIGHTS OF WAY FOR THE PROPERTY PROPOSED FOR SUBDIVISION.

(C) THE FOREST CONSERVATION CHAPTER OF THE COUNTY CODE SHALL REQUIRE AN APPLICANT, OR APPLICANT'S DESIGNEE, TO SIGN A CERTIFICATION FOR:

(1) AN EXEMPTION FROM SUBMITTING A FOREST CONSERVATION PLAN;

(2) A NATURAL RESOURCES INVENTORY/FOREST STAND DELINEATION, INCLUDING ANY REQUIRED DRAWINGS;

(3) A FOREST CONSERVATION PLAN, INCLUDING ANY REQUIRED DRAWINGS; AND

(4) A FOREST MITIGATION BANK APPLICATION, INCLUDING ANY MAPS OR DRAWINGS.

(D) ANY OTHER REGULATORY DEVELOPMENT APPLICATION THAT DOES NOT REQUIRE EITHER A NATURAL RESOURCES INVENTORY/FOREST STAND DELINEATION, A FOREST CONSERVATION PLAN EXEMPTION, OR A FOREST CONSERVATION PLAN SHALL REQUIRE AN APPLICANT, OR APPLICANT'S DESIGNEE, TO SIGN A CERTIFICATION.

(E) A CERTIFICATION REQUIRED UNDER THIS SECTION SHALL BE IN THE FOLLOWING FORM:

"I (WE) DO HEREBY CERTIFY, UNDER PENALTY OF PERJURY TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND REASONABLE BELIEF, THAT ALL OF THE INFORMATION AND DATA PROVIDED WITH THIS APPLICATION IS ACCURATE, AND ALL OF THE FEATURES AND ELEMENTS PROVIDED ON THE PLANS IS CONSISTENT WITH THE STANDARDS OF THE APPLICABLE ZONE. THE CERTIFICATION INCLUDES, BUT IS NOT LIMITED TO BOUNDARY INFORMATION, PROPERTY INFORMATION AND OWNERSHIP, TOPOGRAPHY, HISTORIC RESOURCES, ETC. I AGREE THAT THE SUBMITTED PLANS MAY BE REJECTED OR RETURNED BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION IF THE PLANS ARE FOUND TO BE INACCURATE, FALSE OR MISLEADING."

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**2019 General Assembly Session
Montgomery County Local and
Bi-County Legislation
Status as of January 24, 2019**

Number/Sponsor/Title	Positions	Description	Status
MC 1-19 (Kramer, Cullison, Crutchfield, & Stewart) Montgomery County – Gaming – Bingo Games	CE: Support CC: Support	This bill would allow, in Montgomery County, an individual who is at least a certain age to conduct a bingo game involving cash prizes if the game is conducted at a certain residential property in a certain manner; and generally relating to gaming in Montgomery County.	12/3/18: MoCo Delegation Local Bill Hearing
MC 2-19 (Chair on behalf of Montgomery County Government) Montgomery County – Department of Liquor Control – Renaming	CE: Support CC: Support	This bill would rename the Department of Liquor Control for Montgomery County to be the Alcohol Beverage Services for Montgomery County; specifying that the Alcohol Beverage Services is the successor to the Department of Liquor Control; specifying that in certain documents the name "Department of Liquor Control" means "Alcohol Beverage Services"; providing for the continuity of certain terms of office of certain individuals; providing for the continuity of transactions and employment status affected by certain changes of nomenclature or certain statutes; providing for the continuity of certain units, properties, appropriations, credits, assets, liabilities, and obligations; requiring the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, to make certain corrections in a certain manner; and generally relating to the renaming of the Department of Liquor Control for Montgomery County.	12/3/18: MoCo Delegation Local Bill Hearing 1/24/19: Economic Development Committee Meeting – Special Ordered to 1/31/19
MC 4-19 (Chair on behalf of Montgomery County Government) Montgomery County – Alcoholic Beverages – Sale of Chilled Beer and Chilled Wine	CE: Support CC: Support	This bill would authorize a dispensary of the Montgomery County Department of Liquor Control to sell chilled beer and chilled wine for off-premises consumption under certain circumstances; and generally relating to alcoholic beverages in Montgomery County.	12/3/18: MoCo Delegation Local Bill Hearing 1/24/19: Economic Development Committee Meeting – FWA 1/25/19: MoCo House Delegation Meeting –

Number/Sponsor/Title	Positions	Description	Status
MC 7-19 (Kramer) Montgomery County – Authority of County Council Over Inspector General – Housing Opportunities Commission	CE: Support CC: Pending	This bill would authorize the County Council of Montgomery County to enact a local law that grants to the Montgomery County Inspector General certain authority over the Housing Opportunities Commission of Montgomery County; and generally relating to the authority of the County Council of Montgomery County and the Montgomery County Inspector General.	12/17/18: MoCo Delegation Local Bill Hearing 1/18/19: Education, Elections, & Housing Committee Meeting – FAV 1/25/19: MoCo House Delegation Meeting –
MC 8-19 (Carr) Montgomery County – State Highways – Toll Facilities	CE: Support CC: Pending	This bill would prohibit a State agency, including the Maryland Transportation Authority, from acquiring or constructing any toll road, toll highway, or toll bridge in Montgomery County unless authorized by Montgomery County by local law; and generally relating to the acquisition and construction of toll facilities in Montgomery County.	12/17/18: MoCo Delegation Local Bill Hearing
MC 9-19 (Chair on behalf of Montgomery County Government) Montgomery County – Damascus – Alcoholic Beverages Licenses	CE: Support CC: Support	This bill would repeal in Montgomery County a provision regarding the issuance of licenses in country inn zones in Damascus; repealing a restriction on the number of Class H licenses that may be issued in Damascus by the Board of License Commissioners for Montgomery County; and generally relating to alcoholic beverages licenses in Montgomery County.	12/3/18: MoCo Delegation Local Bill Hearing 1/24/19: Economic Development Committee Meeting – FAV 1/25/19: MoCo House Delegation Meeting –
MC 10-19 (Carr & Smith) Montgomery County – Vehicle Laws – Prohibited Acts at Intersections	CE: Support with amendments (no points and lower fine) CC: Support with amendments (no points and lower fine)	This bill would prohibit vehicle traffic in Montgomery County from entering certain intersections against certain traffic signals if the vehicle is unable to safely and completely proceed through the intersection; establishing certain exceptions to the prohibition; prohibiting a police officer from issuing a citation for a violation of this Act unless certain conditions are met; making conforming changes; and generally relating to prohibited acts by vehicle traffic at intersections in Montgomery County.	12/17/18: MoCo Delegation Local Bill Hearing

Number/Sponsor/Title	Positions	Description	Status
MC 11-19 (Moon, Charkoudian, Stewart & Smith) Montgomery County – Uniformity of Property Tax Assessments – Use of Pesticides by Country Clubs and Golf Courses	CE: Pending CC: Pending	This bill would propose an amendment to the Maryland Constitution to provide that a certain provision of the Constitution requiring uniformity of assessments of certain property for property tax purposes does not apply to country clubs or golf courses in Montgomery County under certain circumstances; submitting this amendment to the qualified voters of the State for their adoption or rejection; requiring a country club or golf course in Montgomery County to comply with certain pesticide laws in Montgomery County to be eligible for a special use assessment for property tax purposes; providing that certain agreements relating to the property tax assessment of country clubs or golf courses in Montgomery County are null and void by a certain date under certain circumstances; providing for the effective dates and the application of this Act; providing for the termination of certain provisions of this Act under certain circumstances; making certain technical corrections; and generally relating to the property tax assessment of country clubs and golf courses in Montgomery County.	12/17/18: MoCo Delegation Local Bill Hearing
MC 12-19 (Kramer) Montgomery County – Authority of County Council Over Inspector General – Montgomery College	CE: Support CC: Pending	This bill would authorize the County Council of Montgomery County to enact a local law that grants to the Montgomery County Inspector General certain authority over Montgomery College; and generally relating to the authority of the County Council of Montgomery County and the Montgomery County Inspector General.	12/17/18: MoCo Delegation Local Bill Hearing 1/18/19: Education, Elections, & Housing Committee Meeting – FAV 1/25/19: MoCo House Delegation Meeting –

Number/Sponsor/Title	Positions	Description	Status
MC 14-19 (Chair on behalf of Montgomery County Government) Montgomery County – Gaming and Benefit Performances – Repeal	CE: Support with amendments (suggested by the Office of the County Attorney) CC: Support with amendments (suggested by the Office of the County Attorney)	This bill would repeal certain obsolete provisions of law relating to certain gaming activities in Montgomery County; repealing certain obsolete provisions of law relating to certain benefit performances in Montgomery County; and generally relating to gaming and benefit performances in Montgomery County.	12/3/18: MoCo Delegation Local Bill Hearing
MC 15-19 (Smith) Montgomery County – Highway Construction	CE: Support CC: Pending	This bill would prohibit the Department of Transportation from spending any funds for the construction of Maryland Route 410 through the City of Takoma Park in Montgomery County that will involve the addition of a new through lane for motor vehicles; and generally relating to construction by the Department of Transportation along Maryland Route 410 in the City of Takoma Park.	12/17/18: MoCo Delegation Local Bill Hearing 1/15/19: Land Use, Transportation, and Public Safety Committee Meeting – HOLD
MC 16-19 (Queen) Montgomery County – Sale of Residential Real Property – Septic Systems Outreach Toolkit	CE: Support CC: Support	This bill would require a vendor of residential real property served by a septic system in Montgomery County to, on or before the execution of a contract for the sale of residential real property, deliver certain Septic Systems Outreach Toolkit materials to each purchaser; defining a certain term; and generally relating to the sale of residential real property in Montgomery County.	12/17/18: MoCo Delegation Local Bill Hearing 1/15/19: Land Use, Transportation, and Public Safety Committee Meeting – Special Ordered to 1/22/19 1/22/19: Land Use, Transportation, and Public Safety Committee Meeting – Special Ordered to 1/29/19

Number/Sponsor/Title	Positions	Description	Status
MC 17-19 (Queen) Department of the Environment – SepticSmart Week in Montgomery County	CE: Support CC: Pending	This bill would require the Department of the Environment to establish a certain period of time as SepticSmart Week in Montgomery County; requiring the Department to use certain educational materials and other resources to promote community awareness regarding the proper use and maintenance of on-site sewage disposal systems and certain impacts of proper design, installation, operation, and maintenance of on-site sewage disposal systems; and generally relating to on-site sewage disposal systems in Montgomery County.	12/17/18: MoCo Delegation Local Bill Hearing 1/15/19: Land Use, Transportation, and Public Safety Committee Meeting – FAV 1/18/19: MoCo House Delegation Meeting – FAV
MC 18-19 (Luedtke) Montgomery County – Alcoholic Beverages – Micro-Breweries and Farm Breweries	CE: (Not yet reviewed) CC: (Not yet reviewed)	This bill would authorize a holder of a Class 7 micro-brewery license in Montgomery County to brew, bottle, or contract for an unlimited number of barrels of malt beverages each calendar year; it alters the maximum number of barrels of beer brewed under a Class 7 micro-brewery license that the license holder may sell at retail for on-premises consumption each year; it authorizes a holder of a Class 8 farm brewery license to sell for on-premises consumption beer produced by the license holder, to brew, bottle, or contract for sale an unlimited amount of beer, and to engage in retail sales and food service under certain conditions; specifies that a Class 7 limited beer wholesaler's license may be issued only to a person that produces in the aggregate from all of its locations not more than a certain number of barrels of beer annually; specifies that the Class 7 limited beer wholesaler's license authorizes the license holder to sell and deliver certain beer to certain persons and to distribute a certain number of barrels of beer annually; and authorizes the license holder to use an additional location for certain purposes under certain circumstances.	12/17/18: MoCo Delegation Local Bill Hearing 1/24/19: Economic Development Committee Meeting – FWA 1/25/19: MoCo House Delegation Meeting –

Number/Sponsor/Title	Positions	Description	Status
MC 22-19 (Wilkins) Montgomery County – Residential Leases – Just Cause Eviction	CE: Support with amendments CC: Pending	This bill would prohibit a landlord from evicting a tenant from leased premises in Montgomery County in the absence of just cause under certain circumstances; specifying the circumstances under which just cause exists in certain actions to evict; requiring a certain notice to a tenant to be sent in a certain manner under certain circumstances; authorizing a landlord to evict a tenant only after providing certain notice under certain circumstances; requiring a landlord to plead and prove certain facts concerning just cause under certain circumstances; making certain eviction actions in Montgomery County subject to a certain provision; defining certain terms; providing for the application of this Act; declaring the intent of the General Assembly; and generally relating to just cause evictions in Montgomery County.	12/3/18: MoCo Delegation Local Bill Hearing
MC 24-19 (Moon, Carr, Cullison, Kelly, Luedtke, Wilkins, Charkoudian, Shetty, Stewart Smith) Montgomery County – Maximum Speed Limits Outside Urban Districts	CE: Support CC: Support	This bill would decrease the lowest maximum speed limit that Montgomery County may establish for a highway outside an urban district under certain circumstances; making conforming changes; and generally relating to maximum speed limits outside urban districts in Montgomery County.	12/17/18: MoCo Delegation Local Bill Hearing 1/15/19: Land Use, Transportation, and Public Safety Committee Meeting – FAV 1/18/19: MoCo House Delegation Meeting – FAV

Number/Sponsor/Title	Positions	Description	Status
MC 26-19 (Kramer) Montgomery County Housing Opportunities Commission – Collective Bargaining – Exclusive Representative Duty of Fair Representation	CE: Support CC: Pending	This bill would alter the duty of an employee organization certified as the exclusive representative of certain employees of the Housing Opportunities Commission of Montgomery County to represent all employees in a certain bargaining unit in a certain manner; authorizing the exclusive representative to require an employee who does not pay certain dues or fees to pay certain costs and fees for filing a certain grievance or arbitrating a certain matter; providing that the failure by the employee to pay certain costs and fees relieves the exclusive representative of certain responsibilities; requiring that a dispute concerning the reasonableness of certain costs and fees be submitted to a certain labor relations administrator in accordance with certain procedures; limiting an exclusive representative's duty of fair representation owed to certain public employees to certain matters; providing for the construction of certain provisions of this Act; and generally relating to collective bargaining for employees of the Housing Opportunities Commission of Montgomery County.	12/3/18: MoCo Delegation Local Bill Hearing 1/18/19: Education, Elections, & Housing Committee Meeting – FAV 1/25/19: MoCo House Delegation Meeting –

Number/Sponsor/Title	Positions	Description	Status
<p>MC 27-19 (Moon, Charkoudian, Stewart & Smith) Montgomery County – Country Clubs and Golf Courses – Rate of Assessment and Term of Agreements</p>	<p>CE: Support CC: Pending</p>	<p>This bill would propose an amendment to the Maryland Constitution to provide that a certain provision of the Constitution requiring uniformity of assessments of certain property for property tax purposes does not apply to country clubs or golf courses in Montgomery County under certain circumstances; submitting this amendment to the qualified voters of the State for their adoption or rejection; altering the rate at which the land of certain country clubs or golf courses in Montgomery County is assessed for property tax purposes; establishing a certain maximum term for certain agreements between the State Department of Assessments and Taxation and certain country clubs or golf courses in Montgomery County; providing for the effective dates and the application of this Act; providing for the termination of certain provisions of this Act under certain circumstances; making certain technical corrections; and generally relating to the property tax assessment of country clubs and golf courses in Montgomery County.</p>	<p>12/17/18: MoCo Delegation Local Bill Hearing</p>
<p>MC 28-19 (Kagan) Montgomery County – Alcoholic Beverages Licenses – Fee Refunds</p>	<p>CE: Support CC: Pending</p>	<p>This bill would establish that a holder of an alcoholic beverages license in Montgomery County is entitled to a refund of the unearned portion of a license fee if the holder voluntarily surrenders the license at least a certain amount of time before the license expiration date; and generally relating to alcoholic beverages licenses in Montgomery County.</p>	<p>12/17/18: MoCo Delegation Local Bill Hearing 1/24/19: Economic Development Committee Meeting – FAV 1/25/19: MoCo House Delegation Meeting –</p>

Number/Sponsor/Title	Positions	Description	Status
MC 29-19 (Kagan & Luedtke) Montgomery County – Voting Methods	CE: Support CC: Pending	This bill would authorize the Montgomery County Council to adopt, by law, a ranked choice voting method or approval voting method for elections for certain local offices; defining "ranked choice voting" and "approval voting"; authorizing a local law adopting ranked choice voting or approval voting to provide for the ballot format, procedures for tabulating votes, and other provisions necessary to implement ranked choice voting or approval voting; and generally relating to the use of ranked choice voting or approval voting for elections for local offices in Montgomery County.	12/17/18: MoCo Delegation Local Bill Hearing 1/18/19: Education, Elections, & Housing Committee Meeting – HOLD 1/25/19: Education, Elections, & Housing Committee Meeting –
MC 30-19 (Kagan) Montgomery County – Alcoholic Beverages – Community Performing Arts Facility Special Event Permit	CE: Support CC: Support	This bill would establish in Montgomery County a community performing arts facility special event permit; specifying that only a holder of a community performing arts facility license may obtain a community performing arts facility special event permit; specifying the scope and annual fee for the community performing arts facility special event permit; requiring a permit holder to provide certain notice to the Montgomery County Board of License Commissioners before a certain special event; authorizing a permit holder to hold an unlimited number of events in a year; and generally relating to community performing arts facilities in Montgomery County.	12/17/18: MoCo Delegation Local Bill Hearing 1/24/19: Economic Development Committee Meeting – FAV 1/25/19: MoCo House Delegation Meeting –
MC/PG 101-19 (Carr) Washington Suburban Sanitary Commission – Moratorium and Study on Advanced Metering Infrastructure	MC CE: Pending MC CC: Pending PG CE: PG CC: WSSC: Oppose	This bill would prohibit the Washington Suburban Sanitary Commission from implementing certain advanced metering infrastructure; requiring the Department of Legislative Services to report to the General Assembly on or before a certain date; defining certain terms; providing for the termination of a certain provision of this Act; and generally relating to the Washington Suburban Sanitary Commission and public water utility services.	12/3/18: MoCo Delegation Local Bill Hearing 12/18/18: Prince George's County Delegation Local Bill Hearing 1/21/19: MoCo Delegation Metro Washington Area Committee Meeting – HOLD

Number/Sponsor/Title	Positions	Description	Status
MC/PG 103-19 (Carr) Montgomery County – Planning and Zoning Authority – Municipal Corporations	MC CE: Support MC CC: Oppose PG CE: PG CC: M-NCPPC: Oppose	This bill would authorize certain municipal corporations in Montgomery County to have concurrent jurisdiction to enforce county zoning laws within the boundaries of the municipal corporation under certain circumstances; requiring a certain vote of both the district council of Montgomery County and the Montgomery County Planning Board to take certain action relating to zoning within a municipal corporation under certain circumstances; requiring a certain vote of the Montgomery County Planning Board to take certain action relating to land use planning within a municipal corporation under certain circumstances; providing for the application of this Act; and generally relating to planning and zoning authority in Montgomery County.	12/17/18: MoCo Delegation Local Bill Hearing 12/18/18: Prince George's County Delegation Local Bill Hearing 1/15/19: MoCo Delegation Land Use, Transportation, and Public Safety Committee Meeting – Hold
MC/PG 104-19 (Kramer) Washington Suburban Sanitary Commission – Office of the Inspector General	MC CE: Support MC CC: Support PG CE: PG CC: WSSC: Support	This bill would correct certain references to the Office of the Inspector General in statutes of the Washington Suburban Sanitary Commission; providing that certain rights granted to certain Commission merit system employees are not provided to employees in the Office; providing that the Office shall review and approve certain costs for certain facilities designed and constructed by certain developers; and generally relating to the Office of the Inspector General in the Washington Suburban Sanitary Commission.	12/3/18: MoCo Delegation Local Bill Hearing 12/18/18: Prince George's County Delegation Local Bill Hearing 1/21/19: MoCo Delegation Metro Washington Area Committee Meeting – FAV 1/25/19: MoCo House Delegation Meeting –
MC/PG 105-19 (Barve & Smith) Washington Suburban Sanitary Commission – Indirect Customer Assistance Program	MC CE: Support MC CC: Support PG CE: PG CC: WSSC: Support	This bill would authorize the Washington Suburban Sanitary Commission to establish an Indirect Customer Assistance Program for certain purposes; requiring the Commission to establish certain eligibility standards and processes for receiving certain assistance if the program is established; requiring the program to be funded from Commission revenues; requiring income eligibility standards for the program to be uniformly applied throughout the sanitary district; defining certain terms; and generally relating to customer assistance and rates of the Washington Suburban Sanitary Commission.	12/3/18: MoCo Delegation Local Bill Hearing 12/18/18: Prince George's County Delegation Local Bill Hearing 1/21/19: MoCo Delegation Metro Washington Area Committee Meeting – FAV 1/25/19: MoCo House Delegation Meeting –

Number/Sponsor/Title	Positions	Description	Status
MC/PG 106-19 (Kramer) Montgomery County – Land Use Documents – Certification	MC CE: Support with amendments MC CC: Pending PG CE: PG CC: M-NCPPC – Support with amendment	This bill would require certain land use regulations applicable in Montgomery County to require that certain persons sign a certain certification under penalty of perjury for certain documents submitted to certain planning boards; establishing the content of the certification; and generally relating to the certification under penalty of perjury of certain land use documents in Montgomery County.	12/17/18: MoCo Delegation Local Bill Hearing 12/18/18: Prince George's County Delegation Local Bill Hearing 1/22/19: Land Use, Transportation, and Public Safety Committee Meeting – Hold

Number/Sponsor/Title	Positions	Description	Status
MC/PG 107-19 (Carr) Washington Suburban Sanitary Commission – Discrimination – Prohibited in Contracts	MC CE: Support MC CC: Support PG CE: PG CC: WSSC: Support	This bill would prohibit the Washington Suburban Sanitary Commission from entering into a contract unless the contract contains a certain nondiscrimination provision; requiring the Commission to provide a contractor a reasonable opportunity to cure a certain defect in a contract or subcontract; authorizing the Commission to void a contract if a contractor fails to cure a certain defect; establishing that a contractor is entitled to the reasonable value of certain work and materials if the contractor fails to cure a certain defect; stating that a contract remains in force according to revised terms if a contractor cures a certain defect; authorizing the Commission to compel a contractor to continue performance under a contract under certain circumstances; establishing that the Commission is liable for no more than the reasonable value of certain work and materials provided by the contractor after a certain date if the Commission compels performance; requiring the Commission to deduct money paid under a certain contract from money due for the reasonable value of certain work and materials provided by the contractor after a certain date if the Commission compels performance; authorizing a contractor to void a subcontract if the subcontractor fails to comply with the requirements of a nondiscrimination provision; establishing that a contractor is liable for no more than the reasonable value of certain work and materials provided by a subcontractor if a contractor voids a subcontract under certain circumstances; repealing a certain provision requiring a nondiscrimination clause in certain contracts; and generally relating to the Washington Suburban Sanitary Commission and nondiscrimination provisions in contracts entered into by the Commission.	12/3/18: MoCo Delegation Local Bill Hearing 12/18/18: Prince George's County Delegation Local Bill Hearing 1/21/19: MoCo Delegation Metro Washington Area Committee Meeting – FAV 1/25/19: MoCo House Delegation Meeting –

Number/Sponsor/Title	Positions	Description	Status
MC/PG 108-19 (Luedtke & Zucker) Property Tax Credits – Maryland-National Capital Park and Planning Commission Park Police Officers	MC CE: Support MC CC: No Position PG CE: PG CC: M-NCPPC:	This bill would alter the definition of "public safety officer" to include certain park police officers who are employed by the Maryland-National Capital Park and Planning Commission for purposes of a certain property tax credit; providing for the application of this Act; and generally relating to property tax credits and park police officers of the Maryland-National Capital Park and Planning Commission.	12/3/18: MoCo Delegation Local Bill Hearing 12/18/18: Prince George's County Delegation Local Bill Hearing 1/21/19: MoCo Delegation Metro Washington Area Committee Meeting – FWA 1/25/19: MoCo House Delegation Meeting –
MC/PG 109-19 (Kramer) Maryland-National Capital Park and Planning Commission – Collective Bargaining – Exclusive Representative Duty of Fair Representation	MC CE: Support MC CC: Pending PG CE: PG CC: M-NCPPC:	This bill would altering the duty of an employee organization certified as the exclusive representative of certain employees of the Maryland-National Capital Park and Planning Commission to represent all employees in a certain bargaining unit in a certain manner; authorizing the exclusive representative to require an employee who does not pay certain dues or fees to pay certain costs and fees for filing a certain grievance or arbitrating a certain matter; providing that the failure by the employee to pay certain costs and fees relieves the exclusive representative of certain responsibilities; requiring that a dispute concerning the reasonableness of certain costs and fees be submitted to a certain labor relations administrator in accordance with certain procedures; limiting an exclusive representative's duty of fair representation owed to certain public employees to certain matters; providing for the construction of certain provisions of this Act; and generally relating to collective bargaining for employees of the Maryland-National Capital Park and Planning Commission.	12/3/18: MoCo Delegation Local Bill Hearing 12/18/18: Prince George's County Delegation Local Bill Hearing 1/21/19: MoCo Delegation Metro Washington Area Committee Meeting – FWA 1/25/19: MoCo House Delegation Meeting –

Number/Sponsor/Title	Positions	Description	Status
MC/PG 110-19 (Washington) Maryland-National Capital Park and Planning Commission – Glen Dale Hospital Adaptive Reuse	MC CE: (Not reviewed yet) MC CC: (Not reviewed yet) PG CE: PG CC: M-NCPPC:	This bill would authorize the Maryland–National Capital Park and Planning Commission to sell, lease, or otherwise transfer a certain portion of the Glenn Dale Hospital property to a person who will adaptively reuse and redevelop certain hospital campus buildings on the property; and generally relating to the disposition of the Glenn Dale Hospital property by the Maryland-National Capital Park and Planning Commission.	12/3/18: MoCo Delegation Local Bill Hearing 12/18/18: Prince George's County Delegation Local Bill Hearing
MC/PG 114-19 (Kramer) Washington Suburban Sanitary Commission – Collective Bargaining – Technical Unit	MC CE: MC CC: PG CE: PG CC: WSSC:	This bill would establish a separate technical collective bargaining unit within the Washington Suburban Sanitary Commission; altering a provision of law that had established a certain joint office/technical collective bargaining unit to establish a separate office collective bargaining unit; and generally relating to collective bargaining involving the Washington Suburban Sanitary Commission.	1/25/19: Montgomery County House Delegation Meeting – Late-filed Bill Vote –

Withdrawn Bills

MC 6-19 (Luedtke) – Montgomery County – County Executive and County Council Candidates – Petitions

MEMORANDUM

January 24, 2019

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *AM*

SUBJECT: DISCUSSION - State Legislative Program

PURPOSE: Obtain Council Positions on Bills/General Update on the 2019 General Assembly Session

The purpose of this memorandum is to provide the Council with Council staff recommendations for positions on the bills identified in the packet for Council discussion.

STATEWIDE BILLS				
Bill	Description	Agency Position	Executive/ Dept. Position	Council Staff Comments/Recommendation
HB 84, Maryland Farms and Families Fund – Purpose, Use, Funding, and Grant Qualifications – Alterations (Smith)	The Maryland Farms and Families Fund (the “Fund”) was established to make healthy food more affordable to Maryland residents and to support the State’s farmers and farmers markets by leveraging federal funding. House Bill 84 makes changes to the qualifications for participating nonprofit organizations and requires the Governor to appropriate \$500,000 to the Fund annually beginning in Fiscal Year 2021		Office of Agriculture supports	The bill provides additional resources (State funding) for low-income residents to purchase fresh fruits and vegetables. This additional purchasing power would directly benefit local farmers who sell that produce. Council staff recommends the Council support HB 84.
HB 91, Public–Private Partnerships – Presolicitation Reports – Environmental Impact Statement Requirement (Orlin)	Prohibits a reporting agency from submitting a presolicitation report to the Comptroller, State Treasurer, budget committees, and DLS for a P3 until a draft Environmental Impact Statement is available for the project. Also requires the presolicitation report submitted in December for the I-495 and I-270 P3 Program to be withdrawn pending the adoption of a draft EIS and the selection of an alternative involving priced managed lanes. Also requires any report resubmission to compare the proposed P3 and a State procurement using design-build contracts.		Executive supports	Council staff recommends the Council support HB 91 because: <ul style="list-style-type: none"> • pre-solicitation to begin until after a Draft EIS is released will allow everyone to understand how the benefits, costs, and impacts of the Alternatives Retained for Detailed Study stack up against each other • The Draft EIS should also examine several different levels of tolls to determine financial viability. If none do, then the pre-solicitation work would have been a waste of time and effort. • The financial viability analysis plausibly might find that raising the State’s debt cap might be a better than going the P3 route. • The Draft EIS is not anticipated until February 2020, so this would involve a year’s delay. However, if managed lanes

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Bill	Description	Agency Position	Executive/ Dept. Position	Council Staff Comments/Recommendation
HB 120/SB 203, Natural Resources – No Net Loss of Forest – Definition (Zyontz)	Current state law defines “no net loss of forest” to mean “40% of all land in Maryland is covered by tree canopy”. House Bill 120 would alter the definition of “No net loss of forest” by replacing “tree canopy” with “forest land”. In Council staff’s judgment, the proposed change would lessen the protection for trees.			<p>were to be the Selected Alternative, the time between the BPW granting the project P3 status and the selection of a P3 partner could be compressed, so overall there should be less than a year’s delay.</p> <p>Current state law defines “no net loss of forest” to mean “40% of all land in Maryland is covered by tree canopy”. House Bill 120 would alter the definition of “No net loss of forest” by replacing “tree canopy” with “forest land”. In Council staff’s judgment, the proposed change would lessen the protection for trees.</p> <p>Council staff recommends the Council oppose HB 120/SB 203.</p>
HB 127/SB 36, Health Insurance – Health Benefit Plans – Special Enrollment Period for Pregnancy (McMillan)	Requires certain health benefit plans to provide a special enrollment period during which a eligible employee – or eligible employee’s spouse/dependent – becomes pregnant can enroll in the plan.			<p>The benefits of prenatal care for mothers and babies is well-established. Prenatal care can help prevent complications in both mothers and babies that may arise during the pregnancy. Also, it is a long-term cost savings for mothers and babies to have care during a pregnancy.</p> <p>Senate Bill 36 would require enrollment in certain health benefit plans be opened during the duration of the pregnancy, but Council staff suggests that this be extended until 90-days postpartum.</p> <p>Council staff recommends the Council support HB 127/SB 36 with amendment.</p>

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Bill	Description	Agency Position	Executive/ Dept. Position	Council Staff Comments/Recommendation
HB 139/SB 135, Public Health – Overdose and Infectious Disease Prevention Site Program	Authorizes a community-based organization to establish an Overdose and Infectious Disease Prevention Site Program if approved by the State Department of Health (in consultation with a local health department)			This bill is authorizing and not mandatory. Council staff recommends the Council support House Bill 139.
Electric Low-Speed Scooter – Department Proposal (Orlin)	Would classify e-scooters as a bicycle under State law.		Support	Council staff recommends the Council support this proposal.
LOCAL BILL				
MC 22-19, Montgomery County – Residential Leases – Just Cause Eviction (McMillan)	Prohibits a landlord from evicting a tenant from leased premises in Montgomery County in the absence of just cause under certain circumstances.		Support with amendments	PS/PHED discussion 1/24.
BI-COUNTY BILLS				
MC/PG 103-19, Montgomery County – Planning and Zoning Authority – Municipal Corporations (Zyontz)	County zoning laws apply to municipalities that are not subject to the Regional District Act; Takoma Park and Kensington (not in RDA) have a type of concurrent jurisdiction where a supermajority vote of the District Council and Planning Board is required to take action relating to Zoning in TP or Kens. that is contrary to a resolution passed by the muni. This bill would extend that concurrent jurisdiction to other municipalities in the county that are covered by the RDA if they have a State-approved local ethics law.	MNCPPC Oppose	Support	Council has historically opposed legislation that would result in a diminution of the Council’s land use authority. Additionally, as noted above, the bill would essentially repeal Kensington’s existing concurrent jurisdiction. The proposed amendments to do alleviate Council staff’s concerns. The Council has already taken a position of opposition to MC/PG 103-19. Council staff recommends the Council continue to oppose MC/PG 103-19.

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Bill	Description	Agency Position	Executive/ Dept. Position	Council Staff Comments/Recommendation
MC/PG 106-19, Montgomery County – Land Use Documents – Certification (Zyontz)	Requires an applicant who seeks to subdivide land in the County to certify that certain documents related to the forest conservation law are true, correct, and complete to the best of the applicant's knowledge.	MNCPPC Support with amendment	Support with amendment	<p>The Bill is proposed to make some aspects of a subdivision application subject to perjury. As drafted all the applicant has do to defeat the charge is to assert that the information was to the best of their knowledge and belief. To sustain a perjury charge would require proof the applicant knowing lied. The is an enormously difficult standard for the State's Attorney to prove. In this regard, the Bill would be ineffective in its purpose. (Applications for subdivision currently require a certification by a licensed professional that the material submitted is correct. When that standard is not met, a civil action can be taken. This is an existing incentive for truthful applications without Bill 106-19.)</p> <p>There is a potential harm associated with the proposed Bill. The Bill may increase the insurance premiums for professions and to that extent would unnecessarily increase the cost of development.</p> <p>Council staff recommends the Council oppose MC/PG 106-19.</p>

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