

HOUSE BILL 778

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~~EMERGENCY BILL~~

3lr0547

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 8, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2023

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – ~~Maryland National Capital Park and Planning~~**
3 **~~Commission – Commissioner Requirements and Open Meetings~~**
4 **~~(Montgomery County Planning Trust and Transparency Act of 2023)~~ Bicounty**
5 **Agencies – Commissioner Discipline, Disclosures, Training, and Ethics**

6 **MC/PG 105-23**

7 FOR the purpose of ~~altering the appointment process, salary authorization process, and~~
8 ~~terms for commissioners appointed to the Maryland National Capital Park and~~
9 ~~Planning Commission from Montgomery County; requiring the County Executive of~~
10 ~~Montgomery County to appoint one member of the Commission who shall serve as~~
11 ~~the chair or vice chair of the Commission and chair of the Montgomery County~~
12 ~~Planning Board; requiring certain public hearings and acceptance of public~~
13 ~~testimony on each appointment to the Commission from Montgomery County;~~
14 ~~prohibiting the chair of the Board from engaging in certain employment; authorizing~~
15 ~~a bicounty commissioner and an applicant for the Maryland–National Capital Park~~
16 ~~and Planning Commission to submit certain financial statements to the Montgomery~~
17 ~~County Council electronically; authorizing and establishing procedures for the~~
18 ~~Montgomery County Executive or the Montgomery County Council to discipline a~~
19 ~~commissioner from Montgomery County under certain circumstances; prohibiting a~~
20 ~~commissioner from Montgomery County from engaging in certain political activities~~
21 ~~while the commissioner serves on the Commission; prohibiting a former~~
22 ~~commissioner from Montgomery County from working for certain compensation for~~
23 ~~a certain period of time after the commissioner leaves office; requiring a~~
24 ~~commissioner from Montgomery County to complete certain training at certain~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



times; ~~requiring the Board to publish agendas of open meetings along with certain other materials on its website at certain times; requiring the Board to approve meeting minutes in a certain manner under certain circumstances; prohibiting the chair of the Montgomery County Planning Board from engaging in certain employment; and generally relating to requirements for the members of the Maryland National Capital Park and Planning Commission from Montgomery County and meetings of the Montgomery County Planning Board applicants and members of bicounty commissions from Montgomery County.~~

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)

BY repealing and reenacting, without amendments,

Article – Land Use

Section 15–101

Annotated Code of Maryland

(2012 Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Land Use

Section ~~15–102, 15–103(a), 15–105, 15–106, 15–108, 15–120(b), and 20–202(c)~~

Annotated Code of Maryland

(2012 Volume and 2022 Supplement)

BY adding to

Article – Land Use

Section ~~15–103.1 and~~ 15–121 through 15–123 and 20–210

Annotated Code of Maryland

(2012 Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – General Provisions

5–824.

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

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

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

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

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

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

15 5-825.

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

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

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

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

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

27 5-826.

28 (a) (1) Except as provided in paragraph (2) of this subsection, the chief
29 administrative officer of a county shall transmit each financial disclosure statement of a
30 commissioner or appointed applicant to the executive director of the appropriate bicounty
31 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.

Article – Land Use

15–101.

(a) There is a Maryland–National Capital Park and Planning Commission.

(b) The Commission is a body politic and corporate and is an agency of the State.

~~15–102.~~

~~(a) (1) The Commission consists of 10 members.~~

~~(2) Of the 10 members of the Commission:~~

~~(i) five shall be residents and registered voters of Montgomery County; and~~

~~(ii) five shall be residents and registered voters of Prince George's County.~~

~~(3) (i) [Subject] EXCEPT AS PROVIDED IN § 15–103.1 OF THIS SUBTITLE, AND SUBJECT to the approval of the County Executive, the County Council shall appoint each commissioner from Montgomery County.~~

~~(ii) Subject to the approval of the County Council, the County Executive shall appoint each commissioner from Prince George's County.~~

~~(b) Each commissioner shall be an individual of ability, experience, and integrity.~~

~~(e) (1) Of the commissioners from each county, not more than three shall be members of the same political party.~~

~~(2) A commissioner may not be selected as representing or supporting any special interest.~~

~~(d) (1) The term of a commissioner is 4 years and begins on June 15.~~

~~(2) The terms of commissioners are staggered as required by the terms provided for commissioners on October 1, 2012.~~

~~(3) At the end of a term, a commissioner continues to serve until a successor is appointed and qualifies.~~

~~(4) A commissioner who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.~~

~~(5) A commissioner who is appointed to fill a vacancy for an unexpired term shall be a member of the same political party as the commissioner who vacated the office.~~

~~(6) [(i) Except as provided in subparagraph (ii) of this paragraph, a] A commissioner appointed from Montgomery County may not be appointed for [three] MORE THAN TWO consecutive full terms.~~

~~[(ii) A commissioner appointed from Montgomery County may be appointed for a maximum of three consecutive full terms as a member of the Commission if the commissioner is designated as chair of the Montgomery County Planning Board during the commissioner's second term in office.]~~

~~15-103.~~

~~(a) (1) [In Montgomery County.] EXCEPT AS PROVIDED IN § 15-103.1 OF THIS SUBTITLE, THIS SUBSECTION APPLIES ONLY TO COMMISSIONERS APPOINTED BY THE MONTGOMERY COUNTY COUNCIL.~~

~~(2) BY AN AFFIRMATIVE VOTE OF EIGHT OF ITS MEMBERS, the MONTGOMERY County Council shall make an appointment to the Commission from a list of applicants.~~

~~[(2)] (3) The list shall be:~~

~~(i) completed at least 3 weeks before an appointment is made; and~~

~~(ii) made available to the public.~~

~~(4) (I) THE COUNTY COUNCIL SHALL HOLD PUBLIC HEARINGS ON EACH APPOINTMENT TO THE COMMISSION.~~

~~(II) THE COUNTY COUNCIL SHALL ACCEPT PUBLIC TESTIMONY AT A HEARING HELD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~[(3)] (5) If the County Council does not appoint an individual whose name appears on the list or if no name appears on the list, the County Council shall provide for the preparation of a second list and follow the procedures under [paragraph (2)] PARAGRAPHS (3) AND (4) of this subsection.~~

~~[(4)] (6) Within 3 days after making an appointment, the County Council shall submit the name of the appointee to the County Executive.~~

~~[(5)] (7) (I) Within 30 days after the appointment is submitted, the County Executive shall approve or disapprove the appointment.~~

~~[(6)] (II) An appointment that is not disapproved by the County Executive in accordance with this subsection is deemed to be approved.~~

~~[(7)] (III) If the County Executive disapproves an appointment, the County Executive shall return the appointment to the County Council with the reasons for the disapproval stated in writing.~~

~~[(8)] (IV) By [the affirmative] A UNANIMOUS vote of [nine of] its members, the County Council may appoint a commissioner over the disapproval of the County Executive.~~

~~15-103.1.~~

~~(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.~~

~~(B) THE COUNTY EXECUTIVE SHALL APPOINT ONE MEMBER TO THE COMMISSION WHO SHALL SERVE AS THE:~~

~~(1) CHAIR OR VICE CHAIR OF THE COMMISSION, IN ACCORDANCE WITH § 15-106 OF THIS SUBTITLE; AND~~

~~(2) CHAIR OF THE MONTGOMERY COUNTY PLANNING BOARD.~~

~~(C) THE REQUIREMENTS OF § 15-103(A)(4) OF THIS SUBTITLE APPLY TO A COMMISSIONER APPOINTED UNDER THIS SECTION.~~

15-105.

(a) (1) ~~(H) [The] WITH THE APPROVAL OF THE COUNTY EXECUTIVE,~~
THE Montgomery County Council may remove OR DISCIPLINE any commissioner
appointed from Montgomery County before the expiration of the commissioner's term.

~~(H) WITH THE APPROVAL OF AN AFFIRMATIVE VOTE OF EIGHT
MEMBERS OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE MAY REMOVE OR
DISCIPLINE ANY COMMISSIONER APPOINTED FROM MONTGOMERY COUNTY
BEFORE THE EXPIRATION OF THE COMMISSIONER'S TERM.~~

(2) With the approval of a majority of the members of the County Council,
the County Executive of Prince George's County may remove any commissioner appointed
from Prince George's County before the expiration of the commissioner's term.

(b) (1) Except as provided in paragraph (2) of this subsection, before a
commissioner may be removed OR DISCIPLINED under subsection (a) of this section:

(i) the cause for removal OR DISCIPLINARY ACTION shall be stated
in writing; and

(ii) a public hearing shall be held on the removal OR DISCIPLINARY
ACTION.

(2) In Prince George's County, the commissioner sought to be removed may
waive in writing the public hearing held by the County Council.

~~(3) IN MONTGOMERY COUNTY, THE COMMISSIONER SOUGHT TO BE
REMOVED OR DISCIPLINED MAY PARTICIPATE IN THE PUBLIC HEARING.~~

~~15-106.~~

~~(a) [The County Executive of Prince George's County, with the approval of a
majority of the members of the County Council, and the Montgomery County Council, with
the approval of the County Executive in accordance with subsection (b) of this section, shall
each designate a commissioner for the position of chair or vice chair.]~~

~~(1) EACH COUNTY SHALL DESIGNATE A COMMISSIONER FOR THE
POSITION OF CHAIR AND VICE CHAIR OF THE COMMISSION AS PROVIDED IN THIS
SECTION.~~

~~(2) IN PRINCE GEORGE'S COUNTY, THE COUNTY EXECUTIVE, WITH
THE APPROVAL OF THE MAJORITY OF THE MEMBERS OF THE COUNTY COUNCIL,
SHALL DESIGNATE A COMMISSIONER FOR THE POSITION OF CHAIR OR VICE CHAIR.~~

~~(3) IN MONTGOMERY COUNTY, THE COUNTY EXECUTIVE SHALL APPOINT A COMMISSIONER FOR THE POSITION OF CHAIR OR VICE CHAIR IN ACCORDANCE WITH § 15-103.1 OF THIS SUBTITLE.~~

~~(b) [(1) Within 3 days after making a designation, the Montgomery County Council shall submit the name of the designee to the County Executive.~~

~~(2) Within 30 days after the designation is submitted, the County Executive shall approve or disapprove the designation.~~

~~(3) If the County Executive disapproves a designee, the County Executive shall return the name of the designee to the County Council with the reasons for the disapproval stated in writing.~~

~~(4) By the affirmative vote of eight of its members, the County Council may designate a commissioner for the position of chair or vice chair over the disapproval of the County Executive.~~

~~(5) A designation that has not been disapproved by the County Executive in accordance with this subsection is deemed to be approved.~~

~~(c)] The Commission shall elect a chair and vice chair from the commissioners designated in accordance with [subsections (a) and (b)] SUBSECTION (A) of this section.~~

~~[(d)] (C) (1) The chair shall:~~

~~(i) preside at meetings of the Commission; and~~

~~(ii) perform the other customary duties of the office.~~

~~(2) The vice chair shall preside in the absence of the chair.~~

~~(3) The chair and vice chair of the Commission also serve as chairs of their respective county planning boards.~~

~~15-108.~~

~~(a) (1) (i) Each commissioner other than the chair is entitled to an annual salary of \$5,600.~~

~~(ii) [The] IN PRINCE GEORGE'S COUNTY, THE chair of the Commission is entitled to an annual salary of \$6,100.~~

~~(HH) 1. IN MONTGOMERY COUNTY, THE CHAIR OF THE COMMISSION IS ENTITLED TO AN ANNUAL SALARY SET BY THE COUNTY EXECUTIVE WITH THE APPROVAL OF THE COUNTY COUNCIL.~~

~~2. IF THE COUNTY COUNCIL DOES NOT TAKE ACTION ON
A SALARY AUTHORIZATION UNDER THIS SUBPARAGRAPH WITHIN 30 DAYS AFTER
THE AUTHORIZATION IS SUBMITTED, THE COUNTY EXECUTIVE MAY AUTHORIZE THE
SALARY WITHOUT THE APPROVAL OF THE COUNTY COUNCIL.~~

~~(2) All salaries shall be paid monthly from the administrative tax collected
by the Commission under § 18-307 of this article.~~

~~(3) (i) Subject to subparagraph (ii) of this paragraph, each
commissioner is entitled to an annual expense allowance not exceeding \$2,400, in
accordance with rules and regulations the Commission adopts.~~

~~(ii) A commissioner shall submit a voucher showing the expenses.~~

~~(b) (1) [(i) With the approval of the County Executive of Montgomery
County, the] THE County [Council] EXECUTIVE may authorize an appropriate
supplementary salary for the commissioner [designated by Montgomery County to serve
on a full-time basis] APPOINTED BY THE COUNTY EXECUTIVE UNDER § 15-103.1 OF
THIS SUBTITLE.~~

~~[(ii) If the County Executive fails to approve a supplementary salary
authorization by the County Council within 30 days after the authorization is submitted,
the County Council, by an affirmative vote of eight of its members, may authorize the
supplementary salary without the approval of the County Executive.]~~

~~(2) On the recommendation of the County Executive of Prince George's
County, the County Council may authorize an appropriate supplementary salary for the
commissioner designated by Prince George's County to serve on a full-time basis.~~

~~(3) Any supplementary salary authorized under PARAGRAPH (2) OF this
subsection shall be paid from the administrative tax collected by the Commission under §
18-307 of this article.~~

~~(c) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
MEANINGS INDICATED.~~

~~(ii) "EMPLOYMENT" MEANS ENGAGING IN AN ACTIVITY FOR
COMPENSATION, INCLUDING THE ACTIVE SALE OR PROMOTION FOR SALE OF
INTELLECTUAL PROPERTY PRODUCED BY THE COMMISSIONER.~~

~~(iii) "INTELLECTUAL PROPERTY" INCLUDES BOOKS,
NEWSPAPER, MAGAZINE, OR JOURNAL ARTICLES, VIDEOS, CRAFTS, AND ARTWORK.~~

~~(2) THE COMMISSIONER APPOINTED BY THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY UNDER § 15-103.1 OF THIS SUBTITLE MAY NOT ENGAGE IN ANY OTHER EMPLOYMENT WHILE SERVING ON THE BOARD.~~

~~15-120.~~

~~(b) (1) (i) [This] EXCEPT AS PROVIDED IN § 15-108(C)(2) OF THIS SUBTITLE, THIS subsection does not prohibit a commissioner from having or holding a private investment, business, or professional interest, unless the interest is or reasonably may be in conflict with the proper performance of the commissioner's duty.~~

~~(ii) A private investment, business, or professional interest is presumed to be in conflict with the proper performance of the commissioner's duty if the commissioner or the commissioner's spouse, parent, child, brother, or sister:~~

~~1. jointly or severally owns more than 3% of the invested capital or capital stock of any entity involved in the decision being made by the commissioner, Commission, or county planning board on which the commissioner serves; or~~

~~2. receives a total combined compensation of more than \$5,000 a year from any person involved in the decision being made by the commissioner, Commission, or county planning board on which the commissioner serves.~~

~~(2) This subsection does not apply to or include:~~

~~(i) an interest or investment in land geographically remote from the land involved in the decision;~~

~~(ii) the ownership of real property on which the commissioner maintains a primary residence; or~~

~~(iii) a possibility of reverter, a mortgage, or other security interest in real property not otherwise described in this subsection.~~

~~(3) A commissioner may not:~~

~~(i) decide, or participate in, a decision in which the commissioner has a financial interest, whether as an owner, member, partner, officer, employee, stockholder, or other participant of or in any private business or professional enterprise, that will be affected by the decision; or~~

~~(ii) knowingly participate in a decision affecting the financial interest, jointly or severally, of a person related to the commissioner or the commissioner's spouse, parent, child, brother, or sister.~~

1 15-121.

2 (A) ~~IN THIS SECTION, "CANDIDATE", "CONTRIBUTION", AND "POLITICAL~~
3 ~~COMMITTEE" HAVE THE MEANINGS STATED IN § 1-101 OF THE ELECTION LAW~~
4 ~~ARTICLE.~~

5 ~~(B)~~ THIS SECTION APPLIES ONLY:

6 (1) TO COMMISSIONERS APPOINTED FROM MONTGOMERY COUNTY;
7 AND

8 (2) FROM THE DATE OF A COMMISSIONER'S APPOINTMENT UNTIL THE
9 END OF THE COMMISSIONER'S TENURE ON THE COMMISSION.

10 ~~(C) (1) A COMMISSIONER MAY NOT, FOR THE BENEFIT OF AN INDIVIDUAL~~
11 ~~HOLDING A STATE OR LOCAL ELECTED OFFICE OR A CANDIDATE FOR A STATE OR~~
12 ~~LOCAL ELECTED OFFICE, ENGAGE IN THE FOLLOWING ACTIVITIES:~~

13 ~~(I) SOLICITING OR TRANSMITTING A POLITICAL~~
14 ~~CONTRIBUTION FROM ANY PERSON, INCLUDING A POLITICAL COMMITTEE;~~

15 ~~(II) SERVING ON A FUND-RAISING COMMITTEE OR A POLITICAL~~
16 ~~COMMITTEE;~~

17 ~~(III) ACTING AS A TREASURER FOR A CANDIDATE OR AN~~
18 ~~OFFICIAL OR AS TREASURER OR CHAIR OF A POLITICAL COMMITTEE;~~

19 ~~(IV) ORGANIZING OR ESTABLISHING A POLITICAL COMMITTEE~~
20 ~~FOR THE PURPOSE OF SOLICITING OR TRANSMITTING CONTRIBUTIONS FROM ANY~~
21 ~~PERSON;~~

22 ~~(V) FORWARDING TICKETS FOR FUND-RAISING ACTIVITIES, OR~~
23 ~~OTHER SOLICITATIONS FOR POLITICAL CONTRIBUTIONS, TO A POTENTIAL~~
24 ~~CONTRIBUTOR; OR~~

25 ~~(VI) OPENLY CAMPAIGNING OR VOLUNTEERING FOR A~~
26 ~~CAMPAIGN.~~

27 ~~(2) THIS SECTION DOES NOT PROHIBIT A COMMISSIONER FROM:~~

28 ~~(I) MAKING A PERSONAL POLITICAL CONTRIBUTION;~~

29 ~~(II) INFORMING ANY ENTITY OF A POSITION TAKEN BY A~~
30 ~~CANDIDATE OR AN OFFICIAL; OR~~

~~(HH) ENGAGING IN OTHER ACTIVITIES NOT SPECIFICALLY
PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(3) A COMMISSIONER MAY NOT BE A CANDIDATE FOR A PUBLIC
OFFICE WHILE SERVING ON THE COMMISSION.~~

(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.

15-122.

A NOTWITHSTANDING THE REQUIREMENTS OF § 5-504 OF THE GENERAL
PROVISIONS ARTICLE, A FORMER COMMISSIONER FROM MONTGOMERY COUNTY
MAY NOT ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER
THAT WAS THE SUBJECT OF ACTION BEFORE THE MONTGOMERY COUNTY
PLANNING BOARD WHILE THE COMMISSIONER SERVED ON THE BOARD FOR 1
CALENDAR YEAR FROM THE DATE THE COMMISSIONER LEAVES OFFICE.

15-123.

~~DURING THE FIRST YEAR OF EACH TERM OF THE COMMISSIONER~~

(A) WITHIN THE FIRST 3 MONTHS FOLLOWING APPOINTMENT, A
COMMISSIONER FROM MONTGOMERY COUNTY SHALL SUCCESSFULLY COMPLETE:

(1) THE TRAINING REQUIRED UNDER § 3-213 OF THE GENERAL
PROVISIONS ARTICLE;

(2) A COURSE RELATING TO HARASSMENT THE MARYLAND
DEPARTMENT OF PLANNING'S PLANNING COMMISSIONER, PLANNING BOARD AND
BOARD OF APPEALS EDUCATION COURSE; AND

(3) A COURSE ON DIVERSITY, EQUITY, AND INCLUSION AND THE
IMPACTS OF IMPLICIT BIAS 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.**

~~20-202.~~

~~(c) (1) This subsection applies only to the Montgomery County Planning
Board.~~

~~(2) The Board shall:~~

~~(i) PUBLISH AND MAINTAIN ON ITS WEBSITE THE AGENDA OF
THE OPEN MEETING, TOGETHER WITH A SUMMARY OF ANY FINALIZED DOCUMENTS,
WRITTEN TESTIMONY FROM THE PUBLIC, AND OTHER MATERIALS THAT THE BOARD
WILL VOTE ON AT THE OPEN MEETING;~~

~~1. AT LEAST 72 HOURS BEFORE EACH MEETING; OR~~

~~2. IF THE MEETING IS BEING HELD DUE TO AN
EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS
FAR IN ADVANCE OF THE MEETING AS PRACTICABLE;~~

~~(H) stream live video or live teleconference audio or other audio of
the open meetings of the Board;~~

~~[(ii)] (III) maintain on its website a complete and unedited archived
recording of each open meeting that is livestreamed in accordance with this subsection; and~~

~~[(iii)] (IV) notwithstanding § 3-306(b)(2)(i) of the General Provisions
Article;~~

~~1. prepare minutes of each meeting as soon as practicable
after the meeting; and~~

~~2. publish and maintain on its website the minutes of each
open meeting prepared in accordance with this subsection.~~

~~(3) (i) THE BOARD SHALL APPROVE MEETING MINUTES IN A
TIMELY MANNER.~~

~~(ii) EACH OPEN MEETING AGENDA SHALL INCLUDE
CONSIDERATION OF THE MEETING MINUTES FROM THE MOST RECENT MEETING.~~

~~(iii) THE REQUIREMENT UNDER SUBPARAGRAPH (ii) OF THIS
PARAGRAPH DOES NOT APPLY TO THE AGENDA OF AN EMERGENCY MEETING IF
CONSIDERATION OF THE MEETING MINUTES FROM THE MOST RECENT MEETING IS
NOT PRACTICABLE BECAUSE OF THE NEED TO HOLD AN EMERGENCY MEETING.~~

~~(4) The inability of the Board to comply with paragraph [(2)(i) and (ii)]
(2)(ii) AND (iii) of this subsection due to technical failure that entirely prevents or
otherwise affects the quality of the live video or audio streaming of a meeting of the Board
does not affect the validity of any action taken by the Board during the meeting if:~~

~~(i) the Board otherwise complies with this subsection and the Open
Meetings Act; and~~

~~(ii) the inability to comply is not due to willful action by the Board.~~

~~[(4)] (5) In addition to complying with the minutes requirements of the
Open Meetings Act under § 3-306 of the General Provisions Article, if the Board is unable
to comply with paragraph [(2)(i)] (2)(ii) of this subsection, the Board shall make
good faith efforts to record an open meeting by video or audio and maintain on its website
a complete and unedited archived recording of the meeting.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
measure, is necessary for the immediate preservation of the public health or safety, has
been passed by a ye-a and nay vote supported by three-fifths of all the members elected to
each of the two Houses of the General Assembly, and shall take effect from the date it is
enacted.~~

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;

(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.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.