

HOUSE BILL 397

L5, L6

2lr0322

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

Introduced and read first time: January 19, 2022

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 1, 2022

CHAPTER _____

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Montgomery**
3 **County – County Council and District Council – Voting Thresholds**

4 **PG/MC 100–22**

5 FOR the purpose of adjusting the voting thresholds necessary for the Montgomery County
6 Council or the Montgomery County District Council to take certain actions related
7 to the Maryland–National Capital Park and Planning Commission; and generally
8 relating to the votes of the Montgomery County Council and District Council
9 members.

10 BY repealing and reenacting, with amendments,
11 Article – Land Use
12 Section 15–103(a), 15–106(b), 15–108(b)(1), 18–107, 18–116, 22–209(c), and
13 23–104(b)
14 Annotated Code of Maryland
15 (2012 Volume and 2021 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Land Use
18 Section 15–106(a)
19 Annotated Code of Maryland
20 (2012 Volume and 2021 Supplement)

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.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Land Use

15–103.

(a) (1) In Montgomery County, the County Council shall make an appointment to the Commission from a list of applicants.

(2) The list shall be:

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

(ii) made available to the public.

(3) 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) of this subsection.

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

(5) Within 30 days after the appointment is submitted, the County Executive shall approve or disapprove the appointment.

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

(7) 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) By the affirmative vote of [seven] **NINE** of its members, the County Council may appoint a commissioner over the disapproval of the County Executive.

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.

(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 [six] 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.

15–108.

(b) (1) (i) With the approval of the County Executive of Montgomery County, the County Council may authorize an appropriate supplementary salary for the commissioner designated by Montgomery County to serve on a full-time basis.

(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 [six] EIGHT of its members, may authorize the supplementary salary without the approval of the County Executive.

18–107.

(a) Within 3 calendar days after approval of the budgets, each county council shall submit the budgets to the respective county executive.

(b) Within 10 days after delivery of the budgets by the county council, the county executive may disapprove or reduce any item contained in the budgets or the planning work program.

(c) If the county executive disapproves or reduces any item in the budgets, the county executive shall return the budgets to the respective county council with the reasons for the county executive's disapproval or reduction stated in writing.

(d) (1) [Within] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 30 days after the respective county executive returns the budgets, each county council may, by affirmative vote of six of its members, reapprove or restore any item over the disapproval of the county executive.

(2) IN MONTGOMERY COUNTY, WITHIN 30 DAYS AFTER THE COUNTY EXECUTIVE RETURNS THE BUDGETS, THE COUNTY COUNCIL MAY, BY AFFIRMATIVE

**VOTE OF EIGHT OF ITS MEMBERS, REAPPROVE OR RESTORE ANY ITEM OVER THE
DISAPPROVAL OF THE COUNTY EXECUTIVE.**

18–116.

In Montgomery County, the County Council may amend an approved 6–year capital improvements program at any time by an affirmative vote of [six] **EIGHT** of its members.

22–209.

(c) (1) Except as provided in paragraph (2) of this subsection, an application that seeks a zoning classification not shown as appropriate or suitable in the text or on the land use map of a master plan that the district council has approved under § 21–107 of this article may be granted only by the affirmative vote of [six] **EIGHT** members of the district council.

(2) If the Commission recommends approval of the application for reclassification or if the application is for a zoning classification created after the district council approves the master plan, the affirmative vote of [five] **SIX** members of the district council is required to grant the application.

23–104.

(b) (1) In Montgomery County:

(i) within 3 days after adopting a subdivision regulation or amendment, the district council shall submit the regulation or amendment to the County Executive; and

(ii) within 10 days after the subdivision regulation or amendment is submitted, the County Executive shall approve or disapprove the regulation or amendment.

(2) If the County Executive disapproves the subdivision regulation or amendment, the County Executive shall return the regulation or amendment to the district council with the reasons for the disapproval stated in writing.

(3) By the affirmative vote of [six] **EIGHT** of its members, the district council may enact the subdivision regulation or amendment over the disapproval of the County Executive.

(4) A subdivision regulation or amendment that has not been disapproved by the County Executive in accordance with this subsection is considered to be approved.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or

1 application to the voting threshold necessary to take any action by the Montgomery County
2 Council or the Montgomery County District Council before December 5, 2022.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.