



OFFICE OF INTERGOVERNMENTAL RELATIONS

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MEMORANDUM

TO: Montgomery County Council

FROM: Melanie L. Wenger, Director ^{MLW}
Office of Intergovernmental Relations

SUBJECT: Discussion – 2020 State Legislative Session Review of Local and Bi-County Bills

The Montgomery County Delegation will hold public hearings on Montgomery County Local and Bi-County bills that will be introduced in the 2020 State Legislative Session on December 2nd and 9th. The purpose of this memo is to provide information on the local and bi-county bills introduced by individual State Delegation members so that the Office of Intergovernmental Relations (IGR) can obtain your positions on the bills.

Summaries of the bills follow:

LOCAL

MC 1-20 - Montgomery County – Housing Opportunities Commission – Selection of Chair (Delegates Shetty, Carr & Crutchfield)

This bill requires the County Executive to select the chair of the Housing Opportunities Commission (HOC), from among the commissioners. Under current law, the County Executive nominates the seven commissioners and the County Council approves them. When the office of the chair becomes vacant, the commissioners are required to choose a chair from among the current commissioners.

In Prince George's County, the County Executive is required to select the chair of its Housing Authority from among the commissioners. The Prince George's County Housing Authority also consists of seven members appointed by the County Executive and approved by the County Council.

Unlike current law which only allows appointment of a new chair by the commissioners when the position becomes vacant, MC 1-20 would allow the County Executive to appoint a new chair at any time. In addition, it does not require approval from the County Council.

County Executive: Support

**MC 2-20 – Montgomery County – Housing Opportunities Commission – Alterations
(Delegates Carr, Crutchfield & Shetty)**

This bill requires the Housing Opportunities Commission (HOC) to: (1) provide live streaming service of each HOC open meeting; (2) prepare written minutes of each HOC meeting as soon as practicable after the meeting; (3) submit the proposed budget to the members of the Montgomery County Delegation to the General Assembly; (4) publish the financial report for the previous fiscal year on the HOC website; (5) publish the full and complete copy of the certified audit report for the previous fiscal year on the HOC website; (6) report payment data for any person that receives an aggregate payment of \$25,000 in a single fiscal year; and (7) either enter into a contract with the County to include HOC's payment data on the County's spending Montgomery website or develop and operate its own searchable website to house the payment data.

Under the Open Meetings Act (OMA), the HOC is required to prepare minutes of its session as soon as practicable and retain the minutes for at least five years after the date of the session. HOC began live streaming its public meetings earlier this month and OMA requires this data to be retained for at least five years as well.

Under current law, HOC is required to submit its proposed budget to the County Council and publish a summary of its financial report in two newspapers of general circulation. HOC also publishes online its budget and financial reports as well as the financial audits for each of the development corporations associated with its properties.

The Office of the County Attorney believes that the language in §16-112 (c)(2) requiring HOC to publish "all information in a public record that relates to a financial report or certified audit report of which the Montgomery County Commission is not specifically required to deny an inspection under the Public Information Act" could be construed to waive privileges related to those documents, including executive privilege and attorney-client privilege.

SpendingMontgomery is a website that allows public access to the County's raw spending data. The Department of Technology Services and the Department of Finance raised concerns about the feasibility of contracting with HOC. The bill sponsor has agreed to strike language about contracting with the County from the bill.

County Executive: Support

**MC 5-20 - Montgomery County – Housing Opportunities Commission – Procurement
(Delegates Carr, Crutchfield & Shetty)**

This bill requires the Housing Opportunities Commission (HOC) to adopt procurement provisions that conform to the Montgomery County Code and the Montgomery County Code of Regulations for all purchases that are not specifically regulated by federal procurement requirements. Currently, HOC operates under a procurement policy that was updated and adopted by the commissioners in 2017.

Local law requires several non-County entities like the State's Attorney Office and the Sheriff's Office, to adhere to the County's procurement regulations just as any department of County government would do. MC 5-20 does not require HOC to adhere to the County's procurement regulations; it instead requires HOC to create an entirely separate parallel procurement system.

County Executive: Support

**MC 6-20 - Montgomery County – Agricultural Reserve – Deer Management Permits
(Delegates Luedtke, Kaiser, Qi, and Reznik)**

This bill allows the holder of a deer management permit to use a rifle to harvest deer in Montgomery County's Agricultural Reserve year-round. Under current law, rifles are prohibited from being used to hunt deer in Montgomery County at any time. In specified areas of Frederick County, a holder of a deer management permit may hunt deer with a rifle year-round.

A deer management permit is issued by Maryland's Department of Natural Resources (DNR). It allows a holder or the agent of the permit holder to hunt deer outside deer hunting season for the purpose of preventing damage to crops. To obtain a deer management permit an individual must request the Wildlife and Heritage Service unit of DNR to investigate the damage caused by the deer population in the area. The investigator will consider type of damage, severity of damage, the time of year, and deer population surveys and estimates. The investigator will then issue a written recommendation whether action should be taken to reduce the deer population in the area. If reduction is deemed necessary, DNR will issue a permit describing the hunting device to be used as well as the number and type of deer that may be shot.

The Office of Agriculture (OAG) believes that rifles will help control the deer population in the County's Agricultural Reserve more efficiently than bows, muzzle loaded and shotgun firearms, which are allowed under current law. OAG advises that the State's stringent requirements for acquiring the deer management permit will prevent improper issuance of the permits and limit the use of rifles for hunting deer.

County Executive: Support

MC 7-20 - Montgomery County – Agricultural Land Transfer Tax – Alterations (Delegates Luedtke and Reznik)

This bill requires that revenues collected from the Montgomery County Agricultural Land Transfer Tax be dedicated to agricultural preservation or other agricultural programs. Currently, these revenues flow into the General Fund. Between FY16 and FY19, annual revenues averaged about \$500,000 (\$538,000 in FY16; \$631,000 in FY17; \$422,000 in FY18; \$402,456 in FY19).

The bill also includes language regarding certain offsets against the tax that mirrors language that was included in a bill relating to the State Agricultural Land Transfer Tax that was enacted in 2019 (HB20/SB344). The language in that bill was intended to increase revenues collected under the State tax by: (1) reducing – from 75% to 65% -- the offset that is allowed for property that was assessed as non-agricultural use for three consecutive years before transfer; and (2) imposing a new requirement that 35% of the tax be collected on property that was assessed as a non-agricultural use for four or more years before transfer (i.e., reducing an existing 100% offset after four or more years of non-agricultural assessment to 65%).

Prior to HB 20, State law included a prohibition against imposing the State Agricultural Land Transfer Tax on property that was assessed as non-agricultural use for at least 5 years before transfer, as well as an inconsistent requirement that the State reduce the amount of taxes collected by 25% for each year the property was assessed as non-agricultural use before transfer. These two provisions were inconsistent because the latter allowed for a 100% reduction in taxes if property was assessed as non-agricultural use for four years before transfer, rather than having to wait for five years. In any event, the changes in HB 20/SB 344 were intended to increase revenues from the State Agricultural Land Transfer Tax.

The Office of the County Attorney is concerned that inclusion of the HB 20/SB 344 offset language in MC 7-20 will result in a loss of revenues to the County because there are no existing offsets under County law for property that has been assessed as a non-agricultural use before transfer (regardless of the numbers of years for such assessment).

County Executive: Support with amendments that delete the language relating to offsets based on the amount of time agricultural property has been assessed as a non-agricultural use.

MC 8-20 - Montgomery County – Public Campaign Financing – Board of Education (Delegates Moon, Acevero, Carr, Charkoudian, Crutchfield, Cullison, Kelly, Lopez, Love, Luedtke, Palakovich Carr, Shetty, Solomon, Stewart, and Wilkins and Senators Smith, and Waldstreicher)

Current State law authorizes counties throughout the State to create a system of public campaign financing for elected officials in the executive or legislative branches of county government. This bill authorizes Montgomery County to include elected members of the Board of Education in its public campaign financing system.

County Executive: Support

MC 9-20 - Montgomery County – Alcoholic Beverages – Hours of Consumption (Chair on behalf of Montgomery County Government)

Requested and approved by County Executive and County Council and introduced by Chair on behalf of Montgomery County Government.

MC 12-20 - Residential Leases – Just Cause Eviction and Eviction Reporting (Delegates Wilkins, Acevero, Carr, Moon, Shetty & Stewart)

MC 12-20 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 within 30 days; (2) 30 days after receiving notice to cease, a tenant continues to engage in disorderly conduct; (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.

Just cause is not required for eviction if: (1) the property is owner-occupied and the landlord leases out a single unit or (2) the tenant’s initial lease was conditioned on employment for the landlord and the tenant’s employment is terminated.

Under current local law, in Montgomery County, 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, the tenant is considered to be “holding over” under current State law. If a tenant holds over, the tenant becomes a month-to-month tenant, but all other terms of the expired lease remain in effect (albeit monthly). A landlord may file a complaint in District Court if a tenant refuses to relinquish possession at the end of the lease term. If the landlord proves proper notice, the lease term fully expires, and the tenant remains in possession of the premises, the Court will issue a judgment for possession in favor of the landlord.

MC 12-20 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. Under the bill, a tenant could 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.

If a landlord believes that a just cause has occurred, then the landlord can file a complaint with the District Court to evict the tenant 60 days after providing the tenant written notice via certified mail. If the landlord proves to the Court that the specified just cause occurred, then the Court will grant the eviction.

This bill also requires the Housing Opportunities Commission (HOC) to the extent practicable, to collect and report to the County Executive, County Council, and members of the Montgomery County Delegation to the General Assembly: (1) the number of tenant evictions that occurred during the preceding year; (2) the number of complaints filed by a landlord during the preceding calendar year to repossess for failure to pay rent or holding over; (3) the tenant breached the lease; (4) the number of tenants evicted during the preceding year who receives social security benefits, supplemental nutritional assistance program benefits, or utilized an HOC program; (5) the size of each family evicted during the preceding year; and (6) the age of each individual evicted during the preceding year. In reporting this information, the HOC must also report the individual's race and gender while ensuring the tenants privacy by aggregating the information collected, if necessary.

MC 12-20 is very similar to the amended version of MC 22-19 that was approved by Montgomery County's House Delegation during the 2019 General Assembly session. There is one notable difference. MC 12-20 does not include the amendment approved by the Delegation that created a just cause for eviction when "a tenant habitually fails to pay rent when due and is notified by the landlord in writing that rent is late at least four times in a 12-month period."

County Executive: Support

MC 13-20 - Montgomery County – Board of Education – Compensation (Chair on behalf of Montgomery County Board of Education Compensation Commission)

This bill creates a placeholder for potential changes to the salaries of the members of the Board of Education. A bill enacted in 2019 (HB 150/MC 1-18) established a Commission to study these salaries and required the Commission to report its recommendations to the Montgomery County Delegation by September 1, 2019, including recommendations regarding the amount of: (1) an additional stipend for the Board President; and (2) a scholarship amount for the student member to be applied to higher education costs. The Office of Intergovernmental Relations has been advised that the Commission is currently scheduled to issue recommendations in December.

County Executive: Support

MC 14-20 - Montgomery County – Authority of County Council Over Inspector General – Montgomery County Public Schools (Senator Kramer and Delegate Solomon)

This is an enabling bill that authorizes the County to enact a local law that gives the County's Inspector General authority over Montgomery County Public Schools (MCPS). If this bill is enacted, no changes will be needed to County law to implement the bill. County law already includes language that extends the Inspector General's authority to all "Independent Agencies" created by State law, including MCPS. However, this component of County law is currently unenforceable against MCPS because the State has not yet granted authority to the County to include MCPS under the Inspector General's jurisdiction. In essence, this bill makes existing County law enforceable against MCPS. This bill mirrors two bills that were enacted in 2019 that authorized the County to enact local laws giving the Inspector General authority over Montgomery College (HB 304) and the Housing Opportunities Commission (HB 344). As with this bill, no changes to County law are needed to implement HB 304 or HB 344.

County law provides that the goals of the Inspector General are to: (1) review the effectiveness and efficiency of programs and operations of County government and independent County agencies; (2) prevent and detect fraud, waste, and abuse in government activities; and (3) propose ways to increase the legal, fiscal, and ethical accountability of County government departments and County-funded agencies. The Inspector General must attempt to identify actions which would enhance the productivity, effectiveness, or efficiency of programs and operations of County government and independent County agencies. In developing recommendations, the Inspector General may: (1) conduct investigations, budgetary analyses, and financial, management, or performance audits and similar reviews; and (2) seek assistance from any other government agency or private party or undertake any project jointly with any other governmental agency or private body.

Under MC 14-20, the County Inspector General is authorized to operate separately from the new Maryland Office of Inspector General for Education that was established in the Blueprint for Education in Maryland (SB 1030). This new Inspector General's responsibility (with regard to local school systems and boards of education, the Maryland State Department of Education, and the Interagency Commission on School Construction) is limited to receiving and investigating complaints or information concerning: (1) instances of fraud, waste, or abuse involving the use of public funds and property; (2) violations of civil rights of students or employees; (3) compliance with applicable State and federal laws governing the prevention and reporting of child abuse and neglect; and (4) compliance with other applicable federal and State laws.

County Executive: Support with an amendment to provide that the County Inspector General should consult with the State Inspector General for Education to assure that their work complements but does not duplicate the work of their respective officers.

MC 15-20 - Montgomery County – Alcoholic Beverages – Town of Kensington (Delegate Carr)

This bill updates outdated language and hours in the Alcoholic Beverages Article relating to the Town of Kensington. This bill was requested on behalf of the Town. In addition, the bill

authorizes the Board of License Commissioners to issue up to three Beer and Wine Tasting licenses, allows a Class 9 Limited Distillery license holder to sell for on and off-premises consumption any distilled products that the license holder distills on-site, and allow for the BLC to issue additional A-K licenses if there is a public hearing before the Town council and a request made by the town. The sponsor has this bill listed as a placeholder bill, there may be some amendments to the bill.

County Executive: Support

MC 16-20 - Montgomery County – Country Clubs and Golf Courses – Annual Land Preservation Fee (Delegates Moon & Stewart)

This bill imposes an annual “land preservation fee” of \$100,000 on any golf course or country club in Montgomery County that: (1) is eligible under State law to be assessed for purposes of property taxes at \$1,000 per acre rather than market value; and (2) is located on land that has an average market value of at least \$500,000 per acre.

State law currently allows some golf courses and country clubs to sign agreements with the State under which their land and buildings are assessed at \$1,000 per acre rather than market value. To be eligible, a golf course must be open to the public and located on at least 50 acres of land on which a regular or championship golf course of at least nine holes is maintained. A country club must have at least 100 members who pay annual dues averaging \$50 or more; restrict use primarily to members, families and guests; and be located on at least 50 acres of land on which a regular or championship golf course of at least nine holes and a club house are maintained.

The Office of the County Attorney (OCA) believes that the “fee” established in the bill is actually a tax, and that it is a property tax (rather than excise tax) because it is collected based on ownership of property. OCA also believes that the tax imposed by the bill is unconstitutional because the Maryland Constitution requires that all property taxes be “ad valorem” and uniformly applied to the same classes of property throughout the State.

County Executive: Support pending Attorney General’s review of legal sufficiency.

MC 19-20 - Montgomery County – Elections – Early Voting Centers (Senator Smith and Delegate Luedtke)

This bill increases -- from 11 to 12 -- the number of early voting centers that Montgomery County must establish. A separate provision of current law that is not changed by the bill would allow the County to establish a 13th early voting center if the State Board, in collaboration with the local board and the governing body of the County (i.e., the County Executive and County Council) authorize the establishment of an additional early voting center. The bill is an emergency measure that would take effect upon signature by the Governor and includes language that expressly provides that it applies to the 2020 election cycle.

County Executive: Support

MC 20-20 - Montgomery County – Residential Property Advertisements and Sales – School District Information (Delegates Moon, Acevero, Charkoudian, Crutchfield, Cullison, Luedtke, Palakovich Carr & Stewart)

This bill prohibits a licensed real estate broker, licensed associate real estate broker, or licensed real estate salesperson from including the name of a school district in an advertisement for sale or rent for any residential property located in Montgomery County. The State Real Estate Commission is required to enforce this provision and is authorized to receive complaints, conduct investigations, issue subpoenas and hold hearings.

MC 20-20 also requires that a “Notice to Home Buyer Regarding Montgomery County School Districts” be included in all sale contracts for single family residential real property in Montgomery County. The buyer is required to initial the notice acknowledging that the Montgomery County Public School districts and boundaries are subject to change at any time.

The Office of the County Attorney advised that prohibiting the inclusion of school information in the advertisements could be viewed by the courts as unfairly restricting speech which could raise first amendment issues.

County Executive: Support with an amendment to strike the provisions of the bill relating to advertisements for sale or rent of residential properties.

MC 21-20 - Housing Opportunities Commission – Contracting Out Services – Requirements (Senator Kramer)

This bill alters the Housing and Opportunities Commission’s (HOC) process for contracting out certain services. Under the bill, before HOC can issue requests for proposals on certain service contracts over \$75,000 it must consider whether the work could reasonably be performed by a represented employee and balance the impacts the contract may have on the public and the employees. In addition, MC 21-20 creates a process for represented employees to file a protest if they could reasonably perform the contract services.

Under current law, bargaining unit work means work duties “assigned or allocated to any position occupied within the preceding 90 calendar days by an employee who is represented by a certified representative.” MC 21-20 expands the definition of bargaining unit work to also include any work “that would reasonably be required to be performed by an employee who is represented by a certified representative in absence of a service contract.”

Under current law, “adversely affects” means at the time of the service contract solicitation any of the following occur: (1) the elimination of more than two employee positions who perform

collective bargaining work if the positions are vacant for less than 90 days or occupied; (2) the permanent and involuntary reduction below the number of hours for full time employment for more than five employees who perform collective bargaining work; (3) the permanent and involuntary reduction in pay grade for more than five employees who perform collective bargaining work; or (4) the permanent and involuntary reduction in base pay or fringe benefits for the job classification covering more than five employees who perform collective bargaining work. MC 21-20 expands the definition of adversely affects to include “the performance of services that would reasonably be required to be performed by employees” in absence of a service contract.

Under current law, before soliciting a service contract HOC’s executive director must certify that HOC: (1) has taken steps to consider alternatives to the service contract; (2) has consulted with the certified representative of any employees who will adversely affected if HOC enters into the contract; and (3) has demonstrated a cost comparison analysis that the contract will save HOC the lesser of \$200,000 or 20% of the value of the cost of the contract. In addition to these requirements, MC 21-20 will require HOC’s executive director to perform an impact analysis and demonstrate that the impact on “employees, residents, and the public is reasonable such that the benefits of the service contract outweigh any adverse impact on employees, residents, and the public” before soliciting a service contract.

Under current law, the certified representative of an adversely affected HOC bargaining unit employee may submit a proposal for the existing bargaining unit employees to continue performing the services described while achieving the targeted savings. MC 21-20 alters this process so that the certified representative may file a protest and if the protest cannot be settled it will be referred for binding arbitration before the labor relations administrator. HOC has the burden of demonstrating that its proposal is the most reasonable proposal. The labor relations administrator shall choose a proposal and that decision will be binding with regard to that service contract.

County Executive: Support

**MC 23-20 - Montgomery County – Property Tax – Credit for Senior Citizen Volunteers
(Senator Kramer and Delegates Crutchfield, Cullison, and Stewart)**

This is a local enabling bill that would allow Montgomery County to create a property tax credit for individuals who are least 65 years old who volunteer with public schools or nonprofits located in the County. The bill allows the County to establish: (1) the amount and duration of the credit; (2) additional eligibility criteria for the credit; (3) regulations and procedures for the application and uniform processing of credit requests; and (4) any other requirement necessary to implement the credit.

County Executive: No Position at this Time

MC 26-20 - Montgomery County – Public Safety – Buildings Used for Agritourism (Chair on behalf of Montgomery County Government)

Requested and approved by County Executive and County Council and introduced by Chair on behalf of Montgomery County Government.

MC 27-20 - Montgomery County – Alcoholic Beverages Licenses – Catering Extension (Delegate Charkoudian)

This bill authorizes the Board of License Commissioners to issue a catering extension to holders of a Class D Beer, Wine and Liquor license. A Class D-BWL license holder may sell beer, wine and liquor for on-premises consumption. A catering extension authorizes the license holder to sell alcoholic beverages off-premises of the licensed establishment while catering a party or event. It requires the license holder to provide food for consumption at the event and can only be used during the times that the underlying license authorizes the sale of alcohol. Currently, the catering extension is available to the holders of Class B-BWL, Class BD-BWL, and Class B-K-BWL licenses.

Denizens Brewing Company requested this bill so that it can cater parties and events like restaurants and brewing companies that hold Class B-BWL and Class BD-BWL already do.

County Executive: Support

BI-COUNTY

PG/MC 101-20 - Maryland–National Capital Park and Planning Commission – Mandatory Referral Review (Delegate Carr)

The Maryland-Washington Regional District Act currently includes a “mandatory referral” process that prohibits public entities from conducting the following activities unless the location, character, grade, and extent of the activity is referred to and approved by the Maryland-National Capital Park and Planning Board (M-NCPPC): (1) acquiring or selling land; (2) locating, constructing, or authorizing a road, park, public way or ground, public building or structure, or public or private utility; and (3) changing the use of or widening, narrowing, extending, relocating, vacating, or abandoning any facility listed in item (2). Unless a longer period is granted by the entity submitting a project for mandatory referral, the project is deemed approved if the Commission fails to act within 60 days after submission. If the Commission disapproves a submission, the submitter may disregard the disapproval.

The bill establishes a process that allows the Commission to ensure that it has a complete submission before the 60-day shot clock begins to run. The term “complete submission” is defined to mean engineering or architectural drawings that depict the proposed location,

character, grade, and extent of the activities. The bill requires the Commission to notify the submitter within 3 business days after receiving a submission (or amendment) that the submission (or amendment) is: (1) complete and accepted by the Commission; or (2) rejected as incomplete by the Commission. If the submission is rejected as incomplete, the Commission must provide an itemized list of missing information.

The Commission must act on an amended submission within 60 days after receipt and notify the submitting entity of its completeness within 3 business days after receipt. If a submission is rejected as incomplete after amendments have been submitted at least three times, the submitter may notify the Commission that it is unable to provide additional information through reasonable means. On receipt of such notice, the Commission must accept the submission as complete and act on it within 60 days.

A similar bill (MC/PG 116-19) was introduced during the 2019 Session. The Montgomery County House Delegation approved that bill with amendments that were developed jointly by the County Executive and Montgomery County Planning Board. PG/MC 101-20 is identical to MC/PG 116-19 as amended by the Delegation. The County Council did not take a position on the original or amended versions of the bill. MC/PG 116-19 was withdrawn before it was voted on in the Prince George's County House Delegation.

County Executive: Support

PG/MC 102-20 - Bicounty Commissions – Annual Reports – Conflicts of Interest and Lobbying (Delegate Carr)

Current law requires bicounty agencies, including the M-NCPPC, Washington Suburban Sanitary Commission (WSSC), and Washington Suburban Transit Commission to adopt regulations relating to conflicts of interest for its employees and lobbying of the commission and to: (1) prepare annual reports on issues relating to conflicts of interest and lobbying; and (2) submit the reports to both Montgomery and Prince George's Counties. This bill requires that each bicounty commission publish its annual report on its website.

County Executive: Support

PG/MC 103-20 - Washington Suburban Sanitary Commission – Discrimination – Prohibited (Delegates Carr and Palakovich Carr)

This expands provisions of current law that prohibit WSSC and its contractors and subcontractors from discriminating against an employee or applicant on the basis of "sex, race, creed, color, age, mental or physical handicap, disability, sexual orientation, religion, marital status, gender identity, or national origin" to add genetic information and presence of children to the list. The term "presence of children" is defined to mean the regular presence of an individual under the age of 18 years in a property served or to be served by the Commission. The bill also

prohibits WSSC from entering into a contract unless the contract contains provisions obliging the contract not to discriminate against an employee or applicant for employment on the basis of genetic information.

County Executive: Support with an amendment defining the term “genetic information.”

PG/MC 104-20 - Montgomery County – Land Use Documents – Certification (Senator Kramer)

This bill requires an applicant (or designee) 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, information and reasonable belief: (1) forest conservation plan exemption application; (2) natural resources inventory/forest stand delineation; (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. This bill is identical to a bill from 2019 (MC/PG 106-19) that received an unfavorable report from the Montgomery County House Delegation.

The County Executive supported MC/PG 106-19 with amendments developed jointly with the Planning Board that expanded the scope of the bill to make it applicable to the following documents as well as those listed above: (1) recorded easements and rights or way for property proposed for subdivision; (2) a forest conservation plan; and (3) any other regulatory development application. The amendments also changed the language of the certification to require the applicant (or designee) to certify (under penalty of perjury, to the best of the individual’s knowledge, information and reasonable belief) that all information and data provided with the application is accurate, and all of the features and elements provided on the plans is consistent with the standards of the applicable zone including boundary information, property information and ownership, topography, and historic resources.

The County Council did not support the original version of MC/PG 106-19 bill or the joint amendments developed by the County Executive and Planning Board because it believed that a penalty of perjury requirement to be “overkill”. Under current law, the documents that the bill requires to be certified under penalty of perjury must be certified as accurate (but not under penalty of perjury) by licensed engineers (or other licensed professionals). If the documents (drawings, maps, boundaries, etc.) are inaccurate, the individual’s professional license is at risk and the individual could be subject to civil liability under some circumstances (e.g., negligence).

County Executive: Support with the amendments discussed above.

PG/MC 105-20 - Income Tax – Subtraction Modification – Maryland-National Capital Park Police and Washington Suburban Sanitary Commission Police Force (Delegates Luedtke and Jackson, and Senator Zucker)

This bill adds members of the M-NCPPC and WSSC police departments to the definition of “law enforcement officer” under provisions of current law that allow a law enforcement officer to subtract the first \$5,000 of earned income from federal adjusted gross income to determine Maryland adjusted gross income. To be eligible for the subtraction modification, a police officer must reside in the Maryland-Washington Regional District (for M-NCPPC officers) or Washington Suburban Sanitary District (for WSSC officers), respectively, and the crime rate in the political subdivision in which the officer lives must exceed the State’s crime rate.

County Executive: No Position at this Time

PG/MC 108-20 – Maryland-National Capital Park and Planning Commission – Summer Math, Reading, and Science Pilot Program (Delegate Valentino-Smith)

This bill relates only to Prince George’s County and requires M-NCPPC, in coordination with Prince George’s County Public Schools, to develop a summer math, reading, and science pilot program that integrates math, reading, science, technology and social sciences content into the Commission’s summer parks and recreation programs in Prince George’s County.

County Executive: No Position

STATEWIDE BILLS

Electronic Room Partitions

Councilmember Katz would like to pursue statewide enabling legislation to allow counties to regulate the operation of electronic room partitions in public and nonpublic schools. An electronic partition is a room divider that is controlled through the operation of an electronic motor. There have been several child fatalities in the last few decades, with one occurring in Fairfax County last year. In 2019 Virginia enacted a law prohibiting operation of electronic room partitions in public schools unless: (1) no student is present in the building; (2) no student is present in the room where the partition is located and the room is locked and inaccessible to students; or (3) the partition includes a safety sensor that automatically stops the partition if a person crosses the plane between the partitioned rooms. New York state enacted a similar law in 2001 but included all nonpublic schools and educational institutions as well. While State law requires construction and remodeling of public schools to conform to County building codes, the Office of the County Attorney advises that enabling legislation would help to clarify County authority in this area for both public and private schools.

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/>.