



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

To: The Montgomery County Planning Board

Date: October 11, 2018

From: Carol S. Rubin, Special Project Manager
I-495 & I-270 Managed Lanes Study

Subject: Bill MC8-19, Montgomery County – State Highways - Toll Facilities

This legislation and the request for authority to propose other legislative initiatives to address the I-495 & I-270 Managed Lanes Study is being presented by Debra Borden, my Prince George's counterpart to the Prince George's County Planning Board today.

MC 8-19 requires the authorization from Montgomery County before any state agency can acquire or construct any toll road, highway, or bridge in Montgomery County. It is structured after MD Transp Art. § 4-407 that applies to nine other counties and provides that before any state agency can acquire or construct any toll road, highway, or bridge, it must receive authorization from a majority of the effected counties. If SHA selects toll lanes as the Preferred Alternative out of the I-495 & I-270 Managed Lanes Study, MC 8-19 SHA would need authorization from Montgomery County to move forward with the project. It provides Montgomery County some control with the ability to prohibit the revenue necessary for a P3 to bid on the project. **We are not asking for the Board to take a position on MC 8-19 at this time, but we are seeking the Board's approval to propose other legislative initiatives to the delegations of our respective counties to make the process work for us instead of just killing the project, and to propose these and other ideas to our state legislators:**

1. Amend the Public-Private Partnership Act to strengthen the legislatures fiscal control.
 - a. An Independent Rating Assessment Survey should be required to assess:
 - i. Credit strength of Concessionaire and private funding source.
 - ii. Possible credit impact to state government.
 - iii. Possible credit impact to local government.
 - iv. Recommendations for provisions to be included in the P3 Agreement to maintain a mandated minimum project credit rating.
 - b. Expand or amend the required provisions in a P3 Agreement. For example:
 - i. All provisions recommended by the Rating Assessment Survey for the project to maintain the required minimum project credit rating.
 - ii. The P3 must reimburse the state for advance project costs, and a reasonable annual subsidy must be made to local government effected by the P3 project to fund related local projects, i.e. transit projects or local road improvements. The advance payment and annual subsidy must be a primary payment included in the project pro forma – not residual to project implementation/operations or profits.
 - iii. Establish a reasonable ceiling for tolls.

- iv. In the event of bankruptcy or other failure of the project and the state takes over the project for operations and maintenance, the tolls must also be assigned to the state to apply that revenue to the operations and maintenance costs that the state has assumed.
 - v. In the event of bankruptcy or other failure of the project, the state must have reasonable approval authority over any private entity that assumes responsibility for continued operations and maintenance.
- c. Prohibit provisions in any P3 that restrict the ability of the state to provide future government operations such as implementing other transportation systems that “compete” with the P3 asset.
2. Assure M-NCPPC has leverage if any parkland is needed for the Preferred Alternative by stopping SHA from abusing its limited powers of eminent domain¹.
- a. Clarify SHA’s power of eminent domain is limited to private property and does not extend to publicly-owned land.

¹ Would be applicable to SHA’s continuing abuse to acquire parkland for *any* project.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Tracy

Typed by: Lynn

Stored - 10/19/18

Proofread by _____

Checked by _____

By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - State Highways - Toll Facilities**

3 **MC 8-19**

4 FOR the purpose of prohibiting a State agency, including the Maryland Transportation
5 Authority, from acquiring or constructing any toll road, toll highway, or toll bridge
6 in Montgomery County unless authorized by Montgomery County by local law; and
7 generally relating to the acquisition and construction of toll facilities in Montgomery
8 County.

9 BY adding to
10 Article - Transportation
11 Section 4-408
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2018 Supplement)

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

16 **Article - Transportation**

17 **4-408.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 A STATE AGENCY, INCLUDING THE MARYLAND TRANSPORTATION
2 AUTHORITY, MAY NOT ACQUIRE OR CONSTRUCT ANY TOLL ROAD, TOLL HIGHWAY,
3 OR TOLL BRIDGE IN MONTGOMERY COUNTY UNLESS AUTHORIZED BY
4 MONTGOMERY COUNTY BY LOCAL LAW.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
6 1, 2019.

DRAFT

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated Code of Maryland
Transportation
Title 4. Revenue Facilities (Refs & Annos)
Subtitle 4. Miscellaneous Provisions (Refs & Annos)

MD Code, Transportation, § 4-407
Formerly cited as MD CODE Art. 25, § 236

§ 4-407. Construction of toll roads

Effective: October 1, 2013
Currentness

Scope of section

(a) This section applies to:

- (1) Caroline County;**
- (2) Cecil County;**
- (3) Dorchester County;**
- (4) Kent County;**
- (5) Queen Anne's County;**
- (6) Somerset County;**
- (7) Talbot County;**
- (8) Wicomico County; and**
- (9) Worcester County.**

In general

(b) A State agency, including the Maryland Transportation Authority, may not construct any toll road, toll highway, or toll bridge in the counties enumerated in this section without the express consent of a majority of the governments of the affected counties.

Credits

Added by Acts 2013, c. 119, § 3, eff. Oct. 1, 2013.

Editors' Notes

LEGISLATIVE NOTES

Revisor's Note (Acts 2013, c. 119):

Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 25, § 236.

MD Code, Transportation, § 4-407, MD TRANS § 4-407

Current through all legislation from the 2018 Regular Session of the General Assembly

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Wezik

Typed by: Fran

Stored - 10/31/18

Proofread by _____

Checked by _____

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

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Planning and Zoning Authority - Municipal Corporations**

3 **MC/PG 103-18**

4 FOR the purpose of authorizing certain municipal corporations in Montgomery County to
5 have concurrent jurisdiction to enforce county zoning laws within the boundaries of
6 the municipal corporation under certain circumstances; requiring a certain vote of
7 both the district council of Montgomery County and the Montgomery County
8 Planning Board to take certain action relating to zoning within a municipal
9 corporation under certain circumstances; requiring a certain vote of the Montgomery
10 County Planning Board to take certain action relating to land use planning within a
11 municipal corporation under certain circumstances; providing for the application of
12 this Act; and generally relating to planning and zoning authority in Montgomery
13 County.

14 BY repealing and reenacting, without amendments,
15 Article - General Provisions
16 Section 5-209(a)
17 Annotated Code of Maryland
18 (2014 Volume and 2018 Supplement)

19 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Land Use
2 Section 22–119
3 Annotated Code of Maryland
4 (2012 Volume and 2018 Supplement)

5 BY repealing
6 Article – Land Use
7 Section 24–201 and 24–202 and the subtitle “Subtitle 2. Municipal Zoning – Specific
8 Municipalities”
9 Annotated Code of Maryland
10 (2012 Volume and 2018 Supplement)

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

13 **Article – General Provisions**

14 5–209.

15 (a) The Ethics Commission may exempt from this title or modify the
16 requirements of this title for a board, a member of a board, or a municipal corporation if
17 the Ethics Commission finds that, because of the nature of the board or the size of the
18 municipal corporation, the application of this title to that board, member, or municipal
19 corporation:

20 (1) would be an unreasonable invasion of privacy;

21 (2) would reduce significantly the availability of qualified individuals for
22 public service; and

23 (3) is not necessary to preserve the purposes of this title.

24 **Article – Land Use**

25 22–119.

26 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, within
27 the regional district, the zoning powers vested by Division I of this article in a municipal

1 corporation or the council of a municipal corporation within the regional district shall be
2 construed to be vested exclusively in the appropriate district council.

3 (2) A municipal corporation in Prince George's County has concurrent
4 jurisdiction with Prince George's County to enforce zoning laws in the boundaries of the
5 municipal corporation.

6 [(3) The power to enforce zoning laws for the City of Takoma Park and the
7 Town of Kensington is as provided in §§ 24-201 and 24-202 of this article, respectively.]

8 (3) (I) THIS PARAGRAPH APPLIES ONLY TO A MUNICIPAL
9 CORPORATION IN MONTGOMERY COUNTY THAT HAS NOT BEEN GRANTED AN
10 EXEMPTION UNDER § 5-209 OF THE GENERAL PROVISIONS ARTICLE.

11 (II) A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY
12 HAS CONCURRENT JURISDICTION WITH MONTGOMERY COUNTY TO ENFORCE
13 ZONING LAWS WITHIN THE BOUNDARIES OF THE MUNICIPAL CORPORATION.

14 (III) A TWO-THIRDS MAJORITY VOTE OF BOTH THE DISTRICT
15 COUNCIL OF MONTGOMERY COUNTY AND THE MONTGOMERY COUNTY PLANNING
16 BOARD IS REQUIRED TO TAKE ANY ACTION RELATING TO ZONING WITHIN A
17 MUNICIPAL CORPORATION THAT IS CONTRARY TO A RESOLUTION OF THE MAYOR
18 AND COUNCIL OF THAT MUNICIPAL CORPORATION.

19 (IV) A TWO-THIRDS MAJORITY VOTE OF THE MONTGOMERY
20 COUNTY PLANNING BOARD IS REQUIRED TO TAKE ANY ACTION RELATING TO LAND
21 USE PLANNING WITHIN A MUNICIPAL CORPORATION THAT IS CONTRARY TO A
22 RESOLUTION OF THE MAYOR AND COUNCIL OF THAT MUNICIPAL CORPORATION.

23 (b) Before exercising the authority granted by this section, a municipal
24 corporation in Prince George's County shall enter into a written agreement with the district
25 council concerning:

26 (1) the method by which the county will be advised of citations issued by a
27 municipal inspector;

28 (2) the responsibility of the municipal corporation or the county to
29 prosecute violations cited by the municipal corporation;

1 (3) the disposition of fines imposed for violations cited by the municipal
2 corporation;

3 (4) the resolution of disagreements between the municipal corporation and
4 the county about the interpretation of zoning laws; and

5 (5) any other matter that the district council considers necessary for the
6 proper exercise of the authority granted by this section.

7 [Subtitle 2. Municipal Zoning – Specific Municipalities.]

8 [24–201.

9 (a) The Town of Kensington has concurrent jurisdiction to enforce the county
10 zoning laws within its boundaries.

11 (b) A two–thirds majority vote of both the district council and the county planning
12 board is required to take any action relating to zoning within the Town of Kensington that
13 is contrary to a resolution of the Mayor and Town Council.

14 (c) A two–thirds majority vote of the county planning board is required to take
15 any action relating to land use planning within the Town of Kensington that is contrary to
16 a resolution of the Mayor and Town Council.]

17 [24–202.

18 (a) The City of Takoma Park has concurrent jurisdiction to enforce the county
19 zoning laws within its boundaries.

20 (b) A two–thirds majority vote of both the district council and the county planning
21 board is required to take any action relating to zoning within the City of Takoma Park that
22 is contrary to a resolution of the Mayor and City Council.

23 (c) A two–thirds majority vote of the county planning board is required to take
24 any action relating to land use planning within the City of Takoma Park that is contrary
25 to a resolution of the Mayor and City Council.]

9lr0644

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

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Tracy

Typed by: Lynn

Stored – 11/07/18

Proofread by _____

Checked by _____

By: Montgomery County Delegation and Prince George’s County Delegation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Land Use Documents – Certification**

3 **MC/PG 106–19**

4 FOR the purpose of requiring certain land use regulations applicable in Montgomery
5 County to require that certain persons sign a certain certification under penalty of
6 perjury for certain documents submitted to certain planning boards; establishing the
7 content of the certification; and generally relating to the certification under penalty
8 of perjury of certain land use documents in Montgomery County.

9 BY repealing and reenacting, without amendments,

10 Article – Land Use

11 Section 23–102(a) and (c), 23–103(a), and 23–104(a)(1)

12 Annotated Code of Maryland

13 (2012 Volume and 2018 Supplement)

14 BY adding to

15 Article – Land Use

16 Section 23–109

17 Annotated Code of Maryland

18 (2012 Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 Article – Land Use

4 23–102.

5 (a) (1) Except as provided in subsection (c) of this section, a subdivision plat of
6 land in the regional district may not be admitted to the land records of Montgomery County
7 or Prince George’s County, or received or recorded by the clerks of the courts of the
8 respective county, unless:

9 (i) the plat has been submitted to and approved by the applicable
10 county planning board; and

11 (ii) the chair of the county planning board and the
12 secretary–treasurer of the Commission endorse an approval in writing on the plat.

13 (2) The recordation of a subdivision plat without the approval of the county
14 planning board is void.

15 (c) A subdivision in a municipal corporation with subdivision authority under
16 Division II of the Local Government Article that is in the regional district may be recorded
17 in the land records of Montgomery County or Prince George’s County if:

18 (1) the subdivision plat has been submitted to and approved by the
19 municipal corporation; and

20 (2) the appropriate official of the municipal corporation endorses an
21 approval in writing on the plat.

22 23–103.

23 (a) Except as provided in subsection (b) of this section, in connection with the
24 approval of a subdivision plat, the appropriate county planning board may require a
25 dedication of land for:

26 (1) an interior subdivision road;

1 (2) a road that abuts the subdivision for the purpose of creating a new road
2 as part of the plan of subdivision to provide for traffic access to another subdivision road;
3 and

4 (3) the widening of an existing or public road that abuts the subdivision for
5 the purpose of providing additional right-of-way adequate to serve additional traffic that
6 will be generated by the subdivision.

7 23-104.

8 (a) (1) In exercising the subdivision powers under §§ 23-102 and 23-103 of
9 this subtitle, the Commission or the governing body of Montgomery County or Prince
10 George's County may adopt subdivision regulations and amendments governing a
11 subdivision in:

12 (i) the regional district; or

13 (ii) the respective portion of the regional district in the county.

14 23-109.

15 **(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

16 **(B) THE SUBDIVISION REGULATIONS SHALL REQUIRE AN APPLICANT TO**
17 **SIGN A CERTIFICATION UNDER THE PENALTY OF PERJURY FOR:**

18 **(1) A FOREST CONSERVATION PLAN EXEMPTION APPLICATION;**

19 **(2) A NATURAL RESOURCES INVENTORY/FOREST STAND**
20 **DELINEATION, INCLUDING ANY REQUIRED MAPS OR DRAWINGS;**

21 **(3) A FOREST MITIGATION BANK APPLICATION; AND**

22 **(4) A CONCEPT PLAN OR ANY OTHER LOCAL DEVELOPMENT PLAN**
23 **THAT DOES NOT REQUIRE EITHER A NATURAL RESOURCES INVENTORY/FOREST**
24 **STAND DELINEATION OR A FOREST CONSERVATION PLAN EXEMPTION.**

1 **(C) A CERTIFICATION REQUIRED UNDER THIS SECTION SHALL BE IN THE**
2 **FOLLOWING FORM:**

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

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

DRAFT

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Marchione

Typed by: Lynn

Stored – 10/19/18

Proofread by _____

Checked by _____

By: Montgomery County Delegation and Prince George’s County Delegation

A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax Credits – Maryland–National Capital Park and Planning**
3 **Commission Park Police Officers**

4 **MC/PG 108–19**

5 FOR the purpose of altering the definition of “public safety officer” to include certain park
6 police officers who are employed by the Maryland–National Capital Park and
7 Planning Commission for purposes of a certain property tax credit; providing for the
8 application of this Act; and generally relating to property tax credits and park police
9 officers of the Maryland–National Capital Park and Planning Commission.

10 BY repealing and reenacting, with amendments,
11 Article – Tax – Property
12 Section 9–260
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2018 Supplement)

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

17 **Article – Tax – Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9-260.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Dwelling" has the meaning stated in § 9-105 of this title.

4 (3) "Public safety officer" means:

5 (i) a firefighter, an emergency medical technician, a correctional
6 officer, a police officer, or a deputy sheriff employed full time by a public safety agency in
7 the county or municipal corporation where the individual resides; [or]

8 (ii) a volunteer firefighter for a public safety agency in the county or
9 municipal corporation where the individual resides; OR

10 (III) **A PARK POLICE OFFICER EMPLOYED FULL TIME BY THE**
11 **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION WHO RESIDES**
12 **IN MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY.**

13 (b) The governing body of a county or municipal corporation may grant, by law, a
14 property tax credit under this section against the county or municipal corporation property
15 tax imposed on a dwelling located in the county or municipal corporation that is owned by
16 a public safety officer if the public safety officer is otherwise eligible for the credit
17 authorized under § 9-105 of this title.

18 (c) In any taxable year, the credit under this section may not exceed the lesser of:

19 (1) \$2,500 per dwelling; or

20 (2) the amount of property tax imposed on the dwelling.

21 (d) The governing body of a county or a municipal corporation may establish, by
22 law:

23 (1) subject to subsection (c) of this section, the amount of the credit under
24 this section;

25 (2) the duration of the credit;

- 1 (3) additional eligibility requirements for public safety officers to qualify
- 2 for the credit;

- 3 (4) procedures for the application and uniform processing of requests for
- 4 the credit; and

- 5 (5) any other provisions necessary to carry out this section.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June

7 1, 2019, and shall be applicable to all taxable years beginning after June 30, 2019.

DRAFT

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Butler
Typed by: Elise
Stored – 11/08/18
Proofread by _____
Checked by _____

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

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Collective**
3 **Bargaining – Exclusive Representative Duty of Fair Representation**

4 **MC/PG 109–19**

5 FOR the purpose of altering the duty of an employee organization certified as the exclusive
6 representative of certain employees of the Maryland–National Capital Park and
7 Planning Commission to represent all employees in a certain bargaining unit in a
8 certain manner; authorizing the exclusive representative to require an employee who
9 does not pay certain dues or fees to pay certain costs and fees for filing a certain
10 grievance or arbitrating a certain matter; providing that the failure by the employee
11 to pay certain costs and fees relieves the exclusive representative of certain
12 responsibilities; requiring that a dispute concerning the reasonableness of certain
13 costs and fees be submitted to a certain labor relations administrator in accordance
14 with certain procedures; limiting an exclusive representative’s duty of fair
15 representation owed to certain public employees to certain matters; providing for the
16 construction of certain provisions of this Act; and generally relating to collective
17 bargaining for employees of the Maryland–National Capital Park and Planning
18 Commission.

19 BY repealing and reenacting, with amendments,
20 Article – Land Use

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 16-202
2 Annotated Code of Maryland
3 (2012 Volume and 2018 Supplement)

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

6 **Article - Land Use**

7 16-202.

8 (a) The Commission shall recognize the right of an employee organization,
9 certified under this subtitle as the exclusive representative of a bargaining unit, to
10 represent the employees in the bargaining unit in collective bargaining and in the
11 settlement of grievances.

12 (b) An employee organization certified as the exclusive representative of a
13 bargaining unit shall:

14 (1) serve as the sole bargaining agent for the unit in collective bargaining;
15 and

16 (2) **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,**
17 **represent all employees in the bargaining unit fairly[,] AND without discrimination[, and**
18 **without regard to whether an employee is a member of the employee organization].**

19 (c) An employee organization meets the requirements of subsection (b)(2) of this
20 section if the employee organization's actions with respect to employees [who are members
21 of the employee organization and employees who are not members of the employee
22 organization] **IN THE BARGAINING UNIT** are not arbitrary, discriminatory, or in bad faith.

23 **(D) (1) THE EXCLUSIVE REPRESENTATIVE MAY REQUIRE AN EMPLOYEE**
24 **WHO DOES NOT PAY MEMBERSHIP DUES OR EQUIVALENT FEES TO PAY:**

25 **(I) THE REASONABLE COSTS AND FEES, INCLUDING EXPENSES**
26 **FOR STAFF TIME AND MATERIALS, ARBITRATOR FEES, AND RELATED ATTORNEY'S**
27 **FEES, FOR FILING A GRIEVANCE OR ARBITRATING A MATTER THAT ARISES UNDER A**
28 **COLLECTIVE BARGAINING AGREEMENT NEGOTIATED UNDER THIS SUBTITLE**

1 BROUGHT BY THE EXCLUSIVE REPRESENTATIVE AT THE REQUEST OF THE
2 EMPLOYEE; AND

3 (II) ANY ANTICIPATED PROPORTIONAL COSTS AND FEES
4 BEFORE A GRIEVANCE IS FILED OR ARBITRATION IS PURSUED.

5 (2) FAILURE BY THE EMPLOYEE TO PAY THE COSTS AND FEES
6 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL RELIEVE THE
7 EXCLUSIVE REPRESENTATIVE OF ANY FURTHER RESPONSIBILITY TO THE
8 EMPLOYEE.

9 (3) A DISPUTE CONCERNING THE REASONABLENESS OF THE COSTS
10 AND FEES IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE
11 SUBMITTED TO THE LABOR RELATIONS ADMINISTRATOR IN ACCORDANCE WITH THE
12 PROCEDURES ESTABLISHED UNDER § 16-218 OF THIS SUBTITLE FOR UNFAIR LABOR
13 PRACTICES.

14 (E) (1) AN EXCLUSIVE REPRESENTATIVE'S DUTY OF FAIR
15 REPRESENTATION OWED TO A PUBLIC EMPLOYEE WHO IS IN THE BARGAINING UNIT
16 SHALL BE LIMITED TO THE NEGOTIATION AND ENFORCEMENT OF THE TERMS OF
17 THE COLLECTIVE BARGAINING AGREEMENT WITH THE PUBLIC EMPLOYER.

18 (2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT AN
19 EMPLOYEE ORGANIZATION FROM PROVIDING ONLY TO THE ORGANIZATION'S
20 MEMBERS LEGAL, ECONOMIC, OR JOB-RELATED SERVICES OR BENEFITS OUTSIDE
21 THE COLLECTIVE BARGAINING AGREEMENT.

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

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Carter

Typed by: Lynn

Stored - 10/22/18

Proofread by _____

Checked by _____

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

A BILL ENTITLED

1 **AN ACT concerning**

2 **Maryland-National Capital Park and Planning Commission - Glenn Dale**
3 **Hospital Property**

4 **MC/PG 110-19**

5 **FOR the purpose of authorizing the Maryland-National Capital Park and Planning**
6 **Commission to sell, lease, or otherwise transfer a certain portion of the Glenn Dale**
7 **Hospital property to a person who will adaptively reuse and redevelop certain**
8 **hospital campus buildings on the property; and generally relating to the disposition**
9 **of the Glenn Dale Hospital property by the Maryland-National Capital Park and**
10 **Planning Commission.**

11 **BY repealing and reenacting, with amendments,**
12 **Article - Land Use**
13 **Section 17-402**
14 **Annotated Code of Maryland**
15 **(2012 Volume and 2018 Supplement)**

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

18 **Article - Land Use**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 17-402.

2 (a) The Commission has acquired title to the entire parcel of property known as
3 Glenn Dale Hospital for use in accordance with this section.

4 (b) (1) The Commission:

5 (i) shall maintain the approximately 150 acres that have not been
6 developed as part of the existing hospital campus in the Commission's park system; and

7 (ii) may sell, lease, or otherwise transfer the approximately 60 acres
8 that have been developed as a hospital campus to a person who will [use the property as a
9 continuing care retirement community in accordance with Title 10, Subtitle 4 of the Human
10 Services Article] **ADAPTIVELY REUSE AND REDEVELOP THE MAIN HOSPITAL CAMPUS
11 BUILDINGS ON THE PROPERTY.**

12 (2) If the Commission is unable to find a qualified person to carry out the
13 intent of paragraph (1)(ii) of this subsection, the Commission shall retain possession of the
14 approximately 60 acres until the General Assembly approves an alternate use.

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