

Bill No.: _____
Requested: _____
Committee: _____

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By: **Prince George’s County Delegation and Montgomery County Delegation**
Requested by: Delegate Carr

A BILL ENTITLED

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2012 Volume and 2021 Supplement)

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

4 **Article – Land Use**

5 15–103.

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

8 (2) The list shall be:

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

10 (ii) made available to the public.

11 (3) If the County Council does not appoint an individual whose name
12 appears on the list or if no name appears on the list, the County Council shall provide for
13 the preparation of a second list and follow the procedures under paragraph (2) of this
14 subsection.

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

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

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

21 (7) If the County Executive disapproves an appointment, the County
22 Executive shall return the appointment to the County Council with the reasons for the
23 disapproval stated in writing.

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

1 15–106.

2 (a) The County Executive of Prince George’s County, with the approval of a
3 majority of the members of the County Council, and the Montgomery County Council, with
4 the approval of the County Executive in accordance with subsection (b) of this section, shall
5 each designate a commissioner for the position of chair or vice chair.

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

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

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

13 (4) By the affirmative vote of [six] **EIGHT** of its members, the County
14 Council may designate a commissioner for the position of chair or vice chair over the
15 disapproval of the County Executive.

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

18 15–108.

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

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

26 18–107.

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

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

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

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

13 **(2) IN MONTGOMERY COUNTY, WITHIN 30 DAYS AFTER THE COUNTY**
14 **EXECUTIVE RETURNS THE BUDGETS, THE COUNTY COUNCIL MAY, BY AFFIRMATIVE**
15 **VOTE OF EIGHT OF ITS MEMBERS, REAPPROVE OR RESTORE ANY ITEM OVER THE**
16 **DISAPPROVAL OF THE COUNTY EXECUTIVE.**

17 18–116.

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

20 22–209.

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

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

1 23–104.

2 (b) (1) In Montgomery County:

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

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

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
17 apply only prospectively and may not be applied or interpreted to have any effect on or
18 application to the voting threshold necessary to take any action by the Montgomery County
19 Council or the Montgomery County District Council before December 5, 2022.

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