

Bill No.: \_\_\_\_\_  
Requested: \_\_\_\_\_  
Committee: \_\_\_\_\_

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By: **Montgomery County Delegation and Prince George’s County Delegation**  
Requested by: Senator Kramer

A BILL ENTITLED

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)**

5 **MC/PG 105–23**

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

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



1 certain other materials on its website at certain times; requiring the Board to  
2 approve meeting minutes in a certain manner under certain circumstances; and  
3 generally relating to requirements for the members of the Maryland–National  
4 Capital Park and Planning Commission from Montgomery County and meetings of  
5 the Montgomery County Planning Board.

6 BY repealing and reenacting, without amendments,  
7 Article – Land Use  
8 Section 15–101  
9 Annotated Code of Maryland  
10 (2012 Volume and 2022 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Land Use  
13 Section 15–102, 15–103(a), 15–105, 15–106, 15–108, 15–120(b), and 20–202(e)  
14 Annotated Code of Maryland  
15 (2012 Volume and 2022 Supplement)

16 BY adding to  
17 Article – Land Use  
18 Section 15–103.1 and 15–121 through 15–123  
19 Annotated Code of Maryland  
20 (2012 Volume and 2022 Supplement)

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

23 **Article – Land Use**

24 15–101.

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

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

27 15–102.

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

- 1           (2)    Of the 10 members of the Commission:
- 2                   (i)    five shall be residents and registered voters of Montgomery  
3 County; and
- 4                   (ii)   five shall be residents and registered voters of Prince George’s  
5 County.
- 6           (3)    (i)    [Subject] **EXCEPT AS PROVIDED IN § 15–103.1 OF THIS**  
7 **SUBTITLE, AND SUBJECT** to the approval of the County Executive, the County Council  
8 shall appoint each commissioner from Montgomery County.
- 9                   (ii)   Subject to the approval of the County Council, the County  
10 Executive shall appoint each commissioner from Prince George’s County.
- 11           (b)    Each commissioner shall be an individual of ability, experience, and integrity.
- 12           (c)    (1)    Of the commissioners from each county, not more than three shall be  
13 members of the same political party.
- 14                   (2)    A commissioner may not be selected as representing or supporting any  
15 special interest.
- 16           (d)    (1)    The term of a commissioner is 4 years and begins on June 15.
- 17                   (2)    The terms of commissioners are staggered as required by the terms  
18 provided for commissioners on October 1, 2012.
- 19                   (3)    At the end of a term, a commissioner continues to serve until a successor  
20 is appointed and qualifies.
- 21                   (4)    A commissioner who is appointed after a term has begun serves only for  
22 the rest of the term and until a successor is appointed and qualifies.
- 23                   (5)    A commissioner who is appointed to fill a vacancy for an unexpired term  
24 shall be a member of the same political party as the commissioner who vacated the office.

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

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

8 15–103.

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

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

15                   [(2)] (3)    The list shall be:

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

17                           (ii)   made available to the public.

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

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

22                   [(3)] (5)    If the County Council does not appoint an individual whose name  
23 appears on the list or if no name appears on the list, the County Council shall provide for  
24 the preparation of a second list and follow the procedures under [paragraph (2)]  
25 PARAGRAPHS (3) AND (4) of this subsection.

26                   [(4)] (6)    Within 3 days after making an appointment, the County Council  
27 shall submit the name of the appointee to the County Executive.

1            **[(5)] (7) (I)** Within 30 days after the appointment is submitted, the  
2 County Executive shall approve or disapprove the appointment.

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

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

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

11 **15-103.1.**

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

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

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

17            **(2) CHAIR OF THE MONTGOMERY COUNTY PLANNING BOARD.**

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

20 **15-105.**

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

24            **(II) WITH THE APPROVAL OF AN AFFIRMATIVE VOTE OF EIGHT**  
25 **MEMBERS OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE MAY REMOVE OR**

1 **DISCIPLINE ANY COMMISSIONER APPOINTED FROM MONTGOMERY COUNTY**  
2 **BEFORE THE EXPIRATION OF THE COMMISSIONER’S TERM.**

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

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

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

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

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

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

16 15–106.

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

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

24 **(2) IN PRINCE GEORGE’S COUNTY, THE COUNTY EXECUTIVE, WITH**  
25 **THE APPROVAL OF THE MAJORITY OF THE MEMBERS OF THE COUNTY COUNCIL,**  
26 **SHALL DESIGNATE A COMMISSIONER FOR THE POSITION OF CHAIR OR VICE CHAIR.**

27 **(3) IN MONTGOMERY COUNTY, THE COUNTY EXECUTIVE SHALL**

1 **APPOINT A COMMISSIONER FOR THE POSITION OF CHAIR OR VICE CHAIR IN**  
2 **ACCORDANCE WITH § 15–103.1 OF THIS SUBTITLE.**

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

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

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

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

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

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

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

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

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

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

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

23 15–108.

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

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

3 (iii) **1. IN MONTGOMERY COUNTY, THE CHAIR OF THE**  
4 **COMMISSION IS ENTITLED TO AN ANNUAL SALARY SET BY THE COUNTY EXECUTIVE**  
5 **WITH THE APPROVAL OF THE COUNTY COUNCIL.**

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

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

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

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

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

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

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

28 (3) Any supplementary salary authorized under **PARAGRAPH (2) OF** this



1 subsection shall be paid from the administrative tax collected by the Commission under §  
2 18–307 of this article.

3 **(C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**  
4 **MEANINGS INDICATED.**

5 **(II) “EMPLOYMENT” MEANS ENGAGING IN AN ACTIVITY FOR**  
6 **COMPENSATION, INCLUDING THE ACTIVE SALE OR PROMOTION FOR SALE OF**  
7 **INTELLECTUAL PROPERTY PRODUCED BY THE COMMISSIONER.**

8 **(III) “INTELLECTUAL PROPERTY” INCLUDES BOOKS,**  
9 **NEWSPAPER, MAGAZINE, OR JOURNAL ARTICLES, VIDEOS, CRAFTS, AND ARTWORK.**

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

13 15–120.

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

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

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

25 2. receives a total combined compensation of more than  
26 \$5,000 a year from any person involved in the decision being made by the commissioner,  
27 Commission, or county planning board on which the commissioner serves.

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

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

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

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

7 (3) A commissioner may not:

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

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

15 **15-121.**

16 (A) IN THIS SECTION, "CANDIDATE", "CONTRIBUTION", AND "POLITICAL  
17 COMMITTEE" HAVE THE MEANINGS STATED IN § 1-101 OF THE ELECTION LAW  
18 ARTICLE.

19 (B) THIS SECTION APPLIES ONLY:

20 (1) TO COMMISSIONERS APPOINTED FROM MONTGOMERY COUNTY;  
21 AND

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

24 (C) (1) A COMMISSIONER MAY NOT, FOR THE BENEFIT OF AN INDIVIDUAL  
25 HOLDING A STATE OR LOCAL ELECTED OFFICE OR A CANDIDATE FOR A STATE OR  
26 LOCAL ELECTED OFFICE, ENGAGE IN THE FOLLOWING ACTIVITIES:

1 (I) SOLICITING OR TRANSMITTING A POLITICAL  
2 CONTRIBUTION FROM ANY PERSON, INCLUDING A POLITICAL COMMITTEE;

3 (II) SERVING ON A FUND-RAISING COMMITTEE OR A POLITICAL  
4 COMMITTEE;

5 (III) ACTING AS A TREASURER FOR A CANDIDATE OR AN  
6 OFFICIAL OR AS TREASURER OR CHAIR OF A POLITICAL COMMITTEE;

7 (IV) ORGANIZING OR ESTABLISHING A POLITICAL COMMITTEE  
8 FOR THE PURPOSE OF SOLICITING OR TRANSMITTING CONTRIBUTIONS FROM ANY  
9 PERSON;

10 (V) FORWARDING TICKETS FOR FUND-RAISING ACTIVITIES, OR  
11 OTHER SOLICITATIONS FOR POLITICAL CONTRIBUTIONS, TO A POTENTIAL  
12 CONTRIBUTOR; OR

13 (VI) OPENLY CAMPAIGNING OR VOLUNTEERING FOR A  
14 CAMPAIGN.

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

16 (I) MAKING A PERSONAL POLITICAL CONTRIBUTION;

17 (II) INFORMING ANY ENTITY OF A POSITION TAKEN BY A  
18 CANDIDATE OR AN OFFICIAL; OR

19 (III) ENGAGING IN OTHER ACTIVITIES NOT SPECIFICALLY  
20 PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

23 15-122.

24 A FORMER COMMISSIONER FROM MONTGOMERY COUNTY MAY NOT ASSIST OR  
25 REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT WAS THE

1 **SUBJECT OF ACTION BEFORE THE MONTGOMERY COUNTY PLANNING BOARD**  
2 **WHILE THE COMMISSIONER SERVED ON THE BOARD FOR 1 CALENDAR YEAR FROM**  
3 **THE DATE THE COMMISSIONER LEAVES OFFICE.**

4 **15-123.**

5 **DURING THE FIRST YEAR OF EACH TERM OF THE COMMISSIONER, A**  
6 **COMMISSIONER FROM MONTGOMERY COUNTY SHALL SUCCESSFULLY COMPLETE:**

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

9 **(2) A COURSE RELATING TO HARASSMENT; AND**

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

12 **20-202.**

13 **(e) (1) This subsection applies only to the Montgomery County Planning**  
14 **Board.**

15 **(2) The Board shall:**

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

20 **1. AT LEAST 72 HOURS BEFORE EACH MEETING; OR**

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

24 **(II) stream live video or live teleconference audio or other audio of**  
25 **the open meetings of the Board;**

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

3                    ~~[(iii)] (IV)~~ notwithstanding § 3–306(b)(2)(i) of the General Provisions  
4 Article:

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

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

9                    (3) **(I) THE BOARD SHALL APPROVE MEETING MINUTES IN A**  
10 **TIMELY MANNER.**

11                    **(II) EACH OPEN MEETING AGENDA SHALL INCLUDE**  
12 **CONSIDERATION OF THE MEETING MINUTES FROM THE MOST RECENT MEETING.**

13                    **(III) THE REQUIREMENT UNDER SUBPARAGRAPH (II) OF THIS**  
14 **PARAGRAPH DOES NOT APPLY TO THE AGENDA OF AN EMERGENCY MEETING IF**  
15 **CONSIDERATION OF THE MEETING MINUTES FROM THE MOST RECENT MEETING IS**  
16 **NOT PRACTICABLE BECAUSE OF THE NEED TO HOLD AN EMERGENCY MEETING.**

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

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

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

24                    ~~[(4)] (5)~~ In addition to complying with the minutes requirements of the  
25 Open Meetings Act under § 3–306 of the General Provisions Article, if the Board is unable  
26 to comply with paragraph ~~[(2)(i)] (2)(II)~~ of this subsection, the Board shall make  
27 good-faith efforts to record an open meeting by video or audio and maintain on its website  
28 a complete and unedited archived recording of the meeting.

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