

Part D

Local Government

Local Government – Generally

Local Regulation of Motorcycle Parking

Senate Bill 650/House Bill 923 (both passed) alter the authority of a political subdivision to regulate parking by prohibiting a political subdivision from adopting or enforcing an ordinance or regulation that prohibits parking more than one motorcycle within a space served by a single parking meter.

Land Use – Planning Commissions – Membership

Senate Bill 416/House Bill 921 (both passed) provide that a local planning commission must consist of three, five, or seven members. The bills expand the options regarding the number of members on a planning commission to include a three-member commission in addition to the five- or seven-member commissions currently authorized by law.

Motor Vehicles – Speed Cameras

Senate Bill 455 (passed) authorizes the use of speed monitoring systems by State and local law enforcement agencies to identify and fine speeders. For a more detailed discussion of this bill, see Part G – Transportation and Motor Vehicles of this *90 Day Report*.

Community Legacy – Neighborhood Intervention Projects

Senate Bill 618/House Bill 620 (both passed) expand the authorized uses of the Community Legacy Financial Assistance Fund to allow the fund to be used for neighborhood intervention projects that include redeveloping properties or demolishing deteriorated or dangerous structures in otherwise stable neighborhoods. These projects may be sponsored by a local government or a community development financial institution. For a more detailed discussion of these bills, see Part H – Economic and Community Development of this *90 Day Report*.

Counties – Generally

All Counties

House Bill 39 (passed) creates a Radium Pilot Grant Program in the Department of Housing and Community Development to provide financial aid to residential well owners to remove radium or gross alpha from well water. The department may award a grant only to a residential well owner who resides in a county that participates in the program. A participating county and the department shall share equally in the amount of each grant awarded to a well owner in the participating county. Implementation of the program is subject to the availability of funds in the State budget. The bill is effective July 1, 2003, and will remain in effect until June 30 at the end of the third year after its implementation.

Code Home Rule Counties – Development Excise Taxes

House Bill 1148 (passed) increases, from \$750 to \$2,000, the maximum development excise tax that can be imposed on a subdivision lot to finance public school facilities or improvements in code home rule counties. The bill terminates June 30, 2004.

Western Maryland Code Counties – Junkyards, Dumps, and Other Facilities

House Bill 224 (passed) authorizes the county commissioners of a code county in the Western Maryland class to declare a violation of rules and regulations regarding junkyards, dumps, or other facilities to be a civil infraction. Currently, a violation is a misdemeanor subject on conviction to a fine of not less than \$25 per day. The bill gives these counties the option of using a faster and less costly process to enforce their rules and regulations.

Western Maryland Code Counties – Hotel Rental Tax

House Bill 562 (Ch. 42) authorizes a code county in the Western Maryland class to set a hotel rental tax rate that is greater than 3 percent, but not greater than 8 percent, with the unanimous consent of the county commissioners. The bill also contains provisions regarding the distribution of hotel rental tax receipts and reporting requirements by the county.

Public Local Laws

Allegany County

Paper Gaming – Regulation

House Bill 1000 (passed) establishes a paper gaming license procedure for holders of Class A, C, and D (on-sale) alcoholic beverages licenses and qualified organizations. Further, the bill authorizes the Allegany County Commissioners to establish paper gaming taxes and a Special Gaming Fund and specify the use of money from the gaming fund. The bill also

authorizes the commissioners to adopt rules and regulations, hire inspectors, and adopt an ordinance or resolution for penalties for violations of paper gaming rules and regulations.

Anne Arundel County

Alcoholic Beverages Licensing – Enforcement

Senate Bill 702/House Bill 1083 (both passed) authorize the City of Annapolis to establish, by ordinance, that selling and providing alcoholic beverages to a minor is a municipal infraction. The bills also authorize the Annapolis Police Department to serve summonses for violations of alcoholic beverages laws.

Baltimore City

Condemnation – Immediate Possession and Title – Distressed Property

House Bill 424 (passed) adds distressed property to the types of properties for which the Mayor and City Council of Baltimore City may file for condemnation and immediate taking, and grants exclusive original civil jurisdiction to the District Court for those proceedings where the estimated value of the property does not exceed \$25,000. Distressed property includes property that is subject to a tax lien with a lien to value ratio equal to or greater than 15 percent and that contains a dwelling unit that has deteriorated to the extent that it constitutes a serious and growing menace to the public health, safety, and welfare.

Police Jurisdiction – Parks

House Bill 1068 (passed) authorizes special enforcement officers in Baltimore City to issue and serve citations and summonses to appear before the District Court in proceedings for the enforcement of city laws pertaining to parks. The bill also authorizes special traffic enforcement officers to control and direct pedestrian and vehicular traffic on property controlled by the city's Department of Recreation and Parks.

Baltimore County

Democratic Party Central Committee – Composition and Election

Senate Bill 260/House Bill 350 (both passed) alter the composition of the Baltimore County Democratic Party Central Committee to provide that five members each will be elected from State legislative districts 6, 8, 10, 11, and 42. The following districts, located partially in Baltimore County, will elect members from that part of the district that is located in Baltimore County as follows: two members from District 5, four members from District 7, and four members from District 12. The bills also provide that the number of members shall be determined upon completion of each legislative redistricting.

Alcoholic Beverages – Towson Revitalization District

Senate Bill 204 (passed) authorizes the Baltimore County Board of License Commissioners to transfer three licenses of any class of beer, wine, and liquor (on-sale) retail license into the Towson Revitalization District. The bill provides that any Class A (off-sale) or Class C (club) license or any license prohibited from being transferred by law or local regulation is prohibited from being transferred into the Towson Revitalization District. The bill requires a transferred license to have been issued prior to January 1, 2002, and in existence at any location in election District 15 of Baltimore County on October 1, 2003. The bill terminates December 31, 2004.

Calvert County

Compensation Review Board – Membership and Duties

House Bill 161 (passed) requires at least one member of the seven-member Calvert County Compensation Review Board to have served on the previous board. The bill also requires the Compensation Review Board to perform its duties by December 1 of a year immediately preceding a year in which the county commissioners are elected.

Code of Public Local Laws – Legalization

House Bill 432 (passed) legalizes the 2002 edition of the Code of Public Local Laws of Calvert County and any pocket or loose-leaf supplement to the 2002 Code of Public Local Laws published by the Calvert County Commissioners.

Economic Development Incentive Fund

House Bill 1079 (passed) authorizes the Calvert County Commissioners to establish, by ordinance, an Economic Development Incentive Fund to offer direct loans and grants to applicants that (1) plan to establish new operations or facilities in Calvert County or significantly expand existing operations or facilities in Calvert County; (2) create at least 25 new full-time or full-time equivalent jobs in Calvert County; (3) make a capital investment of at least \$1 million or remain in Calvert County for at least five years; and (4) request funds in a manner consistent with the Calvert County comprehensive plan. The bill also authorizes the county commissioners to establish guidelines for the administration of the fund and to administer the fund.

Caroline County

Adkins Arboretum Loan of 2001

Senate Bill 459 (Ch. 26)/House Bill 41 (passed) extend the deadline, from June 1, 2003, to June 1, 2005, for the Board of Trustees of Adkins Arboretum, Ltd. as grantee to provide matching funds for the Caroline County – Adkins Arboretum Loan of 2001.

Carroll County

Agricultural Land Preservation – Easements – Dwelling House

House Bill 131 (passed) allows a landowner who originally sold an easement to the Maryland Agricultural Land Preservation Foundation (MALPF) to apply for a release of one acre free of easement restrictions for the purpose of constructing a dwelling on the land under specified conditions. This applies only if the property is located in Carroll County and a landowner must apply by September 30, 2004.

Board of County Commissioners

House Bill 290 (passed) increases the membership of the Board of County Commissioners of Carroll County from three to five and requires the five commissioners to be elected from districts. The bill also directs the county commissioners, on or before May 1, 2005, and each year following the release of each decennial census, to appoint a commission redistricting committee to recommend the establishment of the districts from which the commissioners shall be elected. Before the bill becomes effective, it must be approved by the voters of the county at the November 2004 general election.

Cecil County

Public Facilities Bonds

Senate Bill 506 (passed)/House Bill 591 (Ch. 43) authorizes the Cecil County Commissioners to issue up to \$11.5 million in general obligation bonds for the construction and improvement of public facilities in Cecil County. The date of maturity cannot exceed 30 years.

Charles County

Homeowners Association Commission – Resolution of Covenant Disputes

House Bill 616 (Ch. 44) authorizes a code home rule county in the Southern Maryland class to establish a homeowners association commission with the authority to hear and resolve disputes between a homeowners association and a homeowner regarding the enforcement of the recorded covenants or restrictions of the homeowners association by providing alternative dispute resolution services including binding arbitration.

State’s Attorney – Authority to Appoint Staff and Set Salaries

House Bill 618 (Ch. 45) authorizes the State’s Attorney for Charles County to appoint more than one deputy State’s Attorney, repeals the limitation on the number of assistant State’s Attorneys that can be appointed with the approval of the senior resident Circuit Court judge, and requires the State’s Attorney to set the salaries of deputy State’s Attorneys, assistant State’s Attorneys, and administrative staff subject to the approval of the Commissioners of Charles County.

Dorchester County

Correctional Services – Inmate Welfare Fund

Senate Bill 461 (Ch. 27)/House Bill 170 (passed) provide that the chief financial officer for Dorchester County or the managing official of the local correctional facility as designated by Dorchester County must separately hold and account for the inmate welfare fund and must pay out money from the fund as approved in the county budget. Under current law, only the chief financial officer for a county is authorized to perform these duties.

Frederick County

Human Relations Commission – Remedial Relief

House Bill 396 (passed) allows the Frederick County Commissioners, by ordinance, to authorize the Human Relations Commission to provide remedial relief, including equitable relief and monetary damages, in discrimination cases. The bill also sets forth award limitations, specific powers in housing and public accommodation cases, enforcement powers, and procedures for appeals.

Garrett County

Sanitary District

Senate Bill 767/House Bill 1177 (both passed) abolish the Garrett County Sanitary Commission and provide instead that the Garrett County Commissioners shall govern the county's sanitary district. These bills are emergency measures.

Harford County

Highways – Prohibition on Use of Solicitation

House Bill 154 (passed) prohibits, in Harford County, a person from standing in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle.

Howard County

Probation After Judgment – Imprisonment

House Bill 204 (passed) authorizes a court in Howard County to impose a sentence of imprisonment as a condition of probation after judgment.

Board of Education – Application of the State Open Meetings Act – Clarification

House Bill 243 (passed) clarifies the application of the State Open Meetings Act to actions of the Howard County Board of Education to require the board to carry out executive functions at open meetings. Only actions authorized in the State Open Meetings Act may be taken at closed meetings. The bill terminates September 30, 2005.

Kent County

Special Maryland Wine License Privilege

House Bill 430 (passed) authorizes the Kent County Board of License Commissioners to issue a special Maryland wine license privilege to a holder of a Class B (on-sale) beer and wine license or beer, wine, and liquor license for use on a premises that qualifies as a restaurant. The special Maryland wine license privilege authorizes the licensee to sell bottled wine for off-sale consumption and exempts the sale of the bottled wine from counting against the minimum requirement that 60 percent of the average daily receipts of the Class B alcoholic beverages license holder be from food.

Montgomery County

Local Vehicle Surcharge – Transportation Fund

House Bill 563 (passed) authorizes the Montgomery County Council to impose a local surcharge on each vehicle registered by a resident of Montgomery County and creates a fund dedicated to transportation projects in Montgomery County to consist of funds that include revenue from the new local surcharge. The bill also requires the Motor Vehicle Administration not to register or transfer a vehicle if the local surcharge is not paid. For a more detailed discussion of this bill, see Part G of this *90 Day Report*.

Matthew Henson State Park – Expansion

House Bill 399 (passed) expands the boundaries of Matthew Henson State Park and, to further the construction of a hiker/biker trail in the park, provides for the transfer of specified parcels of land from the State Highway Administration to the Maryland-National Capital Park and Planning Commission.

Prince George’s County

Public School Facilities – Surcharge Increase

House Bill 487 (passed) increases the public school facilities surcharge imposed on most new residential construction in Prince George’s County from \$5,000 to \$12,000 per dwelling beginning in fiscal 2004. The surcharge increases to \$7,000 per dwelling for buildings located between Interstate 495 and the District of Columbia and for buildings included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site

operated by the Washington Metropolitan Area Transit Authority. Beginning in fiscal 2005, the surcharge is adjusted for inflation.

Probation Before Judgment – Imprisonment

House Bill 463 (passed) includes Prince George’s County in the list of counties in which the court is authorized to impose a sentence of imprisonment as a condition of probation before judgment.

Queen Anne’s County

There were no public local laws dealing solely with Queen Anne’s County passed in the 2002 session.

St. Mary’s County

Code of Public Local Laws – Legalization

House Bill 354 (passed) legalizes the 2002 edition of the Code of Public Local Laws of St. Mary’s County and any pocket or loose-leaf supplement to the 2002 Code of Public Local Laws published by the St. Mary’s County Commissioners.

Citizens Nursing Home Board – Membership

House Bill 849 (passed) alters the number of members that shall serve on the Citizens Nursing Home Board in St. Mary’s County from ten members to a minimum of ten but not exceeding 15 members. The bill also provides that new positions, as approved by the county commissioners, must be initially filled by appointment by the county commissioners for terms to ensure balanced staggering of the expiration of terms of all members.

Somerset County

Ferry Companies – Franchises

Senate Bill 34/House Bill 42 (both passed) authorize the Commissioners of Somerset County to grant, after reviewing the proposed business and financial plan, a franchise for a ferry company to operate between Somerset County and Reedville, Virginia on an exclusive basis. A ferry company granted a franchise has up to 18 months to exercise the franchise, and if the ferry company does not exercise the franchise within that time, the franchise shall be null and void. A ferry company that is granted a franchise may not conduct any gambling or gaming activities on any ferry that it operates under the franchise agreement. The Commissioners of Somerset County may adopt regulations regarding ferry services that are consistent with the Public Service Commission’s regulations regarding ferry companies.

Code of Public Local Laws – Legalization

House Bill 48 (passed) legalizes the 1994 and 2003 editions of the Code of Public Local Laws of Somerset County. The bill also legalizes any pocket or loose-leaf supplement to the 2003 Code of Public Local Laws published by the Somerset County Commissioners.

Talbot County

Applicants for Alcoholic Beverages Licenses – Criminal History Records Checks

House Bill 567 (passed) is an emergency bill that requires the Talbot County Board of Liquor License Commissioners to conduct State and national criminal history records checks on applicants for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license. The board must obtain records checks of applicants from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services. The bill specifies that the board may exempt applicants for license renewal from the criminal history records check requirement. The bill also specifies that the board must keep information from criminal records from public dissemination but may make the information available to board members and their designees.

Washington County

Growth Management Act of 2003

House Bill 1059 (passed) authorizes the County Commissioners of Washington County to impose by ordinance a building excise tax on construction and a transfer tax on an instrument of writing. The county may also provide a property tax credit on renovated or rehabilitated business real property located in a priority funding area.

Prospective County Employees – Criminal History Records Checks

House Bill 881 (passed) authorizes the County Administrator of Washington County to request, with reference to a prospective county employee a State and national criminal history records check from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services; or a background investigation from a private investigation agency. The bill also authorizes the Washington County Commissioners to adopt regulations, guidelines, and policies regarding background checks for prospective county employees.

Wicomico County

Alcoholic Beverages – Licenses, Sales, and Wine Festival

Senate Bill 468/House Bill 126 (both passed) make numerous changes to alcoholic beverages law in Wicomico County and provide for the issuance of a special Wicomico County Wine Festival (WCWF) license.

Worcester County

Board of Education – Eligibility to Serve

House Bill 124 (passed) allows a school bus contractor to serve as a member of the Worcester County Board of Education.

Municipal Governments

After the introduction of an annexation resolution into the legislative body of a municipal corporation, the chief executive and administrative officer of the municipal corporation must give notice of the proposed annexation by publication in a newspaper of general circulation not less than four times at not less than weekly intervals. A hearing on the resolution must be held not less than 15 days after the fourth publication of the notice. *Senate Bill 467/House Bill 943 (both passed)* alter these notice and hearing requirements if the total area of the proposed annexation is 25 acres of land or less. Specifically, the bills decrease from not less than four to not less than two the number of times that a notice of a proposed annexation resolution for a total area of 25 acres of land or less must be published in a newspaper of general circulation preceding a public hearing. The bills also specify that the public hearing must be set not less than 15 days after the second publication of the notice.

Bi-County and Other Regional Agencies

Maryland-National Capital Park and Planning Commission

Commissioners Appointed from Prince George's County

The Maryland-National Capital Park and Planning Commission (MNCPPC) is governed by ten members, five each appointed from Montgomery County and Prince George's County. *House Bill 865 (passed)* alters the term of office for the commissioners of MNCPPC appointed from Prince George's County so that the terms of all the Prince George's County commissioners coincide with the term of office for the County Executive of Prince George's County effective June 2003. The bill also expands the application of the conflict of interest provisions in Article 28 to the Prince George's County commissioners.

The bill alters the starting date of the terms of the Prince George's County commissioners from June 15 to February 1 and phases in the application of this new provision by (1) terminating on June 15, 2003, the terms of all Prince George's County commissioners serving on June 14, 2003; (2) terminating on January 31, 2007, the terms of all Prince George's County commissioners appointed on June 15, 2003; and (3) applying the February 1 term starting date to all Prince George's County commissioners appointed beginning in 2007. With the exception of the transitional period, the term of office remains four years.

Minority Business Enterprise Program

MNCPPC is authorized to administer, until September 30, 2003, a Minority Business Enterprise (MBE) Utilization Program. *House Bill 394 (passed)* extends for five years the authority of MNCPPC to operate its MBE program until September 30, 2008. The bill also requires MNCPPC to submit to the Montgomery County and Prince George's County delegations of the House of Delegates and the Senate of Maryland an annual report that evaluates the results of the MBE program by October 31 of each year.

Washington Suburban Sanitary Commission

Collective Bargaining and Binding Arbitration

House Bill 383 (passed) establishes collective bargaining and binding arbitration for certain merit system employees of the Washington Suburban Sanitary Commission (WSSC) that is similar to that established under current law for certain merit system employees of the Maryland-National Capital Park and Planning Commission.

The bill defines four employee bargaining units: (1) office/technical; (2) professional; (3) service, labor, and trade; and (4) a law enforcement unit that includes WSSC police. It also establishes requirements for the constitution and bylaws of an employee organization that seeks to become the exclusive representative of a bargaining unit, as well as the process, by election, which an employee organization must follow to become certified as the exclusive representative of a bargaining unit. The bill also repeals the limit on maximum salary increases for WSSC employees.

The bill provides for a Labor Relations Administrator (LRA) and establishes the process for appointment of the LRA and the duties of the LRA in the collective bargaining and binding arbitration process. If WSSC and the exclusive representative cannot jointly agree on the selection of an LRA, then each will have alternative strikes from a list of candidates supplied by the American Arbitration Association. The LRA will be appointed for a three-year term and may be reappointed for an additional year if no exclusive representative has been certified. It also defines the subject areas for collective bargaining and provides for the use of a mediator-arbitrator, paid for by both parties, in the event of an impasse.

The bill prohibits binding arbitration for pension and other retirement benefits for active employees and specifies that collective bargaining about such benefits may not require WSSC to offer more than one pension plan. WSSC may not alter any terms or conditions of employment without following the collective bargaining process under the bill.

A WSSC employee may not be permanently removed except for cause and after being given an opportunity to be heard. The discharged employee may appeal to the Secretary of Budget and Management, whose decision is final.

The terms of a collective bargaining agreement are subject to the approval of the Montgomery and Prince George's county councils in their budget approval process.

Upper Shore Regional Council

Senate Bill 525/House Bill 662 (both passed) establish the Upper Shore Regional Council to facilitate regional planning and development in Cecil, Kent, and Queen Anne's counties. Each county represented on the council must provide \$10,000 annually in funding to the council. The council may receive State funding, subject to the availability of funds in the State budget. Land use regulation or zoning authority is not granted to the council. This council is similar in structure and powers to both the Tri-County Council for the Lower Eastern Shore and the Mid-Shore Regional Council, which were created in 2001.

Tri-County Council for Western Maryland

House Bill 317 (passed) alters the qualifications of the voting members of the General Assembly on the Tri-County Council for Western Maryland. The bill replaces the five voting members of the General Assembly who are residents of Allegany, Garrett, or Washington counties with the chairman, or the chairman's designee, of the Allegany County Delegation, Garrett County Delegation, and Washington County Delegation to the House of Delegates, each of whom shall reside, respectively, in Allegany, Garrett, and Washington counties; and the two members of the Senate of Maryland who represent the region and reside in Allegany, Garrett, or Washington counties.