

Part D

Local Government

County and Municipal Governments

Affordable Housing Programs

The generally accepted definition of housing affordability is when a household pays no more than 30 percent of its annual income on housing. Families that pay more than 30 percent for housing are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation, and medical care. The 2004 final report of the Governor's Commission on Housing Policy stated that as of 2000, one-third of Maryland households paid more than 30 percent of their income on rent. The report also stated that over the following 10 years there would be a shortage of 157,000 workforce/affordable rental units in the State.

Chapter 300 of 2007 authorized counties or municipalities to support, foster, or promote an affordable housing program for individuals or families of low or moderate income by providing funding or property, supporting payment in lieu of taxes programs, or enacting legislation to restrict prices or require development of affordable housing as part of a subdivision in return for added density.

Senate Bill 281/House Bill 742 (both passed) authorize a county or municipality to waive or modify building permit or development impact fees and charges that are not mandated under State law for the construction or rehabilitation of lower income housing units in order to support, foster, or promote an affordable housing program. The fees must be waived or modified in proportion to the number of lower income housing units in the development. The housing units must be developed by a nonprofit organization that has been exempt from federal taxation for three years or the units must be financed by public funding that requires mortgage restrictions relating to the sale or rental of the housing units to low-income residents. The Department of Housing and Community Development must report to the General Assembly by October 1, 2010, on the counties and municipalities that waived or modified permit or development fees; the number and type of housing units for which fees were waived or modified; and the amount of fees waived and collected in accordance with the bill. The provisions of the bills terminate at the end of September 2011. For a further discussion of these bills, see the subpart "Real Property" within Part F – Courts and Civil Proceedings of this *90 Day Report*.

Local Government Pension Liabilities

Statements 43 and 45 from the Government Accounting Standards Board (GASB) require governmental employers to include in their 2008 financial statements any liabilities associated with the commitments they have made to provide post employment benefits other than pensions. These other post employment benefits (OPEB) include health insurance for retirees, as well as any life insurance or long-term care insurance paid by the employer. For public employers that offer subsidized health insurance to their retirees, OPEB liabilities can be substantial. For instance, a 2007 actuarial analysis found that the State of Maryland's OPEB liabilities exceed \$15 billion.

Chapter 543 of 2006 authorized local governments to invest, redeem, sell, exchange, and reinvest funds dedicated to paying post employment benefits in the same manner that they invest funds for employee pensions. Most employers pay for OPEB on a pay-as-you-go basis, which means that they only pay for actual costs (e.g., insurance premiums) incurred by their retired members in a given year. However, if they have made a commitment to provide health insurance or other post employment benefits to current employees when they retire, the employers continue to accumulate liabilities to pay for those benefits in the future. Unless the employers set aside money now to cover those future costs (known as prefunding), those liabilities add up each year, and GASB is now requiring employers to calculate the value of those future liabilities and account for them on their financial statements. Although GASB is not requiring employers to prefund OPEB liabilities, OPEB liabilities that appear on public employers' accounting statements may hurt their bond ratings, making it more expensive for them to borrow money.

Many jurisdictions, however, do not have the resources to manage their own investment portfolios. Many participate in the Local Government Investment Pool managed by the Treasurer's Office to manage their regular investments, but there is no equivalent pool to manage OPEB investments. OPEB funds may be invested in a broader range of investment vehicles and, therefore, require even more investment expertise.

Senate Bill 945/House Bill 1585 (both passed) authorize local governments to contract with external asset managers to manage or invest money designated for OPEB besides employee pensions. It further authorizes local governments to create pooled OPEB investment funds with separate accounts for each local government that participates in the fund, and to remit funds intended for OPEB to the Treasurer for investment in the Local Government Investment Pool. By allowing local governments to form OPEB investment pools and contract with external asset managers, local governments may take full advantage of the flexibility provided by Chapter 543 of 2006 to invest in equities and other high-yield, high-risk assets.

County Governments

Each session, the General Assembly considers a number of bills each affecting only one county. The following discussion is intended to provide a sampling of bills of that nature that passed.

Allegany County

House Bill 638 (passed) specifies that, in a code county in the Western Maryland class, any unpaid charges imposed on a property owner as a result of the county abating a violation of a rule or regulation relating to licensing, controlling, and maintaining junkyards are a lien against the property where the violation occurred. A lien imposed is required to be recorded in the Office of the County Clerk. For the purposes of *House Bill 638*, junkyards include public or private dumps, automobile junkyards, automotive dismantler and recycler facilities, scrap metal processing facilities, outdoor places where old motor vehicles are stored in quantity or dismantled, and lots on which refuse, trash, or junk is deposited. As of 2008, the only code county in the Western Maryland class is Allegany County.

Anne Arundel County

A county governing body or the Mayor and City Council of Baltimore City may provide for a license fee schedule for food establishments based on the anticipated cost of licensing, inspecting, and regulating food establishments. All license fees are paid to the health department or chief financial officer of the county governing body or Baltimore City. Except in Baltimore City, Montgomery County, and Prince George's County, the maximum license fees a county may charge a food establishment is \$300, or \$70 for a seasonal food processing facility. *Senate Bill 121/House Bill 241 (both passed)* exempt Anne Arundel County from the limitation on the maximum license fees that a county may charge a food establishment. The bill requires the Anne Arundel County Council to provide for a license fee schedule based on the anticipated cost of licensing, inspecting, and regulating food establishments.

Baltimore City

Senate Bill 911/House Bill 1555 (both passed) authorize Baltimore City to establish a land bank authority for the purpose of acquiring, rehabilitating, or transferring real property or an interest in real property. A land bank authority is a nonprofit or quasi-governmental entity empowered to do all things necessary to execute real property transactions and to manage property in order to preserve the value of the property, including borrowing money and issuing bonds. However, any bonds issued by the land bank authority would not be considered State or local debt. Under the bills, the land bank authority:

- must be governed by a board of directors;
- is subject to all local zoning, permitting, and land use laws;
- must comply with the State Open Meetings Act; and
- must annually report its activities to the State and Baltimore City.

Senate Bill 911/House Bill 1555 prohibit the land bank authority from exercising eminent domain and from levying any sort of tax. Instead, once the government is unsuccessful

in collecting an outstanding tax lien on a property through the tax sale process, a land bank authority may accept the deed of the property from the owner thereby negating the need to proceed with foreclosure. This process does not affect any other liens on the property, easements, or rights of way.

Baltimore County

The current State's Attorney for Baltimore County was elected in 2006 and took office in January 2007. The salary of the State's Attorney is calculated based on the salary of a circuit court judge in 1982, factoring in an annual increase of 5 percent, and was \$194,276 in January 2008. *Senate Bill 117/House Bill 123 (both passed)* provide that, beginning with the term of the State's Attorney elected in 2010, the annual salary for the Baltimore County State's Attorney is \$194,276. Beginning January 1, 2012 and each year thereafter until January 1, 2023, the salary will increase by 1 percent.

Calvert County

Animal Control in Calvert County

House Bill 1139 (passed) authorizes the Calvert County Commissioners to establish an Animal Matters Hearing Board to resolve disputes and controversies regarding animal control ordinances. The board may issue a subpoena to compel parties to appear before the board and may assess a civil penalty up to \$1,000 for each violation of an animal control ordinance adopted by the county. The bill also repeals provisions authorizing a dog warden to enforce certain animal control laws and instead authorizes an animal control officer to enforce the laws and provides that the county sheriff, a deputy sheriff, or an animal control officer in Calvert County may issue a summons to anyone violating county animal control ordinances. The bill requires an officer of a humane society or an animal control officer in Calvert County who sees a person committing a misdemeanor that involves animal cruelty to arrest and bring before the District Court the person committing the misdemeanor. The bill also repeals provisions relating to the appointment of a dog warden and deputy dog wardens in Calvert County.

Seafood Industry in Calvert County

House Bill 1493 (passed) adds the Calvert County Commissioners to the list of counties authorized to adopt an ordinance, resolution, or regulation or take any other action the county considers necessary to allow a person to engage in activities related to the seafood industry and to harvesting seafood. Before taking such action, the county commissioners must hold a public hearing and obtain the written consent of the Secretary of Natural Resources.

Carroll County

Police Protection in Carroll County

State and local governments share law enforcement responsibilities in most counties with local sheriffs and police departments acting as the primary local law enforcement agency and the State Police focusing on traffic management and specialized services. Carroll County does not have a county police department. Primary local enforcement duties in the county are provided by the Maryland State Police through the Resident Trooper Program. Forty-six resident State troopers perform local law enforcement duties throughout unincorporated areas and in the municipalities without a town police office at an annual cost of \$5.3 million in fiscal 2008. The Carroll County Sheriff's Office provides some law enforcement services and performs judicial functions in the county. Five of the eight municipalities in the county have town police offices.

Senate Bill 659 (passed) provides that if the Carroll County Commissioners enact a local law that creates a county police department, the county commissioners must submit the local law to a local referendum to be held at the next ensuing general election. If a majority of voters vote in favor of the referred law, it becomes effective on the thirtieth day following the official canvas of votes. If a majority of voters vote against the referred law, the provisions of the law are null and void. The bill was introduced as an emergency bill and received the required number of votes from both chambers to take effect on the date of enactment. The provisions of the bill terminate on December 31, 2010.

Distribution of Tobacco to Minors

It is a criminal offense for a person licensed in the State to distribute cigarettes or other tobacco products to a minor a tobacco product, a cigarette rolling paper, or a coupon redeemable for a tobacco product. Chapter 604 of 2007 provided that this offense is a civil infraction in St. Mary's County, subject to a civil penalty of \$300 for a first violation and \$500 for any subsequent violation within a 24-month period from the previous violation. *Senate Bill 822 (passed)* provides that this offense is also a civil infraction in Carroll County subject to the same civil penalty. A violation has not occurred if the person examined specified identification and that identification identifies the recipient as being at least 18 years old.

Cecil County

The Northeast Maryland Waste Disposal Authority was created in 1980 as a public instrumentality of the State. The authority's mission is to plan and develop waste management systems that meet the highest environmental standards while providing the most efficient and reliable waste disposal services possible. Eight jurisdictions (Baltimore City and Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, and Montgomery counties) currently participate in the authority. *House Bill 335 (passed)* authorizes Cecil County to become a participating county in the authority.

Frederick County

Counties, municipal corporations, and taxing districts must file a financial report covering the full period of the previous fiscal year by November 1 to the Department of Legislative Services. Counties, municipal corporations, and taxing districts with a population greater than 400,000, however, may take until January 1 to file their financial report. The annual financial report for Howard County is due December 1. Counties, municipal corporations, and taxing districts must also submit an annual audit report covering the full period of the previous fiscal year by November 1 to the State legislative auditor. Counties, municipal corporations, and taxing districts with a population greater than 400,000, however, may take until January 1 to file their annual audit report.

Senate Bill 310/House Bill 254 (both passed) alter the filing date by which Frederick County must submit its annual financial report to the Department of Legislative Services and its annual audit to the State Legislative Auditor from November 1 to January 1.

Garrett County

Distribution of Tobacco to Minors

It is a criminal offense for a person licensed in the State to distribute cigarettes or other tobacco products to a minor a tobacco product, a cigarette rolling paper, or a coupon redeemable for a tobacco product. Chapter 604 of 2007 provides that this offense is a civil infraction in St. Mary's County, subject to a civil penalty of \$300 for a first violation and \$500 for any subsequent violation within a 24-month period from the previous violation. *House Bill 148 (passed)* provides that this offense is also a civil infraction in Garrett County and provides for a civil penalty not exceeding \$300. A violation has not occurred if the person examined specified identification and that identification identifies the recipient as being at least 18 years old.

Land Use

The Maryland Agricultural Land Preservation Foundation (MALPF) was created by the Maryland General Assembly in 1977 to preserve productive agricultural land and woodland. Prior to July 1, 2007, an agricultural land owner was only eligible to sell a development rights easement to MALPF once the land had been placed within an agricultural preservation district. Chapter 650 of 2007 repealed that requirement, specifying that effective July 1, 2007, districts may not be a requirement for the easement application process to MALPF and that as of June 30, 2012, all districts in MALPF will be terminated, with the exception of any district in which an easement has been transferred to MALPF and any district established by a county and a landowner for the purpose of providing a property tax credit to the landowner. MALPF may not accept a district petition after June 30, 2008.

Senate Bill 260/House Bill 314 (both passed) allow agricultural preservation districts to continue to be established in Garrett County after MALPF has stopped accepting district

petitions. The Garrett County Commissioners must adopt specific rules, regulations, and procedures for the establishment and monitoring of agricultural districts and the evaluation of land to be included in the districts. Land may only be included in an agricultural district if the county's rules, regulations, and procedures governing the land meet requirements specified for easements under MALPF, and the landowner agrees to conditions, restrictions, and limitations specified for easements under MALPF. MALPF may not purchase an easement on land located in the county but outside of an agricultural district established under the bill. Additional information on this bill can be found in the Agriculture section. For a more detailed discussion of this issue, see the subpart "Agricultural Land Preservation" within Part K – Agriculture of this *90 Day Report*.

Public Local Laws of Garrett County

The Public Local Laws of Garrett County were last legalized by Chapter 59 of 1986. The most recent edition of the public local laws was published in 2005 and has not yet been codified. *Senate Bill 1009 (passed)* legalizes the 2005 edition of the Code of Public Local Laws of Garrett County which will contain all public local laws relating to Garrett County contained in the 1985 edition, the 2001 supplement, any other supplement published by the county commissioners, and all public local laws relating to the county passed by the Maryland General Assembly during the 2001 through 2008 sessions.

Howard County

Multiuse sewerage systems are regulated by the Maryland Department of the Environment (MDE). A person must obtain a permit from MDE before the person installs, materially alters, or materially extends a sewerage system. All multiuse sewerage systems must be listed in the county water and sewer plan. Multiuse sewerage systems are subject to various regulatory requirements, including the submission of plans to MDE for review and approval; permeability specifications; separation distances from streams and other features; and requirements for a treatment zone between the bottom of the drainfield and the seasonal high water table. Multiuse sewerage systems are also subject to State discharge permit requirements.

MDE recently issued a construction permit to build a new treatment plant for a residential community in Howard County; however, concern has been raised that the county does not have the authority to regulate such systems. *House Bill 167 (Ch. 47)* authorizes the governing body of Howard County to enact local laws governing the installation and use of multiuse sewerage systems that are not inconsistent with State law. *House Bill 305 (Ch. 65)* authorizes the governing body of Howard County to require the recipient of a permit to install a multiuse sewerage system to post a performance bond with the county before installing the system.

Montgomery County

The Montgomery County Housing Opportunities Commission (HOC) serves as the public housing agency for Montgomery County and manages more than 1,500 units of public housing, as well as administers the federal Housing Choice Voucher Program (formerly known as

Section 8). HOC also develops affordable housing; offers rental units to moderate-income earners; and enters into joint ventures, partnerships, and development agreements within Montgomery County to help develop and finance affordable housing. In addition, HOC issues housing bonds, provides financing for income qualified first-time homebuyers, and provides information about affordable housing to the public through its Housing Resource Service.

At some properties owned by HOC, services such as building management and maintenance are performed by contracted companies. Additionally, HOC typically uses contractors for architectural design and construction. *House Bill 946 (Ch. 102)* prohibits HOC from entering into a service contract that may adversely affect HOC collective bargaining employees and is estimated to exceed \$75,000 in annual costs. HOC must develop and maintain a formal plan for outplacement assistance for collective bargaining employees adversely affected by a service contract. Generally, the bill exempts activities that are currently performed by contractors from this prohibition.

Prince George's County

State Agencies in Prince George's County

There are currently no State agency headquarters located in Prince George's County. *House Bill 1078 (passed)* establishes a Task Force to Study Locations in Prince George's County Best Suited for Use by State Agencies; the task force is staffed by the Office of the County Executive for Prince George's County. The task force will study and make recommendations on the best locations in the county for State agencies, which State agencies are expected to relocate to the county, and methods of encouraging State agencies to relocate to the county. A final report of its findings and recommendations are due to the Governor and the General Assembly by September 30, 2009, and the task force terminates on that date.

Roadside Solicitation

Senate Bill 685/House Bill 1010 (both passed) prohibit, in Prince George's County, a person from standing in a highway to solicit money or donations of any kind from the occupant of a vehicle. A highway includes rights-of-ways; median dividers; structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and any property acquired for the construction, operation, or use of the highway. Issuance of a warning is required for a first offense. Subsequent violations must be enforced as a misdemeanor under State motor vehicle laws.

Somerset County

Somerset County Roads

With certain exceptions, the county commissioners of every county may sell at public sale any property when no longer needed for public use. In Somerset County, the county commissioners may sell any interest in surplus property held by the county by acceptance of sealed bids solicited by advertisement. To facilitate the transfer of roads owned by the county

House Bill 325 (Ch. 67) authorizes the Somerset County Roads Board to sell any county road without a public sale when it is no longer needed for public use. The county roads board may arrange for the terms, conditions, and amount of consideration, if any, for the sale and may execute and acknowledge any deeds or instruments necessary to complete any sale.

Regulation of Dogs and Cats

County governments have varying degrees of responsibility for the licensing of dogs, recording of licenses, and enforcement of licensing provisions. Somerset County is authorized to provide a comprehensive system for regulating dogs and cats, including licensing and control and the provision of penalties. **House Bill 113 (Ch. 42)** authorizes the Somerset County Commissioners to prosecute violations of animal control ordinances in the same manner as a municipal infraction, and clarifies that penalties enacted by the county may be civil or criminal.

Washington County

There is no standardized process for persons or organizations hosting a special event to notify the proper regulatory agencies in Washington County. Special events held in the county that require the assistance of county law enforcement, traffic control, emergency services, or other county staff are handled on a case-by-case basis. Generally, the county requires that organizers of events that are held for-profit contract for law enforcement, traffic control, and emergency services. Nonprofit organizations are not typically charged for county assistance.

House Bill 1085 (Ch. 113) authorizes the Washington County Commissioners to establish a “special event” permit and requires that an individual or organization obtain a permit before hosting a special event in the county. A special event is defined in Washington County as an “athletic event,” “entertainment event,” or an “event requiring assistance.” An entertainment event includes parades, bonanzas, carnivals, fairs, and concerts where the attendance, including participants and spectators, is expected to be greater than 250. An event requiring assistance includes any event requiring closure or rerouting of traffic on a roadway or intersection, or an event that requires the assistance of county law enforcement, traffic control, emergency services, or other county staff which exceeds normal levels. The bill specifies that certain events do not require a special event permit as long as they do not require additional assistance.

Municipal Governments

Hagerstown Fire and Explosives Investigators

Fire and explosive investigators in the City of Annapolis and Anne Arundel, Montgomery, Prince George’s, and Worcester counties are classified as “law enforcement officials” and currently have the same authority as the State Fire Marshal and assistants, including the authority to make a warrantless arrest under certain circumstances. A fire and explosive investigator must have successfully completed a training program from a police training school approved by the Police Training Commission. The authority of the fire and

explosive investigator in each jurisdiction can be limited through written policy by the fire chief. *Senate Bill 613/House Bill 745 (both passed)* grant this same authority to certain fire and explosive investigators in the City of Hagerstown.

Senate Bill 613/House Bill 745:

- define a City of Hagerstown fire and explosive investigator;
- include a fire and explosive investigator in Hagerstown in the definition of “law enforcement official” under provisions authorizing the carrying of a handgun by law enforcement personnel;
- provide that a fire and explosive investigator has the same authority as the State Fire Marshall and assistants, including the authority to make a warrantless arrest, while operating in or outside of the city under certain circumstances;
- provide that the City of Hagerstown fire chief may limit, in writing, the authority granted to an investigator under these Acts;
- exclude a Hagerstown fire and explosive investigator from the definition of “law enforcement officer” under the provisions relating to the Law Enforcement Officers’ Bill of Rights;
- include a Hagerstown fire and explosive investigator in the definition of “police officer” under the provisions relating to the Maryland Police Training Commission; and
- require the Police Training Commission, on July 1, 2008, to certify the Hagerstown fire and explosive investigators who meet the requirements of these Acts as police officers.

Community Parks and Playgrounds Program

Senate Bill 1000/House Bill 1604 (both passed) codify and amend the existing Community Parks and Playgrounds Program within the Department of Natural Resources to provide flexible grants to municipalities and Baltimore City to rehabilitate, expand, or improve existing parks; purchase land to create new parks; develop new parks; or purchase and install playground equipment in urban neighborhoods and rural areas throughout the State. For a further discussion of *Senate Bill 1000/House Bill 1604*, see the subpart “Natural Resources” within Part K – Natural Resources, Environment, and Agriculture of this *90 Day Report*.

Special Taxing Districts

Special taxing districts include entities created by the General Assembly and those created by a county or municipality, when authorized by the General Assembly. Some special

taxing districts resemble municipalities and provide a range of public services; while others exist for a limited purpose, such as the financing of public draining within a limited area or the creation and maintenance of street lighting in a particular neighborhood.

Authorization to Create Special Taxing Districts

All counties have authority to establish special taxing districts for limited purposes, such as providing drainage improvements or providing street lighting. In addition, the governing bodies of counties that have adopted charter home rule or code home rule also have broad authority under the Express Powers Act to create special taxing districts to carry out most municipal services. The General Assembly has granted nine counties (Anne Arundel, Calvert, Charles, Garrett, Howard, Prince George's, St. Mary's, Washington, and Wicomico) and Baltimore City broad authority to create special taxing districts and to levy *ad valorem* taxes and issue bonds and other obligations for purposes of financing infrastructure improvements. The types of infrastructure improvements authorized include storm drainage systems; water and sewer systems; roads; lighting; parking; parks and recreational facilities; libraries; schools; transit facilities; and solid waste facilities.

Senate Bill 793/House Bill 483 (both passed) and *House Bill 1562 (passed)* authorize Harford County and Cecil County, respectively, to create special taxing districts for developing and financing infrastructure improvements. The counties are authorized to impose *ad valorem* or special taxes and to issue bonds or other obligations to finance the projects as long as the special taxing districts are located in designated growth areas and, in Harford County, are not located in a rural village. The bills require the counties to hold a public hearing on any bill proposing to create a special taxing district and require all property owners within the proposed district to petition for its creation. The bills also include provisions requiring specified disclosure to an individual purchasing a home subject to a special tax and providing for damages to a purchaser who is provided a false statement or from whom a material fact is withheld.

Tax Increment Financing and Special Tax Districts

Tax increment financing is a method of public project financing whereby the increase in the property tax revenue generated by new commercial development in a specific area, the tax increment financing (TIF) district, pays for bonds issued to finance site improvements, infrastructure, and other project costs located on public property.

The TIF district typically consists of a blighted area in need of economic revitalization. Usually a sponsoring jurisdiction creates a TIF district in order to demonstrate a public commitment to the economic and social viability of an area, thereby encouraging privately financed economic development. In a TIF district, the local government “freezes” the existing property tax base, and uses the property tax revenue from this base as it would normally use such funds. Over time, the partnership between the private sector and local government leads to enhanced economic growth which increases the district's taxable real property valuation above its frozen base. The difference between the current tax base and the frozen base in each future year is termed the incremental valuation. The local government apportions the property tax

revenue on the incremental valuation to a special account to pay debt service on the bonds and to potentially pay for additional public expenditures in the TIF district. The TIF district ceases to exist upon the retirement of the bonds, and after that time, all property tax revenue may be appropriated by normal means.

House Bill 1441 (passed) amends the Baltimore City Charter to allow tax proceeds from special taxing districts, including a tax increment financing development district, to be used to repay debt service on bonds and other debt instruments issued by the Maryland Economic Development Corporation (MEDCO), the State, or any agency, department, or political subdivision. The bill provides for the circumstances and uses of a special fund established with respect to a special taxing district in Baltimore City.

The bill authorizes Baltimore City to use funds remaining in the special funds, provided no payment on bonds is outstanding, for purposes specified by current law, accumulate for future debt service payments, or to pay debt service on other outstanding bonds. Baltimore City may enact an ordinance creating a special fund with respect to a special taxing district, even though no authorized bonds have been issued by the city with respect to that special taxing district. The taxes allocated to such special fund must thereafter be paid over to the special fund, as long as an ordinance remains in effect.

In Prince George's County, all proceeds received from any bonds issued and sold by the county may also be applied for convention centers, conference centers, and visitors' centers; maintenance of infrastructure improvements, convention centers, conference centers, and visitors' centers; and marketing the development district facilities and other improvements. *Senate Bill 934 (passed)* allows proceeds received from bonds issued by Prince George's County or the county's revenue authority to be applied for installation of any infrastructure improvements, including streets, parking structures, utilities, street lights, stormwater management and storm drain facilities, fencing, noise walls, retaining walls, trails, sidewalks, pedestrian and vehicular bridges, and park facilities. The purpose of the infrastructure improvements is to encourage redevelopment in revitalization areas designated by the county; mixed use centers; blighted areas; and the developed tier, growth corridors, and growth centers, as defined in the county general plan.

Bicounty Agencies

Maryland-National Capital Park and Planning Commission

The Maryland-National Capital Park and Planning Commission (M-NCPPC) is a bicounty agency empowered by the State in 1927 to administer a regional system of parks and govern land use planning in most of Montgomery and Prince George's counties. In 1970, M-NCPPC also became responsible for managing the Prince George's County public recreation program. M-NCPPC is governed by a 10-member commission, with 5 members appointed by the Prince George's County Executive and confirmed by the county council and 5 members appointed by the Montgomery County Council with the approval of the county executive.

Minority Business Enterprise Utilization Program

House Bill 941 (Ch. 100) extends for five years the M-NCPPC’s Minority Business Enterprise Utilization Program for goods, services, and construction, from September 30, 2008, to September 30, 2013.

Park Police – Workers’ Compensation – Lyme Disease Presumption

House Bill 933 (Ch. 98) applies the occupational disease presumption under State workers’ compensation law to any park police officer employed by M-NCPPC who is suffering from Lyme disease and was not suffering from Lyme disease before assignment to a position that regularly places the employee in an outdoor wooded environment.

The disease presumption only applies during the time the park police officer is assigned to a position that regularly places the employee in an outdoor wooded environment and for three years after the termination of the assignment.

House Bill 933 also provides that the park police officers eligible for benefits under this bill shall receive those benefits in addition to any retirement benefits, so long as the combined benefits do not exceed the park police officer’s weekly salary. The Act terminates after seven years, on September 30, 2015.

Maryland-Washington Regional District Boundaries

Currently the boundaries of the Maryland-Washington Regional District exclude the City of Laurel as its corporate boundaries are defined as of July 1, 1994. *House Bill 930 (passed)* modifies the boundaries of the Maryland-Washington Regional District to exclude the City of Laurel as its corporate boundaries are defined as of July 1, 2008, in order to exclude those parcels of land that the city has annexed since 1994.

Prince George’s County Agricultural Preservation Easement Program

Senate Bill 95 (passed) establishes a Prince George’s County Agricultural Preservation Easement Program to be administered by the Prince George’s County Soil Conservation District. The Soil Conservation District and the Prince George’s County Planning Board are required to adopt regulations to carry out the provisions of the Act. The bill also establishes a Prince George’s County Agricultural Easement Fund to be used to purchase agricultural preservation easements. The fund will be administered by the planning board which shall deposit into the fund revenues from the Prince George’s County Metropolitan District taxes or the Prince George’s County Regional District taxes authorized in M-NCPPC’s annual budget to preserve, protect, and enhance agricultural properties and to implement the program’s purposes.

Senate Bill 95 establishes several provisions relating to the fund and its uses. Among other things, the bill authorizes the board to purchase easements outside the metropolitan district in Prince George’s County but within the Maryland-Washington Regional District in Prince George’s County.

Senate Bill 95 also authorizes the county council to enact ordinances to provide for agricultural preservation, outreach and marketing; maintenance of activities on M-NCPPC's agricultural properties; and the preservation of the agricultural industry. The bill also authorizes the county council to create a program for the purchase of development rights by ordinance.

Prince George's County – People's Zoning Counsel

House Bill 928 (passed) authorizes the People's Zoning Counsel in Prince George's County, on a reasonable belief that a final action on an application for a subdivision of land, special exception, variance, or site plan is arbitrary and capricious, to appeal the final action on behalf of a bona fide citizens' association that is entitled to appeal the action.

Washington Suburban Sanitary Commission

The Washington Suburban Sanitary Commission (WSSC) is another bicounty agency created by the State in 1918. The primary purpose of WSSC is to provide water service and sewage treatment service in nearly all of Montgomery and Prince George's counties. WSSC consists of six members, with three members from each county appointed by the county executive and confirmed by the county council in each county.

Prince George's County Energy Tax

Under current law, Prince George's County may impose a sales or use tax on certain forms of energy or fuel used in Prince George's County. The county council is also authorized to provide exemption from this tax and to provide for the refund of the tax under certain circumstances. *House Bill 929 (Ch. 97)* provides that the sale or use of energy or fuel used by WSSC in Prince George's County is not exempt from the Prince George's County energy tax. This Act would give Prince's George's County the same taxing authority as Montgomery County with regards to electricity and fuel sold or used by WSSC. WSSC has been exempted from the Prince George's County energy tax since 1988.

Maryland-National Capital Park and Planning Commission and Washington Suburban Sanitary Commission

Appointments – Interviews and Financial Statements

House Bill 940 (passed) provides that the county executive (or designee) of Montgomery County or Prince George's County is required to interview as to possible or potential conflicts of interest, in private and before appointment, the applicant who is selected for appointment to WSSC. The county executives (or their designees) otherwise may interview each applicant in private as to possible or potential conflicts of interest. The bill also requires the Prince George's County Executive (or designee) to inform the Prince George's County Council of possible or potential conflicts of interest of the applicant who is selected for appointment with WSSC before the appointment is made. Further, the bill authorizes a designee of the Montgomery County Executive to request documents from applicants.

House Bill 940 also changes the period covered by financial disclosure statements for applicants for appointment to WSSC and M-NCPPC and the deadline for submission of the statements for applicants of M-NCPPC.

