

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2022 Legislative Session

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**Reference No.:** CB-50-2022

**Draft No.:** 2

**Committee:** Committee of the Whole

**Date:** May 31, 2022

**Action:** FAV/A

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**REPORT:** Favorable with Amendments 6-4.

Council Members Yeas: Hawkins, Harrison, Medlock, Streeter, Taveras, Turner

Council Members Nays: Burroughs, Dernoga, Glaros, Ivey

Absent: Franklin

The Prince George's County Council convened as the Committee of the Whole on May 31, 2022, to consider CB-50-2022 (DR-2).

CB-50-2022 (DR-2) is a Charter amendment bill that amends Section 305 of the Charter pertaining to redistricting procedure. The purpose of the bill is to amend the legislative process for the decennial County Council redistricting plan changing the Commission's plan.

**Current law:** By September 1 of the year prior to the year in which redistricting is to be effective, the Commission shall prepare, publish, and make available a plan of Council districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for Council districts that are compact, contiguous, and equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan.

CB-50-2022(DR-2) revises the legislative process as follows:

1. It specifies that it shall be done by law.

If the Council enacts no other law changing the Commission's plan, then the plan, as submitted, shall become law. As of the last day of November, as an act of the Council, subject to Sections 320 and 321 of this Charter.

For clarity, CB-50-2022 (DR-2) on page 2, in line 6, changes the word from "passes" to "enacts" which ties it to being a bill, which is enacted. It also deletes the word "proposal" and makes reference to the "Commission's plan".

2. It shall become effective upon enactment or adoption. CB-50-2022 (DR-2) provides notwithstanding the provisions of Section 318 of the Charter, any law enacted by the Council changing the Commission's plan shall become effective upon enactment or adoption.

3. It shall not be subject to executive veto. CB-50-2022 (DR-2) provides that any law enacted by the Council changing the Commission's plan shall not be subject to executive veto under Section 411 of the Charter.
4. It shall not be considered emergency legislation under Section 317 of the Charter.

CB-50-2022 (DR-2) also deletes the text that "such law shall be adopted by resolution of the County Council upon notice and public hearing."

Upon enactment, a copy of this Act will be transmitted to the County Executive for publication and a copy of this Act will be transmitted to the Prince George's County Board of Elections for submission of the proposed amendment to the voters of this County at the 2022 General Election on November 8, 2022, pursuant to Section 1105 of the Charter.

The Office of Law reports CB-50-2022 (DR-2) to be in proper legislative form with no legal impediments to its adoption.

The Committee of the Whole received public and written testimony from several individuals.

The sponsor of the bill, Council member Turner explained that the purpose of the bill was to take out the language referring to adoption by resolution that was the subject of redistricting litigation; to make clear that redistricting is a legislative function; he also noted that Anne Arundel County and Baltimore County have no executive veto provisions in their Charters; and to provide that the bill is corrective in nature.

Council member Glaros offered an amendment, on page 1, in line 21, strike [he or she] and substitute "they", and on page 1, in line 21, strike the "s" in holds.

Council member Dernoga indicated that he would like either executive veto or no referendum. He indicated that executive veto should be retained. He made a substitute motion to remove the language to nullify executive veto. See strike beginning on page 2, line 9 after "be" down through "or" in line 10. The substitute motion failed 5-5. Council Members Yeas: Burroughs, Dernoga, Glaros, Ivey, and Streeter. Council Members Nays: Hawkins, Harrison, Medlock, Taveras, and Turner. Absent: Franklin.

Raj Kumar, Principal Counsel to the District Council, provided that pursuant to Section 305 of the Charter, the Plan must be compact, contiguous, and equal in population. With no executive veto power, the citizens still have recourse to litigate. He indicated that there is a remedy under the State Constitution.

Josh Hamlin, Director of Budget and Policy Analysis, indicated that his Office reviewed some jurisdictions with some exempting executive veto but also subject to referendum

After discussion, the Prince George's County Council sitting as the Committee of the Whole, reported CB-50-2022(DR-2) out favorably with amendments, 6-4 with the proposed amendment by Council Member Glaros.