



Prince George's County Council

Wayne K. Curry
Administration Building
1301 McCormick Dr
Largo, MD 20774

Meeting Agenda - Final General Assembly Committee

Wala Blegay, Chair

Edward P. Burroughs, Vice Chair

Mel Franklin

Sydney J. Harrison

Calvin S. Hawkins, II

Director ~ Marverly K. Nettles-Simpson

Staff ~ Edwin H. Brown, Jr.

(301) 952-3758

Tuesday, January 10, 2023

9:00 AM

Council Hearing Room

ORDER OF PROCEEDINGS

CALL TO ORDER

LOCAL BILLS

PG 303-23: Prince George's County – Speed Monitoring Systems on Maryland Route 210
(Indian Head Highway) – Penalties

PG 304-23: Prince George's County – Speed Monitoring Systems – Maryland Route 210
(Indian Head Highway)

PG 305-23: Prince George's County – Alcoholic Beverages – Development District License

PG 401-23: Economic Development – Independent Innovation Agency of Prince George's
County – Establishment

PG 501-23: Prince George's County Public Schools – Office of Integrity and Compliance –
Establishment

LOCAL BILIS (Continued)

MC/PG 101-23: Washington Suburban Sanitary Commission – Minority Business Enterprise Utilization Program – Revisions and Extension

MC/PG 103-23: Maryland–National Capital Park and Planning Commission – Collective Bargaining Agreement Implementation – Dispute Arbitration

MC/PG 107-23: Prince George’s County – Maryland–Washington Regional District – Standing to Request Review of Zoning and Land Use Decisions

MC/PG 109-23: Maryland–National Capital Park and Planning Commission – Members

ANNOUNCEMENTS

ADJOURN

For GAC January 10th Meeting
Prepared by: Evans & Associates

PG 303-23 – Prince George’s County – Speed Monitoring Systems on Maryland Route 210 (Indian Head Highway) – Penalties – Sponsor: Delegate Valderrama

- Establishes that penalties for speeding on Indian Head Highway (via speed monitoring systems) will not be a flat fee (\$40), but instead based on a tiered system
 - 12 to 21 MPH: \$40
 - 22 to 31 MPH: \$90
 - 32 to 41 MPH: \$160
 - 42 to 51 MPH: \$290
 - over 52 MPH: \$530
- Also increases penalties for multiple violations within 2-year period
 - Second violation: \$50, Third violation: \$150, Fourth violation: \$250, Fifth violation: \$300, Sixth violation: \$350
- FISCAL IMPACT: Fiscal note not available yet, but potentially meaningful
- RECOMMENDATION: Support, speed has been a concern on IHH for a long time, this will protect residents and hopefully incentivize drivers to slow down even more
- STATUS: Recently introduced as a local bill, had a public hearing in the Prince George’s County House Delegation on January 3rd

PG 304-23 – Prince George’s County – Speed Monitoring Systems – Maryland Route 210 (Indian Head Highway) – Sponsor: Delegate Valderrama

- Increases the maximum number of speed monitoring cameras on Indian Head Highway from 3 to 10, repeals the requirement that SHA conduct a traffic study, and removes the expiration date to none.
- FISCAL IMPACT: Fiscal note not available yet, but potentially meaningful
- RECOMMENDATION: Support, again speed has been a concern on IHH for a long time, more cameras should hopefully incentivize drivers to slow down
- STATUS: Recently introduced as a local bill, had a public hearing in the Prince George’s County House Delegation on January 3rd

PG 305-23 – Prince George’s County – Alcoholic Beverages – Development District License – Sponsor: Delegate Jazz Lewis

- Authorizes the Board of License Commissioners to issue any number of Class B-DD (development district) licenses to restaurants located on Central Avenue from the Capital Beltway to the DC Border. Intent to encourage local restaurants to open another location
- FISCAL IMPACT: Fiscal note not available yet
- RECOMMENDATION: Support, promotes development of independently-owned restaurants in the area

- STATUS: Recently introduced as a local bill, had a public hearing in the Prince George's County House Delegation on January 3rd

PG 401-23 – Economic Development – Independent Innovation Agency of Prince George's County – Establishment – Sponsor: Delegate Jazz Lewis

- Creates this agency to promote innovation and technology in the County
- Board makeup:
 - 1 Delegate and 1 Senator (appointed by Chairs of each respective Delegation),
 - 1 each from Prince George's County Chamber of Commerce, Maryland NAACP, Bowie Business Innovation Center, Innohub at Prince George's Community College, Startup UMD, Inncuvate, Employ Prince George's (appointed by CEX),
- Issue RFPs by Jan. 1, 2024 to conduct needs assessment on the entrepreneurial environment in the County in order to inform and educate agency's future actions
- Company selected will submit final report by Jan. 1, 2025
- Creates various programs including: Innovation Places Program, Entrepreneurs in Residence Program, Industry Sector Workgroup, Higher Education Talent Pipeline Workgroup
- State and County will jointly finance the Agency
- Creates the Prince George's County Venture Capital Fund
 - Special, nonlapsing fund
 - Money from State budget, interest earnings, investment returns and earnings
- FISCAL IMPACT: Fiscal note not available yet, bill does not specify costs of Agency
- RECOMMENDATION: Support, benefits County residents and stimulates economic development
- STATUS: Recently introduced as a local bill, had a public hearing in the Prince George's County House Delegation on January 3rd

PG 501-23 – Prince George's County Public Schools – Office of Integrity and Compliance – Establishment – Sponsor: Senator-Elect Alonzo Washington

- Newly created office that would have the authority to investigate waste, fraud, and abuse in the public school system and have the power to subpoena
- County Council selects and appoints the Officer, may remove for cause by majority vote
- Shall assist County Council and local school system by providing independent evaluation and recommendations to preserve the school system's reputation and improve the effectiveness, productivity, or efficiency of school programs, policies, practices, and operations
- Officer shall submit a projected budget for the Office each year to the County Board
- Duties of Office of Internal Audit will be transferred to this new Office
- FISCAL IMPACT: Fiscal note not available yet
- RECOMMENDATION: Support, another watchdog on the public school system

- STATUS: Recently introduced as a local bill, had a public hearing in the Prince George's County House Delegation on January 3rd

MC/PG 101-23 – Washington Suburban Sanitary Commission – Minority Business Enterprise Utilization Program – Revisions and Extension – Sponsor: Delegate Charles (requested by WSSC)

- Updates/modernizes the MBE utilization program within the WSSC, based on a disparity study conducted. Extends authority to conduct the program until 2028
- FISCAL IMPACT: Fiscal note not available yet
- RECOMMENDATION: Support, seeks to enhance opportunities to minority businesses within the private sector that have been systematically and historically discriminated against
- STATUS: Recently introduced as a local bill, had a public hearing in the Prince George's County House Delegation on January 3rd

MC/PG 103-23 – Maryland-National Capital Park and Planning Commission – Collective Bargaining Agreement Implementation – Dispute Arbitration – Sponsor: Senator Kramer

- Sets up a mediation/arbitration process in the event of an impasse between the exclusive bargaining representatives of the MNCPPC and its employees during the course of any given collective bargaining agreement.
- Outlines the timeframe for hearing the dispute and what the mediator/arbitrator may consider in rendering their decision.
- FISCAL IMPACT: Specifies that the cost of any economic provisions implemented this way will be included in the final MNCPPC budget for the year and borne by both Montgomery County and Prince George's County. However, the fiscal note is not available yet.
- RECOMMENDATION: TBD, Council may want to wait for fiscal and policy note to determine actual impact to the County
- STATUS: Recently introduced as a local bill, had a public hearing in the Prince George's County House Delegation on January 3rd

MC/PG 107-23 – Prince George's County – Maryland-Washington Regional District – Standing to Request Review of Zoning and Land Use Decisions – Sponsors: Delegates Lehman and Pena-Melnyk

- Alters the list of persons that may request judicial review of a final decision by the District Council or may request the District Council to review a decision of a zoning hearing examiner or planning board by removing the requirement that it be a person or entity that is aggrieved by the decision.
- FISCAL IMPACT: Fiscal note not available yet
- RECOMMENDATION: Support, Chair Dernoga spoke at hearing and gave his full support and could get 5 other Councilmembers to support

- STATUS: Recently introduced as a local bill, had a public hearing in the Prince George's County House Delegation on January 3rd

MC/PG 109-23 – Maryland-National Capital Park and Planning Commission – Members –

Sponsor: Delegate Foley

- Removes the prohibition against the five-person membership of each county of the MNCPPC containing more than three members of the same political party
- FISCAL IMPACT: Fiscal note not available yet, but none anticipated
- RECOMMENDATION: Supports, promotes quality over political party
- STATUS: Recently introduced as a local bill, had a public hearing in the Prince George's County House Delegation on January 3rd

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Gilani

Typed by: Sumer

Stored – 11/28/22

Proofread by _____

Checked by _____

By: **Prince George's County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Speed Monitoring Systems on Maryland Route 210**
3 **(Indian Head Highway) – Penalties**

4 **PG 303–23**

5 FOR the purpose of establishing civil penalties for violations recorded by speed monitoring
6 systems on Maryland Route 210 (Indian Head Highway) in Prince George's County
7 that are second or subsequent violations or that involve exceeding the maximum
8 speed limit by certain amounts; and generally relating to speed monitoring systems
9 on Maryland Route 210 (Indian Head Highway) in Prince George's County.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 21–809(c)
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2022 Supplement)

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

17 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



21-809.

(c) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while being operated in violation of this subtitle.

(2) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A civil penalty under this subsection may not exceed \$40.

(II) 1. THIS SUBPARAGRAPH APPLIES TO A CIVIL PENALTY ASSESSED TO THE OWNER OR DRIVER OF A MOTOR VEHICLE THAT IS RECORDED BY A SPEED MONITORING SYSTEM WHILE BEING OPERATED ON MARYLAND ROUTE 210 (INDIAN HEAD HIGHWAY) IN PRINCE GEORGE'S COUNTY IN VIOLATION OF THIS SUBTITLE.

2. SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, A CIVIL PENALTY UNDER THIS SUBPARAGRAPH IS AS FOLLOWS:

A. FOR EXCEEDING THE MAXIMUM POSTED SPEED LIMIT BY 12 TO 21 MILES PER HOUR, \$40;

B. FOR EXCEEDING THE MAXIMUM POSTED SPEED LIMIT BY 22 TO 31 MILES PER HOUR, \$90;

C. FOR EXCEEDING THE MAXIMUM POSTED SPEED LIMIT BY 32 TO 41 MILES PER HOUR, \$160;

D. FOR EXCEEDING THE MAXIMUM POSTED SPEED LIMIT BY 42 TO 51 MILES PER HOUR, \$290; OR

E. FOR EXCEEDING THE MAXIMUM POSTED SPEED LIMIT BY 52 MILES PER HOUR OR MORE, \$530.

3. THE OWNER OR DRIVER OF A MOTOR VEHICLE RECORDED BY A SPEED MONITORING SYSTEM IN VIOLATION OF THIS SUBTITLE IS SUBJECT TO THE FOLLOWING ADDITIONAL CIVIL PENALTIES:

- 1 **A. FOR A SECOND VIOLATION WITHIN A 2–YEAR PERIOD,**
2 **\$50;**
- 3 **B. FOR A THIRD VIOLATION WITHIN A 2–YEAR PERIOD,**
4 **\$150;**
- 5 **C. FOR A FOURTH VIOLATION WITHIN A 2–YEAR PERIOD,**
6 **\$250;**
- 7 **D. FOR A FIFTH VIOLATION WITHIN A 2–YEAR PERIOD,**
8 **\$300; AND**
- 9 **E. FOR A SIXTH OR SUBSEQUENT VIOLATION WITHIN A**
10 **2–YEAR PERIOD, \$350.**

11 (3) For purposes of this section, the District Court shall prescribe:

- 12 (i) A uniform citation form consistent with subsection (d)(1) of this
13 section and § 7–302 of the Courts Article; and
- 14 (ii) A civil penalty, which shall be indicated on the citation, to be paid
15 by persons who choose to prepay the civil penalty without appearing in District Court.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2023.

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Tracy
Typed by: Sumer
Stored – 12/01/22
Proofread by _____
Checked by _____

By: **Prince George’s County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George’s County – Speed Monitoring Systems – Maryland Route 210**
3 **(Indian Head Highway)**

4 **PG 304–23**

5 FOR the purpose of increasing the maximum number of speed monitoring systems that
6 may be placed and used on Maryland Route 210 (Indian Head Highway) in Prince
7 George’s County; repealing a certain requirement that the State Highway
8 Administration, in conjunction with the Prince George’s County Department of
9 Public Works and Transportation, perform a certain examination of Maryland Route
10 210 in Prince George’s County and report certain findings to the Governor and the
11 General Assembly; repealing a provision of law terminating the authority to place
12 speed monitoring systems on Maryland Route 210 in Prince George’s County; and
13 generally relating to the placement and use of speed monitoring systems on
14 Maryland Route 210 (Indian Head Highway) in Prince George’s County.

15 BY repealing and reenacting, without amendments,
16 Article – Transportation
17 Section 21–809(a)(1) and (8) and (b)(1)(i) and (vi)
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–809(b)(1)(vii)1.
Annotated Code of Maryland
(2020 Replacement Volume and 2022 Supplement)

BY repealing
Chapter 586 of the Acts of the General Assembly of 2019
Section 2

BY repealing and reenacting, with amendments,
Chapter 806 of the Acts of the General Assembly of 2018
Section 3

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

Article – Transportation

21–809.

(a) (1) In this section the following words have the meanings indicated.

(8) “Speed monitoring system” means a device with one or more motor
vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12
miles per hour above the posted speed limit.

(b) (1) (i) A speed monitoring system may not be used in a local jurisdiction
under this section unless its use is authorized by the governing body of the local jurisdiction
by local law enacted after reasonable notice and a public hearing.

(vi) This section applies to a violation of this subtitle recorded by a
speed monitoring system that meets the requirements of this subsection and has been
placed:

1. In Montgomery County or Prince George’s County, on a
highway in a residential district, as defined in § 21–101 of this title, with a maximum posted
speed limit of 35 miles per hour, which speed limit was established using generally accepted

traffic engineering practices;

2. In a school zone with a posted speed limit of at least 20 miles per hour;

3. In Prince George’s County:

A. Subject to subparagraph (vii)¹ of this paragraph, on Maryland Route 210 (Indian Head Highway); or

B. On that part of a highway located within the grounds of an institution of higher education as defined in § 10–101(h) of the Education Article, or within one-half mile of the grounds of a building or property used by the institution of higher education where generally accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or bicycle traffic is substantially generated or influenced by the institution of higher education;

4. Subject to subparagraph (vii)² of this paragraph, on Interstate 83 in Baltimore City; or

5. In Anne Arundel County, on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County–Howard County line.

(vii) 1. Not more than [three] 10 speed monitoring systems may be placed on Maryland Route 210 (Indian Head Highway).

Chapter 586 of the Acts of 2019

[SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway Administration, in conjunction with the Prince George’s County Department of Public Works and Transportation, shall:

(1) examine for Maryland Route 210 (Indian Head Highway) in Prince George’s County the engineering, infrastructure, and other relevant factors that it determines may contribute to the overabundance of motor vehicle accidents, injuries, and fatalities on the highway; and

(2) report its findings and recommendations on the most effective solutions to address these motor vehicle accidents, injuries, and fatalities on the highway to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before May 31, 2021.]

Chapter 806 of the Acts of 2018

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018. [It shall remain effective for a period of 5 years and, at the end of September 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2023.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Hollen

Typed by: Don

Stored – 12/21/22

Proofread by _____

Checked by _____

By: **Prince George's County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Development District License**3 **PG 305–23**

4 FOR the purpose of authorizing the Board of License Commissioners for Prince George's
5 County to issue Class B–DD licenses for restaurants located within a certain area on
6 Central Avenue; and generally relating to alcoholic beverages licenses in Prince
7 George's County.

8 BY repealing and reenacting, without amendments,
9 Article – Alcoholic Beverages
10 Section 26–102
11 Annotated Code of Maryland
12 (2016 Volume and 2022 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Alcoholic Beverages
15 Section 26–1614(a)(13) and (14)
16 Annotated Code of Maryland
17 (2016 Volume and 2022 Supplement)

18 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Alcoholic Beverages
Section 26–1614(a)(15)
Annotated Code of Maryland
(2016 Volume and 2022 Supplement)

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

Article – Alcoholic Beverages

26–102.

This title applies only in Prince George’s County.

26–1614.

(a) The Board may issue:

(13) one Class B–DD (Development District) license to a restaurant located
within 1 mile surrounding the intersection of East–West Highway and Belcrest Road; [and]

(14) up to 10 Class B–DD (Development District) licenses to restaurants
located within the Carillon development, located near the Arena Drive exit of the Capital
Beltway; **AND**

**(15) ANY NUMBER OF CLASS B–DD (DEVELOPMENT DISTRICT)
LICENSES TO RESTAURANTS LOCATED ON CENTRAL AVENUE, WITHIN THE AREA
FROM THE CAPITAL BELTWAY TO THE DISTRICT OF COLUMBIA BORDER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
1, 2023.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Clark

Typed by: Julia

Stored – 11/10/22

Proofread by _____

Checked by _____

By: **Prince George's County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Economic Development – Independent Innovation Agency of Prince George's**
3 **County – Establishment**

4 **PG 401–23**

5 FOR the purpose of establishing the Independent Innovation Agency of Prince George's
6 County to promote innovation and technology in Prince George's County;
7 establishing the Prince George's County Venture Capital Fund as a special,
8 nonlapsing fund; requiring interest earnings from the Fund to be credited to the
9 Fund; and generally relating to the Independent Innovation Agency of Prince
10 George's County.

11 BY adding to

12 Article – Economic Development

13 Section 12–901 through 12–913 to be under the new subtitle “Subtitle 9.
14 Independent Innovation Agency of Prince George's County”

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – State Finance and Procurement

19 Section 6–226(a)(2)(i)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)167. and 168.
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)169.
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

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

Article – Economic Development

SUBTITLE 9. INDEPENDENT INNOVATION AGENCY OF PRINCE GEORGE’S COUNTY.
12–901.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) “AGENCY” MEANS THE INDEPENDENT INNOVATION AGENCY OF
PRINCE GEORGE’S COUNTY.

(C) “BOARD” MEANS THE EXECUTIVE BOARD OF THE AGENCY.

(D) “COUNTY” MEANS PRINCE GEORGE’S COUNTY.

(E) “FUND” MEANS THE PRINCE GEORGE’S COUNTY VENTURE CAPITAL
FUND.

12–902.

THIS SUBTITLE APPLIES ONLY IN PRINCE GEORGE’S COUNTY.

12–903.

(A) THERE IS AN INDEPENDENT INNOVATION AGENCY OF PRINCE GEORGE’S COUNTY.

(B) (1) THE AGENCY IS A TAX–EXEMPT BODY POLITIC AND CORPORATE AND IS AN INSTRUMENTALITY OF THE STATE.

(2) THE AGENCY IS AN INDEPENDENT UNIT THAT THE GOVERNOR MAY NOT PLACE IN A PRINCIPAL DEPARTMENT OF STATE GOVERNMENT.

(C) THE PURPOSE OF THE AGENCY IS TO PROMOTE INNOVATION AND TECHNOLOGY IN PRINCE GEORGE’S COUNTY.

12–904.

(A) AN EXECUTIVE BOARD SHALL MANAGE THE AGENCY AND EXERCISE ITS CORPORATE POWERS.

(B) THE BOARD CONSISTS OF:

(1) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE CHAIR OF THE PRINCE GEORGE’S COUNTY HOUSE DELEGATION;

(2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE CHAIR OF THE PRINCE GEORGE’S COUNTY SENATE DELEGATION; AND

(3) THE FOLLOWING MEMBERS APPOINTED BY THE COUNTY EXECUTIVE:

(I) ONE REPRESENTATIVE FROM THE PRINCE GEORGE’S COUNTY CHAMBER OF COMMERCE;

(II) ONE REPRESENTATIVE FROM THE MARYLAND STATE
CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE;

(III) ONE REPRESENTATIVE FROM THE BOWIE BUSINESS
INNOVATION CENTER;

(IV) ONE REPRESENTATIVE FROM INNOHUB AT PRINCE
GEORGE'S COMMUNITY COLLEGE;

(V) ONE REPRESENTATIVE FROM STARTUP UMD;

(VI) ONE REPRESENTATIVE FROM INNCOVATE; AND

(VII) ONE REPRESENTATIVE FROM EMPLOY PRINCE GEORGE'S,
INC.

(C) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR
EVERY 2 YEARS.

(D) (1) THE TERM OF A MEMBER OF THE BOARD IS 2 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL
A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED
TERM SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR
IS APPOINTED AND QUALIFIES.

(E) (1) THE BOARD MAY ESTABLISH WORKGROUPS TO CONDUCT ITS
WORK.

(2) THE MEMBERSHIP OF A WORKGROUP MAY INCLUDE
INDIVIDUALS WHO ARE NOT MEMBERS OF THE BOARD.

12-905.

(A) (1) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR.

1 **(2) THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE**
2 **BOARD.**

3 **(3) THE BOARD SHALL DETERMINE THE SALARY OF THE EXECUTIVE**
4 **DIRECTOR.**

5 **(B) THE BOARD MAY EMPLOY A STAFF AND RETAIN PROFESSIONAL AND**
6 **CONSULTANT SERVICES.**

7 **(C) THE BOARD SHALL:**

8 **(1) DETERMINE THE POWERS AND DUTIES OF THE STAFF; AND**

9 **(2) SET THE COMPENSATION OF THE STAFF.**

10 **12-906.**

11 **THE AGENCY MAY:**

12 **(1) ADOPT A SEAL;**

13 **(2) SUE OR BE SUED;**

14 **(3) ADOPT BYLAWS AND RULES FOR THE CONDUCT OF ITS BUSINESS;**

15 **(4) ENTER INTO CONTRACTS AND OTHER LEGAL INSTRUMENTS;**

16 **(5) ACCEPT GRANTS, CONTRIBUTIONS, OR OTHER ASSISTANCE OF**
17 **ANY KIND FROM THE FEDERAL GOVERNMENT, THE STATE, A LOCAL GOVERNMENT,**
18 **A COLLEGE OR UNIVERSITY, OR OTHER PUBLIC OR PRIVATE SOURCE;**

19 **(6) INCLUDE IN ANY CONTRACT FOR FINANCIAL ASSISTANCE WITH**
20 **THE FEDERAL GOVERNMENT ANY REASONABLE AND APPROPRIATE CONDITION**
21 **IMPOSED UNDER FEDERAL LAW THAT IS NOT INCONSISTENT WITH THE PURPOSES**
22 **OF THIS SUBTITLE;**

(7) MAKE INVESTMENTS FROM THE FUND TO FURTHER THE PURPOSES OF THIS SUBTITLE;

(8) CREATE, OWN, CONTROL, OR BE A MEMBER OF A CORPORATION, A LIMITED LIABILITY COMPANY, A PARTNERSHIP, OR ANY OTHER ENTITY; AND

(9) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THIS SUBTITLE.

12-907.

(A) ON OR BEFORE JANUARY 1, 2024, THE BOARD SHALL ISSUE A REQUEST FOR PROPOSALS TO CONDUCT A NEEDS ASSESSMENT OF THE ENTREPRENEURIAL ENVIRONMENT IN THE COUNTY IN ORDER TO INFORM AND EDUCATE THE AGENCY'S FUTURE ACTIONS.

(B) A REQUEST FOR PROPOSALS UNDER THIS SECTION SHALL INCLUDE THE FOLLOWING ELEMENTS AND EXPECTATIONS:

(1) STUDYING TECHNOLOGY CLUSTERS IN THE COUNTY;

(2) REVIEWING THE CURRENT ENTREPRENEURIAL ENVIRONMENT OF THE COUNTY; AND

(3) IDENTIFYING BARRIERS TO ENTRY FOR START-UP COMPANIES AND ENTREPRENEURS IN THE COUNTY.

(C) ON OR BEFORE JANUARY 1, 2025, A PERSON AWARDED THE CONTRACT UNDER THE REQUEST FOR PROPOSALS SHALL SUBMIT A FINAL REPORT OF THE NEEDS ASSESSMENT REQUIRED IN SUBSECTION (A) OF THIS SECTION TO THE BOARD.

(D) ON OR BEFORE JANUARY 15, 2025, THE AGENCY SHALL SUBMIT A COPY OF THE FINAL REPORT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION TO THE COUNTY EXECUTIVE, THE PRINCE GEORGE'S COUNTY COUNCIL, AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE CHAIRS OF THE PRINCE GEORGE'S COUNTY DELEGATION TO THE MARYLAND GENERAL ASSEMBLY.

1 **(E) THE AGENCY MAY NOT ESTABLISH A WORKGROUP OR PROGRAM**
2 **REQUIRED UNDER THIS SUBTITLE UNTIL THE NEEDS ASSESSMENT AND FINAL**
3 **REPORT REQUIRED IN THIS SECTION ARE COMPLETE.**

4 **12-908.**

5 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
6 **INDICATED.**

7 **(2) “INNOVATION PLACE” MEANS AN AREA IN THE COUNTY THAT HAS**
8 **THE POTENTIAL TO BE A HUB FOR ENTREPRENEURS AND TECH START-UP**
9 **COMPANIES BASED ON LOCATION AND PROXIMITY TO A LOCAL ANCHOR**
10 **INSTITUTION.**

11 **(3) “PROGRAM” MEANS THE INNOVATION PLACES PROGRAM.**

12 **(B) (1) THERE IS AN INNOVATION PLACES PROGRAM IN THE AGENCY.**

13 **(2) THE PURPOSE OF THE PROGRAM IS TO FOSTER INNOVATION AND**
14 **ENTREPRENEURSHIP BY IDENTIFYING INNOVATION PLACES IN THE COUNTY.**

15 **(C) THE AGENCY SHALL:**

16 **(1) IDENTIFY AND DESIGNATE AREAS WITHIN THE COUNTY THAT**
17 **HAVE POTENTIAL TO BE INNOVATION PLACES THAT:**

18 **(I) ARE COMPACT; AND**

19 **(II) FALL WITHIN SPECIFIC MUNICIPALITIES OR**
20 **WELL-DEFINED UNINCORPORATED AREAS;**

21 **(2) IDENTIFY, DESIGNATE, AND FUND THE INITIAL COSTS OF**
22 **DEVELOPING AN INNOVATION PLACE; AND**

23 **(3) ENCOURAGE COLLABORATION BETWEEN LOCAL**
24 **ENTREPRENEURS AND START-UP COMPANIES AND THE FOLLOWING LOCAL**
25 **ANCHOR INSTITUTIONS:**

- (I) EDUCATIONAL FACILITIES;
- (II) MEDICAL CENTERS;
- (III) LARGE-SCALE BUSINESSES; AND
- (IV) GOVERNMENTAL ENTITIES.

12-909.

(A) IN THIS SECTION, “PROGRAM” MEANS THE ENTREPRENEURS-IN-RESIDENCE PROGRAM.

(B) (1) THERE IS AN ENTREPRENEURS-IN-RESIDENCE PROGRAM IN THE AGENCY.

(2) THE PURPOSE OF THE PROGRAM IS TO IDENTIFY HIGHLY EXPERIENCED ENTREPRENEURS WHO HAVE CREATED SUCCESSFUL INNOVATION-BASED START-UP COMPANIES AND MATCH THEM WITH ENTREPRENEURS AND START-UP COMPANIES IN THE COUNTY.

(C) THE AGENCY MAY DECIDE WHETHER A MENTOR IN THE PROGRAM SHOULD BE COMPENSATED BASED ON THE MENTOR’S TIME COMMITMENT TO THE PROGRAM.

12-910.

(A) IN THE SECTION, “WORKGROUP” MEANS THE INDUSTRY SECTOR WORKGROUP.

(B) THE AGENCY SHALL CONVENE AN INDUSTRY SECTOR WORKGROUP OF INTERESTED STAKEHOLDERS TO STUDY INDUSTRIES OF OPPORTUNITY IN THE COUNTY.

(C) THE WORKGROUP CONVENED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE REPRESENTATIVES FROM THE FOLLOWING INDUSTRIES:

(1) QUANTUM COMPUTING;

(2) LIFE SCIENCES OR HEALTH CARE;

(3) CONSTRUCTION; AND

(4) ANY OTHER INDUSTRY NECESSARY TO CARRY OUT THE PURPOSE OF THE WORKGROUP.

(D) THE WORKGROUP SHALL SET GOALS AND DEVELOP PLANS ON HOW THE AGENCY SHOULD INVEST AND SUPPORT INDUSTRIES OF OPPORTUNITY WITHIN THE COUNTY.

(E) (1) THE WORKGROUP SHALL BE AVAILABLE TO ADVISE THE AGENCY ON ITS FINDINGS ON REQUEST.

(2) ON OR BEFORE DECEMBER 1 EACH YEAR, THE WORKGROUP SHALL SUBMIT A REPORT TO THE AGENCY ON THE FINDINGS AND RECOMMENDATIONS OF THE WORKGROUP FROM THE IMMEDIATELY PRECEDING YEAR.

12-911.

(A) IN THIS SECTION, "WORKGROUP" MEANS THE HIGHER EDUCATION TALENT PIPELINE WORKGROUP.

(B) THE AGENCY SHALL CONVENE A HIGHER EDUCATION TALENT AND PIPELINE WORKGROUP OF INTERESTED STAKEHOLDERS TO FOCUS ON PROMOTING HOW INSTITUTIONS OF HIGHER EDUCATION CAN PARTNER WITH LOCAL ENTREPRENEURS AND START-UP COMPANIES TO FOSTER INNOVATION WITHIN THE COUNTY.

(C) THE WORKGROUP CONVENED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) REPRESENTATIVES FROM:

(I) THE UNIVERSITY OF MARYLAND, COLLEGE PARK;

1 (II) THE UNIVERSITY OF MARYLAND GLOBAL CAMPUS;

2 (III) PRINCE GEORGE'S COMMUNITY COLLEGE;

3 (IV) BOWIE STATE UNIVERSITY; AND

4 (V) CAPITOL COLLEGE; AND

5 (2) FOUR INDIVIDUALS WITH SIGNIFICANT EXPERIENCE IN
6 WORKFORCE DEVELOPMENT.

7 (D) THE WORKGROUP SHALL:

8 (1) IN CONSULTATION WITH LOCAL ENTREPRENEURS, BUSINESSES,
9 AND OTHER ENTITIES, MAKE PLANS FOR THE RESEARCH AND POTENTIAL
10 COMMERCIALIZATION OF TECHNOLOGIES WITHIN HIGHER EDUCATION; AND

11 (2) DEVELOP GOALS AND PLANS TO HELP STUDENTS BECOME
12 INNOVATORS AND ENTREPRENEURS IN THE COUNTY.

13 (E) (1) THE WORKGROUP SHALL BE AVAILABLE TO ADVISE THE AGENCY
14 ON ITS FINDINGS ON REQUEST.

15 (2) ON OR BEFORE DECEMBER 1 EACH YEAR, THE WORKGROUP
16 SHALL SUBMIT A REPORT TO THE AGENCY ON THE FINDINGS AND
17 RECOMMENDATIONS OF THE WORKGROUP FROM THE IMMEDIATELY PRECEDING
18 YEAR.

19 12-912.

20 (A) THE STATE AND THE COUNTY JOINTLY SHALL FINANCE THE AGENCY
21 AND ITS ACTIVITIES.

22 (B) THE AGENCY MAY ACCEPT ADDITIONAL MONEY FROM ANY OTHER
23 PUBLIC OR PRIVATE SOURCE.

24 12-913.

1 **(A) THERE IS A PRINCE GEORGE’S COUNTY VENTURE CAPITAL FUND.**

2 **(B) THE PURPOSE OF THE FUND IS TO, WITHIN THE COUNTY:**

3 **(1) INVEST IN TECH START-UP COMPANIES AND SMALL BUSINESSES;**

4 **AND**

5 **(2) PROMOTE INNOVATION AND TECHNOLOGY.**

6 **(C) THE AGENCY SHALL ADMINISTER THE FUND.**

7 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
8 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

9 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
10 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

11 **(E) THE FUND CONSISTS OF:**

12 **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

13 **(2) INTEREST EARNINGS;**

14 **(3) INVESTMENT RETURNS AND EARNINGS; AND**

15 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
16 **THE BENEFIT OF THE FUND.**

17 **(F) THE FUND MAY BE USED ONLY:**

18 **(1) TO PROVIDE INVESTMENTS FOR PROJECTS THAT FURTHER THE**
19 **PURPOSES OF THIS SUBTITLE; AND**

20 **(2) FOR ADMINISTRATIVE EXPENSES OF THE AGENCY.**

21 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
22 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

1 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
2 **THE FUND.**

3 **Article – State Finance and Procurement**

4 6–226.

5 (a) (2) (i) Notwithstanding any other provision of law, and unless
6 inconsistent with a federal law, grant agreement, or other federal requirement or with the
7 terms of a gift or settlement agreement, net interest on all State money allocated by the
8 State Treasurer under this section to special funds or accounts, and otherwise entitled to
9 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
10 Fund of the State.

11 (ii) The provisions of subparagraph (i) of this paragraph do not
12 apply to the following funds:

13 167. the Resiliency Hub Grant Program Fund; [and]

14 168. the Family and Medical Leave Insurance Fund; **AND**

15 **169. THE PRINCE GEORGE’S COUNTY VENTURE CAPITAL**
16 **FUND.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2023.

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Gutberlet
Typed by: Lynn
Stored – 11/04/22
Proofread by _____
Checked by _____

By: **Prince George's County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County Public Schools – Office of Integrity and Compliance –**
3 **Establishment**

4 **PG 501–23**

5 FOR the purpose of establishing the Office of Integrity and Compliance in the Prince
6 George's County public school system to evaluate, examine, investigate, report, and
7 make recommendations on certain issues related to the Prince George's County
8 public school system's effectiveness, productivity, efficiency, accountability, internal
9 controls, and compliance with applicable laws, policies, and standards; requiring the
10 County Council of Prince George's County to select and appoint an Integrity and
11 Compliance Officer to publish certain information on the Office of Integrity and
12 Compliance's website, establish and follow certain confidentiality procedures, report
13 certain violations, coordinate with the Prince George's County public school system
14 to develop a certain work plan, administer an oath or affirmation, take an affidavit
15 or deposition, issue a subpoena, and submit an annual budget for the Office of
16 Integrity and Compliance to the Prince George's County Board of Education;
17 requiring an employee, official, or vendor of the Prince George's County public school
18 system to provide certain information to the Integrity and Compliance Officer;
19 prohibiting a Prince George's County public school system employee, vendor, or
20 employee of a vendor from being retaliated against, penalized, or threatened with
21 retaliation for certain actions; authorizing a court of competent jurisdiction to compel

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



compliance with a certain order or subpoena or compel testimony or the production of evidence; requiring the county board to include in its annual budget proposal certain amounts for the Office of Integrity and Compliance; transferring the functions, powers, and duties of the Office of Internal Audit of the Prince George's County public school system to the Office of Integrity and Compliance on a certain date; and generally relating to the establishment of the Office of Integrity and Compliance in the Prince George's County public school system.

BY adding to

Article – Education

Section 4–404

Annotated Code of Maryland

(2022 Replacement Volume)

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

Article – Education

4–404.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “ABUSE” MEANS AN EMPLOYEE’S INTENTIONAL MISCONDUCT OR MISUSE OF AUTHORITY OR POSITION:

1. INVOLVING PROPERTY OR FUNDS OF THE LOCAL SCHOOL SYSTEM THAT IS IMPROPER OR DEFICIENT WHEN COMPARED TO CONDUCT A PRUDENT PERSON WOULD CONSIDER REASONABLE UNDER THE SAME FACTS AND CIRCUMSTANCES; OR

2. FOR THE PURPOSE OF FURTHERING IMPROPERLY THE PRIVATE INTERESTS OF THE EMPLOYEE, A FAMILY MEMBER, OR A CLOSE PERSONAL OR BUSINESS ASSOCIATE.

(II) “ABUSE” INCLUDES:

1 **1. THEFT OR MISAPPROPRIATION OF PROPERTY OR**
2 **FUNDS OF THE LOCAL SCHOOL SYSTEM; AND**

3 **2. DESTRUCTION OR ALTERATION OF OFFICIAL**
4 **RECORDS.**

5 **(3) (I) “FRAUD” MEANS AN INTENTIONAL ACT OR ATTEMPT TO**
6 **OBTAIN SOMETHING OF VALUE FROM THE LOCAL SCHOOL SYSTEM OR ANOTHER**
7 **PERSON THROUGH WILLFUL MISREPRESENTATION.**

8 **(II) “FRAUD” INCLUDES A WILLFUL FALSE REPRESENTATION**
9 **OF A MATERIAL FACT, WHETHER BY WORDS OR BY CONDUCT, BY FALSE OR**
10 **MISLEADING ALLEGATIONS, OR BY CONCEALMENT OF THAT WHICH SHOULD HAVE**
11 **BEEN DISCLOSED, THAT CAUSES THE LOCAL SCHOOL SYSTEM TO ACT, OR FAIL TO**
12 **ACT, TO THE DETRIMENT OF THE INTEREST OF THE LOCAL SCHOOL SYSTEM.**

13 **(4) “LOCAL SCHOOL SYSTEM” MEANS THE PRINCE GEORGE’S**
14 **COUNTY PUBLIC SCHOOL SYSTEM.**

15 **(5) “OFFICE” MEANS THE OFFICE OF INTEGRITY AND COMPLIANCE**
16 **IN THE LOCAL SCHOOL SYSTEM.**

17 **(6) “VENDOR” MEANS A PARTY OBLIGATED BY CONTRACT OR**
18 **SUBCONTRACT TO PROVIDE GOODS, SERVICES, OR PROPERTY TO THE LOCAL**
19 **SCHOOL SYSTEM FOR CONSIDERATION, INCLUDING CONTRACTS AND**
20 **SUBCONTRACTS FOR CONSTRUCTION AND PROFESSIONAL SERVICES RELATED TO**
21 **CONSTRUCTION.**

22 **(7) (I) “WASTE” MEANS AN INAPPROPRIATE ACT OR OMISSION BY**
23 **AN EMPLOYEE WITH CONTROL OVER OR ACCESS TO LOCAL SCHOOL SYSTEM**
24 **PROPERTY OR FUNDS THAT UNREASONABLY DEPRIVES THE LOCAL SCHOOL SYSTEM**
25 **OF VALUE.**

26 **(II) “WASTE” INCLUDES MISMANAGEMENT OR OTHER**
27 **UNINTENTIONAL CONDUCT THAT IS DEFICIENT OR IMPROPER WHEN COMPARED TO**
28 **CONDUCT THAT A PRUDENT PERSON WOULD CONSIDER NECESSARY TO PRESERVE**
29 **THE VALUE OF PROPERTY OR FUNDS OF THE LOCAL SCHOOL SYSTEM UNDER THE**
30 **SAME FACTS AND CIRCUMSTANCES.**

1 **(B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.**

2 **(C) (1) THERE IS AN OFFICE OF INTEGRITY AND COMPLIANCE IN THE**
3 **LOCAL SCHOOL SYSTEM.**

4 **(2) (I) THE COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY**
5 **SHALL SELECT AND APPOINT AN INTEGRITY AND COMPLIANCE OFFICER.**

6 **(II) THE COUNTY COUNCIL SHALL SELECT THE INTEGRITY AND**
7 **COMPLIANCE OFFICER SOLELY ON THE BASIS OF PROFESSIONAL ABILITY AND**
8 **PERSONAL INTEGRITY, WITHOUT REGARD TO POLITICAL AFFILIATION.**

9 **(III) THE INTEGRITY AND COMPLIANCE OFFICER MUST BE**
10 **QUALIFIED PROFESSIONALLY BY EXPERIENCE OR EDUCATION IN AUDITING,**
11 **GOVERNMENT OPERATIONS, OR FINANCIAL MANAGEMENT.**

12 **(D) (1) THE TERM OF THE INTEGRITY AND COMPLIANCE OFFICER IS 4**
13 **YEARS BEGINNING ON THE DATE OF APPOINTMENT.**

14 **(2) AN INDIVIDUAL MAY NOT SERVE AS INTEGRITY AND COMPLIANCE**
15 **OFFICER FOR MORE THAN THREE TERMS.**

16 **(3) THE INTEGRITY AND COMPLIANCE OFFICER CONTINUES TO**
17 **SERVE UNTIL A SUCCESSOR IS APPOINTED.**

18 **(4) IF A VACANCY OCCURS FOR THE INTEGRITY AND COMPLIANCE**
19 **OFFICER, THE COUNTY COUNCIL SHALL APPOINT AN INTERIM INTEGRITY AND**
20 **COMPLIANCE OFFICER TO SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM.**

21 **(5) THE COUNTY COUNCIL MAY REMOVE THE INTEGRITY AND**
22 **COMPLIANCE OFFICER ONLY THROUGH A MAJORITY VOTE OF THE COUNTY**
23 **COUNCIL FOR NEGLECT OF DUTY, MALFEASANCE, CONVICTION OF A FELONY, OR**
24 **OTHER GOOD CAUSE.**

25 **(6) THE INTEGRITY AND COMPLIANCE OFFICER SHALL DISCHARGE**
26 **THE DUTIES OF OFFICE ON A FULL-TIME BASIS AND WITH NO SECONDARY**
27 **EMPLOYMENT OF ANY NATURE DURING THE INTEGRITY AND COMPLIANCE**

OFFICER'S TERM.

(E) (1) THE OFFICE SHALL:

(I) ASSIST THE COUNTY COUNCIL AND THE LOCAL SCHOOL SYSTEM BY PROVIDING INDEPENDENT EVALUATION AND RECOMMENDATIONS REGARDING OPPORTUNITIES TO:

1. PRESERVE THE LOCAL SCHOOL SYSTEM'S REPUTATION; AND

2. IMPROVE THE EFFECTIVENESS, PRODUCTIVITY, OR EFFICIENCY OF LOCAL SCHOOL SYSTEM PROGRAMS, POLICIES, PRACTICES, AND OPERATIONS;

(II) ENSURE PUBLIC ACCOUNTABILITY BY PREVENTING, INVESTIGATING, AND REPORTING INSTANCES OF FRAUD, WASTE, AND ABUSE OF PROPERTY OR FUNDS OF THE LOCAL SCHOOL SYSTEM;

(III) EXAMINE, EVALUATE, AND REPORT ON THE ADEQUACY AND EFFECTIVENESS OF THE SYSTEMS OF INTERNAL CONTROLS AND THEIR RELATED ACCOUNTING, FINANCIAL, TECHNOLOGY, AND OPERATIONAL POLICIES; AND

(IV) REPORT NONCOMPLIANCE WITH AND PROPOSE WAYS TO IMPROVE EMPLOYEE COMPLIANCE WITH APPLICABLE LAW, POLICY, AND ETHICAL STANDARDS OF CONDUCT.

(2) IN DEVELOPING RECOMMENDATIONS, THE OFFICE MAY:

(I) CONDUCT ADMINISTRATIVE INVESTIGATIONS, BUDGETARY ANALYSES, AND FINANCIAL, MANAGEMENT, OR PERFORMANCE AUDITS AND SIMILAR REVIEWS;

(II) PROVIDE MANAGEMENT ADVISORIES; AND

(III) UTILIZE THE ASSISTANCE FROM ANY OTHER GOVERNMENT AGENCY OR PRIVATE PARTY TO COMPLETE A PROJECT INITIATED BY THE OFFICE.

1 **(3) WHEN APPLICABLE, THE INTEGRITY AND COMPLIANCE OFFICER**
2 **SHALL COMPLY WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS.**

3 **(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
4 **PARAGRAPH, THE INTEGRITY AND COMPLIANCE OFFICER SHALL PUBLISH ON THE**
5 **OFFICE’S WEBSITE, IN A READILY AVAILABLE LOCATION:**

6 **1. PERIODIC REPORTS THAT SUMMARIZE THE**
7 **ACTIVITIES, FINDINGS, RECOMMENDATIONS, AND ACCOMPLISHMENTS OF THE**
8 **OFFICE; AND**

9 **2. ANY OFFICIAL WRITTEN COMMENTS OR RESPONSES**
10 **OFFERED BY THE LOCAL SCHOOL SYSTEM ADMINISTRATION WITH ANY REPORT**
11 **PUBLISHED BY THE OFFICE.**

12 **(II) THE INTEGRITY AND COMPLIANCE OFFICER:**

13 **1. MAY NOT DISCLOSE ANY RECORD, REPORT, OR**
14 **RELATED INFORMATION THAT IS PROTECTED FROM DISCLOSURE UNDER THE**
15 **PUBLIC INFORMATION ACT;**

16 **2. MAY PROVIDE AN ORAL REPORT IF APPROPRIATE**
17 **UNDER GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS; AND**

18 **3. SHALL ESTABLISH AND FOLLOW PROCEDURES FOR**
19 **SAFEGUARDING THE IDENTITY OF CONFIDENTIAL SOURCES AND PROTECTING**
20 **PRIVILEGED AND CONFIDENTIAL INFORMATION.**

21 **(5) IF REASONABLE GROUNDS EXIST TO BELIEVE THAT A SERIOUS**
22 **VIOLATION OF FEDERAL, STATE, OR LOCAL LAW HAS OCCURRED, THE INTEGRITY**
23 **AND COMPLIANCE OFFICER SHALL REPORT THE ALLEGATION TO:**

24 **(I) AN APPROPRIATE LAW ENFORCEMENT AGENCY;**

25 **(II) THE STATE ETHICS COMMISSION; OR**

26 **(III) ANY OTHER AGENCY WITH JURISDICTION TO ENFORCE THE**
27 **LAW.**

1 **(F) (1) THE INTEGRITY AND COMPLIANCE OFFICER SHALL COORDINATE**
2 **WITH THE LOCAL SCHOOL SYSTEM TO DEVELOP A WRITTEN WORK PLAN AND**
3 **ESTABLISH PERIODIC GOALS AND PRIORITIES FOR THE OFFICE BASED ON AN**
4 **ASSESSMENT OF RELATIVE RISKS.**

5 **(2) IN DEVELOPING THE WORK PLAN, THE INTEGRITY AND**
6 **COMPLIANCE OFFICER SHALL TAKE INTO CONSIDERATION REQUESTS FROM:**

7 **(I) OFFICERS, ADMINISTRATORS, AND EMPLOYEES OF THE**
8 **LOCAL SCHOOL SYSTEM;**

9 **(II) ELECTED OFFICIALS; AND**

10 **(III) MEMBERS OF THE PUBLIC.**

11 **(3) THE INTEGRITY AND COMPLIANCE OFFICER SHALL MAKE THE**
12 **WRITTEN WORK PLAN AVAILABLE TO THE PUBLIC, SUBJECT TO THE PUBLIC**
13 **INFORMATION ACT.**

14 **(G) (1) (I) ON REQUEST FROM THE INTEGRITY AND COMPLIANCE**
15 **OFFICER, AN EMPLOYEE OR OFFICIAL OF THE LOCAL SCHOOL SYSTEM SHALL**
16 **PROVIDE PROMPTLY TO THE INTEGRITY AND COMPLIANCE OFFICER ANY**
17 **AVAILABLE DOCUMENT OR OTHER INFORMATION CONCERNING THE LOCAL SCHOOL**
18 **SYSTEM'S OPERATIONS, BUDGET, PROGRAMS, OR VENDOR CONTRACTS.**

19 **(II) 1. THE INTEGRITY AND COMPLIANCE OFFICER SHALL**
20 **NOTIFY THE COUNTY BOARD AND THE CHIEF EXECUTIVE OFFICER IF ANY**
21 **EMPLOYEE OR OFFICIAL OF THE LOCAL SCHOOL SYSTEM FAILS TO PROVIDE ANY**
22 **INFORMATION OR DOCUMENT REQUESTED UNDER THIS PARAGRAPH WITH**
23 **REASONABLE PROMPTNESS.**

24 **2. THE COUNTY BOARD AND THE CHIEF EXECUTIVE**
25 **OFFICER SHALL TAKE APPROPRIATE ADMINISTRATIVE ACTION TO PRODUCE LOCAL**
26 **SCHOOL SYSTEM COMPLIANCE WITH A PENDING REQUEST FOR INFORMATION BY**
27 **THE INTEGRITY AND COMPLIANCE OFFICER.**

28 **(2) (I) ON REQUEST FROM THE INTEGRITY AND COMPLIANCE**

1 **OFFICER, A VENDOR OF THE LOCAL SCHOOL SYSTEM SHALL PROVIDE PROMPTLY TO**
2 **THE INTEGRITY AND COMPLIANCE OFFICER ANY AVAILABLE DOCUMENT OR OTHER**
3 **INFORMATION CONCERNING ANY LOCAL SCHOOL SYSTEM VENDOR CONTRACT,**
4 **INCLUDING DOCUMENTS RELATED TO THE PROCUREMENT OF THE CONTRACT.**

5 **(II) 1. THE INTEGRITY AND COMPLIANCE OFFICER SHALL**
6 **NOTIFY THE COUNTY BOARD, THE CHIEF EXECUTIVE OFFICER, AND THE LOCAL**
7 **SCHOOL SYSTEM IF ANY VENDOR FAILS TO PROVIDE ANY INFORMATION OR**
8 **DOCUMENT REQUESTED UNDER THIS PARAGRAPH WITH REASONABLE**
9 **PROMPTNESS.**

10 **2. THE COUNTY BOARD AND THE CHIEF EXECUTIVE**
11 **OFFICER SHALL TAKE APPROPRIATE ADMINISTRATIVE OR CIVIL ACTION TO**
12 **PRODUCE VENDOR COMPLIANCE WITH A PENDING REQUEST FOR INFORMATION BY**
13 **THE INTEGRITY AND COMPLIANCE OFFICER.**

14 **(H) (1) EACH LOCAL SCHOOL SYSTEM EMPLOYEE SHOULD REPORT ANY**
15 **FRAUD, WASTE, OR ABUSE TO THE OFFICE.**

16 **(2) A LOCAL SCHOOL SYSTEM EMPLOYEE, VENDOR, OR EMPLOYEE OF**
17 **ANY VENDOR MAY NOT BE RETALIATED AGAINST OR PENALIZED, OR THREATENED**
18 **WITH RETALIATION OR PENALTY, FOR PROVIDING INFORMATION TO, COOPERATING**
19 **WITH, OR IN ANY WAY ASSISTING THE INTEGRITY AND COMPLIANCE OFFICER IN**
20 **CONNECTION WITH ANY ACTIVITY AUTHORIZED BY THIS SECTION.**

21 **(3) THE INTEGRITY AND COMPLIANCE OFFICER MAY NOT DISCLOSE**
22 **THE IDENTITY OF A PERSON THAT REPORTS AN ALLEGATION OF FRAUD, WASTE, OR**
23 **ABUSE UNLESS:**

24 **(I) THE REPORTING PERSON CONSENTS TO DISCLOSURE OF**
25 **THE PERSON'S IDENTITY;**

26 **(II) DISCLOSURE IS REASONABLY NECESSARY TO COMPLETE AN**
27 **AUDIT OR INVESTIGATION; OR**

28 **(III) ANOTHER PERSON IS LEGALLY ENTITLED TO DISCLOSURE**
29 **OF THE IDENTITY OF THE REPORTING PERSON.**

1 **(I) (1) THE INTEGRITY AND COMPLIANCE OFFICER MAY ADMINISTER AN**
2 **OATH OR AFFIRMATION OR TAKE AN AFFIDAVIT FROM ANY PERSON IF NECESSARY**
3 **TO PERFORM THE DUTIES UNDER THIS SECTION.**

4 **(2) THE INTEGRITY AND COMPLIANCE OFFICER MAY ADMINISTER AN**
5 **OATH AND TAKE A DEPOSITION AND OTHER TESTIMONY FOR THE PURPOSE OF**
6 **INVESTIGATING FRAUD, WASTE, OR ABUSE WITHIN THE LOCAL SCHOOL SYSTEM.**

7 **(3) THE INTEGRITY AND COMPLIANCE OFFICER MAY SUBPOENA ANY**
8 **PERSON OR EVIDENCE FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR**
9 **ABUSE WITHIN THE LOCAL SCHOOL SYSTEM.**

10 **(4) IF A PERSON FAILS TO COMPLY WITH A LAWFUL ORDER OR**
11 **SUBPOENA ISSUED UNDER THIS SUBSECTION, ON PETITION OF THE INTEGRITY AND**
12 **COMPLIANCE OFFICER, A COURT OF COMPETENT JURISDICTION MAY COMPEL:**

13 **(I) COMPLIANCE WITH THE ORDER OR SUBPOENA; OR**

14 **(II) TESTIMONY OR THE PRODUCTION OF EVIDENCE.**

15 **(J) (1) EACH YEAR THE INTEGRITY AND COMPLIANCE OFFICER SHALL**
16 **SUBMIT TO THE COUNTY BOARD A PROJECTED BUDGET FOR THE OFFICE FOR THE**
17 **UPCOMING FISCAL YEAR.**

18 **(2) THE COUNTY BOARD SHALL INCLUDE IN THE COUNTY BOARD'S**
19 **ANNUAL OPERATING BUDGET PROPOSAL THE AMOUNTS RECOMMENDED BY THE**
20 **INTEGRITY AND COMPLIANCE OFFICER FOR THE OFFICE FOR THE UPCOMING**
21 **FISCAL YEAR.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That the functions, powers, duties,
23 and employees of the Office of Internal Audit of the Prince George's County public school
24 system shall be transferred to the Office of Integrity and Compliance of the public school
25 system on the effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are
27 transferred to the Office of Integrity and Compliance of the Prince George's County public
28 school system as a result of this Act shall be transferred on the effective date of this Act
29 without any diminution of their rights, including collective bargaining rights, benefits, or

3lr0631

1 employment or retirement status.

2 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
3 1, 2023.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: McCurdy

Typed by: Julia

Stored – 11/01/22

Proofread by _____

Checked by _____

By: **Montgomery County Delegation and Prince George's County Delegation**
Requested by the Chair on behalf of WSSC

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Minority Business Enterprise**
3 **Utilization Program – Revisions and Extension**

4 **MC/PG 101–23**

5 FOR the purpose of revising the minority business enterprise utilization program within
6 the Washington Suburban Sanitary Commission, including altering the definition of
7 “minority business enterprise”, altering the duties of the Office of Supplier Diversity
8 and Inclusion, merging the program for design/build and construction contracts with
9 the program for the procurement of goods and services, altering requirements for
10 prime contractors in relation to minority business enterprise participation, and
11 altering certification requirements for businesses to participate in contract-specific
12 minority business enterprise goals and preferences authorized by the Commission;
13 extending until a certain date provisions relating to procurement from minority
14 business enterprises by the Commission; and generally relating to the Washington
15 Suburban Sanitary Commission and procurements from minority business
16 enterprises.

17 BY repealing and reenacting, with amendments,
18 Article – Public Utilities
19 Section 20–201, 20–202, 20–204, 20–206, 20–208, and 20–302
20 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2020 Replacement Volume and 2022 Supplement)

BY adding to

Article – Public Utilities

Section 20–202 and 20–205

Annotated Code of Maryland

(2020 Replacement Volume and 2022 Supplement)

BY repealing

Article – Public Utilities

Section 20–203 and 20–205

Annotated Code of Maryland

(2020 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 20–207

Annotated Code of Maryland

(2020 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Public Utilities

20–201.

(a) In this subtitle the following words have the meanings indicated.

(b) [Except as provided in § 20–203 of this subtitle, “minority] **“MINORITY business enterprise”** [means a legal entity that is:

(1) organized to engage in commercial transactions; and

(2) at least 51% owned and controlled by one or more individuals who are members of a group that is:

(i) disadvantaged socially or economically by the effects of past discrimination, including discrimination as to certification; and

(ii) identified by a study conducted in accordance with this subtitle or a similar, previously conducted study] **HAS THE MEANING STATED IN § 14–301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

(c) “Office” means the Office of Supplier Diversity and Inclusion established under [§ 20–202] **§ 20–203** of this subtitle.

20–202.

THE GENERAL ASSEMBLY FINDS THE FOLLOWING:

(1) THE GENERAL ASSEMBLY WISHES TO PROVIDE ALL CITIZENS OF MARYLAND WITH EQUAL ACCESS TO BUSINESS FORMATION AND BUSINESS GROWTH OPPORTUNITIES;

(2) THE ELIMINATION OF DISCRIMINATION AGAINST MINORITY– AND WOMEN–OWNED BUSINESSES IS OF PARAMOUNT IMPORTANCE TO THE FUTURE WELFARE OF THE COMMUNITY SERVED BY THE COMMISSION;

(3) THE COMMISSION HAS PROCURED, RECEIVED, ACCEPTED, AND CAREFULLY REVIEWED A DISPARITY STUDY COMMISSIONED BY THE COMMISSION AND FINDS THAT THE DISPARITY STUDY PROVIDES A STRONG BASIS IN EVIDENCE DEMONSTRATING PERSISTENT DISCRIMINATION AGAINST MINORITY– AND WOMEN–OWNED BUSINESSES;

(4) BASED ON ITS REVIEW OF THE DISPARITY STUDY:

(I) THERE ARE SUBSTANTIAL AND STATISTICALLY SIGNIFICANT ADVERSE DISPARITIES THAT ARE STRONG EVIDENCE OF DISCRIMINATION AGAINST MINORITIES AND NONMINORITY WOMEN IN WAGES, BUSINESS FORMATION, BUSINESS OWNER EARNINGS, AND ACCESS TO CAPITAL IN THE SAME GEOGRAPHIC MARKETS AND INDUSTRY CATEGORIES IN WHICH THE COMMISSION DOES BUSINESS;

1 **(II) THE COMMISSION WOULD BECOME A PASSIVE PARTICIPANT**
2 **IN PRIVATE SECTOR RACIAL AND GENDER DISCRIMINATION IF IT ELIMINATED ITS**
3 **REMEDIAL EFFORTS, INCLUDING THE OPERATION OF THE MINORITY BUSINESS**
4 **ENTERPRISE UTILIZATION PROGRAM ESTABLISHED UNDER § 20-204 OF THIS**
5 **SUBTITLE;**

6 **(III) THERE REMAIN SUBSTANTIAL AND STATISTICALLY**
7 **SIGNIFICANT ADVERSE DISPARITIES THAT ARE CONSISTENT WITH DISCRIMINATION**
8 **AGAINST MINORITIES AND NONMINORITY WOMEN IN THE COMMISSION’S OWN**
9 **PROCUREMENT DESPITE THE COMMISSION’S ASSERTIVE EFFORTS TO CURTAIL**
10 **THAT DISCRIMINATION;**

11 **(IV) THERE ARE SUBSTANTIAL AND STATISTICALLY**
12 **SIGNIFICANT ADVERSE DISPARITIES THAT ARE CONSISTENT WITH DISCRIMINATION**
13 **AGAINST BUSINESSES OWNED BY MINORITIES AND NONMINORITY WOMEN IN ALL**
14 **MAJOR INDUSTRY CATEGORIES IN WHICH THE COMMISSION PROCURES GOODS AND**
15 **SERVICES;**

16 **(V) THERE IS AMPLE EVIDENCE THAT DISCRIMINATION IN THE**
17 **PRIVATE SECTOR HAS DEPRESSED BUSINESS FORMATION AND BUSINESS GROWTH**
18 **AMONG MINORITY AND NONMINORITY WOMEN ENTREPRENEURS IN THE**
19 **GEOGRAPHIC MARKETS AND INDUSTRY CATEGORIES IN WHICH THE COMMISSION**
20 **DOES BUSINESS; AND**

21 **(VI) THERE IS POWERFUL AND PERSUASIVE QUALITATIVE**
22 **EVIDENCE, BOTH STATISTICAL AND ANECDOTAL, OF DISCRIMINATION AGAINST**
23 **MINORITY AND NONMINORITY WOMEN BUSINESS OWNERS IN BOTH THE PUBLIC AND**
24 **PRIVATE SECTORS IN THE GEOGRAPHIC MARKETS AND INDUSTRY CATEGORIES IN**
25 **WHICH THE COMMISSION DOES BUSINESS;**

26 **(5) AS A RESULT OF ONGOING DISCRIMINATION AND THE PRESENT**
27 **DAY EFFECTS OF PAST DISCRIMINATION, MINORITY- AND WOMEN-OWNED**
28 **BUSINESSES COMBINED CONTINUE TO BE SIGNIFICANTLY UNDERUTILIZED**
29 **RELATIVE TO THEIR AVAILABILITY TO PERFORM WORK IN ALL OF THE**
30 **PROCUREMENT CATEGORIES IN WHICH THE COMMISSION DOES BUSINESS;**

31 **(6) MINORITY PRIME CONTRACTORS ALSO ARE SUBJECT TO**
32 **DISCRIMINATION AND CONFRONT ESPECIALLY DAUNTING BARRIERS IN**

1 ATTEMPTING TO COMPETE WITH VERY LARGE AND LONG-ESTABLISHED
2 NONMINORITY COMPANIES;

3 (7) DESPITE THE FACT THAT THE COMMISSION HAS EMPLOYED, AND
4 CONTINUES TO EMPLOY, NUMEROUS AND ROBUST RACE-NEUTRAL REMEDIES,
5 INCLUDING AGGRESSIVE OUTREACH AND ADVERTISING, TRAINING AND EDUCATION,
6 A SMALL LOCAL BUSINESS PROGRAM, AND OTHER EFFORTS, THERE IS A STRONG
7 BASIS IN EVIDENCE THAT DISCRIMINATION PERSISTS EVEN IN PUBLIC SECTOR
8 PROCUREMENT WHERE THESE EFFORTS HAVE BEEN EMPLOYED;

9 (8) THIS SUBTITLE ENSURES THAT RACE-NEUTRAL EFFORTS WILL BE
10 USED TO THE MAXIMUM EXTENT FEASIBLE AND THAT RACE-CONSCIOUS MEASURES
11 WILL BE USED ONLY WHERE NECESSARY TO ELIMINATE DISCRIMINATION THAT WAS
12 NOT ALLEVIATED BY RACE-NEUTRAL EFFORTS;

13 (9) THIS SUBTITLE CONTINUES AND ENHANCES EFFORTS TO ENSURE
14 THAT THE COMMISSION LIMITS THE BURDEN ON NONMINORITY BUSINESSES AS
15 MUCH AS POSSIBLE BY ENSURING THAT ALL GOALS ARE DEVELOPED USING THE
16 BEST AVAILABLE DATA AND THAT WAIVERS ARE AVAILABLE WHEN CONTRACTORS
17 MAKE GOOD FAITH EFFORTS;

18 (10) THIS SUBTITLE ENSURES THAT THE OPERATION OF THE MINORITY
19 BUSINESS ENTERPRISE UTILIZATION PROGRAM ESTABLISHED UNDER § 20-204 OF
20 THIS SUBTITLE IS CONSISTENT WITH THE DISPARITY STUDY DATA AND IS NARROWLY
21 TAILORED TO THE COMPELLING INTERESTS OF THE STATE; AND

22 (11) COMMISSION EFFORTS TO SUPPORT THE DEVELOPMENT OF
23 COMPETITIVELY VIABLE BUSINESSES OWNED BY WOMEN AND MINORITIES WILL
24 ASSIST IN REDUCING DISCRIMINATION AND CREATING JOBS FOR ALL CITIZENS OF
25 MARYLAND.

26 [20-202.] 20-203.

27 (a) There is an Office of Supplier Diversity and Inclusion in the Commission.

28 (b) The head of the Office is the Director of the Office of Supplier Diversity and
29 Inclusion.

(c) The Office shall:

(1) administer each Commission program that is created to [promote the growth of or participation by] **REMEDY DISCRIMINATION AGAINST** minority [or] **BUSINESS ENTERPRISES AND PROMOTE THE PARTICIPATION OF** local small business enterprises, including:

(i) [the minority business enterprise utilization program for design/build and construction contracts under § 20–203 of this subtitle;

(ii)] the minority business enterprise utilization program [for the procurement of other goods and services] under § 20–204 of this subtitle; and

[(iii)] **(II)** the local small business enterprise program under Subtitle 3 of this title;

(2) promote and coordinate the plans, programs, and operations of the Commission [that promote or affect the establishment, preservation, and strengthening of minority business enterprises] **TO REMEDY DISCRIMINATION AGAINST MINORITY BUSINESS ENTERPRISES AND THE EFFECTS OF DISCRIMINATION;**

(3) promote activities and the use of the resources of the Commission, local governments, and private entities [for the growth of] **TO REMEDY DISCRIMINATION AGAINST** minority business enterprises **AND THE EFFECTS OF DISCRIMINATION; AND**

(4) [provide technical and managerial assistance to minority business enterprises;

(5) schedule seminars and workshops to educate minority businesses on how the Commission conducts business; and

(6)] ensure compliance with certified minority business enterprise subcontract participation goals under § 20–206 of this subtitle.

[20–203.

(a) In this section, “minority business enterprise” has the meaning stated in § 14–301 of the State Finance and Procurement Article.

1 (b) (1) By resolution and adopting regulations, the Commission shall establish
2 a mandatory minority business enterprise utilization program to facilitate the participation
3 of responsible certified minority business enterprises in contracts awarded by the
4 Commission in accordance with its competitive bidding or proposal procedures under
5 Subtitle 1 of this title.

6 (2) The Office shall administer the program established under this
7 subsection.

8 (c) Regulations that establish the program under subsection (b) of this section
9 shall include provisions that:

10 (1) recognize the certification of minority business enterprises by the State
11 certification agency designated under § 14–303(b) of the State Finance and Procurement
12 Article;

13 (2) recognize any other certification program that the Commission
14 determines substantially duplicates the requirements of the State certification agency;

15 (3) provide for the graduation of a minority business enterprise from the
16 program if the Commission determines that the minority business enterprise no longer
17 requires the assistance or benefits offered by the program;

18 (4) at the time of submission, require a bid or proposal based on a
19 solicitation with an expected degree of minority business enterprise participation to include
20 proof of a certified minority business enterprise commitment by stating:

21 (i) the potential subcontract opportunities available in the prime
22 procurement contract; and

23 (ii) the number of minority business enterprises that have certified,
24 under the penalties for perjury, that the minority business enterprise has entered into an
25 agreement with the bidder or offeror to provide goods or services under specific terms
26 outlined in the certification;

27 (5) require each general contractor to submit to the Commission monthly
28 reports of the number of minority business enterprises employed by the general contractor;

(6) require each general contractor to provide prompt notification to the Commission if a contract with a minority business enterprise is terminated;

(7) require each general contractor to:

(i) maintain a participation level from minority business enterprises that is consistent with the participation level referenced under item (4)(ii) of this subsection; or

(ii) provide justification for the inability of the general contractor to maintain the participation level;

(8) provide for an increase in minority business enterprise participation as general contractors and subcontractors; and

(9) authorize the waiver of all or part of the program for a specific contract if the Commission determines that applying the program to the contract would conflict with the overall objectives and responsibilities of the Commission.

(d) Before accepting an alternative certification program under subsection (c)(2) of this section, the Commission shall examine the alternative program to ensure that the alternative program complies with the guidelines established under § 20–205 of this subtitle.]

20–204.

(a) (1) By resolution and adopting regulations, the Commission shall establish a minority business enterprise utilization program to [facilitate the participation of responsible certified] **REMEDY DISCRIMINATION AGAINST** minority business enterprises in contracts awarded by the Commission [for goods and services that are not covered under § 20–203 of this subtitle,] if the Commission determines that:

(i) [minority business enterprises are underrepresented in the award of these contracts due to the effects of past discrimination] **THERE IS A STRONG BASIS IN EVIDENCE THAT MINORITY BUSINESS ENTERPRISES ARE SUBJECT TO DISCRIMINATION**; and

(ii) a program is necessary to remedy the effects of this [past] discrimination.

(2) The Office shall administer the program established under this subsection.

(b) Regulations that establish the program under subsection (a) of this section shall include provisions that:

(1) recognize the certification of minority business enterprises by the State certification agency designated under § 14–303(b) of the State Finance and Procurement Article **AND THE REGULATIONS ADOPTED UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

(2) recognize any other certification program that the Commission determines, **UNDER § 20–205 OF THIS SUBTITLE,** substantially duplicates the requirements of the State certification agency;

[(3) provide for the graduation of a minority business enterprise from the program if the Commission determines that the minority business enterprise no longer requires the assistance or benefits offered by the program;

(4) at the time of submission, require a bid or proposal based on a solicitation with an expected degree of minority business enterprise participation to include proof of a certified minority business enterprise commitment by stating:

(i) the potential subcontract opportunities available in the prime procurement contract; and

(ii) the number of minority business enterprises that have certified, under the penalties for perjury, that the minority business enterprise has entered into an agreement with the bidder or offeror to provide goods or services under specific terms outlined in the certification;]

(3) ESTABLISH A RANGE OF RACE-NEUTRAL PROGRAMS AND POLICIES AIMED AT REMEDYING DISCRIMINATION, INCLUDING EFFORTS TO ASSIST SMALL AND UNDERUTILIZED BUSINESSES WITH:

1 (I) GROWING THE BUSINESS AND BEING COMPETITIVE;

2 (II) UNDERSTANDING AND NAVIGATING THE COMMISSION'S
3 PROCUREMENT PROCESS AND REQUIREMENTS; AND

4 (III) THRIVING AS BOTH SUBCONTRACTORS AND PRIME
5 CONTRACTORS;

6 (4) AT THE TIME OF SUBMISSION, REQUIRE A BID OR PROPOSAL
7 BASED ON A SOLICITATION THAT INCLUDES A MINORITY BUSINESS ENTERPRISE
8 PARTICIPATION GOAL TO INCLUDE, UNDER PENALTIES OF PERJURY,
9 DOCUMENTATION:

10 (I) ABOUT EACH MINORITY BUSINESS THAT HAS CERTIFIED
11 THAT THE MINORITY BUSINESS AGREES TO PROVIDE SPECIFIC GOODS AND
12 SERVICES UNDER SPECIFIC TERMS OUTLINED IN THE CERTIFICATION; AND

13 (II) OF GOOD FAITH EFFORTS TO MEET ANY PART OF A GOAL
14 NOT MET BY THE DOCUMENTATION REQUIRED UNDER ITEM (I) OF THIS ITEM;

15 (5) require each [general] PRIME contractor to submit to the Commission
16 monthly reports [of the number of minority business enterprises employed by the general
17 contractor] CONTAINING INFORMATION REQUIRED BY THE OFFICE;

18 (6) require each [general] PRIME contractor, WHEN FEASIBLE, to provide
19 prompt notification to the Commission [if a contract] BEFORE THE TERMINATION OF A
20 CONTRACT with a minority business enterprise [is terminated];

21 (7) require each [general] PRIME contractor to:

22 (i) maintain [a] participation [level] from minority business
23 enterprises that is consistent with the participation [level] referenced under item [(4)(ii)]
24 (4) of this subsection; or

25 (ii) provide [justification for the inability of the general contractor]
26 DOCUMENTATION OF GOOD FAITH EFFORTS to maintain the participation [level]
27 REFERENCED UNDER ITEM (4) OF THIS SUBSECTION;

(8) provide for minority business enterprise participation through
[subcontracting] **CONTRACT-SPECIFIC GOALS;**

(9) [(i)] authorize the waiver of all or part of the program for a specific
contract if the Commission determines that applying the program to the contract would
conflict with **THE LAW OR** the overall objectives and responsibilities of the Commission;
[and

(ii) require the Commission to report annually to the Montgomery
County and Prince George's County Senate and House Delegations to the Maryland
General Assembly on any waivers granted under this subsection;]

(10) [except as provided in item (11) of this subsection, provide] **ALLOW** for
a system of granting a **PRICE** preference [of up to the lesser of 5% or \$50,000] to minority
business enterprises in evaluating bids or proposals, **INCLUDING THE AVAILABILITY OF**
A GOOD FAITH WAIVER PROVISION FOR A PREFERENCE;

(11) [subject to subsection (d) of this section, establish a sheltered market
program in which bidding on procurement contracts designated by the Commission as
appropriate is restricted to certified minority business enterprises] **AUTHORIZE THE**
ESTABLISHMENT OF A RACE-NEUTRAL PROGRAM TO ENCOURAGE FIRMS TO
DEVELOP PRIME CONTRACTING EXPERIENCE AND EXPERTISE;

(12) require the solicitation document accompanying each solicitation to set
forth the regulations that establish the program; **AND**

(13) [require the geographic location and the principal place of business of
the minority business enterprise to be a consideration for participation in the program,
including requiring Montgomery County businesses and Prince George's County businesses
to each have a targeted percentage of at least 40% of any contracts; and

(14)] authorize the Commission to:

(i) refuse to recognize the certification of a business found to be in
violation of the purposes of the program; and

(ii) permanently bar an active principal of a violating business from
future participation in the program.

1 [(c) Before accepting an alternative certification program under subsection (b)(2)
2 of this section, the Commission shall examine the alternative program to ensure that:

3 (1) the alternative program complies with the guidelines established under
4 § 20–205 of this subtitle; and

5 (2) the principal owner of an eligible minority business enterprise is in not
6 more than one certified business that is participating in the Commission minority business
7 enterprise utilization program under this section.

8 (d) (1) The sheltered market program established in subsection (b)(11) of this
9 section may not be used until all less restrictive remedies under subsection (b) of this
10 section and race–neutral remedies, including assistance with bonding requirements,
11 financing, or bidding procedures for small firms, have been used and determined to be
12 ineffective.

13 (2) If at least three certified minority business enterprises bid on a contract
14 under the sheltered market program, the Commission shall award the contract to the
15 lowest bidder.

16 (3) If fewer than three certified minority business enterprises bid on a
17 contract under the sheltered market program, the contract shall be awarded under
18 subsection (b)(10) of this section.]

19 [20–205.

20 (a) (1) A certifying agency shall determine bona fide minority group
21 membership based on an individual’s claim that the individual is:

22 (i) a member of a minority group; and

23 (ii) regarded as a member by that minority community.

24 (2) A certifying agency may determine that an individual’s claim under this
25 subsection is invalid.

(b) (1) To be eligible for certification as a minority business enterprise and participation in a minority business enterprise utilization program under § 20–203 or § 20–204 of this subtitle, a business shall meet the standards under this subsection.

(2) (i) A minority business enterprise shall be an independent business.

(ii) A certifying agency shall determine whether a business is independent by considering:

1. the date the business was established;

2. the adequacy of the resources of the business for the work required under the contract;

3. the degree to which financial, equipment leasing, and other relationships with nonminority businesses vary from industry practice; and

4. any other relevant factor.

(3) A minority owner shall have real, substantial, and continuing ownership and control of the business that goes beyond the pro forma ownership of the business as reflected in the ownership documents.

(4) A minority owner shall have the customary incidents of ownership and share in the risks and profits commensurate with the ownership interests in the business as demonstrated by an examination of the substance rather than the form of the arrangements.

(5) Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for certification as a minority business enterprise.

(6) (i) A minority owner shall have the power to:

1. direct or cause the direction of the management and policies of the business; and

2. make the day-to-day and major decisions on matters of management, policy, and operations for the business.

1 (ii) The business may not be subject to a formal or informal
2 restriction, including a bylaw, partnership agreement, or charter requirement for
3 cumulative voting rights, that prevents a minority owner from making a business decision
4 without the cooperation or vote of an owner who is not a minority.

5 (7) (i) The business may not be operated disproportionately by the
6 owners of the business who are not minorities.

7 (ii) If the management of the business is contracted out to an
8 individual other than the owner, the individual who has the ultimate power to hire and fire
9 the managers may be considered as controlling the business.

10 (8) (i) Minorities shall directly hold all securities that constitute
11 ownership or control of a corporation for the purpose of establishing the corporation as a
12 minority business enterprise.

13 (ii) Securities held in trust or by a guardian for a minor may not be
14 considered held by minorities in determining the ownership or control of a corporation.

15 (9) A contribution of capital or expertise by a minority owner to acquire an
16 interest in a business shall be real and substantial and may not include:

17 (i) a promise to contribute capital;

18 (ii) a note payable to the business or owners of the business who are
19 not socially and economically disadvantaged; or

20 (iii) participation as an employee and not as a manager.

21 (c) In determining eligibility as a minority business enterprise, a certifying
22 agency shall:

23 (1) closely scrutinize a newly formed business, or a business for which the
24 ownership or control has changed since the date of the advertisement of the contract, to
25 determine the reason for the timing of the formation or change;

(2) carefully review a previous or continuing employer–employee relationship among present owners to ensure that an employee–owner has the management responsibilities and capabilities required under this section; and

(3) carefully review a relationship between a minority business enterprise and a business that is not a minority business enterprise that has an interest in the minority business enterprise to determine if the interest of the nonminority business conflicts with the ownership and control requirements of this section.]

20–205.

(A) TO PARTICIPATE IN THE CONTRACT–SPECIFIC GOALS AND PREFERENCES AUTHORIZED UNDER THIS SUBTITLE, A BUSINESS MUST:

(1) BE CERTIFIED BY A CERTIFICATION AGENCY IN ACCORDANCE WITH TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS ADOPTED UNDER THAT SUBTITLE;

(2) (I) BE CERTIFIED BY ANY CERTIFICATION AGENCY; AND

(II) SUBMIT ALL ADDITIONAL DOCUMENTATION NECESSARY FOR THE OFFICE TO DETERMINE THAT THE BUSINESS MEETS THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS ADOPTED UNDER THAT SUBTITLE; OR

(3) BE CERTIFIED UNDER A CERTIFICATION PROGRAM THAT THE COMMISSION DETERMINES SUBSTANTIALLY DUPLICATES THE REQUIREMENTS FOR A STATE CERTIFICATION AGENCY UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS ADOPTED UNDER THAT SUBTITLE.

(B) TO SUBSTANTIALLY DUPLICATE THE REQUIREMENTS FOR A STATE CERTIFICATION AGENCY UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS ADOPTED UNDER THAT SUBTITLE, A CERTIFICATION PROGRAM SHALL, AT A MINIMUM, HAVE CERTIFICATION REQUIREMENTS THAT ARE AT LEAST AS NARROWLY TAILORED AS THE STATE’S REQUIREMENTS IN TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND

**PROCUREMENT ARTICLE AND THE REGULATIONS ADOPTED UNDER THAT SUBTITLE
WITH RESPECT TO:**

(1) BUSINESS OWNERSHIP AND CONTROL;

(2) BUSINESS SIZE STANDARDS;

(3) BUSINESS OWNER PERSONAL NET WORTH; AND

(4) BUSINESS OWNER SOCIAL AND ECONOMIC DISADVANTAGE.

**(C) IF THE OFFICE DETERMINES THAT A BUSINESS SEEKING TO
PARTICIPATE IN THE MINORITY BUSINESS ENTERPRISE UTILIZATION PROGRAM
ESTABLISHED UNDER § 20–204 OF THIS SUBTITLE HAS A CERTIFICATION THAT DOES
NOT SUBSTANTIALLY DUPLICATE THE REQUIREMENTS IN TITLE 14, SUBTITLE 3 OF
THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS
ADOPTED UNDER THAT SUBTITLE, THE OFFICE MAY:**

**(1) REQUEST AND EVALUATE DOCUMENTATION AND EVIDENCE
NECESSARY TO DETERMINE WHETHER THE BUSINESS MAY BE AUTHORIZED TO
PARTICIPATE IN PROGRAMS UNDER THIS SUBTITLE; AND**

**(2) FOLLOWING THE EVALUATION UNDER ITEM (1) OF THIS
SUBSECTION, AUTHORIZE A BUSINESS TO PARTICIPATE IN PROGRAMS UNDER THIS
SUBTITLE.**

20–206.

(a) The Office shall verify that a certified minority business enterprise listed in a
schedule of participation is actually performing work and receiving compensation as
established in the schedule.

(b) To facilitate the Office completing its duties under subsection (a) of this
section, a contractor shall:

(1) allow the Office to inspect any relevant matter, including records and
the job site;

(2) allow the Office to interview subcontractors and employees of the contractor;

(3) [if performing a construction contract,] ensure that subcontractors[:

(i) are paid any undisputed amount to which the subcontractor is entitled as provided under § 15–226 of the State Finance and Procurement Article; and

(ii)] comply with Commission regulations;

(4) include in the agreement with the certified minority business enterprise subcontractor a requirement that the subcontractor submit a monthly report to the Commission that:

(i) identifies the prime contract; and

(ii) lists payments received from the contractor in the previous month and invoices sent to the contractor that have not been paid; and

(5) submit a monthly report to the Commission that lists:

(i) unpaid invoices that are more than 30 days old received from certified minority business enterprise subcontractors; and

(ii) the reason payments have not been made.

(c) (1) (i) On completion of a contract or before final payment or release of retainage, the Commission may require a [general] **PRIME** contractor on a contract having a minority business enterprise subcontracting goal to submit to the Commission a final report of all payments made to or withheld from minority business enterprise subcontractors.

(ii) The final report shall be in affidavit form and under the penalties for perjury.

(2) Each solicitation shall contain notice of the requirements of this subsection.

(d) (1) On a finding that a contractor is noncompliant, the Commission shall notify the contractor in writing of the findings and state the required corrective action.

(2) A noncompliant contractor shall:

(i) initiate the corrective action within 10 days after receiving the written notice; and

(ii) complete the corrective action within the time specified by the Commission.

(e) If the Commission finds that a [general] **PRIME** contractor is in material noncompliance with minority business enterprise contract provisions and the [general] **PRIME** contractor fails to take the corrective action required by the Commission, the Commission may:

(1) terminate the contract;

(2) refer the [general] **PRIME** contractor to the [general manager of the Commission or the full Commission] **RELEVANT PERSON** for appropriate action; or

(3) initiate any other specific remedy identified in the contract.

20–207.

(a) By October 31 of each year, the Commission shall issue a report to the Montgomery County and Prince George’s County Senate and House Delegations to the Maryland General Assembly concerning:

(1) the implementation and administration of the minority business enterprise programs under this subtitle for the fiscal year ending on the preceding June 30; and

(2) appropriate recommendations concerning the programs.

(b) (1) The Commission may conduct an impartial fact-finding study in connection with a minority business enterprise program for consistency with applicable law.

1 (2) The Commission shall report the findings of a study completed under
2 this subsection to the Montgomery County and Prince George’s County Senate and House
3 Delegations to the Maryland General Assembly.

4 20–208.

5 This subtitle shall be of no effect and may not be enforced after July 1, [2023] **2028**.

6 20–302.

7 (a) By resolution or adopting regulations, the Commission may establish a local
8 small business enterprise program.

9 (b) The Office of Supplier Diversity and Inclusion, established under [§ 20–202]
10 **§ 20–203** of this title, shall administer the program.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2023.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Chung

Typed by: Fran

Stored – 11/14/22

Proofread by _____

Checked by _____

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

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Collective**
3 **Bargaining Agreement Implementation – Dispute Arbitration**4 **MC/PG 103–23**5 FOR the purpose of authorizing the parties to a collective bargaining agreement for
6 employees of the Maryland–National Capital Park and Planning Commission to
7 request the services of a mediator–arbitrator during the term of a certain collective
8 bargaining agreement under certain circumstances; establishing the process for
9 mediation–arbitration; requiring the parties to share equally the costs of the
10 mediator–arbitrator's services; and generally relating to collective bargaining for
11 employees of the Maryland–National Capital Park and Planning Commission.

12 BY adding to

13 Article – Land Use

14 Section 16–210.1

15 Annotated Code of Maryland

16 (2012 Volume and 2022 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Land Use

16–210.1.

(A) DURING THE TERM OF A COLLECTIVE BARGAINING AGREEMENT:

(1) EITHER PARTY MAY DECLARE AN IMPASSE AND REQUEST THE SERVICES OF A MEDIATOR–ARBITRATOR; AND

(2) THE PARTIES JOINTLY MAY REQUEST THE SERVICES OF A MEDIATOR–ARBITRATOR AT ANY TIME WITHOUT DECLARING AN IMPASSE.

(B) (1) IF THE SERVICES OF A MEDIATOR–ARBITRATOR HAVE BEEN REQUESTED, THE PARTIES JOINTLY SHALL APPOINT A MEDIATOR–ARBITRATOR.

(2) IF THE PARTIES ARE UNABLE TO AGREE ON A MEDIATOR–ARBITRATOR, THE LABOR RELATIONS ADMINISTRATOR SHALL APPOINT THE MEDIATOR–ARBITRATOR WITHIN 7 DAYS AFTER THE SERVICES OF A MEDIATOR–ARBITRATOR WERE REQUESTED.

(C) IF THE MEDIATOR–ARBITRATOR FINDS IN THE MEDIATOR–ARBITRATOR’S SOLE DISCRETION THAT THE PARTIES ARE AT A BONA FIDE IMPASSE, THE MEDIATOR–ARBITRATOR SHALL DIRECT EACH PARTY TO SUBMIT A SEPARATE MEMORANDUM OF EACH PARTY’S LAST FINAL OFFER ON ITEMS WITH REGARD TO WHICH THE PARTIES ARE IN DISPUTE.

(D) (1) WITHIN 10 DAYS AFTER THE SUBMISSION OF THE MEMORANDA UNDER SUBSECTION (C) OF THIS SECTION, THE MEDIATOR–ARBITRATOR SHALL HOLD A CLOSED HEARING ON THE PARTIES’ OFFERS AT A TIME, DATE, AND PLACE SELECTED BY THE MEDIATOR–ARBITRATOR.

(2) EACH PARTY SHALL SUBMIT EVIDENCE OR MAKE ORAL AND WRITTEN ARGUMENTS IN SUPPORT OF THE PARTY’S FINAL OFFER.

(3) THE MEDIATOR–ARBITRATOR MAY NOT OPEN THE HEARING TO A PERSON THAT IS NOT A PARTY TO THE MEDIATION–ARBITRATION.

(E) (1) WITHIN 5 DAYS AFTER THE HEARING REQUIRED UNDER

SUBSECTION (D)(1) OF THIS SECTION, THE MEDIATOR–ARBITRATOR SHALL ISSUE A REPORT SELECTING THE FINAL OFFER THAT THE MEDIATOR–ARBITRATOR DETERMINES TO BE MORE REASONABLE WHEN VIEWED AS A WHOLE.

(2) IN DETERMINING WHICH OFFER IS MORE REASONABLE, THE MEDIATOR–ARBITRATOR:

(I) MAY CONSIDER ONLY:

1. PAST COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE PARTIES, INCLUDING THE PAST BARGAINING HISTORY THAT LED TO THE AGREEMENT OR THE PRECOLLECTIVE BARGAINING HISTORY OF EMPLOYEE WAGES, HOURS, BENEFITS, AND OTHER WORKING CONDITIONS;

2. A COMPARISON OF WAGES, HOURS, BENEFITS, AND CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF OTHER PUBLIC EMPLOYERS IN THE WASHINGTON METROPOLITAN AREA AND THE STATE;

3. A COMPARISON OF WAGES, HOURS, BENEFITS, AND CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF PRIVATE EMPLOYERS IN MONTGOMERY COUNTY AND PRINCE GEORGE’S COUNTY;

4. THE PUBLIC INTEREST AND WELFARE;

5. THE ABILITY OF THE COMMISSION TO FINANCE ANY ECONOMIC ADJUSTMENTS REQUIRED UNDER THE PROPOSED AGREEMENT;

6. THE EFFECTS OF ANY ECONOMIC ADJUSTMENTS ON THE STANDARD OF PUBLIC SERVICES NORMALLY PROVIDED BY THE COMMISSION; AND

7. THE ANNUAL INCREASE OR DECREASE IN CONSUMER PRICES FOR ALL ITEMS AS REFLECTED IN THE MOST RECENT CONSUMER PRICE INDEX – URBAN WAGE EARNERS AND CLERICAL WORKERS (“CPI-W”) FOR THE WASHINGTON METROPOLITAN AREA; AND

(II) SHALL CONSIDER ALL ITEMS ON WHICH THE PARTIES AGREED BEFORE THE MEDIATION–ARBITRATION BEGAN TO BE INTEGRATED INTO

1 EACH OFFER.

2 (3) (I) THE MEDIATOR–ARBITRATOR MAY NOT RECEIVE OR
3 CONSIDER THE HISTORY OF COLLECTIVE BARGAINING RELATING TO THE
4 IMMEDIATE DISPUTE, INCLUDING ANY OFFERS OF SETTLEMENT NOT CONTAINED IN
5 THE OFFER SUBMITTED TO THE MEDIATOR–ARBITRATOR.

6 (II) THE MEDIATOR–ARBITRATOR MAY NOT COMPROMISE OR
7 ALTER THE FINAL OFFER THAT THE MEDIATOR–ARBITRATOR SELECTS.

8 (F) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
9 OFFER SELECTED BY THE MEDIATOR–ARBITRATOR, AS INTEGRATED WITH THE
10 GOVERNING COLLECTIVE BARGAINING AGREEMENT AT THE TIME OF THE DISPUTE,
11 SHALL BE THE FINAL AGREEMENT BETWEEN THE COMMISSION AND THE EXCLUSIVE
12 REPRESENTATIVE WITHOUT RATIFICATION BY THE PARTIES.

13 (II) THE ECONOMIC PROVISIONS OF THE FINAL AGREEMENT
14 ARE SUBJECT TO FUNDING BY THE MONTGOMERY COUNTY COUNCIL AND THE
15 PRINCE GEORGE’S COUNTY COUNCIL.

16 (III) THE COMMISSION SHALL REQUEST FUNDS IN THE
17 COMMISSION’S FINAL BUDGET FROM THE MONTGOMERY COUNTY COUNCIL AND
18 THE PRINCE GEORGE’S COUNTY COUNCIL FOR ALL ECONOMIC PROVISIONS OF THE
19 FINAL AGREEMENT.

20 (2) THE PARTIES SHALL EXECUTE AN AGREEMENT INCORPORATING
21 THE FINAL AGREEMENT, INCLUDING ARBITRATION AWARDS AND ALL ISSUES
22 AGREED TO UNDER THIS SECTION.

23 (G) THE COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL SHARE
24 EQUALLY THE COSTS OF THE MEDIATOR–ARBITRATOR’S SERVICES.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2023.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Carter

Typed by: Lynn

Stored – 11/28/22

Proofread by _____

Checked by _____

By: **Montgomery County Delegation and Prince George's County Delegation**

Requested by: Delegates Lehman & Peña-Melnyk

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Maryland–Washington Regional District – Standing to**
3 **Request Review of Zoning and Land Use Decisions**4 **MC/PG 107–23**5 FOR the purpose of altering the list of persons that may request judicial review of a final
6 decision of the Prince George's County District Council; altering the list of persons
7 that may request the district council to review a decision of a zoning hearing
8 examiner or the planning board of Prince George's County; altering the
9 circumstances under which a certain person may request the district council to
10 review a decision of a zoning hearing examiner or the planning board of Prince
11 George's County; and generally relating to reviews of zoning decisions in Prince
12 George's County.

13 BY repealing and reenacting, with amendments,

14 Article – Land Use

15 Section 22–407(a)(1) and 23–401

16 Annotated Code of Maryland

17 (2012 Volume and 2022 Supplement)

18 BY repealing

19 Article – Land Use

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 25–212
Annotated Code of Maryland
(2012 Volume and 2022 Supplement)

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

Article – Land Use

22–407.

(a) (1) Judicial review of **[any]** A final decision of the district council, including
an individual map amendment or a sectional map amendment, may be requested by **[any]**
person or entity that is aggrieved by the decision of the district council and is]:

(i) **[a]** ANY municipal corporation, governed special taxing district,
or person in the county;

(ii) **[a]** ANY civic or homeowners association representing property
owners affected by the final decision; **OR**

(iii) **[the owner of the property that is the subject of the decision; or**

(iv)] **IF AGGRIEVED**, the applicant.

23–401.

(a) (1) Within 30 days after the county planning board takes final action on an
application for subdivision approval, judicial review may be requested by:

(i) a person aggrieved by the action; **OR**

(ii) **[in Montgomery County,]** a person or municipal corporation that
appeared at the hearing in person, by attorney, or in writing[; or

(iii) in Prince George’s County, a municipal corporation that
appeared at the hearing in person, by attorney, or in writing].

(2) A petition for judicial review filed under this section may be made to the circuit court for the appropriate county.

(3) The court may:

(i) affirm or reverse the action; or

(ii) remand the action to the county planning board for further consideration.

(b) (1) If a petition for judicial review is filed under this section, a copy of the petition shall be served on the county planning board in accordance with Maryland Rule 7–202(d).

(2) On receiving a copy of the petition, the county planning board shall:

(i) promptly give notice of the petition to all parties to the proceeding before it; and

(ii) within 30 days after the filing of the petition, file with the circuit court:

1. the originals or certified copies of all papers and evidence presented to the county planning board in the proceeding before it; and

2. a copy of its opinion and resolution deciding the application.

(3) Any party to the proceeding in the circuit court aggrieved by the judgment of the court may appeal from the judgment to the Court of Special Appeals.

(4) The review proceedings provided by this section are exclusive.

[25–212.

In Prince George’s County, a person may make a request to the district council for the review of a decision of the zoning hearing examiner or the county planning board only if:

1 (1) the person is an aggrieved person that appeared at the hearing before
2 the zoning hearing examiner or county planning board in person, by an attorney, or in
3 writing; and

4 (2) the review is expressly authorized under this division.】

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2023.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Gilani

Typed by: Lynn

Stored – 11/28/22

Proofread by _____

Checked by _____

By: **Montgomery County Delegation and Prince George's County Delegation**

Requested by: Delegate Foley

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Members**3 **MC/PG 109–23**

4 FOR the purpose of repealing the requirement that not more than three members of the
5 Maryland–National Capital Park and Planning Commission from each county be
6 members of the same political party; and generally relating to the membership of the
7 Maryland–National Capital Park and Planning Commission.

8 BY repealing and reenacting, without amendments,
9 Article – Land Use
10 Section 15–101
11 Annotated Code of Maryland
12 (2012 Volume and 2022 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Land Use
15 Section 15–102
16 Annotated Code of Maryland
17 (2012 Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Land Use

15–101.

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

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

15–102.

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

(2) Of the 10 members of the Commission:

(i) five shall be residents and registered voters of Montgomery
County; and

(ii) five shall be residents and registered voters of Prince George’s
County.

(3) (i) Subject to the approval of the County Executive, the County
Council shall appoint each commissioner from Montgomery County.

(ii) Subject to the approval of the County Council, the County
Executive shall appoint each commissioner from Prince George’s County.

(b) Each commissioner shall be an individual of ability, experience, and integrity.

(c) [(1) Of the commissioners from each county, not more than three shall be
members of the same political party.

(2)] A commissioner may not be selected as representing or supporting any
special interest.

(d) (1) The term of a commissioner is 4 years and begins on June 15.

1 (2) The terms of commissioners are staggered as required by the terms
2 provided for commissioners on October 1, 2012.

3 (3) At the end of a term, a commissioner continues to serve until a successor
4 is appointed and qualifies.

5 (4) A commissioner who is appointed after a term has begun serves only for
6 the rest of the term and until a successor is appointed and qualifies.

7 (5) A commissioner who is appointed to fill a vacancy for an unexpired term
8 shall be a member of the same political party as the commissioner who vacated the office.

9 (6) (i) Except as provided in subparagraph (ii) of this paragraph, a
10 commissioner appointed from Montgomery County may not be appointed for three
11 consecutive full terms.

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2023.