



# Board of County Commissioners' 2013 Legislative Package Synopsis



## 1. Permitting Video Lottery Terminals (Slots) for Local Charitable Organizations

The BOCC supports adding Frederick County to the list of nine other Maryland counties in which nonprofit fraternal, religious, and war veterans' organizations may own and operate not more than five slot machines. A license must be obtained from the State Comptroller. The slot machines must be located at the principal meeting hall for the organization and cannot be located in a private commercial facility.

At least 50% of the gross proceeds must benefit a charity. The remainder of the gross proceeds must be used to further the purposes of the organization. Annual Reports to the Comptroller are required.

## 2. Increase to the Annual Amount of Gaming Permits Issued for Raffles Conducted by Charitable Organizations

Current state law permits a qualified organization to have a maximum of six (6) raffles in any one calendar year with the following stipulations:

- no more than one in which the major prize has a value of more than \$5,000; and
- no more than five raffles for which the prize drawings are held on a single day and in which the major prize has a value of \$5,000 or less.

The BOCC respectfully request the law to be amended to allow the Board of County Commissioners to set by county ordinance the annual limit on how many raffles a charitable organization may hold. This is how several counties (Kent, Queen Anne's, Worcester) currently operate under Title 13 Gaming in the Criminal Law Article of the *Annotated Code of Maryland*.

## 3. Modification of the State Ethics Law

The BOCC believes that current broad post-employment restriction is unjust and unwarranted. The Board is requesting that the State Ethics Law be amended to accomplish the following objectives:

1. Limit the post-employment restriction for former County Commissioners to two years after the Commissioner leaves office.
2. Limit the post-employment restriction for former appointed County officials and County employees to one year after the official's or employee's employment ends. Appointed officials and employees should be exempted from this one-year restriction if their employment is terminated by the County, provided that the termination is not for cause. For example, it is unfair to apply this restriction if the official or employee is subject to a reduction in force and forced to find other employment outside of the County government.

**4. Removal of Mandatory Stormwater Management Fee**

The BOCC is requesting an exemption from mandates of House Bill 987, Stormwater Management – Watershed Restoration and Protection Program adopted during the 2012 Session of the Maryland General Assembly and signed into law by the Governor as Chapter 151 of the Laws of Maryland (2012), which requires Frederick County among other jurisdictions to enact a stormwater remediation fee. It has been projected by the Frederick County Office of Environmental Sustainability that a fee from this legislation and the costs from Senate Bill 236, the Sustainable Growth and Agricultural Protection Act of 2012, signed into law as Chapter 149, could cost Frederick County \$652,497,347.

**5. Permitting Tax Rebate to All Frederick County Properties**

In the current fiscal year, the BOCC was able to return a portion of the county’s budget surplus to owner occupied homes in the form of \$100.00 rebate checks. Many residents made inquiries as to the rebate only being issued to owner occupied homes. In the spirit of fairness, the Board is considering a legislative request which would amend the state law and permit future tax rebates to be issued to all properties subject to the Frederick County real property tax.

**6. Amending Grading Erosion and Sediment Control Standards**

The BOCC is seeking legislation regarding grading erosion and sediment control, which would amend the state law on this topic on three provisions regarding the standards and specifications for erosion and sediment control;

- (1) to return to 7 days from current three day requirement on permanent or temporary stabilization on sediment control devices and slopes steeper than 3:1, and to return to 14 days from the current 7 day requirement on permanent or temporary stabilization on all other inactive disturbed areas’;
- (2) Repealing the maximum 20 acre grading unit for the maximum contiguous area allowed to be graded at a given time (formerly no limit); and
- (3) Rescinding the requirement for the mapping of a site’s natural resources, steep slopes, highly erodible soils and vegetative buffer strips. These mapped areas are required to be protected from erosion using additional measures or, wherever possible, designated to remain undisturbed.

The proposed state law would require that the grading and building ordinance in Frederick County be consistent with the 2011 Code of Maryland Regulations (COMAR).

**7. Permitting Deer Hunting with a Rifle in Frederick County**

Currently the Code of Maryland Regulations (COMAR) prohibits hunting deer with a rifle in certain southern portions of Frederick County is currently prohibited. The Board

of County Commissioners is seeking legislation which would repeal this provision and permit deer hunting with a rifle throughout the entire county.

Because this is a Department of Natural Resources (DNR) regulation, DNR could make changes to this regulation. Additionally, the General Assembly could also adopt legislation that would prevail over the COMAR regulations, and the BOCC requests a repeal of this prohibition.

**8. Repeal of Mandatory Provisions of Davis-Bacon Act and Minority Business Enterprise in Frederick County**

The BOCC is requesting legislative authority to build one (1) elementary school in Frederick County without the Davis Bacon or MBE requirements in order to fully assess direct costs and financial impact of these requirements on capital projects.

**9. Authorization for Public Safety Agencies to Operate All Terrain Vehicles (ATV's) and Utility Terrain Vehicles (UTV's) in Frederick County**

Requesting an exception to vehicle registration for certain all terrain and utility terrain vehicles in Frederick County operated by governmental or public safety agencies under certain circumstances.

**10. Requiring a Frederick County Voter to Show Proof of Identity in Order to Vote in the 2014 Elections**

Establishing a requirement that a Frederick County voter in the 2014 Maryland election cycle present a current government-issued photo identification, a voter notification card (free document), a Social Security card (free document), a birth certificate (free document), proof of Frederick County residency, (such as a copy of a utility bill, vehicle registration/title, or bank statement which reflects the same address as that on the voter registration book, which is also a free document), or the specimen ballot (free document) mailed to the voter by a local board of elections, in order to vote a regular ballot. A voter who is unable to do so or indicates a change of residence must vote a provisional ballot and would have up to the final deadline to count the ballots, 10 days after the election to show proof.

**11. Exempting Frederick County Public Schools from the State Forest Resource Ordinance Requirements**

The BOCC is requesting legislation exempting Frederick County Public Schools from the FRO requirements. This is being done in relation to public safety for children in removing any physical barriers in which children and individuals may not be visible to school personnel.

12. **Authorization for Non-Corporate Owned Stores to Sell Beer and Wine in Frederick County**

The BOCC supports a legislative request from the Town of Thurmont to the state liquor laws regarding the licensing of non-corporate owned liquor package good stores that are currently prohibited from receiving a liquor license under the definition of franchise establishments.

Currently, a Class A alcoholic beverage license may not be issued to a chain store or franchise establishment. *Maryland Annotated Code*, Article 2B, Section 9-211(d). The proposal would repeal this prohibition and allow chain stores and franchises to obtain a Class A alcoholic beverage license.

13. **Request for Authority for BOCC to Ban Synthetic Drugs in Frederick County**

The BOCC requests enabling legislation granting the county commissioners the authority to ban the sale of synthetic cannabinoids in Frederick County.

**POSITION STATEMENTS**

1. **State School Construction Funding Allocated to Frederick County Exceeding Government Economic Assistance Provided for the Benefit of Foreign Business Entities**

The Board of County Commissioners believes the amount of state school construction funding allocated to Frederick County should always be more than the amount of government economic assistance provided by the state to foreign, out of state, business entities. Stated differently, the Board of County Commissioners believes that the amount of government economic assistance provided by the state to these business entities should never be more than the amount of state school construction funding allocated to Frederick County.

2. **Frederick County Public Schools Authority to Count and Report Undocumented Students**

The BOCC supports legislation that if enacted would require the Board of Education of Frederick County to provide the Board of County Commissioners for Frederick County with the total number (not the identity) of students in the Frederick County Public Schools whose lawful presence within the United States cannot be reasonably documented. The means used would be documentary only (birth certificate, Certificate of U.S. Naturalization, student visa, other documents reasonably and customarily accepted as proof of one's right to be in the country). No attempt would be made to associate a student's lawful presence within the country with a student's race, appearance, language or name.

3. **Maryland to be A “Shall Issue” State for a Right to Carry A Firearm**

The BOCC support legislation that if enacted would require the state to remove language from existing Maryland code requiring that the Secretary of State Police “find a person has good and substantial reason to wear, carry, or transport a handgun. A "may issue" jurisdiction, such as Maryland, requires people to have a permit to carry a concealed handgun and the granting of such permits is partially at the discretion of the local authorities. Only three states, Alaska, Arizona and Vermont, require no permit to carry a concealed handgun. The District of Columbia, Illinois and Wisconsin do not allow concealed carry permits. The BOCC does not believe Maryland's concealed carry regulations are either right or constitutional.

4. **Reinstatement of Highway User Revenues to Local Governments**

The County Commissioners supports the reinstatement of Highway User Revenues back to local governments.

5. **Maryland Partial Birth Abortion Ban Act**

The BOCC is requesting statewide legislation that would enact a prohibition on partial-birth abortions under Maryland law.

6. **Maryland Constitutional Amendment to Prohibit “Economic Development” Takings**

The BOCC supports an amendment to the Maryland Constitution specifically providing: “the General Assembly shall enact no law authorizing private property to be taken for private use. Private property shall not be taken for the sole purpose of promoting economic development.”

7. **Support of Cooperative Enforcement of Federal Immigration Laws Throughout Maryland**

The BOCC believes that more effort needs to be taken by the states and local jurisdictions in addressing the problem of illegal immigration. The Board of County Commissioners therefore is in support of a Maryland version of the Arizona legislation (Arizona Senate Bill 1070) enacted in 2010.

8. **Negative Impact of the New State Stormwater Regulations to Local Government**

The Stormwater Management (SWM) Act of 2007 has caused several negative impacts to both local governments as well as to the development community. Additionally, there are no data to confirm if these new regulations have proven to be more effective or an improvement over the previous SWM regulations. The BOCC opposes the new regulations.

9. **Repeal or Modifications of the Work Place Fraud Act of 2009 (SB 909)**

The BOCC supports either repeal or at least a modification regarding the enforcement provisions of the Work Place Fraud Act of 2009. The General Assembly passed in 2009 SB 909, the Workplace Fraud Act of 2009. The Act grants to the Maryland Department of Labor, Licensing and Regulation (DLLR) authority to enforce penalties regarding the misclassification of employees as independent contractors in the construction and landscaping industries. The Act allows an employer who misclassifies an employee but does not do so knowingly to come into compliance within 45 days without penalty. Employers who "knowingly" misclassify employees, however, may be subject to a penalty of up to \$5,000 per misclassified employee.

10. **Opposition to PlanMaryland**

PlanMaryland mandates sustainable growth and protection of natural resources. While these principles are fine in a vacuum, they can present a problem if those areas that are over-developed undertake to make the rural counties abide by principles that they have long ignored. For years, Frederick County has jealously guarded its natural resources. The County has done a good job, compared with the counties that surround us, whereas the more urban counties historically have not done nearly so well. Frederick County deserves the right to continue to control our own destiny. Furthermore, PlanMaryland does not adequately address job growth and transportation planning. Without specifically addressing these important concerns, we must expect them to be ignored or neglected at the expense of the environmental policies that are given pre-eminence in the plan.

11. **Opposition to Mandated State Septic Regulations on Local Governments**

The BOCC opposes these regulations and it is the Board's belief this legislation has far reaching and adverse effects not only on local planning and development, but on rural agricultural interests as well. It would deprive family farms of fair and equitable subdivision rights that have existed in these family farms for generations.

12. **Supporting the Revision of Maryland's Tangible Personal Property Tax**

The BOCC supports the revision of the calculation, or at least the modification of the calculation of tangible personal property to more accurately and fairly represent the true personal property value.

13. **Opposition to an Increase in the Maryland Gas Tax**

The BOCC wishes to convey its opposition to any increase in the Maryland gas tax.

14. **Support of Modification to the State Maintenance of Effort Requirements**

The Board of County Commissioners wishes to convey its support to modifying the state Maintenance of Effort requirements on local governments.

**15. Repeal of the Workers' Compensation Medical Presumptions Law of 2012 (HB 1101)**

The BOCC supports the repeal of the Workers' Compensation Medical Presumptions law. The General Assembly passed in 2012 HB 1101, Workers' Compensation – Medical Presumptions and Study, which was signed into law by the Governor as Chapter 443 of the Laws of Maryland 2012. This Administration bill alters the list of occupational disease presumptions under workers' compensation law for firefighters and related personnel by adding five cancers (multiple myeloma, non-Hodgkin's lymphoma, brain cancer, testicular cancer, and breast cancer) to the list and removing one. The bill also increases the minimum service requirement for a covered employee to qualify for specified occupational disease presumptions.

**16. Amending State Law to Incorporate State Constitution to be Applicable to Congressional Redistricting**

The Maryland Constitution, Article III, Section 4, states, "Each legislative district shall consist of adjoining territory, be compact in form, and of substantially equal population. Due regard shall be given to natural boundaries and the boundaries of political subdivisions."

The BOCC voted unanimously to request legislation which would codify this language into Maryland law as being applicable to the districts for members of the United States Congress.

**17. Repeal of the Scooter/Moped Helmet Law**

The Board is requesting that Frederick County scooter and moped operators be exempted from the helmet requirement of the law.