

## **2024 Legislative Package**

### Public Requests for Legislation and Position Statements

As of September 26, 2024

In response to a solicitation sent to over 100 organizations, all Frederick County Board, Commissions, and advisory councils, and all 12 municipalities, the following organizations sent a variety of requests related to the legislative changes or suggestions.

We sent letters soliciting input on our legislative package to organizations that had previously submitted proposals to the County (including for legislative sessions during prior administrations), as well as to organizations that applied for Community Partnership Grants in 2024. A full list of organizations who received a solicitation letter can be found as an Appendix.

**Proposals from Frederick County Boards, Commissions, and advisory councils:**

**Organization:** Frederick County Affordable Housing Council

**Submitted by:** Chair, Hugh Gordon

August 1, 2024

The Honorable Jessica Fitzwater  
County Executive  
Frederick, County, Maryland  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701

Re: 2025 Legislative Considerations - Affordable Housing Council Input

Dear County Executive Fitzwater,

The Frederick County Affordable Housing Council appreciates your proactive engagement with our council as you prepare for the 2025 legislative session. We commend your commitment to advancing housing-related initiatives, such as updating the housing needs assessment and restructuring the housing department.

Here are our recommendations, each underscored with examples of their importance:

**1. Housing Needs Assessment Coordination Across the State:**

- When the State is updating their Needs Assessment, we strongly encourage a disaggregation of the data for each County. Where applicable, a coordination with Counties that are working on their own Needs Assessments or have recently completed one should be done. Break down the needs across the counties to ensure a coordination with counties to avoid different sets of data.

**2. Allocate State Resources to Enhance Housing Division:**

- Utilize State funds for education and infrastructure to ease the financial burden on the County, allowing resources to be redirected towards the newly formed housing division to assist its efforts in addressing the current housing crisis.
- **Example:** Investing in housing infrastructure enhances the County's attractiveness for businesses and residents, stimulating economic growth and increasing tax revenue.

**3. Address Senior Housing Gap:**

- Advocate to the Maryland Department of Housing and Community Development to reintroduce Low-Income Housing Tax Credits (LIHTC) for senior housing in the State's Qualified Allocation Plan (QAP).
- **Example:** Frederick County's aging population requires affordable housing options tailored to their specific needs, ensuring a dignified retirement for seniors.

#### 4. Sustain Housing Assistance Programs:

- Recommend continued State funding for housing assistance programs, particularly to prevent evictions and provide stability for vulnerable populations.
- **Example:** Preventing evictions not only safeguards individuals and families from homelessness but also maintains community stability and minimizes the strain on emergency resources. Additional funding for Maryland's Rental Housing Program will help to accomplish this objective.
- Develop additional methods and programs to better inform renters about their local and state rights.

#### 5. Financing Tool for Housing Affordability and Community Revitalization:

- Support expanding the uses of funds under the State of Maryland enabling legislation for Industrial Development Authorities (IDA) to include but not limited to off-site infrastructure, loans, and affordable housing. Recommend State consider allowing for change of nomenclature of the Industrial Development Authority to align with expanded use of funds (i.e. Prince George's County Revenue Authority).
- **Example:** Collect a portion of taxes on the incremental growth within a defined project area that would be invested as a loan to a developer to buy down the cost of units and a commitment to long-term affordability of the units.

The Affordable Housing Council firmly believes that advocating for resources to address these needs is an integral part of a comprehensive strategy to tackle Frederick County's affordable housing challenges.

We extend our gratitude for inviting our council's participation in this collaborative process.

Respectfully submitted,



Hugh Gordon  
Chair  
Frederick County Affordable Housing Council

**Organization:** Rustic Roads Commission

**Submitted by:** Staff Liaison, David Olney

- 1) **Automatic Enforcement** – Vehicle speeds contribute to road safety. Higher speeds can increase the likelihood and severity of a crash, especially for vulnerable road users such as pedestrians and cyclists. “Traditional” enforcement activities are limited to the number of law enforcement personnel that are available to monitor roads and write citations. Automatic enforcement is not available at the County level at this time, and the State and municipalities that have automatic enforcement are limited to using it in work zones and school zones. Modifying the laws that pertain to automatic enforcement to allow other local jurisdictions to more easily use them, and broadening the areas where they can be used would expand our ability to discourage dangerous speeds and incentivize motorists to obey posted limits.
- 2) **On-Street Parking** – This activity is currently governed by statutory law and County Ordinance, with local modifications made on-site by installing regulatory signs. The way State law is currently written, certain broad statutory limits apply only to roads outside of business or residential districts. County roads that experience the most on-street parking are in residential districts, and it would be nice to have statutory law that prohibited parking vehicles in a way that obstructed two-way travel. At this time the only way we can maintain two-way possibility in residential areas is by posting dozens of regulatory signs. Land development standards require provision of off-street parking, but in many cases these spaces (especially garage bays) are not used to store vehicles. Changes to statutory parking restrictions could incentivize the storage of private vehicles on private property rather than in public rights-of-way.
- 3) **Minimum Speed Limits** – At this time there are certain statutory limits that apply to County roads. State law sets a minimum speed limit of 25 miles per hour on roads outside of an urban district, with the exception of school zones. It would be nice if residential districts were also exempted from this minimum speed limit. This would allow for posted speed limits lower than 25 miles per hour in these areas.
- 4) **Identifying Potential Hazards in Wayfinding Apps** – My office receives complaints about large vehicles on certain roads and our infrastructure often is damaged by this activity. For example, our historic bridges have been damaged when large vehicle operators have attempted to pass through small “portals” at the ends of our historic trusses and wooded covered bridges. In other areas larger vehicles damage guardrails and headwalls because they cannot navigate tight turns on the approaches to bridge structures. These conditions are often identified with warning signs on-site, but the incidents still occur. I suspect that these incidents are caused, in part, by operators not familiar with the limitations of the road that are encouraged to use it by a wayfinding app on their mobile device or in their vehicle. By selecting these routes, the app implies that the routes are sufficient for the user’s needs. The service providers that produce and maintain these apps should be required to regularly review their databases to identify and flag potential hazards such as narrow road segments, weight restrictions, one-lane or narrow bridges, small radius curves, and low overhead structures. These physical limitations should be given at least as much consideration as traffic congestion when users are selecting their route. Such a requirement could help preserve valuable infrastructure and prevent public and personal loss.

**Organization:** Frederick County Sustainability Commission

**Submitted by:** Staff liaison, Tiara Richardson



## MEMORANDUM



**TO:** OFFICE OF THE COUNTY EXECUTIVE

**DATE:** 7/31/2024

**FROM:** FAITH H. KLAREICH, CHAIR, FREDERICK COUNTY SUSTAINABILITY COMMISSION

**MEMBERS:** JANET ADY, JENNIFER BYRD, CARL GALLEGOS, LAURIE JENKINS, REBECCA KRAFT, AMY REMBOLD AND MARK SANKEY

**RE:** LEGISLATIVE RECOMMENDATIONS

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Thank you for the opportunity to submit to you the legislative recommendations of the Sustainability Commission. While we understand that many emerging trends are occurring on the climate front and input is coming from a variety of sources, we are asking for consideration of these recommendations, emphasizing both common themes and unique, yet important opportunities. For some topic areas, we believe there is a strong need for action—not the least of which is focused on Maryland-based clean power generation and power grid extensions. We appreciate being able to contribute to this vital dialog and are happy to answer any additional questions on these topics.

### **1) *Assessment of the Net Effect of the Addition of Transmission Lines***

**Recommendation:** The State should understand the net effect of transmission additions across Maryland as demonstrated by the PSEG/MPRP project. While additional transmission lines may better serve areas of the state and address the energy needs of emerging industries such as data centers, the placement of these lines may also reduce investments already made in distributed clean energy by individual residential, commercial, and agricultural property owners subject to eminent domain. ***The State should attempt to characterize and understand the impact profile of these grid system additions as well as the impact on distributed energy sources in the state.***

This experience could have a chilling effect on future investments in clean energy by individual residential and business owners, especially if the impact is found to be relatively significant – in terms of number, energy generated and/or financial commitment outstanding. One key feature of clean energy investments is the high upfront cost. Alternative financing often provides longer payback periods to make it more feasible for the individual commercial and residential buyer. Should the property owner still have years to pay back loans, this remaining financial burden should be part of the calculation of reimbursement under eminent domain. ***However, if any reimbursement under eminent domain is insufficient to cover the outstanding investment in a distributed energy resource, then the State should consider a tax strategy to lower that impact.*** After all, these Maryland individuals could not have

anticipated this threat to their property and financial well-being. Of all types of claims, individuals following Federal and State entreaties to take action to mitigate climate change should not be penalized by overriding government/utility system requirements.

## 2) ***Renewable Energy Characterization Studies***

**Recommendation:** To meet the State's climate goals, a variety of renewable resources are needed to adequately reduce our reliance on fossil fuels. *To understand the full complement of clean energy requirements and to ensure a reliable mix of clean energy production, feasibility and characterization studies should be undertaken to estimate the potential for geothermal power production and to determine the areas of the state most conducive for this resource. Similarly, the State should examine the suitability of solar thermal power generation.* Should data centers and their AI offerings grow within Maryland, having clean energy generation available within the state, ensures we are not supporting fossil fuel generation outside the state to meet our industry needs. Besides fossil fuel generation in neighboring states can, depending on their location, affect our own environment. Also, turning to onsite modular nuclear (a proposition considered for data centers) has a long lead time until the Nuclear Regulatory Commission changes its procedures for the approval of new nuclear plants of modular size. The intermittent characteristic of many renewable resources points to the need for a diverse and robust mix. *Funding should be allocated to conduct these studies in the hopes that it can facilitate future utility and/or private sector investment in renewable energy power generation in the state as an alternative to reliance on the import of fossil fuel generated electricity from neighboring states.*

## 3) ***Solar Arrays and Pollinator Habitat Assistance***

**Recommendation:** The Administration's goal of 100% carbon-free electricity by 2035 will require maximizing our use of a number of renewable energy options, including solar arrays. The U.S. Department of Energy's Solar Futures Study found that solar energy could provide 1 terawatt of electricity-generating capacity, which would require the use of 5.7 million acres of land. Along with that energy production, other benefits can be attained from the land used for solar arrays. The increased needs for electricity in Maryland coupled with the goal of 100% carbon-free electricity by 2035, speaks to the need for increased commercial ground-mounted solar facilities. The acreage of these facilities can provide much needed habitat for pollinators and birds, providing both food and shelter for many species.

In the State of Maryland, The Pollinator-Friendly Designation Program bill (SB 1158) was signed in May 2017. The bill established a pollinator-friendly designation program for commercial ground-mounted solar facilities. It led to the drafting of a Pollinator Certification Regulation that was finalized in March 2020. Since this voluntary program started, only two private solar projects have applied for the certification. To reduce maintenance, the area under and around solar arrays is often stripped of vegetation that is then replaced with gravel and turf grass and treated with herbicides according to DNR, leading to loss of habitat.

If the area within a solar array is planted and maintained as a pollinator-friendly landscape, studies have shown that "agricultural production may be intensified" in nearby agricultural fields. Implementing a pollinator habitat within a solar array can be less costly since topsoil is retained. Native vegetation is less

maintenance-intensive than turf grass or gravel alternatives and when vegetation is planted under solar panels, it absorbs heat, lowering the temperature around the panels, thus increasing panel efficiency.

*Consideration of tax incentives for landowners or an increased price per kWh of power produced from these solar arrays would help to incentivize investment in pollinator habitats within solar arrays, making them a standard best practice and insuring that we attain the benefits of carbon sequestration as well as clean energy production from solar arrays. Additionally, it would provide the much-needed habitat for species in decline and improve our State's environment.*

#### **4) Transmission Line Cost Distribution for Data Center Growth**

**Recommendation:** Data centers use significant amounts of electricity and with their accelerating proliferation the demands on our electricity supply are causing concern. As part of this increase, both AI and cryptocurrency mining usage has risen. The application of AI has only begun its trajectory and demand forecasts are being overtaken by the growth in AI applications. According to the Electric Power Research Institute an AI data search uses 10x the electricity of a standard Google search. This is one simple application. What will be the energy curve when AI is applied to more complex functions? This will require far more electric power and can significantly impact the availability of power system capacity for other uses.

Cryptocurrency mining is another application driving up the energy use in data centers. We should recognize that the origin and use of cryptocurrency was designed to circumvent the existing banking systems. Its value to the economy as a whole is still being questioned. While these applications have become a global economic and resource issue, we should consider steps toward improved regulation to manage these trends, especially as it relates to data center capacity and grid availability.

One example in Ohio is the action being undertaken by the American Electric Power Company (AEP), which has asked regulators to let the utility set up a new billing category for data centers and cryptocurrency mining operations. They cited the above trends as cause for leveling the playing field for ratepayers. They are looking to ensure this increased demand doesn't result in rate hikes for other customers. Specifically, it calls for data centers with more than 25 MW and cryptocurrency/mobile data centers with loads greater than 1 MW to commit before construction, to pay at least 90% of their projected energy needs every month for 10 years and they will be held to the 90% even if they use less energy than the projection in any given month. AEP believes these commitments will lead to more accurate planning and solid commitments for building the right facilities at the right time, both power generating and grid enhancement.

*The General Assembly should request from the appropriate agencies an examination of rate payer category adjustments or other means to ensure the right long-term investments are being made to the electric grid with the growth of data centers and applications such as AI and cryptocurrency. This examination should also require recommendations on how out of state data centers drawing on power from newly constructed Maryland transmission lines pay their fair share.*

**Organization:** Frederick County Veterans Advisory Council

**Submitted by:** Chair, Wilfred Plumley



## Veterans Advisory Council

Frederick County Government  
Division of Aging and Independence

August 8, 2024

Jessica Fitzwater, Frederick County Executive  
Winchester Hall  
12 East Church St  
Frederick, MD 21701

Re: 2025 Legislative Considerations

County Executive Fitzwater,

Thank you for your request for legislative suggestions from the **Frederick County Veterans Advisory Council**. The council greatly appreciates your consideration of the following:

**Issue:** Maryland needs to align with legislative efforts across the nation that reflect a growing recognition of the need to support the military retirees by reducing their tax burden. Retired service members are leaving Maryland to live in states that are more financially beneficial.

**Objective:** Retain and attract retired military and veterans to Maryland.

**Suggestions:** Propose to exclude all military retirement pay and surviving spouse benefits from state taxation. No sales tax for 100% disabled veterans.

**Issue:** Federal law prohibits charging for VA claim assistance, but "Claim Sharks" (unaccredited veteran claims assistance) are charging to help veterans with claims.

**Objective:** Protect veterans to make sure they are dealing with accredited service officers.

**Suggestions:** Enact fines for each infraction at the state level. Reference the federal law and legislation by other states (i.e. Maine), which prohibit these types of organizations.

**Issue:** Veteran Housing.

**Objective:** Allocate HUD VASH vouchers to Frederick County.

**Suggestions:** HUD to encourage the state of Maryland Department of Housing and Community Development to allocate VASH vouchers to Frederick County. Encourage the Housing Authority of the City of Frederick to receive VASH vouchers from HUD as a direct grantee.

**Issue:** Veteran Affairs Home is not easily accessible to western Maryland veterans.

**Objective:** Provide services to veterans living in western Maryland.

**Suggestion:** Build a Veteran Affairs home in western Maryland to serve residents in the western part of the state.

Thank you for your continued support of our service members, veterans, and their families.

Sincerely,

*Wilfred Plumley*

Wilfred Plumley, Chair, Frederick County Veterans Advisory Council

cc: Victoria Venable, Director of Government Relations  
Kathy Schey, Director, Division of Aging & Independence

**Proposals from external organizations:**

**Organization:** Frederick County Board of Education

**Submitted by:** President, Karen Yoho

2023 Senate Bill 321 - Public Schools - Length of School Year and Innovative School Scheduling Models – Revisions

Summary: Altering the length of school year requirement for pupil attendance during the school year; and authorizing county boards of education to explore the use of innovative school scheduling models for public schools in the county.

**Organization:** Frederick Moms Demand Action

**Submitted by:** Jess Douglass

There's one bill that could help victims of gun violence in Frederick County. I am asking for the county's support of the Comprehensive Community Safety Funding Act, sponsored in 2024 by Senator Elfreth and Delegate Mireku-North. You can see the bills here:

<https://mgaleg.maryland.gov/2024RS/bills/sb/sb0784F.pdf>

<https://mgaleg.maryland.gov/2024RS/bills/hb/hb0935F.pdf>

A good explanation from the Baltimore Sun here:

<https://www.wbaltv.com/article/gun-violence-comprehensive-community-safety-funding-act/46427833#:~:text=State%20lawmakers%20on%20Wednesday%20announced,an%20effort%20to%20save%20lives.>

Victims of gun violence in Frederick county often find themselves covering medical bills for the rest of their lives. The gun industry can help cover some of these costs if this bill passes.

Thank you for your attention to this matter and for seeking input from Frederick Moms Demand Action.

**Organization:** League of Women Voters of Frederick County

**Submitted by:** President, Katherine Jones

Our highest priority is always voter rights expansion, access, and protection. Here are some of the laws we supported in 2024, that did not make it through the process this year but deserve another look.

**SB16/HB792 Campaign Finance – Election Law - Campaign Finance - Draft Committees and Exploratory Committees** – would have required the same accountability and transparency expectations that candidate and ballot measure campaign committees must follow. These committees are currently exempt from the reporting requirements that campaign committees must follow.

**SB29 Special Elections - Procedures and General Assembly Vacancies and Ties** – as submitted it would have required a special election be held within 45 days if there is a vacancy or tie for office except during a year when a General Assembly election takes place. It was heard in Education, Energy and Environment, heavily amended to mirror HB41 (which requires a special election to fill a vacancy during the next regularly scheduled election).

**HB800/SB660 – Voting Rights Act of 2024 - Counties and Municipalities** would have required pre-clearance approval by the Attorney General or the circuit court for changes to voting methods, redistricting, election timing, precinct reorganization, and other election components if the Attorney General determines that the jurisdiction has a history of discrimination. It requires additional language assistance for voters whose primary language is not English and allows individuals to sue if they have experienced voter intimidation, interference or obstruction.

**SB495 Election Law - Petitions and Ballot Questions - Plain Language Requirement** – would have required ballot measures to be written at a sixth-grade level as determined by the Federal Plain Writing Act of 2010.

**SB978 Election Law – Campaign Materials – Disclosure of Use of Synthetic Media** - Would have required that individuals disclose to the State Board of Elections (SBE) any deepfake or AI-generated media content that is being distributed to the public and provides SBE the opportunity to label or remove such content when necessary. Education, Energy and Environment gave a favorable report and it passed in the Senate.

**SB493 - Elections – Ranked-Choice Voting – Contests for Presidential Nomination in 2028** - Would have implemented Ranked Choice Voting (RCV) solely for the 2028 Presidential Primary Election and requires the State Board of Elections to create an educational campaign about RCV to share with the local Boards of Election.

**HB1022 - Election Law - Incarcerated Individuals - Voting Eligibility and Access (Voting Rights for All Act)** Would have repealed incarceration status as a barrier to voting and requires correctional facilities to display information about voting and the voter registration process. Requires correctional facilities to provide ballot drop boxes, collect ballots on a scheduled basis, and disperse voter eligibility information before the registration deadline.

**SB824/HB1489 - Election Law - Absentee Ballot Application - Sending to Eligible Voters**

**Before Primary Elections** - Would have required local boards of elections to send a mail-in ballot request form to eligible voters who have not opted into the permanent mail-in ballot program.

Among the other issues we advocated for this last session:

**HB1261 Commission on Access to High-Quality Early Childhood Education and Child Care for Children Three Years and Younger** – As the title states it would have created a commission to study early childhood education.

**SB1023/H1279 - Maryland Building Performance Standards – Fossil Fuel Use, Energy Conservation, and Electric- and Solar-Ready Standards (Better Buildings Act of 2024)** - Would have required construction of all new buildings and certain renovations be all-electric by 2035 and buildings that provide parking to be EV-capable or EV-ready and larger buildings will be required to be solar-ready.

**SB766/HB1007 – Fair Share for Maryland Act of 2024** – Would have reformed Maryland's tax code to address the state's structural revenue deficit by lowering the Estate tax exemption, closing the pass-through business loophole, implementing combined reporting requirements, reforming the capital gains tax framework, increasing income tax on the very wealthy and increasing the child tax credit for middle- and low-income families.

In addition, the League of Women Voters of Frederick County supports any bill that would create more affordable housing in Frederick County while balancing the need to protect our environment, our resources such as water, electricity, and the natural resources so important to our community, and without straining our public facilities beyond what the county can afford.

**Organization:** Mobilize Frederick

**Submitted by:** Executive Director, Karen Cannon



## MEMORANDUM

**TO:** Victoria Venable  
Director of Government Relations and Strategic Partnerships

**FROM:** Karen Cannon  
Executive Director

**DATE:** July 29, 2024

**RE:** Mobilize Frederick's 2025 State Legislative Priorities

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As you prepare Frederick County's legislative recommendations to the County's Maryland General Assembly delegation for the upcoming 2025 session, Mobilize Frederick respectfully requests that you consider inclusion of our legislative priorities in your recommendations. They include the following:

- Close monitoring by the County's delegation of the newly formed statewide Data Center Work Group that will examine the energy, environmental, and other impacts of data centers to ensure that Frederick County's interests are fully protected in any legislative recommendations the Work Group makes.
- Passage of the RENEW Act (Responding to Emergency Needs from Extreme Weather Events) to raise revenue for climate mitigation and resiliency programs and projects from fossil fuel companies
- Passage of the Better Buildings Act to improve energy efficiency and reduce carbon emissions from buildings through building electrification
- Removal of trash incineration as an eligible energy source under the State's Renewable Portfolio Standards (RPS)
- Passage of legislation to support food waste diversion, recycling and composting infrastructure grant programs

Each of these priorities is more fully detailed in the attached summary. Please let us know if you have questions or wish to discuss our priorities further.

## Legislative Priorities for 2025 Maryland General Assembly Session

**The Statewide Data Center Work Group.** Given the projected nationwide growth of the critical digital infrastructure sector in the coming decades, it is vitally important to ensure that development of data centers in Frederick County and elsewhere in the State is done in a sustainable and equitable manner. Mobilize Frederick will be closely monitoring the work of the newly formed statewide Data Center Work Group in an effort to ensure that it conducts a rigorous examination of the long-term impact of data centers on electricity demand, air pollution, water resources, climate change, and public health and makes recommendations for legislation that will protect our resources and quality of life.

**The RENEW Act (Responding to Emergency Needs from Extreme Weather Events).** Last year's legislation ([SB 958/HB 1438](#)) was co-sponsored by Senator Karen Lewis Young and Delegates Kerr and Simpson. It would generate \$9 billion over a 10-year period from international fossil fuel companies with the largest carbon emissions to fund climate mitigation and resiliency programs and projects, including infrastructure upgrades, and disaster recovery. It would shift some of the burden of paying for the impacts of climate change from taxpayers to fossil fuel companies that are responsible for the climate crisis and knew that carbon emissions from combustion of fossil fuels were causing global warming. A more detailed summary of the RENEW Act that explains the legislation and why it's needed is attached.

**The Better Buildings Act** is needed to move the state closer to all-electric buildings. Last year's bill ([SB 1023/HB 1279](#)) would require the State Department of Labor to adopt new building energy efficiency standards that include: energy conservation and site energy use intensity (EUI) standards; a requirement to meet water and space heating needs without the use of fossil fuels; for new buildings up to 20 stories tall with 20,000 square feet or more of roof space, solar-ready requirements; and installation of EV charging infrastructure.

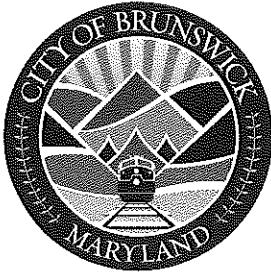
**The Reclaim Renewable Energy Act** was sponsored in the last session by Senator Karen Lewis Young ([SB 146/HB 166](#)) and would remove municipal trash incineration from the list of renewable energy sources that qualify for renewable energy credits under Maryland's Renewable Portfolio Standard. Eliminating trash incineration, which emits hazardous air pollutants and greenhouse gases, would promote further development of clean, emissions-free electricity generation.

**Food Waste Diversion and Composting Program.** Diversion of organic waste from landfills is imperative to reduce methane emissions and meet our greenhouse gas emission reduction goals. The Wasted Food Reduction and Diversion Fund and Grant Programs introduced last year ([HB 1318](#)) would establish a fund based on an assessment of a nominal \$2 per ton solid waste disposal surcharge that would support two grant programs – one administered by the Maryland Department of Agriculture, the other by the Maryland Department of Environment – for on-farm and other organics waste reduction, diversion, recycling, and composting projects. This bill would help create the infrastructure to bolster organic waste diversion and composting in the state.

**Proposals from Frederick County municipalities:**

**Municipality:** Brunswick

**Submitted by:** Mayor, Nathan Brown



# THE CITY OF BRUNSWICK MARYLAND

1 WEST POTOMAC STREET · BRUNSWICK, MARYLAND 21716 · (301) 834-7500

July 31, 2024

Victoria Venable  
Director of Government Relations  
Frederick County Government  
Winchester Hall  
12 East Church St.  
Frederick, MD 21701

Re: 2025 Legislative Considerations

Dear Ms. Venable,

At the County Executive's request, the City of Brunswick is suggesting the following items for consideration in Frederick County's legislative package for the 2025 General Assembly session. Although some of these items may not be typical legislative requests, these issues are important to bring forward during the upcoming legislative session. These items will also be shared with the Frederick County Delegation.

### **Police Accountability Board Structure for Municipalities**

As you are aware, several sessions ago legislation was passed which included significant police reform requiring the creation of a Police Accountability Board (PAB) and an Administrative Charging Committee (ACC). Although county and municipal governments are considered co-equal levels of government under Maryland's constitution, this legislation mandated that county government stand up the PAB and ACC for the entire jurisdiction. County government was given this authority even though it does not exercise any other authorities over independent municipal police forces.

We were pleased to work with County Executive Gardner's administration during the development of the local legislation which implemented the PAB and ACC. As you may be aware, various entities across the state have had discussions with the legislature regarding changes which would resolve the conflict with county government having authority over municipal police departments. Now that the Boards have been established and begun completing their work, we believe that granting municipal authority to create its own PAB/ACC is imperative. The authority given to a municipality when a police department is established includes the responsibility for managing all aspects of the operation of the department. This disconnect doesn't allow the municipality the oversight necessary to hold the municipal department accountable to its own community.

Recent events in Frederick County, itself, point to the differences that emerge from attempting to understand trends when comparing county-wide complaint activity and corresponding disciplinary actions to that of a much smaller municipality. The types of crime, the types of complaints, the

types of necessary corrective measures are not at all comparable. Therefore, the suggested policy changes arising from the PAB can never be “one-size fits all” across the county.

The fact that municipalities are denied reasonable authority and oversight of a municipal function renders the PAB/ACC process, as currently legislated, ineffective and unnecessarily complicated.

### **School Funding Legislation**

The importance of addressing the inadequacies in the State school funding formula and prioritization process remains a key priority for the City of Brunswick and hopefully for Frederick County.

As you are aware, current practice has consistently put Brunswick High School later and later in the construction schedule. Brunswick High School (BHS) is the oldest high school in Frederick County. Its replacement has been a top priority in both the Frederick County Public Schools (FCPS) Educational Facilities Master Plan (EFMP) for FY2025 and FY2026, and the County's Capital Improvement Plan (CIP) for FY2026. Despite FCPS submitting a CIP funding request to the Maryland Interagency Commission on School Construction (IAC) for the BHS design phase in FY2025, the project did not receive funding. Undeterred, FCPS will resubmit the request for FY2026.

As the fastest-growing school district in the state, expanding at nearly five times the rate of the second-fastest growing county, FCPS faces pressing infrastructure needs. The district has four high schools due for replacement, and a staggering \$800 million capital renewal backlog. Addressing this backlog, starting with funding the BHS design phase, is imperative. The state's contribution requirement stands at just under \$5.2 million, with the county's share at \$6.8 million.

We acknowledge that legislation was passed during the last session to establish a workgroup to look at the school funding and prioritization process. However, we feel it is imperative that Frederick County request legislation which allocates additional funding to the county & FCPS to resolve this ever-expanding funding gap. Other growing school districts have been granted additional funding over the past few years for just this purpose. Without legislation that factors in community growth rates as part of the State funding formula, these huge funding gaps will continue across the state thus depriving the students in communities needing it most.

The City of Brunswick respectfully requests your consideration in including these legislative initiatives in Frederick County's legislative package for the 2025 General Assembly session.

Sincerely,



Nathan Brown  
Mayor

cc: Brunswick City Council  
Frederick County Delegation

## **Proposals from the Public:**

**Submitted by:** Patricia Carter

2526 Station Road  
Middletown, Md 21769

2025 legislative considerations

Dear Ms Venable et al.,

This concerns the June 25 letter to Burgess Miller regarding ideas and suggestions for Frederick County's legislative package for the 2025 General Assembly Session.

### **PROPOSED NEW LEGISLATION**

The town's annexation procedures should be changed so that everyone in the area, at least in the Middletown zip code, is notified of proposed annexations and can have input in these decisions. For example, if a referendum were required citizens would have better notice and information.

The Middletown Burgess does not represent people like myself who live in the Middletown zip code but outside the incorporated town nor does he represent the many others who live in other parts of the Middletown Valley. We have separate and sometimes opposing concerns. We live in rural areas and specifically want them to remain rural. However we are helpless when a town decides to annex and then develop adjoining land.

If a town decides it wants territory outside its boundaries it is appropriating county resources, especially if the annexation increases the town's population. Once the property is annexed the county can't or won't control its use. Those outside of the incorporated town are affected by such changes as we use the same roads, schools, other public facilities, and in some cases the same aquifer (water source).

An example of impact of the town's annexations is its 2018 annexation of a 94 acre agricultural parcel adjacent to the town park and Coblenz Road for the purpose of building 141 "senior living" houses. The people who attended the hearing on this annexation opposed it but the town approved it anyway. Subsequently petitions were collected to force a referendum on the issue but their numbers were 11 short of the 722 signatures required before the cut-off date. Unfortunately a few people who signed petitions were not registered to vote in town elections despite living there and their petitions were not considered. This does suggest that if more people had known about this development the annexation would have been denied.

There are six wells on the property (now called Foxfield Six) to serve the 141 houses and they also are configured to provide water for the town. They are all located on the outer boundary of the property. The developer requested a certain water flow from these wells but whenever they were tested for this purpose they depleted the water supply in wells outside the town, some of which serve farms with livestock. The Maryland Department of the Environment refused to allow this drain on the aquifer that

serves the entire area until the developer decreased its planned water consumption by over 50% (fifty per cent). The town still has access to these wells but its use of them is supposedly curtailed. There is no plan for supplementing the water supply to wells outside the town if they are drained by the development. The development also sits on the wet lands that are the head waters of the pond in the Town Park and Cone Branch.

Middletown's concerns about its water supply are mentioned in its recent planning documents which also forecast increased population growth. These two issues are conflicting. The plans do not address how the available water can support more people. The County has proposed population growth in Middletown and the town apparently considers this a mandate to grow. However the County has no authority to enforce population growth in Middletown and seems to have a laissez faire attitude about its annexations and development.

#### PROPOSED INCREASED FUNDING FOR LAND PRESERVATION

The State should provide more funding for easements that conserve agricultural land and protect natural resources. There is a waiting list now for consideration of applications for such programs due to lack of funding. The Middletown Valley lies between Braddock Heights, the Potomac River, the C & O Canal, Harper's Ferry, and the Catoctin Ridge. Much of it is part of the Rural Legacy Program. It was the center of many Civil War campaigns and has a lot of productive farm land. It has (so far) been less affected by climate change than regions that are experiencing wild fires, floods and hurricanes. Its ability to produce food for people and livestock and its protection is in the State's interest.

Increases funding for preservation and conservation of this land would be a fitting use of the major property tax increases recently inflicted.

This area should not be classified as "urban" so other parts of the County qualify for funding from HUD. This is contrary to the implementation of programs to keep the area rural.

Very truly yours,

Patricia Carter

CC; Jessica Fitzwater, County Executive

Frederick County Delegation, Fredrick County Council

Middletown representative on the County Council

Middletown Burgess John Miller

The Frederick Post

**Submitted by:** John L. Thompson Jr.

I offer the attached draft of a proposed bill for your review and possible inclusion in your respective legislative packages for the upcoming 2025 session of the Maryland General Assembly. If enacted, the proposed bill would repeal the delegated authority that electric companies presently have to condemn property for the construction of overhead transmission lines in Baltimore, Carroll & Frederick Counties.

Opponents of the MPRP should pursue all practical and cost effective avenues available to them. Under the circumstances, I believe an effort to legislatively remove the eminent domain power private electric companies will have for the MPRP appears to be a practical and cost effective avenue opponents of the project should consider.

I do not profess to be an expert on any topic mentioned. I consider the matters raised to be points to ponder and food for thought rather than authoritative pronouncements.

#### Eminent Domain in General

Like every other state, Maryland has the power of eminent domain, i.e. to condemn property. The only constraints on that power are the federal and Maryland Constitutions.

They require that the exercise of a state's eminent domain power must be for "public use" and that the owner of the property taken receive "just compensation".

The "public use" requirement is effectively gone. Courts interpret the "public use" requirement very broadly. If a proposed condemnation will produce a "public benefit" or is said to be for a "public purpose", the courts will deem that taking to be for a "public use". Given the deference the courts will give to a condemning authority's finding that

the proposed taking will produce a "public benefit" or is for a "public purpose", opponents of the MPRP are unlikely to get very far in arguing that a private electric company, not the public, will use the condemned land. See *Webster v. Susquehanna Pole Line Co.*, 112 Md 416, 76 A.254 (1910).

The "just compensation" requirement remains in effect. If the property owner and the condemning authority can't agree on the amount of compensation, either can have a jury determine the amount.

#### Delegation of State's Eminent Domain Power to Public Utilities

The Maryland General Assembly can and does delegate the state's eminent domain power to public utilities. At present, §7-207(b)(3)(v)2 of the Public Utilities Article

("PUA") of the Maryland Code provides that the holder of a certificate of public convenience and necessity ("CPC&N") for an overhead transmission line issued by the Maryland Public Service Commission ("PSC") ". . . may acquire by condemnation . . . any property or right necessary for the construction or maintenance of the transmission line." However, what the General Assembly giveth, it may taketh away. If the proposed

bill becomes law, the holder of a CPC&N issued by the PSC for an overhead transmission line in Baltimore, Carroll or Frederick Counties would no longer be able to " . . . acquire by condemnation . . . any property or right necessary for the construction or maintenance of the transmission line."

The proposed bill assumes that the sole source of an electric company's eminent domain power is PUA §7-207(b)(3)(v)2, which provides as follows: "On issuance of a certificate of public convenience and necessity for the construction of an overhead transmission line, a person may acquire by condemnation, in accordance with Title 12 of the Real Property Article, any property or right necessary for the construction or maintenance of the transmission line." I do not claim to be omniscient. There may be other provisions of Title 7 of the PUA that sponsors may need to take into consideration.

In addition, over the past 100 years or so the Maryland General Assembly delegated its eminent domain power to specific public utilities, including electric companies who require land for overhead transmission lines. Many of the delegated eminent domain powers were via uncodified acts, making research somewhat difficult. Here is an illustration: In 1924, suppose the General Assembly gave the mythical ABC Electric Company, Inc. ("ABC Electric") condemnation powers via an uncodified act. Through a series of mergers and acquisitions over the past century, the mythical XYZ Electric Company, Inc. ("XYZ Electric") is the corporate successor to ABC Electric. Arguably, XYZ Electric has the eminent domain power the General Assembly bestowed on ABC Electric in 1924. If the PSC issues a CPC&N to XYZ Electric to construct an overhead transmission line, XYZ Electric arguably has two (2) sources of eminent domain power: i) PUA §7-207(b)(3)(v)2; and ii) the uncodified 1924 act that is presumably still on the books. If the proposed bill moves forward, it would be prudent for the bill's sponsors to request the Maryland Department of Legislative Services to determine whether the electric company(ies) applying for the CPC&N for the MPRP have additional eminent domain power via an uncodified act of the Maryland General Assembly. If there is such authority, the sponsors should include an amendment to the proposed bill to exempt Baltimore, Carroll and Frederick counties from the uncodified act in question.

At this point the identity of the electric company(ies) who will have eminent domain power to condemn land for the MPRP remains unclear. We will likely not know until the MPRP proponents formally apply for a CPC&N from the PSC.

#### Local Zoning and Land Use Law Preempted

The Maryland appellate courts hold that in the case of overhead transmission lines designed to carry a voltage in excess of 69,000 volts, the PSC is the sole regulating authority. The Commission's issuance of a CPC&N for an overhead transmission line designed to carry a voltage in excess of 69,000 volts preempts the zoning and land use regulations of the affected counties and municipalities: "Once the PSC has by order authorized the erection of power lines along a designated route, little more remains for a local government to do except perform the ministerial duty of issuing the necessary building permits." *Potomac Electric Power Company v. Montgomery County*, 80 Md.

App. 107, 118, 560 A.2d 50, 56 (1989), affirmed, *Howard County v. Potomac Electric Power Company*, 319 Md. 511, 573 A.2d 821 (1990). Consequently, local county and municipal officials, like everyone else, may only express their opposition to the MPRP. They have no ability to enact local legislation that would hamper any CPC&N issued by the PSC. If there is going to be a legislative remedy, it must be at the state level.

### PSC Approval Process

Opponents of the MPRP may and should voice their opposition to the MPRP during the PSC's review process. While the PSC will certainly take citizen opposition into account, MPRP must keep in mind that the PSC has the ". . .principal duty of assuring adequate electrical service statewide." *Howard County v. Potomac Electric Power Company*, 319 Md. 511, 524, 573 A.2d 828 (1990).

Assuming the PSC issues a CPC&N for the MPRP, opponents will have the ability to seek judicial review, However, judicial review will be very narrow. The reviewing court (and any appellate courts) will not consider the wisdom or desirability of the MPRP. Instead, the reviewing courts will only consider whether: i) the PSC followed applicable law and procedures; and ii) there is evidence in the record to support the PSC's decision. You can be sure that the MPRP proponents will include enough evidence in the record (likely in the form of the written and oral testimony of paid experts) to support the issuance of a CPC&N for the MPRP. In my view, in the absence of a glaring and prejudicial error by the PSC, judicial review will not be a practical and cost effective avenue.

### Office of People's Counsel

The PUA provides for an Office of People's Counsel to look out for the ". . .interests of residential and noncommercial users . . ." Unless the MPRP will result in unreasonable increases in the cost of service (or unreasonable decreases in the quality of service) to residential and noncommercial users of electricity, the Office of People's Counsel lacks statutory authority to oppose the construction of overhead transmission lines. I have been unable to locate any reported cases where the Office of People's Counsel

HOUSE BILL \_\_\_\_\_ / SENATE BILL \_\_\_\_\_

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By: Baltimore County Delegation, Carroll County Delegation and Frederick County Delegation

Introduced and read first time: January \_\_\_\_\_, 2025.

Assigned to: House – Economic Matters  
Senate – Education, Energy and the Environment

A BILL ENTITLED

AN ACT concerning

Public Utilities – Electric Companies - High Voltage Lines - Condemnation –  
Baltimore County - Carroll County - Frederick County

FOR the purpose of providing that in Baltimore County, Carroll County and Frederick County, a person may not acquire by condemnation any property or right for the construction or maintenance of an overhead transmission line.

BY adding to

Article – Public Utilities  
Section §7-207(b)(3)(v)2  
Annotated Code of Maryland

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

Article – Public Utilities

7-207

(b)(3)(v)2 **EXCEPT IN BALTIMORE COUNTY, CARROLL COUNTY AND  
FREDERICK COUNTY, [On] ON** issuance of a certificate of public convenience and necessity for the construction of an overhead transmission line, a person may acquire by condemnation, in accordance with Title 12 of the Real Property Article, any property or right necessary for the construction or maintenance of the transmission line.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect June 1, 2025.

## Appendix – List of Organizations

\*\*In alphabetical order\*\*

- Adult Public Guardianship Review Board
- Advisory Plumbing Board
- Advocates for Homeless Families, Inc.
- Affordable Housing Council
- African American Resources Cultural and Heritage Society
- Agricultural Preservation Advisory Board
- Agricultural Reconciliation Committee
- Agriculture Business Council
- American Red Cross serving Montgomery, Howard and Frederick Counties
- Asian American Center of Frederick
- Association of Nigerians in Frederick
- Ausherman Family Foundation
- Ausherman Family Foundation
- Blessings in a Backpack, Frederick Maryland
- Board of Education of Frederick County
- Board of Elections
- Board of Gaming Appeals
- Board of Zoning Appeals
- Business and Industry Cabinet
- Catoctin & Frederick Soil Conservation Districts
- Centro Hispano de Frederick
- Chamber of Commerce of Frederick County
- Children of Incarcerated Parents Partnership
- City of Brunswick
- City of Frederick
- City Youth Matrix
- Commission For Women
- Commission on Disabilities
- Containment Laboratory Community Advisory Committee
- CrossedBRIDGES
- Daybreak Adult Day Services, Inc
- Delaplaine Foundation
- Delaplaine Foundation
- Domestic Violence Coordinating Council
- Each 1 Teach 1, Inc
- Electrical Board
- Empowering Community Leaders Network, Inc.
- Endangered Species theatre Project
- Equity and Inclusion Commission
- Ethics Commission
- Farm Bureau of Frederick County, Inc.
- Fire and Rescue Advisory Board
- Fort Detrick Alliance
- Frederick Arts Council
- Frederick Book Arts Center Inc
- Frederick Community College
- Frederick Community College Board of Trustees
- Frederick County Association of Realtors, Inc.
- Frederick County Building Industry Association
- Frederick County Public Schools
- Frederick County Volunteer Fire & Rescue Association, Inc.
- Frederick Health Hospice
- Frederick Regional Youth Orchestra
- Fredericktowne Players
- Get Kids Outside
- Girls on the Run
- Global Necessity Corporation
- Golden Care of Frederick
- Heartly House, Inc.
- Historic Preservation Commission

Hood College	Mobilize Frederick	Sradio5 FM Foundation - DBA: Woman. Foundation
Housing Authority of the City of Frederick	Moms Demand Action for Gun Sense in America	STEM ENABLE INC
Housing Authority of the City of Frederick	Mount Saint Mary's University	Student Homelessness Initiative Partnership of Frederick County, Inc.
Human Relations Commission	On Our Own of Frederick County	Substance Abuse Council
I Believe in Me Inc.	Parks and Recreation Commission	Sustainability Commission
Immigrant Affairs Commission	Partners In Care Maryland Maryland, Inc.	Sustainable Monocacy Commission
Insurance Committee	Phoenix Foundation of Maryland	Technology Council of Frederick County
Interagency Internal Audit Authority	Planning Commission	The Arc of Frederick County
Interfaith Housing Alliance, Inc.	Police Accountability Board	The Birthing Circle Inc.
Justice and Recovery Advocates, Inc.	PTA Council of Frederick County	The Community Foundation of Frederick County
Justice Jobs of Maryland, Inc.	Public Library Board	The Delaplaine Arts Center, Inc.
Lake Linganore Association, Inc.	Rebuilding Together Frederick County, MD, Inc.	The Frederick Center, Inc.
Lead4Life, Inc.	Roads Board	The Frederick Children's Chorus
League of Women Voters of Frederick County	Safe Ride Foundation Inc.	The Global Z Recording Project
League of Women Voters of Frederick County	Senior Services Advisory Board	The Religious Coalition for Emergency Human Needs in Frederick County, Inc.
Literacy Council of Frederick County	Seton Center Inc.	Tourism Council of Frederick County, Inc.
Living Well Youth Works	Sierra Club Catoctin Group	Town of Burkittsville
Local Management Board	SOAR, Supporting Older Adults through Resources, Inc.	Town of Emmitsburg
Maryland Legal Aid	Social Services Board	Town of Middletown
Mental Health Advisory Committee	Solid Waste Advisory Committee	Town of Mount Airy
Mental Health Association	Spanish Speaking Community of Maryland, Inc.	Town of Myersville
Mission of Mercy		Town of New Market

Town of Thurmont  
Town of Walkersville  
Town of Woodsboro  
Transformative Arts Project  
Transportation Services  
Advisory Council  
Turner Boxing Club's Youth  
& Development Program  
United Way of Frederick  
County, Inc.  
Veterans Advisory Council  
Village of Rosemont  
Way Station, Inc  
Whole Heart Grief & Life  
Resource Center  
Woman to Woman  
Mentoring, Inc.  
Women's Giving Circle  
Workforce Development  
Board  
YMCA of Frederick County