



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, February 25, 2020

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:03 A.M. on Tuesday, February 25, 2020.

PRESENT

Councilmember Sidney Katz, President
Councilmember Gabe Alborno
Councilmember Evan Glass
Councilmember Nancy Navarro

Councilmember Tom Hucker, Vice President
Councilmember Andrew Friedson
Councilmember Will Jawando
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

The invocation was given by Rabbi Greg Harris, Congregation Beth El.

PRESENTATIONS

- B. Proclamation was presented by Mr. Jawando honoring Mr. Charles McGee, the oldest living member of the Tuskegee Airmen.
- A. Proclamation was presented by Mr. Rice recognizing Councilmember for a Day.
- C. Proclamation was presented by Mr. Katz and County Executive Elrich recognizing Teen Dating Violence Prevention Awareness Month.

GENERAL BUSINESS

A. **Announcements** - Agenda and Calendar Changes

Ms. Singleton, Clerk of the Council, announced that the public hearing for Zoning Text Amendment (ZTA) 20-02, Accessory Structures, originally scheduled for March 3, 2020, has been cancelled; and that [the Council is seeking applicants for the Board of Appeals. This position can only be filled by a Republican, a voter who is unaffiliated with a party, or a voter who is a member of another party officially recognized by the Board of Elections. This position cannot be filled by a Democrat. The deadline for applications has been extended to February 26, 2020, at 5:00 p.m.](#)

Ms. Singleton noted corrections to the agenda, including changing the public hearing date for the supplemental appropriation to the Montgomery County Public Schools' (MCPS) FY20 Operating budget, \$351,050 for Alfred Noyes Pilot Project grant to March 10, 2020, at 1:30 P.M.; and the public hearing on the supplemental appropriation to the County Government's FY20 Operating Budget, Community Engagement Cluster, Office of Community Partnerships - \$581,700 for 2020 Census Grant Program to March 10, 2020, at 1:30 P.M.; and that the brown bag lunch with the Regional Services Center Directors scheduled for today was cancelled.

(2) B. **Acknowledgement** - [Receipt of Petitions](#)

Acknowledged petitions received from residents of South Bradley Hills neighborhood supporting the implementation of Vision Zero, and from residents of Montgomery County supporting a name change for the Washington Redskins football team.

C. **Action** - Approval of Minutes: January 27 and 28, 2020

Approved the minutes of January 27 and 28, 2020, without objection. Mr. Rice was temporarily absent.

(3) **CONSENT CALENDAR**

Approved the following consent calendar items listed below. Ms. Navarro made the motion, which carried without objection.

- A. **Introduced** [a supplemental appropriation to the MCPS FY20 Operating Budget, \\$351,050 for Alfred Noyes Pilot Project grant.](#) A public hearing and action is tentatively scheduled for March 10, 2020, at 1:30 P.M.

- B. **Introduced** a supplemental appropriation to MCPS' FY20 Capital Budget and amendment to the FY19-24 Capital Improvements Program (CIP) - \$367,850 for the HVAC Replacement Project. A public hearing and action is tentatively scheduled for March 17, 2020, at 1:30 P.M.
 - C. **Introduced** a supplemental appropriation to the County Government's FY20 Operating Budget, Community Engagement Cluster, Office of Community Partnerships - \$581,700 for 2020 Census Grant Program. A public hearing and action is tentatively scheduled for March 10, 2020, at 1:30 P.M.
 - D. **Adopted Resolution 19-364**, in support of DC Statehood.
 - E. **Adopted Resolution 19-365**, approving a supplemental appropriation to the County Government's FY20 Capital Budget, Department of Housing and Community Affairs (DHCA) - \$229,000 for Affordable Housing Acquisition and Preservation.
 - G. **Adopted Resolution 19-366**, condemning the recent SCOTUS decision on public charge.
 - H. **Adopted Resolution 19-367**, confirming the County Executive's appointment to the Commission on Juvenile Justice: Amy Daum.
 - I. **Adopted Resolution 19-368**, approving the Declaration of No Further Need: Road Transfer Agreement with Town of Poolesville (Disposition of County property associated with segments of Hughes Road, Westerly Avenue, and West Willard Road).
 - J. **Adopted Resolution 19-369**, confirming the County Executive's appointments to the Housing Opportunities Commission (HOC): Frances Kelleher and Roy Priest.
 - K. **Approved** list of Supervisor of Assessments candidates.
- (4) **ACTION** - Confirmation of County Executive appointment, Chief Equity Officer: Tiffany Ward

Adopted **Resolution 19-370**, confirming the County Executive's appointment of Tiffany Ward as Chief Equity Officer.

Ms. Navarro made the motion, which carried unanimously.

- (5) **ACTION** - Special appropriation to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY20 Operating Budget, Planning Department - \$300,000 to expedite funding of consultant services for the I-270 Transit Corridor Plan

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, reviewed the Committee's recommendation in support of the supplemental appropriation. Ms. Wright, Planning Director, and Mr. Anderson, Chair, Montgomery County Planning Board, participated in the discussion.

Adopted **Resolution 19-371**, approving the subject supplemental appropriation, without objection.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #6**

(6) **Introduction of Bills**

A. **Bill 6-20, Solid Waste (Trash) - Release of Balloons - Prohibited**

Introduced draft #3 of **Bill 6-20**, sponsored by Councilmember Hucker. A public hearing is scheduled for March 17, 2020, at 1:30 P.M.

B. **Bill 7-20, Interagency Commission on Homelessness - Membership and Duties**

Introduced draft #4 of **Bill 7-20**, sponsored by Councilmembers Glass, Albornoz, and Rice. A public hearing is scheduled for March 17, 2020, at 1:30 P.M.

Councilmembers Jawando, Navarro, Hucker, Katz, Friedson, and Riemer requested to be added as co-sponsors of the bill.

(7) **Call of Bills for Final Reading**

A. **Bill 24-19, Landlord-Tenant Relations - Obligations of Landlord - Air Conditioning**

Mr. Riemer reviewed the recommendations of the PHED Committee, as contained in the staff report.

Approved without objection Mr. Hucker's three amendments to the bill as follows:

Amend line 10 of the bill in order that detached single-family homes are excluded from the air conditioning requirements under the bill, but attached single-family homes are subject to the requirements. Lines 7-12 would read:

- (1) For purposes of this subsection, *rental housing* has the meaning stated in Section 29-1, except that *rental housing* does not include:
 - (A) a detached single-family home; or
 - (B) a dwelling unit located on a site listed in the National Register of Historic Places.

Replace the PHED Committee's tenant-opt out amendment by substituting lines 26 through 39 of the bill with:

- (3) A landlord may apply for, and the Director may grant, an extension of up to six months to comply with the requirements of this Section if the Director finds that:
 - (A) the landlord must make electrical upgrades to the rental housing to comply with the requirements; and
 - (B) making the upgrades would cause financial hardship to the landlord.

After line 79, add the phrase:

Sec. 4. Financing. The Executive must, subject to appropriation and applicable law, explore options to offer low-interest financing to landlords who need to upgrade their electrical systems to comply with the requirements of this Act.

Mr. Jawando, noting that single-family rental homes are exempt from the air conditioning requirement, suggested that DHCA monitor the issue to determine if it should be revisited in the future. Mr. Hucker noted that tenants could ask that their lease include a provision that air conditioning be available, then DHCA would be able to provide enforcement.

Enacted draft #5 of **Bill 24-19**, as amended and shown at the end of these minutes.

The PHED Committee made the motion and the bill was enacted by a roll call vote:

YEAS: Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

B. **Bill 39-19, Contracts and Procurement - Local Small Business Reserve Program (LSBRP) - Amendments**

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, reviewed the Committee's recommendation as contained in the staff report.

Enacted draft #7 of **Bill 39-19**, as shown at the end of these minutes.

The GO Committee made the motion and the bill was enacted by a roll call vote:

YEAS: Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

C. **Bill 41-19, Tree Canopy Fees - Exemptions**

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, and Mr. Zyontz, Senior Legislative Analyst, reviewed the Committee's recommendation as contained in the staff report, and noted that the effective date was retroactive to January 1, 2017.

Enacted draft #5 of **Bill 41-19**, as shown at the end of these minutes.

The T&E Committee made the motion and the bill was enacted by a roll call vote:

YEAS: Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

(8) **BRIEFING - 2020 Census**

Participating in the discussion were Ms. Chen, Legislative Analyst; Mr. Ellis, Montgomery County 2020 Census Manager; Ms. Vu, Director, Office of Community Partnerships; Ms. Vassallo, Director, Montgomery County Public Libraries; Ms. Silvestre, Community Engagement Director, Montgomery College;

and Ms. Blackwell, Director, Office of Community Engagement, University of Maryland and Maryland Latino Census Coalition.

Received an overview of plans for completion of the 2020 census in the County, including “hard to count” populations, undercounted population, messaging, and marketing strategies.

Councilmembers suggested focusing on young people, making sure information provided through MC311 is accurate, making tablets available in undercounted areas for completion of the census, utilizing the faith-based community to spread awareness of the importance of the census, and using social media and fun events to encourage residents to participate.

The meeting recessed at 12:40 P.M. and reconvened at 1:34 P.M.

PUBLIC HEARING - ZTA 20-01, Solar Collection System - AR Zone Standards

The public hearing has been rescheduled for March 3, 2020 at 7:30 P.M.

(10) **PUBLIC HEARING/ACTION** - [Supplemental appropriation and amendment to the FY19-24 CIP - \\$3,448,231 for Agricultural Land Preservation Easement](#)

The public hearing was held and the record closed.

Adopted **Resolution 19-372**, approving the subject supplemental appropriation and amendment to the FY19-24 CIP. The PHED Committee made the motion, which carried without objection. Mr. Friedson, Mr. Glass, Mr. Hucker, and Mr. Jawando were temporarily absent.

(9) **INTERVIEW** - [County Executive’s Appointee as Director, Department of Finance, Michael Coveyou](#)

Interviewed Mr. Michael Coveyou, the County Executive’s appointee for the position of Director, Department of Finance.

MOTION TO CLOSE

Agreed to meet in closed session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, pursuant to Maryland Code, General Provisions Article §3-305 (b)(4). The topic was a specific business locating in the County.

Mr. Rice made the motion, which carried unanimously.

The Council adjourned the open session at 2:25 P.M. and reconvened in closed session at 2:30 P.M. in the Council Conference Room.

The meeting adjourned at 2:51 P.M

Report of Closed Session of February 25, 2020

In compliance with §3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, February 25, 2020. The Council convened in closed session at 2:30 P.M. in the 3rd floor Council Conference Room to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, pursuant to Maryland Code, General Provisions Article §3-305 (b)(4). The topic was a specific business locating in the County.

The meeting was closed on a motion by Mr. Rice, which carried unanimously. The following persons were present: Councilmembers Katz, Hucker, Albornoz, Friedson, Glass, Jawando, Navarro, Rice, and Riemer; Confidential Aides Mandel-Trupp, Gibson, Kunes, Ikheloa, Nurmi, and Ledner; Mr. Smith, Legislative Analyst; Ms. Michaelson, Council Executive Director; Ms. Marin and Ms. Uyakonwu, Central Staff; Ms. Benjamin, Special Projects Director, and Mr. Tibbitts, Special Assistant, Office of the County Executive; Mr. McGinnity, Department of Finance; Mr. Stewart and Ms. Benzion, Montgomery County Economic Development Corporation; Ms. Singleton, Clerk of the Council, and Ms. Brown, Deputy Clerk.

Action: Provided guidance to Executive Branch staff.

This is a correct copy of Council action.

Approved/Signed by Clerk of the Council

Selena Mendy Singleton, Esq.
Clerk of the Council

Bill No. 24-19
 Concerning: Landlord-Tenant Relations
- Obligations of Landlord - Air
Conditioning
 Revised: 2/25/2020 Draft No. 6
 Introduced: July 16, 2019
 Enacted: February 25, 2020
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Hucker
 Co-Sponsors: Councilmembers Jawando and Albornoz, Council President Navarro, and Councilmember Riemer

AN ACT to:

- (1) require a landlord to provide and maintain air conditioning service for rental housing located in the County during certain months;
- (2) establish standards for air conditioning service provided by a landlord; ~~[[and]]~~
- (3) establish certain exceptions from the air conditioning requirement; and
- ~~[[3]]~~ (4) generally amend the law governing rental housing in the County.

By amending

Montgomery County Code
Chapter 26. Housing and Building Maintenance Standards
Section 26-7

Chapter 29. Landlord-Tenant Relations
 Section 29-30

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. [[Section]] Sections 26-7 and 29-30 [[is]] are amended as follows:**
2 **26-7. Light, ventilation and heating, temperature control.**

3 The owner of each dwelling or dwelling unit must assure compliance with
4 the following standards during human habitation:

5 * * *

6 (f) Temperature control – air conditioning in rental housing.

7 (1) For purposes of this subsection, rental housing has the meaning stated in
8 Section 29-1, except that rental housing does not include:

9 (A) a detached single-family home; or

10 (B) a dwelling unit located on a site listed in the National Register of
11 Historic Places.

12 (2) Except as provided in paragraph (3), between June 1 and September 30:

13 (A) Each owner of rental housing where cooling is not under the
14 control of the tenant must maintain a temperature of no more
15 than 80 degrees Fahrenheit (80° F.) in each habitable space at a
16 distance of 3 feet above floor level; and

17 (B) Each owner of rental housing where the cooling is under the
18 control of the tenant must provide an air conditioning system
19 capable of maintaining a temperature of no more than 80 degrees
20 Fahrenheit (80° F.) in each habitable space at a distance of 3 feet
21 above floor level.

22 [(3) A tenant may elect to have no air conditioning service installed and provided if:

23 (A) the air conditioning, if installed, would be provided by one or more
24 individual air conditioning units controlled by the tenant; and

25 (B) an addendum to the lease:

26 (i) specifies any additional amount of rent that would be required if
27 air conditioning were provided;

28 (ii) acknowledges that the tenant has been offered, but has elected
29 not to have air conditioning; and

30 (iii) acknowledges that the tenant has been informed of the tenant’s
31 right to file a complaint with the Director of the Department of
32 Housing and Community Affairs under Section 29-36.]]

33 (3) A landlord may apply for, and the Director may grant, an extension of up to six
34 months to comply with the requirements of this Section if the Director finds that:

35 (A) the landlord must make electrical upgrades to the rental housing to
36 comply with the requirements; and

37 (B) making the upgrades would cause financial hardship to the landlord.

38 (4) This subsection must not be construed to permit any violation of a fire
39 safety requirement under Section 26-8(a).

40 * * *

41 **29-30. Obligations of landlords.**

42 (a) Each landlord must reasonably provide for the maintenance of the health, safety, and
43 welfare of all tenants and all individuals properly on the premises of rental housing. As
44 part of this general obligation, each landlord must:

45 * * *

46 (6) Supply water and hot water as reasonably required by the tenant and adequate
47 heat as required by Chapter 26. In a dwelling unit located in a common
48 ownership community, the landlord must provide water, hot water and adequate
49 heat to the extent that the landlord is responsible for providing these services.
50 This subsection [[does not]] must not be construed to impair any provision in a

51 lease that obligates a tenant to pay for gas, heating oil, electricity, water, or sewer
52 service that the tenant uses.

53 * * *

54 (9) Except when required for reasonable maintenance and repair, [[Supply]] supply
55 and maintain air conditioning service either through individual air conditioning
56 units or a central air conditioning system in a safe and good working condition so
57 that it [[provides an inside temperature of eighty degrees Fahrenheit (80° F.) or
58 less between May 1 and September 30]] meets the requirements of Section 26-7.
59 This [[subsection does not]] paragraph must not be construed to impair any
60 provision in a lease that obligates a tenant to pay for gas or electricity that the
61 tenant uses. The Executive must adopt Method (2) regulations to implement the
62 requirements of this paragraph, including regulations to define reasonable
63 maintenance and repair.

64 * * *

65 **Sec. 2. Transition.** For 12 months following the effective date of this Act, a landlord may
66 request, and the Director may grant, delayed implementation of the requirements of this Act for any real
67 property that is the subject of a pending application for a necessary approval for development before the
68 Planning Board, Board of Appeals, or Office of Zoning and Administrative Hearings. The period of
69 delayed implementation for a property may not exceed the sooner of the completion of the development
70 or 24 months.

71 **Sec. 3. Impairment of Leases.** This Act must not be construed to invalidate or impair a lease in
72 effect on the effective date of the Act.

73 **Sec. 4. Financing.** The Executive must, subject to appropriation and applicable law, explore
74 options to offer low-interest financing to landlords who need to upgrade their electrical systems to comply
75 with the requirements of this Act.

Bill No. 39-19
 Concerning: Contracts and Procurement
– Local Small Business Reserve
Program (LSBRP) – Amendments
 Revised: 02/25/2020 Draft No.
8
 Introduced: December 3, 2019
 Enacted: February 25, 2020
 Executive: _____
 Effective: _____
 Sunset Date: _____
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Jawando
 Co-Sponsors: Councilmembers Rice, Navarro, Riemer, Alborno, Glass, Council Vice-President Hucker,
 Council President Katz, and Councilmember Friedson

AN ACT to:

- (1) define a direct purchase;
- (2) alter the definition of a local small business to permit the participation of non-profit organizations;
- (3) increase the minimum percentage of contracts that must be awarded to small businesses;
- (4) establish a goal to award certain direct purchases to local small businesses;
- (5) alter reporting requirements; and
- (6) generally amend the Local Small Business Reserve Program.

By amending

Montgomery County Code
 Chapter 11B, Contracts and Procurement
 Sections 11B-65, 11B-66, and 11B-69

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 11B-65, 11B-66, and 11B-69 are amended as follows:

11B-65. Definitions.

In this Article the following words have the meanings indicated.

[[a)] Direct purchase means [[a non-competitive procurement of construction, goods, or services with a total value of no more than:

- (1) \$10,000; or
- (2) a higher dollar amount adopted under method 2 regulations]] an informal solicitation defined by regulation under Section 11B-13.

[(a)] [(b)] Local Small Business means a for-profit business[,] or non-profit entity, other than a broker, that:

- (1) has its principal place of business or non-profit operations in the County;
- (2) in the case of a for-profit business, is independently owned and operated;
- (3) is not a subsidiary of another business or entity; and
- (4) meets criteria, size limits, and gross sales amounts established by method 2 regulations.

[(b)] [(c)] Local Small Business Reserve means any procurement that is limited to responses from local small businesses.

* * *

11B-66. Local Small Business Reserve Program.

* * *

(b) Minimum Requirements.

(1) [[A]] Subject to Method 2 regulations, a using department’s procurement procedures must award a minimum of [20] 25 percent of the using department’s combined dollar value of contracts issued for goods, services, or construction, including direct purchases, to local small businesses[[, subject to method 2 regulations]].

(2) A using department must have a goal to award at least 50 percent of the combined dollar value of its direct purchases to local small businesses.

* * *

11B-69. Reports.

(a) By October 30 each year, each using department must submit to the Director a report on the number, type, and dollar amount of contracts, including direct purchases, issued under this Article.

(b) By November 30 each year, the Director must report to the Council on the Local Small Business Reserve Program. This report must include the number, type, and dollar amount of contracts, including direct purchases, awarded under this Article during the preceding fiscal year, the number, type, and dollar amount of each waiver, information about how these numbers have changed from the preceding fiscal year, and the extent of outreach efforts.

Bill No. 41-19
 Concerning: Tree Canopy Fees - Exemptions
 Revised: 1/27/2020 Draft No. 5
 Introduced: December 10, 2019
 Enacted: February 25, 2020
 Executive: _____
 Effective: _____
 Sunset Date: _____
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Rice

AN ACT to:

- (1) amend tree canopy fee exemptions to include land disturbances by any public use airport; and
- (2) generally amend the provisions for tree canopy fee exemptions.

By amending

Montgomery County Code
 Chapter 55, Tree Canopy
 Section 55-5

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1 Section 55-5 is amended as follows:

Sec. 55-5. Exemptions.

This Chapter does not apply to:

- (a) any activity that is subject to Article II of Chapter 22A;
- (b) any commercial logging or timber harvesting operation with an approved exemption [from] under Article II of Chapter 22A;
- (c) any tree nursery activity [performed with an] approved under Section 19-48 [[Soil Conservation and Water Quality Plan]] [as defined in Section 19-48];
- (d) cutting or clearing trees in a public utility right-of-way for the construction or modification of electric generation facilities approved under the Maryland Code Public Utilities Article if:
 - (1) the person cutting or clearing the trees [has] obtained a certificate of public convenience and necessity required under Sections 7-207 and 7-208 of the Public Utilities Article; and
 - (2) the cutting or clearing of forest or tree canopy [is conducted so as to minimize] minimizes the loss of both;
- (e) routine maintenance of a public utility right-of-way, and cutting or clearing any tree by a public utility as necessary to comply with applicable vegetation management requirements, to maintain, repair, replace, or upgrade any public utility transmission or distribution line, or for a new transmission or distribution line;
- (f) any activity conducted by[[:
 - (1)]] the County Parks Department; [[or
 - (2) any public use airport;]]
- (g) routine or emergency maintenance of an existing stormwater management facility, including an existing access road, if the person performing the maintenance [has] obtained all required permits;
- (h) any stream restoration project if the person performing the work [has] obtained all necessary permits;
- (i) [cutting or clearing any tree by an existing airport currently operating with all applicable permits to comply with applicable provisions of any federal law or regulation governing the obstruction of navigable airspace if the Federal Aviation Administration has determined that the trees create a hazard to aviation] cutting or clearing any tree by an existing airport currently operating with all applicable permits to comply with applicable provisions of any federal law or regulation governing the obstruction of navigable airspace;
- (j) any public use airport's obligation to pay fees under subsection 55-6(d);
- [(j)] (k) cutting or clearing any tree to comply with [applicable provisions of] any applicable federal, state, or local law governing the safety of dams;
- [(k)] [(j)] (l) any development activity permitted as a small land disturbing activity under Section 19-5B; or
- [(l)] [(k)] (m) any non-coal surface mining conducted [in accordance with] under applicable state law.

Sec. 2. Effective Date.

This Bill is effective on January 1, 2017 and applies to any fees paid on or after that date.