

SENATE BILL 1005

L5

6lr3729
CF 6lr1289

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

Introduced and read first time: February 24, 2026

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission General Counsel**
3 **and Powers of Local Planning Boards – Alterations**

4 FOR the purpose of repealing the requirement that the Maryland–National Capital Park
5 and Planning Commission appoint a general counsel; requiring the Montgomery
6 County Planning Board and the Prince George's County Planning Board to appoint
7 legal counsel for Commission operations within each respective county subject to
8 certain requirements; requiring the Montgomery County Planning Board and the
9 Prince George's County Planning Board to exercise direct authority over certain
10 functions within each county; authorizing the Commission to use shared
11 administrative services under certain circumstances; and generally relating to the
12 Maryland–National Capital Park and Planning Commission and local planning
13 boards in Montgomery County and Prince George's County.

14 BY repealing and reenacting, with amendments,
15 Article – Land Use
16 Section 15–109, 15–110, 15–506, 16–102, 16–103(c), and 16–201(a)(2)
17 Annotated Code of Maryland
18 (2012 Volume and 2025 Supplement)

19 BY adding to
20 Article – Land Use
21 Section 15–110.1
22 Annotated Code of Maryland
23 (2012 Volume and 2025 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article – Land Use
26 Section 16–103(a)
27 Annotated Code of Maryland
28 (2012 Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Land Use

15–109.

(a) (1) (I) The Commission shall appoint an executive director[, AND a secretary–treasurer[, and a general counsel].

[(2)] (II) The executive director[, AND secretary–treasurer[, and general counsel] serve at the pleasure of the Commission.

[(3)] (III) The Commission shall set the compensation of the executive director[, AND secretary–treasurer[, and general counsel].

[(b)] (2) The executive director and the secretary–treasurer shall be bonded.

[(c)] (3) [Of the three] **THE** officers appointed under this [section, not more than two shall] **SUBSECTION MAY NOT** be residents of the same county.

(B) (1) (I) THE MONTGOMERY COUNTY PLANNING BOARD SHALL APPOINT LEGAL COUNSEL FOR COMMISSION OPERATIONS CONDUCTED PRIMARILY IN MONTGOMERY COUNTY.

(II) THE PRINCE GEORGE’S COUNTY PLANNING BOARD SHALL APPOINT LEGAL COUNSEL FOR COMMISSION OPERATIONS CONDUCTED PRIMARILY IN PRINCE GEORGE’S COUNTY.

(2) LEGAL COUNSEL APPOINTED UNDER THIS SUBSECTION SERVE AT THE PLEASURE OF THE APPOINTING COUNTY PLANNING BOARD.

(3) EACH COUNTY PLANNING BOARD SHALL SET THE COMPENSATION OF THE RESPECTIVE LEGAL COUNSEL.

(4) (I) THE COMMISSION MAY DESIGNATE LEGAL COUNSEL APPOINTED UNDER THIS SUBSECTION FROM ONE COUNTY FOR MATTERS REQUIRING REPRESENTATION OR ACTION FROM THE COMMISSION AS A SINGLE CORPORATE BODY.

(II) A DESIGNATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF EITHER COUNTY PLANNING BOARD TO DIRECT EACH RESPECTIVE LEGAL COUNSEL.

1 15-110.

2 (A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
3 Commission may:

4 (1) appoint or contract for the services of planning, engineering, legal,
5 administrative, auditing, clerical, staff, or other employees necessary to administer this
6 division on a regional basis; and

7 (2) set the compensation of employees and contractors.

8 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS DIVISION, THE
9 MONTGOMERY COUNTY PLANNING BOARD AND THE PRINCE GEORGE'S COUNTY
10 PLANNING BOARD EACH SHALL EXERCISE DIRECT AUTHORITY OVER:

11 (1) HUMAN RESOURCES ADMINISTRATION FOR COMMISSION
12 EMPLOYEES PRIMARILY ASSIGNED TO EACH RESPECTIVE COUNTY; AND

13 (2) INFORMATION TECHNOLOGY SYSTEMS AND SERVICES USED
14 PRIMARILY FOR COMMISSION OPERATIONS IN EACH RESPECTIVE COUNTY.

15 15-110.1.

16 (A) THE MONTGOMERY COUNTY PLANNING BOARD AND THE PRINCE
17 GEORGE'S COUNTY PLANNING BOARD SHALL EACH DIRECT AND CONTROL
18 ADMINISTRATIVE FUNCTIONS FOR COMMISSION OPERATIONS WITHIN EACH
19 RESPECTIVE COUNTY FOR:

20 (1) HUMAN RESOURCES;

21 (2) INFORMATION TECHNOLOGY; AND

22 (3) LEGAL SERVICES.

23 (B) NOTHING IN THIS SECTION LIMITS THE AUTHORITY OF THE
24 COMMISSION TO ACT AS A SINGLE CORPORATE BODY WHEN REQUIRED BY LAW.

25 (C) SUBJECT TO THE APPROVAL OF THE MONTGOMERY COUNTY PLANNING
26 BOARD AND THE PRINCE GEORGE'S COUNTY PLANNING BOARD, THE COMMISSION
27 MAY USE SHARED ADMINISTRATIVE SERVICES.

28 15-506.

(a) The Commission shall include in the Commission's annual operating budget proposal the amounts recommended by the Audit Committee for the Office.

(b) Subject to budget authorization and adequate funds:

(1) [the Commission's general] **LEGAL** counsel **APPOINTED IN ACCORDANCE WITH § 15-109(B) OF THIS TITLE** shall provide legal services to the Inspector General and may employ special counsel if appropriate or required by law; and

(2) the Inspector General may employ and be represented by a special legal counsel without consent of the [general] **LEGAL** counsel **APPOINTED IN ACCORDANCE WITH § 15-109(B) OF THIS TITLE** if the Audit Committee approves of a request after considering any recommendation or comment offered by the [general] **LEGAL** counsel relating to the request.

16-102.

(a) The Commission shall implement a merit system adopted under this subtitle.

(b) The merit system includes each employee of the Commission, except:

(1) the commissioners;

(2) the executive director, secretary-treasurer, and [general] **LEGAL** counsel appointed [by the Commission] under [§ 15-109] **§ 15-109(B)** of this article;

(3) (i) the Inspector General; and

(ii) any temporary term employee of the Office of the Inspector General appointed under § 15-503 of this article;

(4) a part-time or temporary employee under Subtitle 2 or Subtitle 5 of this title;

(5) in Montgomery County, each position excluded under § 20-204(b) of this article; and

(6) in Prince George's County:

(i) the deputy chief of park police as provided in § 17-305 of this article; and

(ii) each director and deputy director as provided in § 20-204(c) of this article.

16-103.

(a) There is a merit system board of the Commission.

(c) (1) Each member of the board:

(i) shall be a resident of the regional district;

(ii) shall be knowledgeable and experienced in personnel matters;

and

(iii) may not be a member or employee of the Commission or the executive director, secretary–treasurer, or [general] **LEGAL** counsel appointed [by the Commission] under [§ 15–109] **§ 15–109(B)** of this article.

(2) Not more than two members of the board may reside in the same county.

16–201.

(a) (2) The rights granted to Commission merit system employees under this subtitle do not apply to:

(i) attorneys [in the General Counsel’s office] **SERVING UNDER LEGAL COUNSEL APPOINTED IN ACCORDANCE WITH § 15–109(B) OF THIS ARTICLE;**

(ii) confidential employees;

(iii) employees who are at grade J or above;

(iv) park police officers;

(v) 1. the Inspector General; and

2. any subordinate employee of the Office of the Inspector General appointed under § 15–503 of this article;

(vi) probationary employees; or

(vii) supervisors, as defined in § 2(11) of the National Labor Relations Act, 29 U.S.C. § 152(11).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.