

# SENATE BILL 889

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CF HB 326

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By: **Senator Rosapepe**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Prince George’s**  
3 **County – Appointment Procedures**

4 FOR the purpose of repealing certain provisions of law establishing the appointment  
5 procedures for a member of the Maryland–National Capital Park and Planning  
6 Commission from Prince George’s County; requiring the Prince George’s County  
7 Council to appoint a certain commissioner subject to the approval of the Prince  
8 George’s County Executive; requiring the County Council to make an appointment  
9 from a certain list of applicants; requiring the County Council to provide for the  
10 preparation of a second list of applicants and follow certain procedures under certain  
11 circumstances; requiring the County Council to submit the name of an appointee to  
12 the County Executive within a certain time period; requiring the County Executive  
13 to approve or disapprove an appointment within a certain time period; providing that  
14 a certain appointment is deemed to be approved under certain circumstances;  
15 requiring the County Executive to return a disapproval to the County Council with  
16 a certain written statement; authorizing the County Council to make an  
17 appointment over the disapproval of the County Executive by a certain vote; and  
18 generally relating to the appointment of the members of the Maryland–National  
19 Capital Park and Planning Commission.

20 BY repealing and reenacting, with amendments,  
21 Article – Land Use  
22 Section 15–102(a) and 15–103  
23 Annotated Code of Maryland  
24 (2012 Volume and 2016 Supplement)

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

27 **Article – Land Use**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15-102.

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

3 (2) Of the 10 members of the Commission:

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

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

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

10 (ii) Subject to the approval of the County [Council] **EXECUTIVE**, the  
11 County [Executive] **COUNCIL** shall appoint each commissioner from Prince George's  
12 County.

13 15-103.

14 (a) (1) In Montgomery County, the County Council shall make an appointment  
15 to the Commission from a list of applicants.

16 (2) The list shall be:

17 (i) completed at least 3 weeks before an appointment is made; and

18 (ii) made available to the public.

19 (3) If the County Council does not appoint an individual whose name  
20 appears on the list or if no name appears on the list, the County Council shall provide for  
21 the preparation of a second list and follow the procedures under paragraph (2) of this  
22 subsection.

23 (4) Within 3 days after making an appointment, the County Council shall  
24 submit the name of the appointee to the County Executive.

25 (5) Within 30 days after the appointment is submitted, the County  
26 Executive shall approve or disapprove the appointment.

27 (6) An appointment that is not disapproved by the County Executive in  
28 accordance with this subsection is deemed to be approved.

29 (7) If the County Executive disapproves an appointment, the County  
30 Executive shall return the appointment to the County Council with the reasons for the  
31 disapproval stated in writing.

1 (8) By the affirmative vote of seven of its members, the County Council  
2 may appoint a commissioner over the disapproval of the County Executive.

3 (b) (1) In Prince George's County, the County Council shall [hold public  
4 hearings on an appointment to the Commission not less than 10 days and not more than  
5 20 days after the County Executive submits the name of the appointee to the County  
6 Council.

7 (2) If the County Council fails to act on the appointment within 30 days  
8 after the County Executive submits the name of the appointee, the appointment is deemed  
9 to be approved.

10 (3) A vote of a majority of the full County Council is required to approve or  
11 disapprove an appointment] **MAKE AN APPOINTMENT TO THE COMMISSION FROM A**  
12 **LIST OF APPLICANTS.**

13 **(2) THE LIST SHALL BE:**

14 **(I) COMPLETED AT LEAST 3 WEEKS BEFORE AN APPOINTMENT**  
15 **IS MADE; AND**

16 **(II) MADE AVAILABLE TO THE PUBLIC.**

17 **(3) IF THE COUNTY COUNCIL DOES NOT APPOINT AN INDIVIDUAL**  
18 **WHOSE NAME APPEARS ON THE LIST OR IF NO NAME APPEARS ON THE LIST, THE**  
19 **COUNTY COUNCIL SHALL PROVIDE FOR THE PREPARATION OF A SECOND LIST AND**  
20 **FOLLOW THE PROCEDURES UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

21 **(4) WITHIN 3 DAYS AFTER MAKING AN APPOINTMENT, THE COUNTY**  
22 **COUNCIL SHALL SUBMIT THE NAME OF THE APPOINTEE TO THE COUNTY**  
23 **EXECUTIVE.**

24 **(5) WITHIN 30 DAYS AFTER THE APPOINTMENT IS SUBMITTED, THE**  
25 **COUNTY EXECUTIVE SHALL APPROVE OR DISAPPROVE THE APPOINTMENT.**

26 **(6) AN APPOINTMENT THAT IS NOT DISAPPROVED BY THE COUNTY**  
27 **EXECUTIVE IN ACCORDANCE WITH THIS SUBSECTION IS DEEMED TO BE APPROVED.**

28 **(7) IF THE COUNTY EXECUTIVE DISAPPROVES AN APPOINTMENT,**  
29 **THE COUNTY EXECUTIVE SHALL RETURN THE APPOINTMENT TO THE COUNTY**  
30 **COUNCIL WITH THE REASONS FOR THE DISAPPROVAL STATED IN WRITING.**

1                   **(8) BY THE AFFIRMATIVE VOTE OF SEVEN OF ITS MEMBERS, THE**  
2 **COUNTY COUNCIL MAY APPOINT A COMMISSIONER OVER THE DISAPPROVAL OF THE**  
3 **COUNTY EXECUTIVE.**

4                   **[(4)] (9)**       (i)     In making and approving appointments, the County  
5 Council and County Executive shall attempt to provide reasonable geographic balance with  
6 respect to the commissioners' places of residence.

7                               (ii)    The appointment resolution for each appointment shall describe  
8 the resulting geographic distribution and provide appropriate explanations.

9                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2017.