

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

**Revised**

House Bill 1077

(Prince George's County Delegation and Montgomery  
County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

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**Prince George's County - Maryland-National Capital Park and Planning  
Commission - Subdivision Appeals  
PG/MC 112-06**

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This bill provides that if subdivision regulations in Prince George's County provide for an appeal to the district council, including an appeal to the district council of a final action by the Maryland-National Capital Park and Planning Commission (M-NCPPC) on a preliminary subdivision plan, any final action of the district council may be reviewed in the circuit court. The district council, or any other party to the review by the circuit court, may obtain a review of any final judgment of the circuit court by appealing to the Court of Special Appeals. A district council member is authorized to vote on whether the district council should appeal, even if he/she did not participate in the final action. The bill outlines provisions the subdivision regulations may contain, including those for an appeal to the district council from a decision regarding a preliminary subdivision plan or plat. The bill may only be interpreted to apply prospectively.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** M-NCPPC personnel expenditures would increase by \$58,700 in FY 2007 and \$91,500 in FY 2011. Revenues would not be affected.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Statute provides for the appeal of a final action by M-NCPPC on any application for the subdivision of land by any person aggrieved by the action, or by any person, municipality, corporation, or association, which has appeared at the hearing in person, by attorney, or in writing to the circuit court of the county. The circuit court may affirm or reverse the action or remand it back to M-NCPPC for further consideration. Moreover, statute contains provisions relating to appeals procedures for certain final actions of M-NCPPC.

**Background:** The Court of Appeals ruled in *County Council of Prince George's County v. Dutcher*, 365 Md. 399 (2001) that the district council is not statutorily authorized to hear appeals from M-NCPPC decisions on preliminary subdivision plans.

M-NCPPC is a bi-county agency empowered by the State in 1927 to acquire and administer a regional system of parks within the Maryland-Washington Regional District and administer a general plan for the physical development of the area. In 1970, M-NCPPC became responsible for managing the Prince George's County public recreation program. The Prince George's County Council sits as the Prince George's County District Council for the area of the regional district within Prince George's County.

**Local Fiscal Effect:** M-NCPPC would experience an increased workload as a result of the bill, and would need to hire a planner at an annual compensation of \$78,200. M-NCPPC advises that they account for total compensation for new hires, rather than break out salary and fringe benefits. Fiscal 2007 personnel expenditures for M-NCPPC would increase by \$58,650 for salary and fringe benefits for a new planner, accounting for the bill's October 1, 2006 effective date. Out-year personnel expenditures reflect a 4% annual increase in compensation, as advised by M-NCPPC. Thus, personnel expenditures for the new position could reach \$91,483 in fiscal 2011.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Prince George's County, Judiciary (Administrative Office of the Courts), Maryland-National Capital Park and Planning Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - March 29, 2006  
ncs/hlb Revised - House Third Reader - April 7, 2006

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Analysis by: Joshua A. Watters

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510