

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 665

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

Environmental Matters

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**Prince George's County - Maryland-National Capital Park and Planning  
Commission - Subdivision Appeals  
MC/PG 114-07**

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This bill authorizes subdivision regulations in Prince George's County to allow a party to appeal a Maryland-National Capital Park and Planning Commission (M-NCPPC) decision on a preliminary subdivision plan to the district council under certain circumstances. If subdivision regulations provide for such an appeal, any final action of district council may be reviewed in circuit court and the final judgment of the circuit court, in turn, may be appealed to the Court of Special Appeals.

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**Fiscal Summary**

**State Effect:** The bill should not materially impact the caseload of the appellate courts.

**Local Effect:** Potential operational impact on M-NCPPC; however, any such impact is assumed to be absorbable within existing resources. The bill should not materially impact the caseload of the circuit court. Revenues would not be affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Statute allows certain aggrieved parties to appeal a *final* M-NCPPC action on an application for the subdivision of land. The circuit court may affirm or

reverse the action or remand it back to M-NCPPC for further consideration. However, there is no provision regarding appealing a M-NCPPC action on a *preliminary* subdivision plan in Prince George's to the district council.

**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. Prior to this decision, the district council heard appeals from actions 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 could experience an increased workload as a result of the bill. The commission advises, however, that any such increase would be absorbable within existing resources.

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### **Additional Information**

**Prior Introductions:** This bill is substantially similar to HB 1077 of 2006, as amended. The bill passed the House and was assigned to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 8, 2007  
ncs/hlb

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Analysis by: Joshua A. Watters

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

