

HOUSE BILL 931

L5

8lr0797

By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: February 6, 2008

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

CHAPTER _____

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Montgomery**
3 **County – Planning Board – Enforcement Powers**

4 **PG/MC 112–08**

5 FOR the purpose of authorizing the Montgomery County Planning Board to appoint a
6 hearing ~~examiner~~ officer with certain powers under certain circumstances;
7 authorizing the Circuit Court for Montgomery County to compel compliance
8 with a subpoena issued by a hearing ~~examiner~~ officer appointed by the
9 Montgomery County Planning Board under certain circumstances; and
10 generally relating to the enforcement powers of the Montgomery County
11 Planning Board in the Maryland–National Capital Park and Planning
12 Commission.

13 BY adding to

14 Article 28 – Maryland–National Capital Park and Planning Commission

15 Section 7–116.1

16 Annotated Code of Maryland

17 (2003 Replacement Volume and 2007 Supplement)

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

20 **Article 28 – Maryland–National Capital Park and Planning Commission**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **7-116.1.**

2 (A) THIS SECTION APPLIES TO THE ENFORCEMENT OF ANY DECISION OF
3 THE MONTGOMERY COUNTY PLANNING BOARD OR ANY LAW OVER WHICH THE
4 MONTGOMERY COUNTY PLANNING BOARD HAS JURISDICTION, INCLUDING
5 MONTGOMERY COUNTY SUBDIVISION REGULATIONS AND ZONING ORDINANCES.

6 (B) THE MONTGOMERY COUNTY PLANNING BOARD MAY APPOINT A
7 HEARING ~~EXAMINER~~ OFFICER WITH THE POWER:

- 8 (1) TO CONDUCT HEARINGS;
- 9 (2) TO ISSUE RECOMMENDED DECISIONS;
- 10 (3) TO ADMINISTER OATHS AND AFFIRMATIONS; AND
- 11 (4) FOR DEPOSITIONS OR HEARINGS, TO REQUIRE BY SUBPOENA:
 - 12 (I) THE TESTIMONY AND ATTENDANCE OF WITNESSES; AND
 - 13 (II) THE PRODUCTION OF EVIDENCE.

14 (C) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
15 THIS SECTION, THE CIRCUIT COURT FOR MONTGOMERY COUNTY MAY COMPEL
16 COMPLIANCE WITH THE SUBPOENA.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.