

# HOUSE BILL 1140

L5  
HB 931/08 – ENV

9lr0685

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By: **Montgomery County Delegation and Prince George's County Delegation**  
Introduced and read first time: February 13, 2009  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

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

4 **MC/PG 109–09**

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

12 BY adding to

13 Article 28 – Maryland–National Capital Park and Planning Commission  
14 Section 7–116.1  
15 Annotated Code of Maryland  
16 (2003 Replacement Volume and 2008 Supplement)

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

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

20 **7–116.1.**

21 (A) **THIS SECTION APPLIES TO THE ENFORCEMENT OF ANY DECISION OF**  
22 **THE MONTGOMERY COUNTY PLANNING BOARD OR ANY LAW OVER WHICH THE**  
23 **MONTGOMERY COUNTY PLANNING BOARD HAS JURISDICTION, INCLUDING**  
24 **MONTGOMERY COUNTY SUBDIVISION REGULATIONS AND ZONING ORDINANCES.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) THE MONTGOMERY COUNTY PLANNING BOARD MAY APPOINT A**  
2 **HEARING OFFICER WITH THE POWER:**

3           **(1) TO CONDUCT HEARINGS;**

4           **(2) TO ISSUE RECOMMENDED DECISIONS;**

5           **(3) TO ADMINISTER OATHS AND AFFIRMATIONS; AND**

6           **(4) FOR DEPOSITIONS OR HEARINGS, TO REQUIRE BY SUBPOENA:**

7                   **(I) THE TESTIMONY AND ATTENDANCE OF WITNESSES; AND**

8                   **(II) THE PRODUCTION OF EVIDENCE.**

9           **(C) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER**  
10 **THIS SECTION, THE CIRCUIT COURT FOR MONTGOMERY COUNTY MAY COMPEL**  
11 **COMPLIANCE WITH THE SUBPOENA.**

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2009.