

HOUSE BILL 1140

L5
HB 931/08 – ENV

9lr0685

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

Committee Report: Favorable
House action: Adopted
Read second time: March 23, 2009

CHAPTER _____

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.**

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.