

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1140 (Montgomery County Delegation and Prince George's County Delegation)

Environmental Matters

Judicial Proceedings

Maryland-National Capital Park and Planning Commission - Montgomery County - Planning Board - Enforcement Powers
MC/PG 109-09

This bill authorizes the Montgomery County Planning Board to appoint a hearing officer to conduct hearings concerning matters within the jurisdiction of the planning board, including subdivision regulations and zoning ordinances. The hearing officer may issue recommended decisions; administer oaths and affirmations; and compel the attendance and testimony of witnesses and the production of evidence. Compliance with the hearing officer's orders may be compelled by the Circuit Court for Montgomery County.

Fiscal Summary

State Effect: None.

Local Effect: Maryland-National Capital Park and Planning Commission expenditures increase by \$32,500 in FY 2010 and by \$22,500 annually thereafter. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: The Maryland-Washington Regional District may authorize the Montgomery County Planning Board to impose civil monetary fines and penalties and, when the public health, safety, or welfare are threatened, issue stop work orders for a violation of any subdivision regulation, zoning ordinance, law, regulation, or decision of

the planning board. The planning board may prosecute, with counsel, any of these violations for which civil monetary fines or penalties are imposed.

The Montgomery County Planning Board, part of the Maryland-National Capital Park and Planning Commission, is largely responsible for planning, zoning, and platting functions within Montgomery County.

Background: The Maryland-National Capital Park and Planning Commission (M-NCPPC) is a bicounty 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. M-NCPPC is governed by a 10-member commission with 5 members appointed by the County Executive of Prince George’s County and confirmed by the county council, and 5 members appointed by the Montgomery County Council with the approval of the county executive.

Local Fiscal Effect: M-NCPPC indicates that one part-time contractual hearing officer will be needed to conduct hearings, as authorized by the bill. It is estimated that the planning board will refer three cases each year to the hearing officer, with the average duration for each hearing lasting 40 hours at a cost of \$100 per hour. Accordingly, the cost for the hearing officer totals approximately \$4,000 for each case for a total annual cost of \$12,000. In addition, the cost for hearing and translation services is estimated at \$3,000 for each case for a total annual cost of \$9,000. Other expenses include \$1,500 in annual rent for additional office space and \$10,000 for the one-time purchase and installation of information and technology products. As shown in **Exhibit 1**, M-NCPPC expenditures may increase by \$32,500 in fiscal 2010 and by \$22,500 on an annualized basis.

Legislative Services advises that the bill authorizes, but does not require, the appointment of a hearing officer; therefore, M-NCPPC expenditures may not increase.

Exhibit 1
Estimated Fiscal Impact of HB 1140

	<u>Fiscal 2010</u>	<u>Annualized Basis</u>
Hearing Officer	\$12,000	\$12,000
Hearing and Translation Services	9,000	9,000
Office Space	1,500	1,500
Information/Technology Products	10,000	0
Total	\$32,500	\$22,500

Additional Information

Prior Introductions: HB0931 LR0797 2008 ENV

Cross File: None.

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

Fiscal Note History: First Reader - March 18, 2009
ncs/mwc

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