

# SENATE BILL 1005

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6lr3729  
CF 6lr1289

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By: **Prince George's County Senators**

Introduced and read first time: February 24, 2026

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission General Counsel**  
3 **and Powers of Local Planning Boards – Alterations**

4 FOR the purpose of repealing the requirement that the Maryland–National Capital Park  
5 and Planning Commission appoint a general counsel; requiring the Montgomery  
6 County Planning Board and the Prince George's County Planning Board to appoint  
7 legal counsel for Commission operations within each respective county subject to  
8 certain requirements; requiring the Montgomery County Planning Board and the  
9 Prince George's County Planning Board to exercise direct authority over certain  
10 functions within each county; authorizing the Commission to use shared  
11 administrative services under certain circumstances; and generally relating to the  
12 Maryland–National Capital Park and Planning Commission and local planning  
13 boards in Montgomery County and Prince George's County.

14 BY repealing and reenacting, with amendments,  
15 Article – Land Use  
16 Section 15–109, 15–110, 15–506, 16–102, 16–103(c), and 16–201(a)(2)  
17 Annotated Code of Maryland  
18 (2012 Volume and 2025 Supplement)

19 BY adding to  
20 Article – Land Use  
21 Section 15–110.1  
22 Annotated Code of Maryland  
23 (2012 Volume and 2025 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article – Land Use  
26 Section 16–103(a)  
27 Annotated Code of Maryland  
28 (2012 Volume and 2025 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Land Use**

4 15–109.

5 (a) (1) (I) The Commission shall appoint an executive director[,] AND a  
6 secretary–treasurer[, and a general counsel].

7 [(2)] (II) The executive director[,] AND secretary–treasurer[, and general  
8 counsel] serve at the pleasure of the Commission.

9 [(3)] (III) The Commission shall set the compensation of the executive  
10 director[,] AND secretary–treasurer[, and general counsel].

11 [(b)] (2) The executive director and the secretary–treasurer shall be bonded.

12 [(c)] (3) [Of the three] **THE** officers appointed under this [section, not more  
13 than two shall] **SUBSECTION MAY NOT** be residents of the same county.

14 **(B) (1) (I) THE MONTGOMERY COUNTY PLANNING BOARD SHALL**  
15 **APPOINT LEGAL COUNSEL FOR COMMISSION OPERATIONS CONDUCTED PRIMARILY**  
16 **IN MONTGOMERY COUNTY.**

17 **(II) THE PRINCE GEORGE’S COUNTY PLANNING BOARD SHALL**  
18 **APPOINT LEGAL COUNSEL FOR COMMISSION OPERATIONS CONDUCTED PRIMARILY**  
19 **IN PRINCE GEORGE’S COUNTY.**

20 **(2) LEGAL COUNSEL APPOINTED UNDER THIS SUBSECTION SERVE AT**  
21 **THE PLEASURE OF THE APPOINTING COUNTY PLANNING BOARD.**

22 **(3) EACH COUNTY PLANNING BOARD SHALL SET THE COMPENSATION**  
23 **OF THE RESPECTIVE LEGAL COUNSEL.**

24 **(4) (I) THE COMMISSION MAY DESIGNATE LEGAL COUNSEL**  
25 **APPOINTED UNDER THIS SUBSECTION FROM ONE COUNTY FOR MATTERS REQUIRING**  
26 **REPRESENTATION OR ACTION FROM THE COMMISSION AS A SINGLE CORPORATE**  
27 **BODY.**

28 **(II) A DESIGNATION UNDER SUBPARAGRAPH (I) OF THIS**  
29 **PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF EITHER COUNTY PLANNING**  
30 **BOARD TO DIRECT EACH RESPECTIVE LEGAL COUNSEL.**

1 15-110.

2 (A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE  
3 Commission may:

4 (1) appoint or contract for the services of planning, engineering, legal,  
5 administrative, auditing, clerical, staff, or other employees necessary to administer this  
6 division on a regional basis; and

7 (2) set the compensation of employees and contractors.

8 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS DIVISION, THE  
9 MONTGOMERY COUNTY PLANNING BOARD AND THE PRINCE GEORGE'S COUNTY  
10 PLANNING BOARD EACH SHALL EXERCISE DIRECT AUTHORITY OVER:

11 (1) HUMAN RESOURCES ADMINISTRATION FOR COMMISSION  
12 EMPLOYEES PRIMARILY ASSIGNED TO EACH RESPECTIVE COUNTY; AND

13 (2) INFORMATION TECHNOLOGY SYSTEMS AND SERVICES USED  
14 PRIMARILY FOR COMMISSION OPERATIONS IN EACH RESPECTIVE COUNTY.

15 15-110.1.

16 (A) THE MONTGOMERY COUNTY PLANNING BOARD AND THE PRINCE  
17 GEORGE'S COUNTY PLANNING BOARD SHALL EACH DIRECT AND CONTROL  
18 ADMINISTRATIVE FUNCTIONS FOR COMMISSION OPERATIONS WITHIN EACH  
19 RESPECTIVE COUNTY FOR:

20 (1) HUMAN RESOURCES;

21 (2) INFORMATION TECHNOLOGY; AND

22 (3) LEGAL SERVICES.

23 (B) NOTHING IN THIS SECTION LIMITS THE AUTHORITY OF THE  
24 COMMISSION TO ACT AS A SINGLE CORPORATE BODY WHEN REQUIRED BY LAW.

25 (C) SUBJECT TO THE APPROVAL OF THE MONTGOMERY COUNTY PLANNING  
26 BOARD AND THE PRINCE GEORGE'S COUNTY PLANNING BOARD, THE COMMISSION  
27 MAY USE SHARED ADMINISTRATIVE SERVICES.

28 15-506.

1 (a) The Commission shall include in the Commission's annual operating budget  
2 proposal the amounts recommended by the Audit Committee for the Office.

3 (b) Subject to budget authorization and adequate funds:

4 (1) [the Commission's general] **LEGAL** counsel **APPOINTED IN**  
5 **ACCORDANCE WITH § 15-109(B) OF THIS TITLE** shall provide legal services to the  
6 Inspector General and may employ special counsel if appropriate or required by law; and

7 (2) the Inspector General may employ and be represented by a special legal  
8 counsel without consent of the [general] **LEGAL** counsel **APPOINTED IN ACCORDANCE**  
9 **WITH § 15-109(B) OF THIS TITLE** if the Audit Committee approves of a request after  
10 considering any recommendation or comment offered by the [general] **LEGAL** counsel  
11 relating to the request.

12 16-102.

13 (a) The Commission shall implement a merit system adopted under this subtitle.

14 (b) The merit system includes each employee of the Commission, except:

15 (1) the commissioners;

16 (2) the executive director, secretary-treasurer, and [general] **LEGAL**  
17 counsel appointed [by the Commission] under [§ 15-109] **§ 15-109(B)** of this article;

18 (3) (i) the Inspector General; and

19 (ii) any temporary term employee of the Office of the Inspector  
20 General appointed under § 15-503 of this article;

21 (4) a part-time or temporary employee under Subtitle 2 or Subtitle 5 of this  
22 title;

23 (5) in Montgomery County, each position excluded under § 20-204(b) of  
24 this article; and

25 (6) in Prince George's County:

26 (i) the deputy chief of park police as provided in § 17-305 of this  
27 article; and

28 (ii) each director and deputy director as provided in § 20-204(c) of  
29 this article.

30 16-103.

1 (a) There is a merit system board of the Commission.

2 (c) (1) Each member of the board:

3 (i) shall be a resident of the regional district;

4 (ii) shall be knowledgeable and experienced in personnel matters;

5 and

6 (iii) may not be a member or employee of the Commission or the  
7 executive director, secretary–treasurer, or [general] LEGAL counsel appointed [by the  
8 Commission] under [§ 15–109] § 15–109(B) of this article.

9 (2) Not more than two members of the board may reside in the same  
10 county.

11 16–201.

12 (a) (2) The rights granted to Commission merit system employees under this  
13 subtitle do not apply to:

14 (i) attorneys [in the General Counsel’s office] **SERVING UNDER**  
15 **LEGAL COUNSEL APPOINTED IN ACCORDANCE WITH § 15–109(B) OF THIS ARTICLE;**

16 (ii) confidential employees;

17 (iii) employees who are at grade J or above;

18 (iv) park police officers;

19 (v) 1. the Inspector General; and

20 2. any subordinate employee of the Office of the Inspector  
21 General appointed under § 15–503 of this article;

22 (vi) probationary employees; or

23 (vii) supervisors, as defined in § 2(11) of the National Labor Relations  
24 Act, 29 U.S.C. § 152(11).

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2026.