

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1005 (Prince George's County Senators)
Education, Energy, and the Environment

**Maryland-National Capital Park and Planning Commission General Counsel
and Powers of Local Planning Boards - Alterations**

This bill decentralizes legal services within the Maryland-National Capital Park and Planning Commission (M-NCPPC) by eliminating the commission-wide general counsel position and requiring the Montgomery County and Prince George's County planning boards to each appoint their own legal counsels for commission operations conducted primarily within each respective county. The bill further decentralizes M-NCPPC operations by requiring the county planning boards to exercise direct authority over all information technology (IT) and human resources (HR) functions with respect to each county.

Fiscal Summary

State Effect: None. The bill does not materially affect State operations or finances.

Local Effect: The bill has a significant impact on M-NCPPC operations and finances, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill eliminates the position of general counsel within M-NCPPC and requires each county planning board to appoint legal counsel for M-NCPPC operations conducted primarily in each respective county. Each county planning board has direct control over and must set the salary for its own legal counsel.

Although each planning board retains ultimate authority over their respective legal counsel, M-NCPPC may designate legal counsel appointed by one of the planning boards for matters that require representation or action from M-NCPPC as a single corporate body. The bill establishes that this designation by M-NCPPC does not limit the authority of either planning board to direct their respective legal counsel.

Decentralization of M-NCPPC Administrative Functions and Operations

The bill grants the planning boards authority over M-NCPPC administrative operations and functions within each respective county regarding legal services, human resources, and information technology.

Nothing in the bill limits the authority of M-NCPPC from acting as a single corporate body when required by law. Subject to the approval of the planning boards, M-NCPPC may use shared administrative services.

Current Law: M-NCPPC is a bi-county agency serving Montgomery and Prince George's counties that was empowered by the State in 1927 to acquire and administer a regional system of parks within the Maryland-Washington Metropolitan District and administer a general plan for the physical development of the area. M-NCPPC operates nearly 68,000 acres of parkland, trails, and open space in Montgomery and Prince George's counties, as well as a variety of facilities, including nature centers, community centers, historic sites, and sports venues. M-NCPPC also administers the recreational programs for Prince George's County. In fiscal 2026, M-NCPPC revenues totaled approximately \$1.1 billion, with \$303.5 million coming from Montgomery County, \$703.8 million coming from Prince George's County, and \$89.2 million coming from commission-wide sources.

The Capper-Cramton Act of 1930 was enacted by Congress to establish a comprehensive park and parkway system in the National Capital Region. Maryland law designates M-NCPPC as the representative of the State for purposes of complying with the Capper-Crampton Act by acquiring and protecting parkland in the region.

M-NCPPC is a 10-member commission, consisting of 5 members from Montgomery County and 5 members from Prince George's County, with the commissioners from each county serving as the Montgomery County Planning Board and the Prince George's County Planning Board.

M-NCPPC is required to appoint and set the compensation of an executive director, a secretary-treasurer, and a general counsel who serve at the pleasure of the commission. Further, M-NCPPC is authorized to appoint or contract for the services of planning,

engineering, legal, administrative, auditing, clerical, staff, or other employees necessary to perform administrative functions.

The M-NCPPC county planning boards must exercise, within each board's jurisdiction, the following powers: (1) planning; (2) zoning; (3) subdivision; (4) assignment of street names and house numbers; and (5) any related matter. These functions do not include the regional planning functions of the commission affecting M-NCPPC. The regional district consists of (1) the entire area of Montgomery County, subject to certain limitations (relating to certain municipalities not subject to the planning and zoning authority of the county, unless by agreement, and other municipalities that have certain, limited planning and zoning authority) and (2) the entire area of Prince George's County, except for the City of Laurel as it existed on July 1, 2013.

Local Expenditures: The bill decentralizes specified M-NCPPC legal, HR, and IT operations for each county planning board which materially increases expenditures for the commission beginning in fiscal 2027. For example, M-NCPPC's [fiscal 2026 adopted budget](#) includes approximately \$18.1 million for these three commission-wide operations. Therefore, M-NCPPC expenditures will increase by a significant amount, potentially over \$10 million annually, to the extent that these commission-wide expenditures are decentralized across the two county planning boards. However, based on currently available information, the Department of Legislative Services cannot provide a specific estimate of the fiscal impact of the bill.

In addition to increased expenditures, decentralizing the legal operations of M-NCPPC creates significant operational challenges for the commission. Currently, the general counsel is responsible for coordinating and administering the legal needs of M-NCPPC, which by law is a single corporate body. M-NCPPC advises that abolishing the general counsel would open the commission to significant legal liability and risk. The Montgomery County Planning Board concurs and advises that inconsistent legal interpretations may result in increased exposure to litigation, labor disputes, and other compliance failures.

Requiring the county planning boards to each direct and control their own HR operations, as specified, would also create significant operational challenges for M-NCPPC. Without central HR, employees may be subject to inconsistent disciplinary standards, which may increase the commission's exposure to liability. In addition, each county planning board would be responsible for negotiating with labor unions and handling collective bargaining agreements, which may increase expenditures. Decentralizing HR operations may also cause delays or discrepancies in retirement benefit and pension payments for M-NCPPC employees who did not work for a specific county which could lead to increased legal risk for the commission.

The Montgomery County and Prince George's County planning boards also advise executing direct authority over the commission's IT systems for their respective county planning boards would pose a significant operational challenge. Decentralizing IT operations currently administered at the commission-wide level would result in duplicative and parallel systems, software licenses, and data sets. The Prince George's County Planning Board advises that decentralizing commission-wide enterprise systems and licensing would have a major impact on their current operations and increase IT expenditures. The Montgomery County Planning Board further advises that decentralizing IT operations would require dividing or replicating shared data sets, creating new data sharing agreements, and developing new disaster recovery systems.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Montgomery and Prince George's counties; Maryland-National Capital Park and Planning Commission; Department of Legislative Services

Fiscal Note History: First Reader - March 25, 2026
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Analysis by: Kayvon Samadani

Direct Inquiries to:
(410) 946-5510
(301) 970-5510