

STATEMENT OF ROYCE HANSON
BEFORE THE SENATE COMMITTEE ON EDUCATION, ENERGY, AND THE ENVIRONMENT
OPPOSING SB 1005

March 25, 2026

Chair Feldman, Members of the Committee:

I apologize for not appearing in person but I will be out of state and of an age that makes improvident standing three or more hours to prove that I am harmless to the security of the United States.

When I learned of SB 1005, I hoped that the perspective gained from my experience of serving twice as chair or vice chair of the Maryland-National Capital Parks and Planning Commission (as chair of the Montgomery County Planning Board) for a total of 15 years, reflection on that experience, and several decades of teaching and research on issues of planning and urban development might be of some help to the committee as it considers this unfortunate bill.

I urge the committee to kill this bill, which would gut the Maryland-National Capital Park and Planning Commission of the function that gives it the independence necessary to speak truth to power on vital issues of land use and development, parks, recreation, and resource conservation in Prince George's and Montgomery Counties. This bill strips the commission of its general counsel, its bi-county human resources system, which manages its merit system, and its bi-county information technology system. I will focus first on the office of general counsel, its importance to the commission and the respective county planning boards.

This is the latest of periodic attempts to dismember of the commission over its 100-year history. These efforts generally were triggered by some action of the commission or its general counsel that upset a county executive or council by offering advice they did not want to hear. Providing truth to power is, of course, one of the most important responsibilities of the commission and its principal officers and staff. It is a particular responsibility of the general counsel. The bill solves a problem that does not exist. It is a not only a bad idea. It will materially damage the quality and integrity of the commission's work in both counties.

The planning boards deal with development, the most important economic activity and politically the most sensitive in the two counties. It is critical for commissioners and staff to have highly competent and independent legal advice and support for their decisions. Because the general counsel, as a statutory officer of the commission, must be chosen

and can be dismissed only by the full commission, that arrangement provides a level of insulation from the politics of each county and an important guard against corruption.

It has been a key to making the commission one of the most effective planning organizations in the nation. Over the 100-year history of the commission, its office of general counsel has become one of foremost land use and park law practices in the country. It has out-lawyered some of the most prominent land use attorneys in the country and provided the legal foundation for some of the most innovative land use policies in the nation.

As one who has served longer than anyone else as a planning commissioner and board chair in my county I relied heavily and often on that office. Its institutional independence within the commission from my direct or exclusive control ensured that the advice of counsel I received was never shaded to please me but to help me understand the legal alternatives for and consequences of proposed actions and to guide the board in making decisions that could withstand well-financed legal assault. I could count on the lawyers in that office to provide experienced and thoughtful counsel in the development of new policies to meet needs of the county. At the same time, I never doubted that the general counsel would vigorously defend decisions of the board. I can attest personally that most of the planning innovations credited to the boards on which I served would not have succeeded without the wise advice of the office of General Counsel.

Having the General Council be a *commission* officer ensures that each board & department receives independent advice because the General Counsel is not dependent on any one board or its chair, but is responsible to the whole commission. Associate general counsels assigned to the Planning Boards and as department legal advisers are responsible to the General Counsel—not to the separate board chairs, the boards, or the departments. Their positions are analogous to the relationship of the Attorney General to the governor and executive departments. A brief notice of the current relationship of the U.S. Department of Justice to the president illustrates the unwisdom of making the law the servant of politics. The independence and professional quality of the office of General Counsel is also a significant factor in the commission's relationship with the bond rating agencies as they assess the overall effectiveness and stability of commission management.

There are additional advantages to the arrangement. It facilitates cross-fertilization of ideas and experience between the counties and has built over a century, a body of law common to both while accommodating unique policies pursued separately. Pooling resources of the two counties enables support of a high quality legal staff that neither county alone would likely provide. Giving attorneys experience in both counties broadens perspectives and

makes it possible to recruit outstanding young attorneys to work at the commission, many of whom have become outstanding practitioners at private firms. Having a strong central office also provides valuable support and backup for young attorneys and associate counsel assigned to departments and to advise the boards. The breadth of responsibilities of the office and its relative independence has made it possible to persuade outstanding lawyers to take the position of general counsel.

The division of the IT and HR functions is just bad management and dumb economics. These are service functions that by placing them in the bi-county offices provides economies of scale, provides for a commission-wide personnel system that helps recruiting and career development, and a more robust IT system. They are, aside from budgeting and general administrative services, the most important functions of the executive director and they are essential to the operations of the Secretary-Treasurer of the Commission.

SB 1005 is not well-conceived and may, I fear, may not be well-intended. It should not go forward.