

HOUSE BILL 326

L5
HB 1124/16 – ENV

71r0825
CF 71r2848

By: **Montgomery County Delegation and Prince George's County Delegation**
Introduced and read first time: January 25, 2017
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Prince George's**
3 **County – Appointment Procedures**

4 **MC/PG 105–17**

5 FOR the purpose of repealing certain provisions of law establishing the appointment
6 procedures for a member of the Maryland–National Capital Park and Planning
7 Commission from Prince George's County; requiring the Prince George's County
8 Council to appoint a certain commissioner subject to the approval of the Prince
9 George's County Executive; requiring the County Council to make an appointment
10 from a certain list of applicants; requiring the County Council to provide for the
11 preparation of a second list of applicants and follow certain procedures under certain
12 circumstances; requiring the County Council to submit the name of an appointee to
13 the County Executive within a certain time period; requiring the County Executive
14 to approve or disapprove an appointment within a certain time period; providing that
15 a certain appointment is deemed to be approved under certain circumstances;
16 requiring the County Executive to return a disapproval to the County Council with
17 a certain written statement; authorizing the County Council to make an
18 appointment over the disapproval of the County Executive by a certain vote; and
19 generally relating to the appointment of the members of the Maryland–National
20 Capital Park and Planning Commission.

21 BY repealing and reenacting, with amendments,
22 Article – Land Use
23 Section 15–102(a) and 15–103
24 Annotated Code of Maryland
25 (2012 Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1

Article – Land Use

2 15–102.

3 (a) (1) The Commission consists of 10 members.

4 (2) Of the 10 members of the Commission:

5 (i) five shall be residents and registered voters of Montgomery
6 County; and7 (ii) five shall be residents and registered voters of Prince George's
8 County.9 (3) (i) Subject to the approval of the County Executive, the County
10 Council shall appoint each commissioner from Montgomery County.11 (ii) Subject to the approval of the County [Council] **EXECUTIVE**, the
12 County [Executive] **COUNCIL** shall appoint each commissioner from Prince George's
13 County.

14 15–103.

15 (a) (1) In Montgomery County, the County Council shall make an appointment
16 to the Commission from a list of applicants.

17 (2) The list shall be:

18 (i) completed at least 3 weeks before an appointment is made; and

19 (ii) made available to the public.

20 (3) If the County Council does not appoint an individual whose name
21 appears on the list or if no name appears on the list, the County Council shall provide for
22 the preparation of a second list and follow the procedures under paragraph (2) of this
23 subsection.24 (4) Within 3 days after making an appointment, the County Council shall
25 submit the name of the appointee to the County Executive.26 (5) Within 30 days after the appointment is submitted, the County
27 Executive shall approve or disapprove the appointment.28 (6) An appointment that is not disapproved by the County Executive in
29 accordance with this subsection is deemed to be approved.

1 (7) If the County Executive disapproves an appointment, the County
2 Executive shall return the appointment to the County Council with the reasons for the
3 disapproval stated in writing.

4 (8) By the affirmative vote of seven of its members, the County Council
5 may appoint a commissioner over the disapproval of the County Executive.

6 (b) (1) In Prince George's County, the County Council shall [hold public
7 hearings on an appointment to the Commission not less than 10 days and not more than
8 20 days after the County Executive submits the name of the appointee to the County
9 Council.

10 (2) If the County Council fails to act on the appointment within 30 days
11 after the County Executive submits the name of the appointee, the appointment is deemed
12 to be approved.

13 (3) A vote of a majority of the full County Council is required to approve or
14 disapprove an appointment] **MAKE AN APPOINTMENT TO THE COMMISSION FROM A**
15 **LIST OF APPLICANTS.**

16 **(2) THE LIST SHALL BE:**

17 **(I) COMPLETED AT LEAST 3 WEEKS BEFORE AN APPOINTMENT**
18 **IS MADE; AND**

19 **(II) MADE AVAILABLE TO THE PUBLIC.**

20 **(3) IF THE COUNTY COUNCIL DOES NOT APPOINT AN INDIVIDUAL**
21 **WHOSE NAME APPEARS ON THE LIST OR IF NO NAME APPEARS ON THE LIST, THE**
22 **COUNTY COUNCIL SHALL PROVIDE FOR THE PREPARATION OF A SECOND LIST AND**
23 **FOLLOW THE PROCEDURES UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

24 **(4) WITHIN 3 DAYS AFTER MAKING AN APPOINTMENT, THE COUNTY**
25 **COUNCIL SHALL SUBMIT THE NAME OF THE APPOINTEE TO THE COUNTY**
26 **EXECUTIVE.**

27 **(5) WITHIN 30 DAYS AFTER THE APPOINTMENT IS SUBMITTED, THE**
28 **COUNTY EXECUTIVE SHALL APPROVE OR DISAPPROVE THE APPOINTMENT.**

29 **(6) AN APPOINTMENT THAT IS NOT DISAPPROVED BY THE COUNTY**
30 **EXECUTIVE IN ACCORDANCE WITH THIS SUBSECTION IS DEEMED TO BE APPROVED.**

31 **(7) IF THE COUNTY EXECUTIVE DISAPPROVES AN APPOINTMENT,**
32 **THE COUNTY EXECUTIVE SHALL RETURN THE APPOINTMENT TO THE COUNTY**
33 **COUNCIL WITH THE REASONS FOR THE DISAPPROVAL STATED IN WRITING.**

1 **(8) BY THE AFFIRMATIVE VOTE OF SEVEN OF ITS MEMBERS, THE**
2 **COUNTY COUNCIL MAY APPOINT A COMMISSIONER OVER THE DISAPPROVAL OF THE**
3 **COUNTY EXECUTIVE.**

4 **[(4)] (9)** (i) In making and approving appointments, the County
5 Council and County Executive shall attempt to provide reasonable geographic balance with
6 respect to the commissioners' places of residence.

7 (ii) The appointment resolution for each appointment shall describe
8 the resulting geographic distribution and provide appropriate explanations.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2017.