

Chapter 61

(House Bill 272)

AN ACT concerning

Maryland Department of Planning – Modernization

FOR the purpose of requiring the State Administrator of Elections to submit certain information to the Secretary of Planning under certain circumstances; altering a requirement that the Department of the Environment submit certain proposals to the Department of Planning under certain circumstances; altering certain requirements related to the Department of Planning preparing certain population projections; repealing a provision authorizing the Secretary of Planning or staff member of the Department of Planning to access certain capital facilities planning information and to enter certain State-owned land under certain circumstances; repealing a certain provision authorizing the Department of Planning to include certain funding in the Department's budget for the Maryland–National Capital Park and Planning Commission; repealing a provision requiring the Department of Planning to establish certain statewide classification standards; altering certain provisions requiring the Department of Planning to be a repository and clearinghouse for information relating to State-owned real property; repealing an obsolete reference to the State Economic Growth, Resource Protection, and Planning Commission; repealing a requirement that each local jurisdiction file a certain report with the State Economic Growth, Resource Protection, and Planning Commission; and generally relating to the Department of Planning and State planning.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–303(d)
Annotated Code of Maryland
(2022 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–507(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 5–101
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement

Section 5–306, 5–307, 5–503, and 5–7A–02
 Annotated Code of Maryland
 (2021 Replacement Volume and 2024 Supplement)

BY repealing

Article – State Finance and Procurement
 Section 5–311, 5–407, and 5–502
 Annotated Code of Maryland
 (2021 Replacement Volume and 2024 Supplement)

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

Article – Election Law

2–303.

(d) **(1)** Within 5 days of creating a new precinct or changing a precinct boundary, a local board shall send to the State Administrator a written description of the new boundary and a map of the area involved.

(2) ON RECEIPT OF THE DESCRIPTION AND MAP RELATING TO A PRECINCT BOUNDARY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE STATE ADMINISTRATOR SHALL IMMEDIATELY SEND THE INFORMATION ELECTRONICALLY TO THE SECRETARY OF PLANNING.

Article – Environment

9–507.

(b) Before the Department approves or disapproves, in whole or in part, a proposed county plan or a proposed revision or amendment of a county plan, the Department shall submit the proposal:

(1) To the Department of Natural Resources for advice on natural resources matters;

(2) **[To] FOR WATER AND SEWERAGE PROPOSALS ONLY, TO** the Department of Planning for advice on the consistency of the proposal with the local master plan and other appropriate matters; and

(3) To the Department of Agriculture for advice on the impact of water and sewerage service and solid waste facilities on productive or potentially productive agricultural land.

Article – State Finance and Procurement

5–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Department” means the Department of Planning.
- (c) “Secretary” means the Secretary of Planning.

5–306.

(a) The Department shall prepare population projections for the State [and for], each county, and, **ON REQUEST OF A MUNICIPAL CORPORATION, FOR A** municipal corporation in the State.

(b) The population projections **PREPARED FOR THE STATE AND EACH COUNTY** shall include details of age, sex, and race.

(c) The Department shall prepare the population projections for periods of 20 years, in 5–year intervals beginning with [1990] **2025**.

(d) Beginning in 1991, the Department shall revise the population projections at least every 3 years.

(e) In preparing the population projections for the Washington metropolitan [area] **AND BALTIMORE METROPOLITAN AREAS**, the Department may use the population figures developed by the ~~Maryland National Capital Park and Planning Commission~~ **AND THE BALTIMORE METROPOLITAN COUNCIL, THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS, AND THE MEMBER JURISDICTIONS OF THESE COUNCILS.**

5–307.

(a) Each year, no later than 60 days before the General Assembly convenes for its regular session, the Department shall submit a report to the Governor.

(b) The annual report shall include:

(1) a summary and description of the nature of every section of the State Development Plan that has been:

- (i) added, deleted, or revised since the last annual report; and
- (ii) filed by the Governor under § 5–605 of this title;

(2) a summary of each important study wholly or partly completed by the Department since the last annual report; and

(3) [summaries of the work of the Department and of the State Economic Growth, Resource Protection, and Planning Commission] **A SUMMARY OF THE WORK OF THE DEPARTMENT.**

(c) The Department shall distribute copies of the annual report:

(1) subject to § 2–1257 of the State Government Article, to the General Assembly;

(2) to the head of each department of the State government;

(3) to the head of each local or regional planning agency in the State; and

(4) on request, to any federal agency.

(d) The Department shall make copies of the annual report available for general distribution or sale.

[5–311.

(a) The Secretary or a staff member of the Department designated by the Secretary shall have access to information that relates to capital facilities planning in the possession of any unit of the State government.

(b) If the entry is made in a manner so as to cause no unnecessary injury, the Secretary or a staff member of the Department designated by the Secretary may enter, at any reasonable hour, on any State–owned land in order to make examinations and surveys that relate to capital facilities planning.]

[5–407.

(a) In this section, “Commission” means the Maryland–National Capital Park and Planning Commission.

(b) To provide regional planning in the area of the State subject to the jurisdiction of the Commission, and except as otherwise provided in this section, the Department may include in the annual budget of the Department the amount the Secretary considers appropriate as the State’s share of the cost of regional planning projects programmed by the Commission for the following fiscal year.

(c) The amount included in the annual budget under subsection (b) of this section may not exceed \$100,000 in any single year.

(d) The Secretary shall determine which regional planning projects programmed by the Commission qualify for State assistance.

(e) (1) The Commission shall provide the Secretary with any information the Secretary requires to determine which regional planning projects programmed by the Commission qualify for State assistance.

(2) On or before August 1 of each year, the Commission shall provide the Secretary with a copy of the proposed budget of the Commission for the following fiscal year. After the copy of the proposed budget is provided to the Secretary, the Commission shall promptly notify the Secretary and obtain the approval of the Secretary for any changes in the proposed budget for regional projects funded under this section.

(f) The Secretary may require an annual audit of the operations of the Commission that relate to any project financed wholly or partly by payments to the Commission from the Department.]

[5-502.

(a) The Department shall establish statewide classification standards for geographically referencing all basic planning information collected by any unit of the State government.

(b) The classification standards may be used by any unit of the State or of a local government.]

5-503.

(a) The Department shall be a repository [and clearinghouse] for information about **STATE-OWNED** real property [available for public use].

(b) The Department shall correlate information concerning real property owned by the State [or any political subdivision of the State].

(c) (1) The Department shall maintain a current, updated list of real property owned by the State [or any political subdivision of the State].

(2) The list shall include pertinent details concerning size, facilities, and value.

(3) A copy of the list and any related information shall be provided to any State agency and the General Assembly upon request.

5-7A-02.

(a) (1) Except as provided in paragraph (2) of this subsection, with respect to a State public works, transportation, or major capital improvement project funded through State or federal funds, the State may not provide State funding for the project if the project is not consistent with:

(i) the State Economic Growth, Resource Protection, and Planning Policy established in § 5-7A-01 of this subtitle; or

(ii) the local plan of the jurisdiction in which the project is located.

(2) The State may provide State funding for a State public works, transportation, or major capital improvement project funded through State or federal funds which is not consistent with the policy or plan under paragraph (1) of this subsection if the State determines that extraordinary circumstances exist that warrant proceeding with the project and that no reasonably feasible alternative exists.

(b) (1) Except as provided in paragraph (2) of this subsection with respect to a local construction project involving the use of State funds, grants, loans, loan guaranties, or insurance, a local jurisdiction may not approve or construct the project unless the project is consistent with the local plan.

(2) A local jurisdiction may approve and construct a local construction project which is inconsistent with the local plan under paragraph (1) of this subsection if the local jurisdiction determines that extraordinary circumstances exist that warrant proceeding with the project and that no reasonably feasible alternative exists.

(c) By December 1, 1992 the Governor shall establish procedures for review of State projects under subsection (a) of this section, and each local jurisdiction shall establish procedures for the review of local projects under subsection (b) of this section, to:

(1) ensure that the projects are consistent with their respective policy and plans; and

(2) evaluate extraordinary circumstances under subsections (a)(2) and (b)(2) of this section, respectively.

[(d) Each local jurisdiction shall report on or before February 1 of each year to the State Economic Growth, Resource Protection, and Planning Commission on the number and type of projects approved under subsection (b)(2) of this section during the preceding calendar year, including a description of the extraordinary circumstances existing and the alternatives considered, together with any additional information required by the Commission.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved by the Governor, April 8, 2025.