

SENATE BILL 236

P1

(5lr0303)

ENROLLED BILL

— *Education, Energy, and the Environment/Environment and Transportation* —

Introduced by **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Planning)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Department of Planning – Modernization**

3 FOR the purpose of requiring the State Administrator of Elections to submit certain
4 information to the Secretary of Planning under certain circumstances; altering a
5 requirement that the Department of the Environment submit certain proposals to
6 the Department of Planning under certain circumstances; altering certain
7 requirements related to the Department of Planning preparing certain population
8 projections; repealing a provision authorizing the Secretary of Planning or staff
9 member of the Department of Planning to access certain capital facilities planning
10 information and to enter certain State-owned land under certain circumstances;
11 repealing a certain provision authorizing the Department of Planning to include
12 certain funding in the Department's budget for the Maryland-National Capital Park
13 and Planning Commission; repealing a provision requiring the Department of
14 Planning to establish certain statewide classification standards; altering certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 provisions requiring the Department of Planning to be a repository and
 2 clearinghouse for information relating to State-owned real property; repealing an
 3 obsolete reference to the State Economic Growth, Resource Protection, and Planning
 4 Commission; repealing a requirement that each local jurisdiction file a certain report
 5 with the State Economic Growth, Resource Protection, and Planning Commission;
 6 and generally relating to the Department of Planning and State planning.

7 BY repealing and reenacting, with amendments,
 8 Article – Election Law
 9 Section 2–303(d)
 10 Annotated Code of Maryland
 11 (2022 Replacement Volume and 2024 Supplement)

12 BY repealing and reenacting, with amendments,
 13 Article – Environment
 14 Section 9–507(b)
 15 Annotated Code of Maryland
 16 (2014 Replacement Volume and 2024 Supplement)

17 BY repealing and reenacting, without amendments,
 18 Article – State Finance and Procurement
 19 Section 5–101
 20 Annotated Code of Maryland
 21 (2021 Replacement Volume and 2024 Supplement)

22 BY repealing and reenacting, with amendments,
 23 Article – State Finance and Procurement
 24 Section 5–306, 5–307, 5–503, and 5–7A–02
 25 Annotated Code of Maryland
 26 (2021 Replacement Volume and 2024 Supplement)

27 BY repealing
 28 Article – State Finance and Procurement
 29 Section 5–311, 5–407, and 5–502
 30 Annotated Code of Maryland
 31 (2021 Replacement Volume and 2024 Supplement)

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

34 **Article – Election Law**

35 2–303.

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

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

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

10 5-307.

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

13 (b) The annual report shall include:

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

16 (i) added, deleted, or revised since the last annual report; and

17 (ii) filed by the Governor under § 5-605 of this title;

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

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

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

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

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

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

28 (4) on request, to any federal agency.

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

1 [5-311.

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

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

9 [5-407.

10 (a) In this section, "Commission" means the Maryland-National Capital Park
11 and Planning Commission.

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

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

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

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

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

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

32 [5-502.

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

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

6 5-503.

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

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

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

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

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

17 5-7A-02.

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.