

HOUSE BILL 286

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P1

2000 Regular Session  
0lr0169  
CF 0lr0076

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By: **The Speaker (Administration)**  
Introduced and read first time: January 28, 2000  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Department of Planning**

3 FOR the purpose of removing provisions designating the Office of Planning as a  
4 separate unit of State government; renaming the Office of Planning to be the  
5 Department of Planning, and making it a principal department of State  
6 government; specifying that the head of the Department of Planning is the  
7 Secretary of Planning; directing the Secretary to report directly to the Governor;  
8 specifying the duties and functions of the Secretary and of the Department of  
9 Planning; requiring the Attorney General to assign a certain number of  
10 assistant attorneys general to perform certain duties and functions in the  
11 Department of Planning; transferring certain provisions from the Department  
12 of Budget and Management to the Department of Planning; stating the intent of  
13 the General Assembly with respect to the budget of the Department; specifying  
14 that the publisher of the Annotated Code of Maryland, in consultation with the  
15 Department of Legislative Services, shall correct agency names and titles in the  
16 Code to conform to the changes that are made by this Act; defining certain  
17 terms; providing for a certain contingency; and generally relating to the  
18 Department of Planning.

19 BY renumbering  
20 Article - State Finance and Procurement  
21 Section 3-610 and 3-611, respectively  
22 to be Section 5-310 and 5-311, respectively  
23 Annotated Code of Maryland  
24 (1995 Replacement Volume and 1999 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article - State Government  
27 Section 2-201(e)(1)(ii), 8-201, and 11-103(d)  
28 Annotated Code of Maryland  
29 (1999 Replacement Volume)

30 BY repealing  
31 Article - State Finance and Procurement

1 Section 5-201 and 5-202  
2 Annotated Code of Maryland  
3 (1995 Replacement Volume and 1999 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article - State Finance and Procurement  
6 Section 2-203(a)(1) and (2), (b)(1), (c)(2) and (3), 3-407(a)(2)(i)13., 5-101, 5-203,  
7 5-204; 5-301 through 5-309 to be under the amended subtitle "Subtitle 3.  
8 General Authority and Responsibilities of Department"; 5-401 through  
9 5-408, 5-501 through 5-509, 5-602 through 5-605, 5-611, 5-615, 5-702,  
10 5-705, 5-7B-05, 5-7B-06, 5-7B-08, 5-7B-09, 5-805, 5-806, 5-809,  
11 5-812, and 5-814(a)(7)  
12 Annotated Code of Maryland  
13 (1995 Replacement Volume and 1999 Supplement)

14 BY adding to  
15 Article - State Finance and Procurement  
16 Section 5-201 and 5-204 to be under the amended subtitle "Subtitle 2.  
17 Organization of Department and General Authority of Secretary"  
18 Annotated Code of Maryland  
19 (1995 Replacement Volume and 1999 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article - State Finance and Procurement  
22 Section 3-407(a)(1), 5-601, 5-701, and 5-801  
23 Annotated Code of Maryland  
24 (1995 Replacement Volume and 1999 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article 20 - Tri-County Council for Southern Maryland  
27 Section 2-101(f) and 3-102(a) and (c)  
28 Annotated Code of Maryland  
29 (1998 Replacement Volume and 1999 Supplement)

30 BY repealing and reenacting, with amendments,  
31 Article 20A - Tri-County Council for Western Maryland  
32 Section 2-202(9) and 3-102(a) and (c)(1)  
33 Annotated Code of Maryland  
34 (1998 Replacement Volume and 1999 Supplement)

35 BY repealing and reenacting, with amendments,  
36 Article 24 - Political Subdivisions - Miscellaneous Provisions  
37 Section 6-301(b)(1) and (c)(2)  
38 Annotated Code of Maryland

- 1 (1998 Replacement Volume and 1999 Supplement)
- 2 BY repealing and reenacting, without amendments,  
3 Article 24 - Political Subdivisions - Miscellaneous Provisions  
4 Section 6-301(c)(1)  
5 Annotated Code of Maryland  
6 (1998 Replacement Volume and 1999 Supplement)
- 7 BY repealing and reenacting, with amendments,  
8 Article 33 - Election Code  
9 Section 2-303(e)(2)  
10 Annotated Code of Maryland  
11 (1997 Replacement Volume and 1999 Supplement)
- 12 BY repealing and reenacting, with amendments,  
13 Article 41 - Governor - Executive and Administrative Departments  
14 Section 13-106(a)  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume and 1999 Supplement)
- 17 BY repealing and reenacting, with amendments,  
18 Article 49D - Office of Children, Youth, and Families  
19 Section 8(a)  
20 Annotated Code of Maryland  
21 (1998 Replacement Volume and 1999 Supplement)
- 22 BY repealing and reenacting, with amendments,  
23 Article 66B - Zoning and Planning  
24 Section 3.06(c)(2) and 3.09  
25 Annotated Code of Maryland  
26 (1998 Replacement Volume and 1999 Supplement)
- 27 BY repealing and reenacting, with amendments,  
28 Article 83A - Department of Business and Economic Development  
29 Section 3-903(b)(1)  
30 Annotated Code of Maryland  
31 (1998 Replacement Volume and 1999 Supplement)
- 32 BY repealing and reenacting, with amendments,  
33 Article 83B - Department of Housing and Community Development  
34 Section 2-204(4)  
35 Annotated Code of Maryland  
36 (1998 Replacement Volume and 1999 Supplement)

- 1 BY repealing and reenacting, with amendments,
  - 2 Article - Agriculture
  - 3 Section 2-503(a)(1), 2-508.1(a), and 2-512(e)(2) and (3)
  - 4 Annotated Code of Maryland
  - 5 (1999 Replacement Volume and 1999 Supplement)
  
- 6 BY repealing and reenacting, with amendments,
  - 7 Article - Education
  - 8 Section 3-901(f)(3)(iii)
  - 9 Annotated Code of Maryland
  - 10 (1999 Replacement Volume)
  
- 11 BY repealing and reenacting, with amendments,
  - 12 Article - Environment
  - 13 Section 3-302(a)(2)(iv), 5-803(a), (b)(1), (d)(1), and (h)(8), (9), and (10),
  - 14 7-406(j)(8), 8-404(5), 9-228(e)(1), 9-345(c)(2), 9-505(a)(18) and (19),
  - 15 9-507(b)(2), 9-1405(a)(2), 14-503(b), 14-509(b), and 15-809(a)
  - 16 Annotated Code of Maryland
  - 17 (1996 Replacement Volume and 1999 Supplement)
  
- 18 BY repealing and reenacting, with amendments,
  - 19 Article - Financial Institutions
  - 20 Section 13-1013(b)(2), 13-1016(2)(vii), and 13-1104(a)(6)
  - 21 Annotated Code of Maryland
  - 22 (1998 Replacement Volume and 1999 Supplement)
  
- 23 BY repealing and reenacting, with amendments,
  - 24 Article - Health - General
  - 25 Section 19-118(f)(2)
  - 26 Annotated Code of Maryland
  - 27 (1996 Replacement Volume and 1999 Supplement)
  
- 28 BY repealing and reenacting, with amendments,
  - 29 Article - Natural Resources
  - 30 Section 3-3A-01(f), 5-903(c)(2), 5-904(a)(1), 5-905(a)(2)(i), (3)(i), and (4),
  - 31 5-905(b)(2) and (c)(1)(ii), 5-906(b) and (e)(7), 5-9A-03(b)(3) and (d)(2),
  - 32 5-9A-08(f), and 5-1010(b)(1)
  - 33 Annotated Code of Maryland
  - 34 (1997 Replacement Volume and 1999 Supplement)
  
- 35 BY repealing and reenacting, with amendments,
  - 36 Article - Public Utility Companies
  - 37 Section 7-207(c)(1) and (2) and 7-208(d)(1)(vii)

1 Annotated Code of Maryland  
2 (1998 Replacement Volume and 1999 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Tax - General  
5 Section 2-608.1(b)  
6 Annotated Code of Maryland  
7 (1997 Replacement Volume and 1999 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article - Tax - Property  
10 Section 13-209(b)(2) and 13-306(a-1)  
11 Annotated Code of Maryland  
12 (1994 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Transportation  
15 Section 2-103.1(f), 6-502(b)(1)(iii), 7-302(b) and (c), 7-303(c)(5), 8-309(i)(2),  
16 8-310(b)(2)(ii), 10-204 Title III Article VI Section 14(c)(3) and 15(a)(10)  
17 Annotated Code of Maryland  
18 (1993 Replacement Volume and 1999 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That Section(s) 3-610 and 3-611, respectively, of Article - State  
21 Finance and Procurement of the Annotated Code of Maryland be renumbered to be  
22 Section(s) 5-310 and 5-311, respectively.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
24 read as follows:

25 **Article - State Government**

26 2-201.

27 (e) (1) The descriptions of legislative districts in this subtitle, including all  
28 references to:

29 (ii) precincts are to the geographical boundaries of the precincts as  
30 reviewed and certified by the local board of supervisors of elections or their designees,  
31 before they were reported to the U.S. Bureau of the Census as part of the 1990 Census  
32 Redistricting Data Program and as those precinct lines are specifically shown on the  
33 P.L. 94-171 census block maps provided by the U.S. Bureau of the Census and as  
34 reviewed and corrected by the Maryland [Office] DEPARTMENT of Planning.

1 8-201.

2 (a) The Executive Branch of the State government shall have not more than  
3 21 principal departments, each of which shall embrace a broad, functional area of that  
4 Branch.

5 (b) The principal departments of the Executive Branch of the State  
6 government are:

- 7 (1) Aging;
- 8 (2) Agriculture;
- 9 (3) Budget and Management;
- 10 (4) Business and Economic Development;
- 11 (5) the Environment;
- 12 (6) General Services;
- 13 (7) Health and Mental Hygiene;
- 14 (8) Housing and Community Development;
- 15 (9) Human Resources;
- 16 (10) Juvenile Justice;
- 17 (11) Labor, Licensing, and Regulation;
- 18 (12) Natural Resources;
- 19 (13) PLANNING;
- 20 [(13)] (14) Public Safety and Correctional Services;
- 21 [(14)] (15) State Police;
- 22 [(15)] (16) Transportation; and
- 23 [(16)] (17) Veterans Affairs.

24 11-103.

25 (d) This title does not affect the authority of the [Office] DEPARTMENT of  
26 Planning under Title 5 of the State Finance and Procurement Article.

**Article - State Finance and Procurement**

2 2-203.

3 (a) (1) After consultation with the Department of Budget and Management,  
4 the [Director] SECRETARY of Planning shall adopt regulations that require a unit of  
5 the State government to submit information, as required in this section, on federal  
6 aid, including grants, instructional contracts, loans, research contracts, or other  
7 assistance.

8 (2) The regulations shall require a unit of the State government to  
9 obtain a State Application Identifier (SAI) from the [Office] DEPARTMENT of  
10 Planning.

11 (b) (1) Each 6 months, a unit shall submit a summary notice to the [Office]  
12 DEPARTMENT of Planning if, during the 6-month period that the notice covers, the  
13 unit has received an award of federal aid in the form of an instructional contract,  
14 instructional grant, research contract, or research grant.

15 (c) (2) When a unit applies for federal aid, the unit shall send to the  
16 [Office] DEPARTMENT of Planning a copy of the application.

17 (3) Within 30 days after a unit receives an award of federal aid, the unit  
18 shall submit to the [Office] DEPARTMENT of Planning a summary notice that states:

- 19 (i) the amount of the award; and
- 20 (ii) if the award is conditioned on matching funds:
- 21 1. the amount of those funds;
- 22 2. the source of those funds; and
- 23 3. the period for which those funds are required.

24 3-407.

25 (a) (1) The Board consists of 25 members.

26 (2) Of the members of the Board:

27 (i) 14 shall be the Secretary or the Secretary's designee of the  
28 following departments or agencies, who serve as ex officio members:

29 13. the [Maryland Office] DEPARTMENT of Planning; and

30 5-101.

31 (a) In this title the following words have the meanings indicated.

32 [(b) "Director" means the Director of the Office of Planning.

1 (c) "Office" means the Office of Planning.]

2 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF PLANNING.

3 (C) "SECRETARY" MEANS THE SECRETARY OF PLANNING.

4 Subtitle 2. Organization of [Office] DEPARTMENT and General Authority of  
5 [Director] SECRETARY.

6 [5-201.

7 There is an Office of Planning, established as a separate unit of State  
8 government.]

9 [5-202.

10 (a) The head of the Office is the Director of Planning, who shall be appointed  
11 by the Governor with the advice and consent of the Senate.

12 (b) The Director must have:

13 (1) training or experience in State, regional, or local planning; or

14 (2) significant civic, governmental, or business experience in matters  
15 connected with urban or rural planning.

16 (c) Before taking office, the appointee shall take the oath required by Article I,  
17 § 9 of the Maryland Constitution.

18 (d) (1) The Director serves at the pleasure of the Governor and is  
19 responsible directly to the Governor. The Director shall advise the Governor of all  
20 matters assigned to the Office and is responsible for carrying out the Governor's  
21 policies on those matters.

22 (2) The Director is responsible for the operation of the Office and shall  
23 establish guidelines and procedures to promote the orderly and efficient  
24 administration of the Office. The Director may establish, reorganize, or abolish areas  
25 of responsibility in the Office as necessary to fulfill the duties assigned to the  
26 Director.

27 (3) The Director is responsible for establishing policy to be followed by  
28 the units in the Office.

29 (4) The Director is a member of the Governor's Executive Council.

30 (e) The Director is entitled to the salary provided in the State budget.]

31 5-201.

32 (A) THERE IS A DEPARTMENT OF PLANNING, ESTABLISHED AS A PRINCIPAL  
33 DEPARTMENT OF THE STATE GOVERNMENT.



1 (B) THE HEAD OF THE DEPARTMENT IS THE SECRETARY OF PLANNING, WHO  
2 SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE  
3 SENATE.

4 (C) THE SECRETARY SERVES AT THE PLEASURE OF THE GOVERNOR AND IS  
5 RESPONSIBLE DIRECTLY TO THE GOVERNOR.

6 (D) (1) THE SECRETARY SHALL ADVISE THE GOVERNOR ON ALL MATTERS  
7 ASSIGNED TO THE DEPARTMENT AND IS RESPONSIBLE FOR CARRYING OUT THE  
8 GOVERNOR'S POLICIES ON THESE MATTERS.

9 (2) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE  
10 DEPARTMENT AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE  
11 THE ORDERLY AND EFFICIENT OPERATION OF THE DEPARTMENT.

12 (3) THE SECRETARY MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS  
13 OF RESPONSIBILITY IN THE DEPARTMENT AS NECESSARY TO FULFILL THE DUTIES  
14 ASSIGNED TO THE SECRETARY.

15 (E) THE SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE STATE  
16 BUDGET.

17 [5-203.] 5-202.

18 (a) The [Director] SECRETARY may employ a staff in accordance with the  
19 State budget.

20 (b) Each staff assistant in charge of a particular area of responsibility and  
21 each professional consultant is in the executive service, management service, or is a  
22 special appointment in the State Personnel Management System and is appointed by  
23 and serves at the pleasure of the [Director] SECRETARY.

24 (c) Except as provided in subsection (b) of this section or otherwise by law, the  
25 [Director] SECRETARY shall appoint and remove all other staff in accordance with  
26 the provisions of the State Personnel and Pensions Article.

27 (d) The [Director] SECRETARY may review any personnel action taken by any  
28 unit in the [Office] DEPARTMENT.

29 [5-204.] 5-203.

30 (a) The [Director] SECRETARY is responsible for the budget of the [Office]  
31 DEPARTMENT.

32 (b) The [Director] SECRETARY may adopt regulations for the [Office]  
33 DEPARTMENT.

34 (c) The [Director] SECRETARY may create any citizens' advisory body that the  
35 [Director] SECRETARY considers necessary for the operation of the [Office]  
36 DEPARTMENT.

1 (d) The [Director] SECRETARY shall have a seal.

2 (e) (1) The [Director] SECRETARY is responsible for the comprehensive  
3 planning of programs and services of the [Office] DEPARTMENT.

4 (2) The [Director] SECRETARY shall review and approve or disapprove  
5 the plans of the units in the [Office] DEPARTMENT.

6 (f) The [Director] SECRETARY or a staff member of the [Office]  
7 DEPARTMENT designated by the [Director] SECRETARY shall have access to  
8 information that relates to State planning in the possession of any unit of the State  
9 government, of a regional government, or of a local government.

10 (g) If the entry is made in a manner so as to cause no unnecessary injury, the  
11 [Director] SECRETARY or a staff member of the [Office] DEPARTMENT designated by  
12 the [Director] SECRETARY may enter, at any reasonable hour, on any land in order to  
13 make examinations and surveys that relate to State planning.

14 (h) After providing adequate public notice, the [Director] SECRETARY shall  
15 hold hearings on matters of State planning whenever it is in the public interest to do  
16 so.

17 (i) In the interest of intergovernmental cooperation, the [Director]  
18 SECRETARY shall attend:

19 (1) meetings of regional planning commissions;

20 (2) interstate planning conferences; and

21 (3) other planning conferences.

22 (j) The [Director] SECRETARY may contract for professional or consultant  
23 services for work related to State planning as provided in the State budget.

24 (k) The [Director] SECRETARY may exercise any power necessary and proper  
25 to discharge the [Director's] SECRETARY'S duties.

26 5-204.

27 (A) THE ATTORNEY GENERAL IS LEGAL ADVISOR TO THE DEPARTMENT.

28 (B) (1) THE ATTORNEY GENERAL SHALL ASSIGN TO THE DEPARTMENT THE  
29 NUMBER OF ASSISTANT ATTORNEYS GENERAL AUTHORIZED BY LAW TO BE  
30 ASSIGNED TO THE DEPARTMENT AND ANY ADDITIONAL ONES NECESSARY TO GIVE  
31 EFFECTIVE LEGAL ADVICE AND COUNSEL.

32 (2) THE ATTORNEY GENERAL ALSO SHALL DESIGNATE AN ASSISTANT  
33 ATTORNEY GENERAL AS COUNSEL TO THE DEPARTMENT.

34 (C) (1) THE COUNSEL TO THE DEPARTMENT MAY HAVE NO DUTY OTHER  
35 THAN:

1 (I) TO GIVE THE LEGAL AID, ADVICE, AND COUNSEL REQUIRED BY  
2 THE SECRETARY AND ANY OTHER OFFICIAL OF THE DEPARTMENT;

3 (II) TO SUPERVISE THE OTHER ASSISTANT ATTORNEYS GENERAL  
4 ASSIGNED TO THE DEPARTMENT; AND

5 (III) TO PERFORM FOR THE DEPARTMENT THE DUTIES THAT THE  
6 ATTORNEY GENERAL ASSIGNS.

7 (2) THE COUNSEL SHALL PERFORM THESE DUTIES SUBJECT TO THE  
8 CONTROL AND SUPERVISION OF THE ATTORNEY GENERAL.

9 (3) AFTER THE ATTORNEY GENERAL DESIGNATES THE COUNSEL TO THE  
10 DEPARTMENT, THE ATTORNEY GENERAL MAY NOT REASSIGN THE COUNSEL  
11 WITHOUT CONSULTING THE SECRETARY.

12 Subtitle 3. General Authority and Responsibilities of [Office] DEPARTMENT.

13 5-301.

14 (a) The [Office] DEPARTMENT is the staff agency of the Governor for planning  
15 matters with the exception of capital facilities planning.

16 (b) (1) The [Office] DEPARTMENT is the principal staff agency for planning  
17 matters concerning the resources and development of the State.

18 (2) In this capacity, the [Office] DEPARTMENT shall undertake special  
19 studies, submit reports, and give advice to the Governor at the request of the  
20 Governor.

21 5-302.

22 The [Office] DEPARTMENT shall function in part as an advisory, consultative,  
23 and coordinating agency.

24 5-303.

25 To promote the health, safety, and general welfare of the citizens of the State,  
26 the [Office] DEPARTMENT shall prepare, recommend, and periodically revise a  
27 balanced, integrated program for the development and effective use of the natural  
28 and other resources of the State.

29 5-304.

30 (a) The [Office] DEPARTMENT may accept funds, grants, and services from  
31 public and private sources to carry out its powers and duties.

1 (b) (1) (i) The [Office] DEPARTMENT may charge reasonable fees for  
2 services and products.

3 (ii) The fees charged may not exceed the cost of providing the  
4 service or product.

5 (2) All fees collected under this subsection shall be credited to a  
6 continuing nonlapsing fund that is not subject to § 7-302 of this article.

7 (3) Subject to the appropriation process in the State budget, the [Office]  
8 DEPARTMENT shall use the fund for the costs of operating.

9 (4) The State Treasurer shall hold and the State Comptroller shall  
10 account for the fund.

11 (5) The fund shall be invested and reinvested in the same manner as  
12 other State funds.

13 (6) Investment earnings accrue to the benefit of the fund.

14 5-305.

15 (a) With respect to any administrative, judicial, or other proceeding in the  
16 State concerning land use, development, or construction, the [Office] DEPARTMENT  
17 has the right to:

18 (1) intervene as a party; or

19 (2) file a formal statement expressing the views of the [Office]  
20 DEPARTMENT and any other unit of the State government concerning environmental  
21 or economic impact.

22 (b) The [Office] DEPARTMENT may intervene only in accordance with the  
23 rules of procedure and law that apply to the proceeding.

24 (c) After intervening, the [Office] DEPARTMENT has the standing and all the  
25 rights of a party in interest or an aggrieved party, including all rights of judicial  
26 review and appeal.

27 (d) The [Office] DEPARTMENT and the governing body of each local  
28 subdivision shall establish procedures for notifying the [ Office] DEPARTMENT of  
29 each application for zoning, a permit, or authority to use, develop, or construct on  
30 land, whenever the application:

31 (1) has more than local impact; and

32 (2) is of substantial State or regional interest.

1 5-306.

2 (a) The [Office] DEPARTMENT shall prepare population projections for the  
3 State and for each county and municipal corporation in the State.

4 (b) The population projections shall include details of age, sex, and race.

5 (c) The [Office] DEPARTMENT shall prepare the population projections for  
6 periods of 20 years, in 5-year intervals beginning with 1990.

7 (d) Beginning in 1991, the [Office] DEPARTMENT shall revise the population  
8 projections at least every 3 years.

9 (e) In preparing the population projections for the Washington metropolitan  
10 area, the [Office] DEPARTMENT may use the population figures developed by the  
11 Maryland-National Capital Park and Planning Commission.

12 5-307.

13 (a) Each year, no later than 60 days before the General Assembly convenes for  
14 its regular session, the [Office] DEPARTMENT shall submit a report to the Governor.

15 (b) The annual report shall include:

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

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

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

20 (2) a summary of each important study wholly or partly completed by the  
21 [Office] DEPARTMENT since the last annual report; and

22 (3) summaries of the work of the [Office] DEPARTMENT and of the State  
23 Economic Growth, Resource Protection, and Planning Commission.

24 (c) The [Office] DEPARTMENT shall distribute copies of the annual report:

25 (1) subject to § 2-1246 of the State Government Article, to the General  
26 Assembly;

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

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

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

30 (d) The [Office] DEPARTMENT shall make copies of the annual report  
31 available for general distribution or sale.

1 5-308.

2 (a) On the request of the Governor, the General Assembly, or the Legislative  
3 Policy Committee, the [Office] DEPARTMENT shall submit a special report on any  
4 aspect of the work of the [Office] DEPARTMENT that is considered to be of current  
5 interest.

6 (b) The [Office] DEPARTMENT may submit a special report on any aspect of  
7 its work that the [Director] SECRETARY considers to be of current interest.

8 (c) The [Office] DEPARTMENT shall make special reports on major research  
9 and planning projects, as distinguished from mere compilations of current  
10 information, available as soon as practicable after completion.

11 (d) The [Office] DEPARTMENT shall distribute a copy of a special report:

12 (1) subject to § 2-1246 of the State Government Article, to the General  
13 Assembly;

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

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

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

17 (e) The [Office] DEPARTMENT shall make copies of special reports available  
18 for general distribution or sale.

19 5-309.

20 The [Office] DEPARTMENT may exercise any power necessary and proper to  
21 discharge its duties.

22 5-401.

23 (a) To establish relative priorities and avoid duplication and conflicts, the  
24 [Office] DEPARTMENT shall advise the Governor on the means and methods  
25 available to coordinate the plans and programs of all units of the State government.

26 (b) To avoid duplication and conflicts, the [Office] DEPARTMENT shall advise  
27 the Governor on the means and methods available to coordinate the plans and  
28 programs of federal, State, regional, and local governments.

29 5-402.

30 (a) The [Office] DEPARTMENT shall:

31 (1) harmonize its planning activities with the planning activities of other  
32 units of the State government;

1 (2) coordinate the plans and programs of all units of the State  
2 government;

3 (3) cooperate with and assist other units of the State government in the  
4 execution of their planning functions, to harmonize their planning activities with the  
5 State Development Plan; and

6 (4) promote the State's Economic Growth, Resource Protection, and  
7 Planning Policy set forth in Subtitle 7A of this title.

8 (b) The [Office] DEPARTMENT shall:

9 (1) harmonize its planning activities with the planning activities of local  
10 governments; and

11 (2) cooperate with and assist local governments in the execution of their  
12 planning functions, to harmonize their planning activities with the State  
13 Development Plan.

14 (c) The [Office] DEPARTMENT shall:

15 (1) coordinate State programs with the federal government;

16 (2) cooperate with and assist units of the federal government in the  
17 execution of their planning functions, to harmonize their planning activities with the  
18 State Development Plan; and

19 (3) cooperate with, confer with, and, on request, provide information to:

20 (i) units of the federal government; and

21 (ii) local or regional agencies that are created under federal  
22 programs or that receive federal support.

23 (d) As far as possible, the [Office] DEPARTMENT shall cooperate with and  
24 confer with planning agencies of other states or of regional groupings of states.

25 (e) The [Office] DEPARTMENT shall cooperate with and assist regional and  
26 private planning agencies in the execution of their planning functions, to harmonize  
27 their planning activities with the State Development Plan.

28 (f) The [Office] DEPARTMENT shall exercise authority as the lead agency in  
29 coordinating the State's land preservation efforts and focus its planning efforts on  
30 targeted land preservation.

31 (g) The [Office] DEPARTMENT shall plan for the efficient use of inactive  
32 railroad corridors by:

33 (1) examining all opportunities, both present and future, for acquisition  
34 or use of inactive railroad corridors;

1 (2) coordinating and working with the Departments of Natural  
2 Resources, Transportation, Business and Economic Development, and the State  
3 Railroad Administration and other agencies to determine the suitability and  
4 feasibility of acquiring or using inactive railroad corridors for recreational trails,  
5 public utilities, or future transportation purposes; and

6 (3) taking part in United States Interstate Commerce Commission  
7 proceedings regarding the abandonment or the discontinuance of use of railroad  
8 corridors on behalf of the State.

9 (h) The [Office] DEPARTMENT shall:

10 (1) review transportation plans and programs prepared by the  
11 Department of Transportation and regional planning agencies and make  
12 recommendations regarding the relationship between transportation and planned  
13 land use; and

14 (2) evaluate proposed transportation improvements and policies to  
15 assure consistency between transportation investments and the State Economic  
16 Growth, Resource Protection, and Planning Policy.

17 (i) The [Office] DEPARTMENT may provide advice to local governments  
18 regarding the impact on growth and development of:

19 (1) transportation components of local plans;

20 (2) aspects of local land use regulation affecting transportation; and

21 (3) local transportation improvements.

22 5-403.

23 (a) The [Office] DEPARTMENT:

24 (1) shall provide planning assistance, including surveys, land use  
25 studies, urban renewal plans, technical services, and other planning work, to local  
26 governments; and

27 (2) may provide financial and other planning assistance to local  
28 governments as provided in the State budget.

29 (b) The [Office] DEPARTMENT may provide financial or other planning  
30 assistance to regional planning agencies as provided in the State budget.

31 (c) Before providing the assistance, the [Director] SECRETARY shall consider  
32 the adequacy and competency of any regional or local planning agency that requests  
33 financial assistance from the [Office] DEPARTMENT.

34 (d) The [Director] SECRETARY may require any local government or regional  
35 planning agency that receives financial or other planning assistance from the State to  
36 submit to the [Director] SECRETARY a copy of its planning budget.



1 (e) (1) The [Director] SECRETARY may require any local government or  
2 regional planning agency that receives financial or other planning assistance from  
3 the State to submit to an annual audit of its financial operations related to planning.

4 (2) The audit shall be performed by the Legislative Auditor or by an  
5 auditor or accountant legally qualified to perform municipal audits.

6 (3) The [Director] SECRETARY may accept an audit by the federal unit  
7 for a local government that receives financial or other planning assistance from a unit  
8 of the federal government.

9 (f) Whenever the [Office] DEPARTMENT requests and receives financial or  
10 other assistance from any unit of the federal government for planning assistance to a  
11 local government or a regional planning agency, the [Office] DEPARTMENT shall  
12 satisfy any requirement imposed by federal law.

13 5-404.

14 (a) The [Office] DEPARTMENT may collect reimbursement, in accordance with  
15 an agreement, for technical services the [Office] DEPARTMENT provides under §  
16 5-402 or § 5-403(a) of this subtitle.

17 (b) Except as otherwise provided in subsection (a) of this section, the [Office]  
18 DEPARTMENT may require a contribution in any amount from a local government or  
19 regional planning agency that requests assistance under § 5-403 of this subtitle.

20 (c) If federal law requires a contribution in any amount as a condition before  
21 a local government or a regional planning agency may receive financial or other  
22 planning assistance, the [Office] DEPARTMENT may supply all or part of the  
23 contribution as provided in the State budget, unless the federal law specifies that the  
24 local government or regional planning agency shall make the contribution.

25 5-405.

26 (a) The [Director] SECRETARY may make an agreement with the head of  
27 another unit of the State government, of a local government, of a regional or local  
28 planning agency, or of a unit of the federal government for the temporary exchange or  
29 transfer of employees:

30 (1) from the [Office] DEPARTMENT to the unit, local government, or  
31 agency; or

32 (2) from the unit, local government, or agency to the [Office]  
33 DEPARTMENT.

34 (b) An employee may not be transferred or exchanged under this section for  
35 more than 90 days at a time.

36 (c) The approval of the Secretary of Budget and Management is not required  
37 for an agreement under this section.

1 (d) For purposes of Division I of the State Personnel and Pensions Article, an  
2 employee transferred or exchanged under this section is considered to continue in the  
3 position from which the employee is temporarily transferred or exchanged.

4 (e) The [Director] SECRETARY may agree to reimburse, or collect  
5 reimbursement from, another unit of the State government, a local government, a  
6 regional or local planning agency, or a federal agency for a transfer or exchange of  
7 employees under this section.

8 5-406.

9 In the exercise of its planning functions, the [Office] DEPARTMENT shall  
10 cooperate with any unit of the State or federal government in planning for civil  
11 defense.

12 5-407.

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

15 (b) To provide regional planning in the area of the State subject to the  
16 jurisdiction of the Commission, and except as otherwise provided in this section, the  
17 [Office] DEPARTMENT may include in the annual budget of the [Office]  
18 DEPARTMENT the amount the [Director] SECRETARY considers appropriate as the  
19 State's share of the cost of regional planning projects programmed by the Commission  
20 for the following fiscal year.

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

23 (d) The [Director] SECRETARY shall determine which regional planning  
24 projects programmed by the Commission qualify for State assistance.

25 (e) (1) The Commission shall provide the [Director] SECRETARY with any  
26 information the [Director] SECRETARY requires to determine which regional  
27 planning projects programmed by the Commission qualify for State assistance.

28 (2) On or before August 1 of each year, the Commission shall provide the  
29 [Director] SECRETARY with a copy of the proposed budget of the Commission for the  
30 following fiscal year. After the copy of the proposed budget is provided to the  
31 [Director] SECRETARY, the Commission shall promptly notify the [Director]  
32 SECRETARY and obtain the approval of the [Director] SECRETARY for any changes in  
33 the proposed budget for regional projects funded under this section.

34 (f) The [Director] SECRETARY may require an annual audit of the operations  
35 of the Commission that relate to any project financed wholly or partly by payments to  
36 the Commission from the [Office] DEPARTMENT.

1 5-408.

2 (a) There is within the [Office] DEPARTMENT a program for certification of  
3 effective county agricultural land preservation programs.

4 (b) A county may apply to the [Office] DEPARTMENT and the Maryland  
5 Agricultural Land Preservation Foundation for certification under this section only if  
6 the County Agricultural Preservation Advisory Board and the governing body of the  
7 county both:

8 (1) approve the program established at the county level as being an  
9 effective approach to agricultural land preservation; and

10 (2) approve the county's application for certification.

11 (c) (1) A county may apply for certification under this section if the county  
12 has established programs to encourage participation of farmers in agricultural land  
13 preservation efforts at the county level, including purchase of development rights or  
14 financial enhancements related to purchase of development rights, outside of the  
15 State Agricultural Land Preservation Foundation.

16 (2) County programs shall include any program that the [Office]  
17 DEPARTMENT and the Foundation:

18 (i) determine is necessary for an effective county agricultural land  
19 preservation program; and

20 (ii) require by regulation.

21 (d) (1) To apply for certification under this section, a county shall file with  
22 the Maryland Agricultural Land Preservation Foundation and the [Office]  
23 DEPARTMENT an application in the form that the [Office] DEPARTMENT and the  
24 Foundation jointly require by regulation.

25 (2) Within 45 days after notification of an application for certification:

26 (i) the Foundation shall advise the [Office] DEPARTMENT as to  
27 whether it approves the application; and

28 (ii) the [Office] DEPARTMENT shall notify the county as to whether  
29 the county's application for certification has been approved.

30 (e) The [Office] DEPARTMENT and the Foundation may not certify a county  
31 under this section unless the [Office] DEPARTMENT and the Foundation determine  
32 that:

33 (1) the proposed county program for the purchase of development rights  
34 or financial enhancements related to the purchase of development rights is likely to  
35 be successful; and

36 (2) either:

1 (i) local expenditures prior to July 1, 1990, for the purchase of  
2 development rights or financial enhancements related to the purchase of development  
3 rights have equaled or exceeded the additional funds that will be available to the  
4 county as a result of certification; or

5 (ii) the county has committed to spend additional local funds for the  
6 purchase of development rights or enhancements related to the purchase of  
7 development rights in an amount equal to or exceeding the amount of the additional  
8 funds that will be available as a result of certification.

9 (f) (1) A county that has been certified under this section as having  
10 established an effective county agricultural land preservation program is eligible for  
11 the additional funds available to certified counties under § 2-508.1 of the Agriculture  
12 Article and § 13-306 of the Tax - Property Article.

13 (2) A county that has been certified under this section may use the  
14 additional funds available as a result of certification for the purposes stated under §  
15 2-508.1 of the Agriculture Article and § 13-306 of the Tax - Property Article.

16 (g) (1) A certification under this section is effective for 2 years and the  
17 decision by the [Office] DEPARTMENT and the Foundation as to certification is final  
18 with no right to appeal.

19 (2) At the request of the county, the [Office] DEPARTMENT and the  
20 Foundation shall recertify under this section a county that has maintained a  
21 successful program of purchase of development rights or financial enhancements  
22 related to purchase of development rights during the period of certification.

23 (h) The [Office] DEPARTMENT and the Foundation shall jointly adopt  
24 regulations for administration of the certification program.

25 (i) The [Office] DEPARTMENT and the Foundation shall report on the  
26 certification program on or before January 15 of each year to the Governor, the budget  
27 committees and the House Committees on Ways and Means and Environmental  
28 Matters of the General Assembly, and the Department of Legislative Services.

29 5-501.

30 The [Office] DEPARTMENT shall establish a central depository for all general,  
31 area, and functional plans related to this title, and all amendments or revisions to  
32 these plans, that are prepared by:

33 (1) any unit of the State government, of a regional government, or of a  
34 local government; or

35 (2) any interstate agency.

1 5-502.

2 Each unit of the State government, of a regional government, or of a local  
3 government, and each interstate agency, shall submit to the [Office] DEPARTMENT  
4 the plans required by regulations adopted by the [Director] SECRETARY.

5 5-503.

6 (a) The [Office] DEPARTMENT shall establish statewide classification  
7 standards for geographically referencing all basic planning information collected by  
8 any unit of the State government.

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

11 5-504.

12 (a) The [Office] DEPARTMENT shall be a repository and clearinghouse for  
13 information about real property available for public use.

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

16 (c) (1) The [Office] DEPARTMENT shall maintain a list of real property  
17 owned by the State or any political subdivision of the State.

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

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

22 5-505.

23 (a) The [Office] DEPARTMENT shall prepare and periodically revise inventory  
24 lists of:

25 (1) the natural resources of the State; and

26 (2) major public works and private facilities that are important to the  
27 development of the State as a whole.

28 (b) A copy of the inventory list shall be provided to any State agency and the  
29 General Assembly upon request.

30 5-506.

31 (a) To the extent relevant to State planning, the [Office] DEPARTMENT shall  
32 study:

33 (1) the resources of the State;

1 (2) existing and emerging problems of agriculture, commerce, housing,  
2 industry, local government, population, public service, and transportation; and

3 (3) related matters affecting the development of the State.

4 (b) In making the studies, the [Office] DEPARTMENT shall seek the  
5 cooperation of appropriate:

6 (1) governmental units;

7 (2) regional planning commissions;

8 (3) public or private educational institutions;

9 (4) public or private research organizations;

10 (5) civic groups; and

11 (6) interested persons.

12 5-507.

13 The [Office] DEPARTMENT shall provide information to State and local officials  
14 and to the public to stimulate public interest and participation in the orderly,  
15 integrated development of the State and to foster public awareness and  
16 understanding of:

17 (1) the objectives of the State Development Plan; and

18 (2) the function of State, regional, and local planning.

19 5-508.

20 Upon request of the General Assembly, the [Office] DEPARTMENT shall provide  
21 information to and cooperate with the General Assembly and its committees in  
22 connection with the studies made by the [Office] DEPARTMENT relevant to State  
23 planning.

24 5-509.

25 (a) The [Office] DEPARTMENT shall serve as a repository and clearinghouse  
26 for information concerning federal and State grants, loans, and other financial and  
27 technical assistance.

28 (b) The [Office] DEPARTMENT shall adopt regulations that require units of  
29 State government:

30 (1) to submit financial and technical assistance information to the  
31 [Office] DEPARTMENT; and

1 (2) to publish information concerning grant application requirements in  
2 the Maryland Register in a timely manner.

3 (c) The [Office] DEPARTMENT shall annually publish information concerning  
4 State financial and technical assistance in a catalog or catalogs of State assistance  
5 programs.

6 5-601.

7 In this subtitle, "Plan" means the State Development Plan.

8 5-602.

9 (a) The [Office] DEPARTMENT shall prepare and from time to time revise a  
10 plan or plans for development of the State. The plan or plans collectively shall be  
11 known as the State Development Plan.

12 (b) The [Office] DEPARTMENT shall prepare the Plan to promote the general  
13 welfare and prosperity of the people of the State through the coordinated development  
14 of the State.

15 (c) The [Office] DEPARTMENT shall base the Plan on studies of  
16 governmental, economic, physical, and social conditions and trends.

17 5-603.

18 In the preparation and revision of the Plan or any part of it, the [Office]  
19 DEPARTMENT shall:

20 (1) seek comments from and consult with the local governments of the  
21 areas that are affected by the Plan; and

22 (2) seek the cooperation and advice of appropriate:

23 (i) governmental units;

24 (ii) regional planning commissions;

25 (iii) public or private educational institutions;

26 (iv) public or private research organizations;

27 (v) civic groups; and

28 (vi) interested persons.

29 5-604.

30 The Plan shall embody the policy recommendations of the [Office]  
31 DEPARTMENT regarding the economic and physical development of the State.

1 5-605.

2 (a) On completion, the [Director] SECRETARY shall send to the Governor the  
3 Plan, any substantial part of the Plan, or any revision to the Plan.

4 (b) The Governor shall file with the Secretary of State the Plan, part of the  
5 Plan, or revision to the Plan, together with any comments made by the Governor, and,  
6 in that event:

7 (1) the [Office] DEPARTMENT shall make copies of the material filed  
8 available for general distribution or sale; and

9 (2) the Governor shall send copies of the material filed:

10 (i) to the head of each unit of the State government; and

11 (ii) subject to § 2-1246 of the State Government Article, to the  
12 General Assembly.

13 5-611.

14 (a) The Plan shall identify all areas designated by the [Office] DEPARTMENT  
15 as areas of critical State concern.

16 (b) Each county shall recommend to the [Office] DEPARTMENT those areas in  
17 the county that should be designated as areas of critical State concern.

18 (c) Before designating an area as an area of critical State concern, the  
19 [Director] SECRETARY shall consult with and consider any recommendations  
20 submitted by affected political subdivisions.

21 (d) The [Director] SECRETARY may adopt regulations for the political  
22 subdivisions to use in recommending areas to be designated as areas of critical State  
23 concern.

24 (e) The [Office] DEPARTMENT shall:

25 (1) furnish to the governing body of each affected political subdivision  
26 the full text of each proposed designation of an area as an area of critical State  
27 concern;

28 (2) give each political subdivision affected by a proposed designation at  
29 least 45 days to review and comment on the proposed designation; and

30 (3) publish its designation of areas of critical State concern, together  
31 with all written comments received from political subdivisions regarding the areas  
32 designated.



1 5-615.

2 The Plan shall contain the recommendations of the [Director] SECRETARY  
3 concerning any current or impending problem that may affect the State as a whole.

4 5-701.

5 In this subtitle, "Commission" means the State Economic Growth, Resource  
6 Protection, and Planning Commission.

7 5-702.

8 There is a State Economic Growth, Resource Protection, and Planning  
9 Commission in the [Office] DEPARTMENT.

10 5-705.

11 (a) The [Director] SECRETARY shall provide staff support to the Commission  
12 and designate a member of the staff of the [Office] DEPARTMENT to serve as the  
13 Secretary to the Commission.

14 (b) The duties of the Secretary to the Commission are in addition to that  
15 individual's regular duties of employment with the [Office] DEPARTMENT.

16 5-7B-05.

17 (a) (1) The State may provide funding for a growth-related project not in a  
18 priority funding area if:

19 (i) the Board of Public Works determines that extraordinary  
20 circumstances exist in accordance with the requirements of paragraph (2) of this  
21 subsection; or

22 (ii) the Board of Public Works approves the project as a  
23 transportation project that meets the requirements of paragraph (3) of this  
24 subsection.

25 (2) In order to determine that extraordinary circumstances exist under  
26 paragraph (1) of this subsection, the Board shall determine by a majority vote that:

27 (i) the failure to fund the project in question creates an extreme  
28 inequity, hardship, or disadvantage that clearly outweighs the benefits from locating  
29 a project in a priority funding area; and

30 (ii) there is no reasonable alternative for the project in a priority  
31 funding area in another location within the county or an adjacent county.

32 (3) The Board of Public Works may approve a transportation project  
33 under paragraph (1)(ii) of this subsection if the transportation project:

1 (i) maintains the existing transportation system, if the  
2 Department of Transportation and the [Office] DEPARTMENT of Planning determine  
3 the project does not serve to significantly increase highway capacity;

4 (ii) serves to connect priority funding areas, if:

5 1. the Department of Transportation and the [Office]  
6 DEPARTMENT of Planning determine that adequate access control or other measures  
7 are in place to:

8 A. prevent development that is inconsistent with §  
9 5-7A-01(1), (2), and (3) of this title; and

10 B. maintain the viability of the project while concomitantly  
11 constraining development which potentially detracts from main street business areas;  
12 and

13 2. the Department of Transportation and the [Office]  
14 DEPARTMENT of Planning have first determined whether alternative transportation  
15 modes, such as mass transit and transportation demand management, provide a  
16 reasonable alternative to the project and that no reasonable alternative exists;

17 (iii) has the sole purpose of providing control of access by the  
18 Department of Transportation along an existing highway corridor; or

19 (iv) due to its operational or physical characteristics, must be  
20 located away from other development.

21 (b) (1) A request for approval by the Board under subsection (a) of this  
22 section may be made at the request of the governing body of the local jurisdiction in  
23 which the project is located or the Secretary with approval authority over the project.

24 (2) When making a request to the Board of Public Works, the applicant  
25 shall:

26 (i) identify the extraordinary circumstances that require State  
27 funds for the project; and

28 (ii) demonstrate that no feasible alternatives exist to making an  
29 exception to the requirements of this subtitle.

30 (3) The Board of Public Works, at its discretion, may require remedial  
31 actions to mitigate any negative impacts of the proposed project.

32 (c) (1) When a request is made to the Board of Public Works for an exception  
33 under this section, the Board of Public Works may request from the State Economic  
34 Growth, Resource Protection, and Planning Commission an advisory opinion on the  
35 request for the exception.

1           (2)     Upon receiving a request for an advisory opinion under this  
2 subsection, the Commission, if requested by a member of the public, shall hold a  
3 public meeting to gather information relevant to the advisory opinion.

4 5-7B-06.

5     (a)     The State may provide funding for a growth-related project not in a  
6 priority funding area without receiving approval from the Board of Public Works as  
7 provided under § 5-7B-05 of this subtitle for:

8           (1)     a project that is required to protect public health or safety;

9           (2)     a project involving federal funds, to the extent compliance with this  
10 subtitle would conflict or be inconsistent with federal law; or

11          (3)     a growth-related project related to a commercial or industrial  
12 activity which, due to its operational or physical characteristics, shall be located away  
13 from other development, including:

14                 (i)     a natural resource based industry;

15                 (ii)    an industry relating to:

16                         1.     agricultural operations, as defined in § 7-101 of the Labor  
17 and Employment Article;

18                         2.     forestry activities; or

19                         3.     mineral extraction;

20                 (iii)   an industry that is proximate to:

21                         1.     an airport facility;

22                         2.     a port facility;

23                         3.     a railroad facility;

24                         4.     a transit facility; or

25                         5.     a major highway interchange; or

26                 (iv)    a tourism facility or museum that is required to be located away  
27 from other development due to necessary proximity to specific historic, natural, or  
28 cultural resources.

29     (b)     A procedure for notification, review, and comment on exceptions proposed  
30 under this section shall be established jointly by the applicable State agency and the  
31 [Office] DEPARTMENT of Planning.

1 5-7B-08.

2 (a) To be eligible for funding for growth-related projects, a local government  
3 shall certify to the [Office] DEPARTMENT of Planning any area designated by the  
4 local government as a priority funding area under § 5-7B-03 of this subtitle, which  
5 shall be consistent with the local comprehensive plan and the criteria set forth in §  
6 5-7B-03 of this subtitle.

7 (b) Prior to certification of a priority funding area or areas, the local  
8 government may submit the proposed priority funding areas and any relevant  
9 information to the [Office] DEPARTMENT of Planning for:

10 (1) technical assistance, review, and comment; and

11 (2) the opportunity for public review.

12 (c) Upon certification of a priority funding area, the local government shall  
13 provide to the [Office] DEPARTMENT of Planning all information necessary to  
14 demonstrate the precise location of the area, including a map of the area showing  
15 planning and zoning characteristics, and existing and planned water and sewer  
16 services as appropriate.

17 (d) The [Office] DEPARTMENT of Planning, as appropriate, shall provide to  
18 each State agency that funds growth-related projects copies of maps illustrating:

19 (1) priority funding areas certified by the local government; and

20 (2) any comments by the [Office] DEPARTMENT of Planning on the  
21 areas certified.

22 (e) Prior to funding a growth-related project, the State funding agency shall  
23 obtain from the affected local government a written statement that the proposed  
24 growth-related project is located within a certified priority funding area.

25 5-7B-09.

26 (a) The [Office] DEPARTMENT of Planning shall:

27 (1) establish a process for the review of projects by the appropriate State  
28 agencies and the [Office] DEPARTMENT of Planning for compliance with this subtitle;

29 (2) provide to each State agency and unit of State government the  
30 location of priority funding areas; and

31 (3) make available to each county, and to the public for review, copies of  
32 maps illustrating:

33 (i) priority funding areas certified by the local governments; and

34 (ii) any comments by the [Office] DEPARTMENT of Planning on the  
35 areas certified.

1 (b) By October 1, 1998, the [Office] DEPARTMENT of Planning shall complete  
2 surveys of municipal, county, and State governments for infrastructure needs and  
3 shall maintain a list of needed projects that includes information relating to the  
4 financial capacity of the affected unit of government to undertake such projects.

5 (c) A copy of this list of projects shall be made available upon request to  
6 members of the General Assembly, local government officials, and the general public.

7 (d) Each State agency subject to this subtitle shall report annually to the  
8 [Office] DEPARTMENT of Planning on the implementation of this subtitle in a form  
9 approved by the [Office] DEPARTMENT of Planning.

10 5-801.

11 (a) In this subtitle the following words have the meanings indicated.

12 (b) "Commission" means the Patuxent River Commission.

13 (c) "Plan" means:

14 (1) the Patuxent River Policy Plan that has been approved by the  
15 General Assembly; and

16 (2) all amendments to that Plan that are approved under this subtitle.

17 5-805.

18 (a) (1) The [Office] DEPARTMENT has primary responsibility for preparing  
19 proposed amendments to the Plan.

20 (2) For the purpose of updating the Plan, the [Office] DEPARTMENT and  
21 the Commission shall together consider draft amendments to the Plan at least once  
22 every 5 years starting with October 1, 1995.

23 (3) In preparing a proposed amendment, the [Office] DEPARTMENT  
24 shall consult with local jurisdictions and appropriate units of the State government,  
25 who shall:

26 (i) provide the [Office] DEPARTMENT with pertinent information,  
27 including information on implementation of the Plan; and

28 (ii) cooperate with and assist the [Office] DEPARTMENT in  
29 preparing the proposed amendment.

30 (b) Before the [Office] DEPARTMENT presents a proposed amendment to the  
31 Plan to local jurisdictions for their approval, the Commission shall:

32 (1) review and comment on the proposed amendment and work with the  
33 [Office] DEPARTMENT in making any modifications to the proposed amendment that  
34 the Commission considers necessary;

1           (2)     distribute copies of the proposed amendment to the Governor,  
2 appropriate members of the General Assembly, the local jurisdictions entitled to  
3 voting representation on the Commission, other affected local jurisdictions, and  
4 appropriate units of the State government, for their information and comments; and

5           (3)     conduct at least 1 public hearing on the proposed amendment.

6       (c)     After a proposed amendment to the Plan has been acted on by the  
7 Commission, the [Office] DEPARTMENT may present the proposed amendment to the  
8 governing bodies of the local jurisdictions entitled to voting representation on the  
9 Commission, for their approval, by resolution. The [Office] DEPARTMENT shall  
10 include any comments made by the Commission.

11       (d)     (1)     If the governing bodies of 6 of the 8 local jurisdictions entitled to  
12 voting representation on the Commission approve the proposed amendment, the  
13 [Office] DEPARTMENT shall present the proposed amendment to the General  
14 Assembly. The [Office] DEPARTMENT shall include any comments made by the  
15 Commission or by the governing bodies.

16           (2)     If the General Assembly, by joint resolution, approves the proposed  
17 amendment, the effective date of the amendment is immediate, unless otherwise  
18 specified in the amendment.

19 5-806.

20       (a)     After the General Assembly approves an amendment to the Plan, the  
21 [Office] DEPARTMENT shall:

22           (1)     present copies of the approved amendment to the Governor and to  
23 each local jurisdiction entitled to voting representation on the Commission, for their  
24 information; and

25           (2)     make copies of the amendment to the Plan available to the general  
26 public.

27       (b)     The [Office] DEPARTMENT continuously shall review and evaluate  
28 information related to the Patuxent River and its watershed.

29       (c)     The [Office] DEPARTMENT periodically shall make and assist local  
30 jurisdictions and units of the State government in making environmental  
31 assessments of:

32           (1)     comprehensive planning programs, as they relate to the Patuxent  
33 River and its watershed; and

34           (2)     major land use changes, major regulatory actions, and major  
35 rezonings whether proposed or implemented as they relate to the Patuxent River and  
36 its watershed.

1 5-809.

2 (a) The [Office] DEPARTMENT shall review, evaluate, and report biennially to  
3 the Governor and, subject to § 2-1246 of the State Government Article, to the General  
4 Assembly on the implementation of the Plan and the status of the Patuxent River and  
5 its watershed.

6 (b) The report shall include specific recommendations of the [Office]  
7 DEPARTMENT concerning implementation of the Plan and the bases for these  
8 recommendations.

9 (c) Before presenting its report to the General Assembly, the [Office]  
10 DEPARTMENT shall present the report to the Commission for its comments. The  
11 [Office] DEPARTMENT shall include any comments of the Commission when it  
12 presents the report to the General Assembly.

13 5-812.

14 There is a Patuxent River Commission in the [Office] DEPARTMENT.

15 5-814.

16 (a) The Commission consists of the following 34 voting members appointed by  
17 the Governor:

18 (7) as ex officio members:

19 (i) the Secretary of Agriculture or a designee;

20 (ii) the Secretary of the Environment or a designee;

21 (iii) the Secretary of Natural Resources or a designee;

22 (iv) the [Director] SECRETARY of the [Office] DEPARTMENT of  
23 Planning or a designee;

24 (v) the Secretary of Transportation or a designee; and

25 (vi) the Chief of the Planning Division, U. S. Army Corps of  
26 Engineers, Baltimore District or a designee.

27 **Article 20 - Tri-County Council for Southern Maryland**

28 2-101.

29 The membership of the Council consists of:

30 (f) One nonvoting member appointed by the Maryland Department of  
31 Business and Economic Development and the Maryland [Office] DEPARTMENT of  
32 Planning.

1 3-102.

2 (a) Before the plan, or any part, is adopted, it shall be submitted to the  
3 [Office] DEPARTMENT of Planning and to the local planning commission, and  
4 governing body of each governmental subdivision Within the region, not less than 60  
5 days prior to a public hearing.

6 (c) The [Office] DEPARTMENT of Planning may make recommendations to  
7 the Council, on or before the date of the hearing, for its modification where necessary  
8 to achieve conformity with State plans and policies. Each local planning commission  
9 and governing body of each governmental subdivision within the region may make  
10 recommendations to the Council with respect to the effect of the plan within its  
11 governmental subdivision on or before the date of the hearing.

## 12 **Article 20A - Tri-County Council for Western Maryland**

13 2-202.

14 Without limiting or restricting the general powers conferred by this article, the  
15 Council may do any of the following:

16 (9) Review any applications to agencies of the State or federal  
17 government for loans or Grants-in-aid for projects by governmental subdivisions  
18 within the region as may be submitted directly to the Tri-County Council or as  
19 provided through the [Maryland Office] DEPARTMENT of Planning State  
20 Intergovernmental Assistance Clearinghouse;

21 3-102.

22 (a) Before the plan, or any part, is adopted, it shall be submitted to the  
23 [Office] DEPARTMENT of Planning and to the local planning commission, and  
24 governing body of each governmental subdivision within the region, not less than 60  
25 days prior to a public hearing.

26 (c) (1) The [Office] DEPARTMENT of Planning may make recommendations  
27 to the Council, on or before the date of the hearing, for its modification where  
28 necessary to achieve conformity with State plans and policies.

## 29 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

30 6-301.

31 (b) (1) Each 6 months, a local government shall submit a summary notice to  
32 the [Office] DEPARTMENT of Planning if, during the 6-month period that the notice  
33 covers, the local government has received an award of federal aid in the form of an  
34 instructional contract, instructional grant, research contract, or research grant.

35 (c) (1) This subsection does not apply to an instructional contract,  
36 instructional grant, research contract, or research grant.



1           (2)     Within 30 days after a local government receives an award of federal  
2 aid, the local government shall submit to the [Office] DEPARTMENT of Planning a  
3 summary notice that states:

4           (i)     The amount of the award; and

5           (ii)    If the award is conditioned on matching funds:

6                   1.     The amount of those funds;

7                   2.     The source of those funds; and

8                   3.     The period for which those funds are required.

9                                   **Article 33 - Election Code**

10 2-303.

11       (e)     (2)     Upon receipt of the written description and map relating to a precinct  
12 boundary established during the period described in paragraph (1) of this subsection,  
13 the State Administrator shall immediately forward the documents to the [Director]  
14 SECRETARY of the [Office] DEPARTMENT of Planning and the Executive Director of  
15 the Department of Legislative Services.

16                                   **Article 41 - Governor - Executive and Administrative Departments**

17 13-106.

18       (a)     The New Marsh Wholesale Produce Market Authority, as the same was  
19 created by Chapter 662 of the Laws of Maryland of 1955 and amended by Chapter 845  
20 of the Laws of Maryland of 1957, shall transfer to the Authority all of the land,  
21 buildings, structures, facilities, equipment and other property acquired by the New  
22 Marsh Produce Authority pursuant to the provisions of said Chapter 662 and Chapter  
23 845; and upon such transfer the Authority shall assume and be charged with all of the  
24 duties, obligations and liabilities, whether publicly or privately owned or operated,  
25 occupying such Produce Market Authority, including the lease with the Mayor and  
26 City Council of Baltimore for the land now being used for an abandoned motor vehicle  
27 facility, and the New Marsh Wholesale Produce Market Authority shall cease to exist.  
28 Immediately following the completion of such transfer the Authority shall make or  
29 cause to be made an investigation and determination as to the feasibility and  
30 economics of expanding the operations and facilities of the New Marsh Wholesale  
31 Produce Market at its present location so as to accommodate additional wholesale  
32 produce merchants, including those who are presently or who have in the past  
33 operated their businesses in other areas of the City of Baltimore; provided, however,  
34 that prior to undertaking any expansion of the operations and facilities of the New  
35 Marsh Wholesale Produce Market at its present location for the above-stated  
36 purpose, the determinations and any recommendations made as a result of such  
37 investigation shall be submitted by the Authority to the Department of General  
38 Services, the [Office] DEPARTMENT of Planning and to the Board of Public Works for  
39 the respective approval of each. The Authority with the approval of the Board of

1 Public Works may sell, lease or otherwise dispose of the land, buildings, structures,  
2 facilities, equipment and other property so acquired for such consideration and in  
3 such manner as is in the best interest of the State of Maryland and the Authority;  
4 provided that the proceeds derived from any such sale, lease or other conveyance  
5 shall first be dedicated to the payment of the interest on and the principal of the  
6 outstanding bonds of the New Marsh Wholesale Produce Market Authority and that  
7 any proceeds remaining after the payment of such interest and principal shall be paid  
8 to the State of Maryland in reimbursement of the amount of any taxes levied and  
9 collected by the State of Maryland for the payment of interest on and principal of the  
10 bonds issued by the New Marsh Wholesale Produce Market Authority. Nothing  
11 contained in this subtitle is intended to relieve the State of Maryland of its obligations  
12 to the holders of the bonds issued by the New Marsh Wholesale Produce Market  
13 Authority as said obligations were imposed by Chapter 845 of the Laws of Maryland  
14 of 1957. In the event of any sale, lease, reversion or disposal of the property of the  
15 Authority as provided in this subtitle, the property shall not be used for a period of  
16 fifty years thereafter for a wholesale fresh fruit and vegetable market or for the  
17 wholesale distribution of food products.

18 **Article 49D - Office for Children, Youth, and Families**

19 8.

20 (a) Each county shall develop, with the assistance of the [Office]  
21 DEPARTMENT of Planning, a needs assessment and recommendations for the delivery  
22 of before- and after-school child care services to children who are at least 4 years old  
23 but not more than 14 years old.

24 **Article 66B - Zoning and Planning**

25 3.06.

26 (c) (2) This subsection does not limit the [Office] DEPARTMENT of  
27 Planning, the State Economic Growth, Resource Protection, and Planning  
28 Commission, or any subcommittee of the Commission, from exercising any authority  
29 granted under the State Finance and Procurement Article.

30 3.09.

31 The planning commission shall annually prepare, adopt, and file an annual  
32 report with the local legislative body. The annual report shall be made available for  
33 public inspection and a copy of the report shall be mailed to the [Director]  
34 SECRETARY of the [Maryland Office] DEPARTMENT of Planning. The annual report  
35 shall (a) index and locate on a map all changes in development patterns including  
36 land use, transportation, community facilities patterns, zoning map amendments,  
37 and subdivision plats which occurred during the period covered by the report, and  
38 shall state whether these changes are or are not consistent with each other, with the  
39 recommendations of the last annual report, with adopted plans of the jurisdiction,  
40 with adopted plans of all adjoining planning jurisdictions, and with adopted plans of  
41 State and local jurisdictions that have responsibility for financing or constructing

1 public improvements necessary to implement the jurisdiction's plan; (b) contain  
 2 statements and recommendations for improving the planning and development  
 3 process within the jurisdiction. The local legislative body shall review the annual  
 4 report and direct that such studies and other actions as appropriate and necessary be  
 5 undertaken to insure the continuation of a viable planning and development process.

6 **Article 83A - Department of Business and Economic Development**

7 3-903.

8 (b) During the course of evaluating potential qualified brownfields sites, the  
 9 Department shall consult with:

10 (1) The Department of the Environment, the [Office] DEPARTMENT of  
 11 Planning, and relevant local officials;

12 **Article 83B - Department of Housing and Community Development**

13 2-204.

14 The Administration shall have the following functions and responsibilities:

15 (4) In cooperation with the [Office] DEPARTMENT of Planning, carry out  
 16 continuing studies and analyses of sound community development and make such  
 17 recommendations for administrative or legislative action as appear necessary, paying  
 18 particular attention to the problems of metropolitan, suburban, and other areas in  
 19 which economic and population factors are rapidly changing.

20 **Article - Agriculture**

21 2-503.

22 (a) (1) The Maryland Agricultural Land Preservation Foundation shall be  
 23 governed and administered by a board of trustees composed of the State Treasurer,  
 24 who shall serve as an ex officio member, the Comptroller, who shall serve as an ex  
 25 officio member, and the Secretary who shall serve as an ex officio member, and nine  
 26 members from the State at-large to be appointed by the Governor, at least five of  
 27 whom shall be farmer representatives from different areas of the State. The State  
 28 Treasurer may appoint, as the Treasurer's designee, a deputy treasurer to serve on  
 29 the board of trustees. One of the at-large members who is not a farmer representative  
 30 shall be a representative of the [Office] DEPARTMENT of Planning. All of the farmer  
 31 representatives shall be actively engaged in or retired from active farming. Three of  
 32 the five farmer representatives shall be appointed as follows:

33 (i) One from a list of three nominees submitted by the Maryland  
 34 Agricultural Commission;

35 (ii) One from a list of three nominees submitted by the Maryland  
 36 Farm Bureau; and

1 (iii) One from a list of three nominees submitted by the Maryland  
2 State Grange.

3 2-508.1.

4 (a) If a county is certified by the [Office] DEPARTMENT of Planning under §  
5 5-408 of the State Finance and Procurement Article as having established an  
6 effective county agricultural land preservation program, and if there are moneys  
7 remaining in the Maryland Agricultural Land Preservation Fund at the end of the  
8 fiscal year, the county may apply to the Foundation for an amount equal to the  
9 difference between:

10 (1) The aggregate amount allotted on behalf of the county under general  
11 allotted purchases of easements as provided in § 2-508(b) of this subtitle for the fiscal  
12 year in which easement purchases are made; and

13 (2) The amount committed by the Foundation on behalf of the county  
14 under general allotted purchases of easements as provided in § 2-508(b) of this  
15 subtitle for the fiscal year in which easement purchases are made.

16 2-512.

17 (e) (2) A county shall use that county's unencumbered and uncommitted  
18 matching funds and any additional funds under § 2-508.1 of this subtitle available to  
19 a county certified by the [Office] DEPARTMENT of Planning and the Foundation  
20 under § 5-408 of the State Finance and Procurement Article to purchase development  
21 rights and guarantee loans that are collateralized by development rights for  
22 agricultural land that meets the minimum standards set by the Foundation under §  
23 2-509(c) of this subtitle, except as provided in paragraph (3) of this subsection.

24 (3) For a county certified by the [Office] DEPARTMENT of Planning and  
25 the Foundation under § 5-408 of the State Finance and Procurement Article, in lieu of  
26 any acreage requirement set by the Foundation under § 2-509(c) of this subtitle,  
27 development rights purchased by or collateralizing loans guaranteed by a county  
28 under this subsection shall be for agricultural land of significant size to promote an  
29 agricultural operation.

30 **Article - Education**

31 3-901.

32 (f) (3) (iii) The descriptions of board of education districts in this  
33 subsection refer to the geographical boundaries of:

34 1. The election districts as they existed as of April 1, 1990;

35 and

36 2. The precincts:



1 (h) (8) Before making a grant, the Department, in cooperation with the  
2 [Office] DEPARTMENT of Planning, shall review the flood control and watershed  
3 management operations of the applicant subdivision to assure that the flood control  
4 and watershed management operations are in compliance with this subtitle.

5 (9) The Department, in consultation with the [Office] DEPARTMENT of  
6 Planning, shall adopt regulations necessary for the administration of the grant  
7 program. These regulations may include:

8 (i) A determination of statewide and interjurisdictional needs and  
9 priorities;

10 (ii) Standards of eligibility for applicants and projects;

11 (iii) Criteria for recognition of tidal and nontidal areas;

12 (iv) Engineering and economic standards and alternatives; and

13 (v) Procedures for filing and processing contents of applications.

14 (10) Each project application shall be submitted to and reviewed by the  
15 State clearinghouse of the [Office] DEPARTMENT of Planning in accordance with  
16 established clearinghouse procedures.

17 7-406.

18 (j) On issuance of a certificate the Board shall file a copy of that certificate  
19 with the Secretary to the Board and the Secretary of State. Copies of the certificate  
20 shall be sent by the Secretary to the Board to:

21 (8) The [Office] DEPARTMENT of Planning.

22 8-404.

23 The following State agencies shall assist the Secretary in evaluating any  
24 technology or means for the permanent disposal of low-level nuclear waste:

25 (5) The [Office] DEPARTMENT of Planning.

26 9-228.

27 (e) (1) After consultation with other State agencies, representatives of the  
28 tire industry, and representatives of local government, the service shall place in  
29 operation a scrap tire recycling system:

30 (i) By January 1, 1993 for any county with a population of 150,000  
31 or more according to the most recent projections by the [Office] DEPARTMENT of  
32 Planning; and

1 (ii) By January 1, 1994 for any county with a population of less  
2 than 150,000 according to the most recent projections by the [Office] DEPARTMENT  
3 of Planning.

4 9-345.

5 (c) (2) Project priority systems shall be established. Prior to adopting rules  
6 and regulations and establishing project priority rankings under this section, the  
7 Secretary shall consult with the Secretaries of Natural Resources, Agriculture, and  
8 Business and Economic Development and the [Director] SECRETARY of the [Office]  
9 DEPARTMENT of Planning.

10 9-505.

11 (a) In addition to the other requirements of this subtitle, each county plan  
12 shall:

13 (18) For a county with a population greater than 150,000 according to the  
14 latest [Office] DEPARTMENT of Planning projections, include a recycling plan by July  
15 1, 1990 that:

16 (i) Provides for a reduction through recycling of at least 20 percent  
17 of the county's solid waste stream by weight or submits adequate justification,  
18 including economic and other specific factors, as to why the 20 percent reduction  
19 cannot be met;

20 (ii) Provides for recycling of the solid waste stream to the extent  
21 practical and economically feasible, but in no event may less than a 10 percent  
22 reduction be submitted; and

23 (iii) Requires full implementation of the recycling plan by January  
24 1, 1994; and

25 (19) For a county with a population less than 150,000 according to the  
26 latest [Office] DEPARTMENT of Planning projections, include a recycling plan by July  
27 1, 1990 that:

28 (i) Provides for a reduction through recycling of at least 15 percent  
29 of the county's solid waste stream or submit adequate justification, including  
30 economic and other specific factors, as to why the 15 percent reduction cannot be met;

31 (ii) Provides for recycling of the solid waste stream to the extent  
32 practical and economically feasible, but in no event may less than a 5 percent  
33 reduction be submitted; and

34 (iii) Require full implementation of the recycling plan by January 1,  
35 1994.

1 9-507.

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

5 (2) To the [Office] DEPARTMENT of Planning for advice on the  
6 consistency of the proposal with the local master plan and other appropriate matters;  
7 and

8 9-1405.

9 (a) The Secretary:

10 (2) Shall request demographic, land use, fiscal impact, or other pertinent  
11 information from the [Office] DEPARTMENT of Planning or any community planning  
12 agency; and

13 14-503.

14 (b) The Secretary after receiving the advisory comments of the Secretaries of  
15 Natural Resources, Business and Economic Development, and Transportation and the  
16 [Director] SECRETARY of the [Office] DEPARTMENT of Planning may adopt rules  
17 and regulations to implement the provisions of this subtitle.

18 14-509.

19 (b) A request for judicial review may be made only by an aggrieved party, by a  
20 properly designated official of the county government where the proposed facility is to  
21 be located, or by the [Office] DEPARTMENT of Planning pursuant to § 5-611 of the  
22 State Finance and Procurement Article.

23 15-809.

24 (a) On receipt of an application and accompanying documents, the  
25 Department shall review it and make further inquiries, inspections, or examinations  
26 as necessary or desirable for proper evaluation. If the Department objects to any part  
27 of the application or accompanying documents, it shall notify promptly the applicant  
28 by certified mail, return receipt requested, bearing a postmark from the United  
29 States Postal Service, of its objections, setting forth its reasons, and shall afford the  
30 applicant a reasonable opportunity to make amendments or take actions required to  
31 remove the objections. The Department shall submit a copy of the application and  
32 accompanying documents to the [Office] DEPARTMENT of Planning for review with  
33 respect to matters that are the responsibility of [that Office] THE DEPARTMENT OF  
34 PLANNING.



1

**Article - Financial Institutions**

2 13-1013.

3 (b) (2) In considering whether to approve a management plan, the Maryland  
4 Historical Trust shall consult with appropriate units of the State government,  
5 including the Department of Business and Economic Development, the Department of  
6 Natural Resources, and the [Maryland Office] DEPARTMENT of Planning.

7 13-1016.

8 For the purpose of reviewing the development of the management plan for the  
9 Preservation District, the Authority shall appoint a task force that includes:

10 (2) A representative of each of:

11 (vii) The [Maryland Office] DEPARTMENT of Planning; and

12 13-1104.

13 (a) The Authority consists of:

14 (6) The [Director] SECRETARY of the [Office] DEPARTMENT of  
15 Planning;

16

**Article - Health - General**

17 19-118.

18 (f) The Commission shall require that in developing local health plans, each  
19 local health planning agency:

20 (2) Use the figures and special age group projections that the [Office]  
21 DEPARTMENT of Planning prepares annually for the Commission;

22

**Article - Natural Resources**

23 3-3A-01.

24 (f) "Participating agencies" means the Commission, the People's Counsel of  
25 the Public Service Commission, and the Departments of Business and Economic  
26 Development, Agriculture, and Transportation, and the [Office] DEPARTMENT of  
27 Planning.

28 5-903.

29 (c) (2) The [Director] SECRETARY of the [Maryland Office] DEPARTMENT  
30 of Planning and the Secretary shall serve as advisers to the committee.

1 5-904.

2 (a) (1) Each year the Department, in consultation with the [Maryland  
3 Office] DEPARTMENT of Planning, shall prepare a list of recommended State projects  
4 for funding under this program for the next fiscal year.

5 5-905.

6 (a) (2) (i) By the first of July each year, a participating local governing  
7 body shall submit an annual program of proposed acquisition and development  
8 projects, together with a list of projects submitted by any municipal corporation to the  
9 local governing body and not included in the local governing body's annual program,  
10 to the [Office] DEPARTMENT of Planning for review and to the Department for  
11 approval.

12 (3) (i) Upon review by the [Office] DEPARTMENT of Planning and  
13 approval by the Department and the Board of Public Works, the annual program shall  
14 become the basis for a grant agreement for the total allocation to each of the local  
15 governing bodies.

16 (4) Any program may be revised by the local governing body and the  
17 revised program, after the [Maryland Office] DEPARTMENT of Planning reviews and  
18 the Department approves it, shall be substituted for the original program in the grant  
19 agreement.

20 5-905.

21 (b) (2) A local governing body shall prepare a local land preservation and  
22 recreation plan with acquisition goals based upon the most current population data  
23 available from the [Maryland Office] DEPARTMENT of Planning and submit it to the  
24 Department and to the [Maryland Office] DEPARTMENT of Planning for joint  
25 approval according to the criteria and goals set forth in the Maryland Land  
26 Preservation and Recreation Plan and any revisions thereof. A local governing body  
27 shall revise its local land preservation and recreation plan at least every five years  
28 concurrently with the revision of the Maryland Land Preservation and Recreation  
29 Plan and submit the revised local plan to the Department and to the [Maryland  
30 Office] DEPARTMENT of Planning for joint approval. Prior to approval of a revised  
31 local plan, the Department shall provide the legislators from the district within which  
32 any part of the local jurisdiction is located the opportunity to review and comment on  
33 the revised local plan.

34 (c) (1) (ii) If the Department and the [Maryland Office] DEPARTMENT of  
35 Planning certify that acquisition goals set forth in the current, approved local land  
36 preservation and recreation plan have been met and that such acreage attainment  
37 equals or exceeds the minimum recommended acreage goals developed for that  
38 jurisdiction under the Maryland Land Preservation and Recreation Plan, a local  
39 governing body may use up to 75 percent of its future annual apportionment for  
40 development projects for a period of 5 years after attainment, provided that up to 20  
41 percent of the funds authorized for use for development projects under this  
42 subparagraph may be used for capital renewal.

1 5-906.

2 (b) Every acquisition and development project funded by the State in whole or  
3 in part shall meet needs identified in the Maryland Land Preservation and  
4 Recreation Plan prepared and revised every 5 years, beginning in 1993, by the  
5 [Maryland Office] DEPARTMENT of Planning in cooperation with the Department.  
6 The document shall identify and recommend for State acquisition efforts those  
7 resource areas facing the most intense or immediate development pressure. These  
8 resource areas shall be designated as targeted areas. The document and any changes  
9 to it shall be distributed to every local governing body.

10 (e) The applicant shall certify on each application that:

11 (7) Land acquired or developed under a State grant from Program Open  
12 Space may not be converted, without written approval of the Secretary, the Secretary  
13 of the Department of Budget and Management, and the [Director] SECRETARY of the  
14 [Maryland Office] DEPARTMENT of Planning from outdoor public recreation or open  
15 space use to any other use. Any conversion in land use may be approved only after the  
16 local governing body replaces the land with land of at least equivalent area and of  
17 equal recreation or open space value; and

18 5-9A-03.

19 (b) The Board consists of the following members:

20 (3) The [Director] SECRETARY of the [Office] DEPARTMENT of  
21 Planning.

22 (d) (2) The Department of Agriculture and the [Office] DEPARTMENT of  
23 Planning may provide additional staff.

24 5-9A-08.

25 (f) The Department of Natural Resources, in cooperation with the  
26 Department of Agriculture and the [Office] DEPARTMENT of Planning, shall provide  
27 staff support for the Committee.

28 5-1010.

29 (b) (1) The Department shall maintain liaison with, provide factual data to,  
30 and work with the Department of Transportation, the State Railroad Administration,  
31 the [Office] DEPARTMENT of Planning, other agencies, and local governments to  
32 determine the suitability for trail purposes of railroad corridor property proposed for  
33 abandonment.

1

**Article - Public Utility Companies**

2 7-207.

3 (c) (1) On receipt of an application for a certificate of public convenience and  
4 necessity under this section, the Commission shall provide notice to the [Office]  
5 DEPARTMENT of Planning and to all other interested persons.

6 (2) The [Office] DEPARTMENT of Planning shall forward the application  
7 to each appropriate State unit and unit of local government for review, evaluation,  
8 and comment regarding the significance of the proposal to State, area-wide, and local  
9 plans or programs.

10 7-208.

11 (d) (1) On the receipt of an application under this section, together with any  
12 additional information requested under subsection (c)(2) of this section, the  
13 Commission shall provide notice to:

14 (vii) the [Office] DEPARTMENT of Planning.

15

**Article - Tax - General**

16 2-608.1.

17 (b) For fiscal year 1990, after making the distributions required under §  
18 2-604 through § 2-608 of this subtitle, the Comptroller shall distribute to each  
19 municipality the amount, if any, by which:

20 (1) a \$2 per capita increase over the amount distributed to the  
21 municipality under § 2-607 of this subtitle for the 1986 taxable year, based on the  
22 most recent census data available from the [Office] DEPARTMENT of Planning;  
23 exceeds

24 (2) the amount distributed to the municipality under §§ 2-607 of this  
25 subtitle for the 1988 taxable year.

26

**Article - Tax - Property**

27 13-209.

28 (b) (2) For the fiscal year commencing July 1, 1991 and for subsequent fiscal  
29 years, up to 3% of the revenues in the special fund not required under paragraph (1)  
30 of this subsection may be appropriated in the State budget for salaries and related  
31 expenses in the Departments of General Services and Natural Resources and in the  
32 [Office] DEPARTMENT of Planning necessary to administer Title 5, Subtitle 9 of the  
33 Natural Resources Article (Program Open Space).

1 13-306.

2 (a-1) If a county is certified by the [Office] DEPARTMENT of Planning and the  
3 Maryland Agricultural Land Preservation Foundation under § 5-408 of the State  
4 Finance and Procurement Article as having established an effective county  
5 agricultural land preservation program, the collector for the county shall remit to the  
6 Comptroller:

7 (1) the revenue from the agricultural land transfer tax that is  
8 attributable to the taxation of instruments of writing that transfer title to parcels of  
9 land that are entirely woodland; and

10 (2) 25% of the balance of revenue from the agricultural land transfer tax  
11 that remains after the remittance under item (1) of this subsection.

12 **Article - Transportation**

13 2-103.1.

14 (f) At the earliest practical date but no later than November 1 of each year,  
15 the Department shall provide the proposed consolidated transportation program and  
16 the proposed Maryland transportation plan to the [Office] DEPARTMENT of Planning  
17 for review and comment on planning issues including consistency between  
18 transportation investments and the State Economic Growth, Resource Protection,  
19 and Planning Policy.

20 6-502.

21 (b) The Advisory Council is composed of the following:

22 (1) Six ex officio members, to include:

23 (iii) The [Director] SECRETARY of the [Maryland Office]  
24 DEPARTMENT of Planning or the [Director's] SECRETARY'S designee;

25 7-302.

26 (b) The Administration shall cooperate with the planning agencies of the  
27 [Office] DEPARTMENT of Planning and any other State or federal agency concerned  
28 with transit plans.

29 (c) To provide a framework for regional participation in the planning process,  
30 the Administration may create technical committees concerned with planning and the  
31 collection and analyses of information to aid in the transportation planning process.  
32 On request of the Administration, the [Office] DEPARTMENT OF PLANNING may  
33 make appointments to these committees.

1 7-303.

2 (c) Before the adoption, revision, or amendment of any transit plan, the  
3 Secretary shall send the proposed plan, revision, or amendment to the following, for  
4 comment to be made within the time that the Secretary specifies:

5 (5) The [Office] DEPARTMENT of Planning;

6 8-309.

7 (i) (2) Notwithstanding any other law to the contrary, the Administration  
8 may, after giving notice to the Maryland [Office] DEPARTMENT OF PLANNING and  
9 with the approval of the Board of Public Works, convey any of its surplus land if the  
10 conveyance will promote economic development in the State of Maryland.

11 8-310.

12 (b) (2) The Board shall consist of:

13 (ii) The [Director] SECRETARY of the [Office] DEPARTMENT of  
14 Planning or the [Director's] SECRETARY'S designee; and

15 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
16 read as follows:

17 **Article - Transportation**

18 10-204.

19 Title III

20 Article VI

21 14.

22 (c) The Board, in the preparation, revision, alteration or amendment of a  
23 mass transit plan, shall

24 (3) To the extent not inconsistent with or duplicative of the planning  
25 process specified in subparagraph (2) of this paragraph (c), cooperate with the  
26 National Capital Planning Commission, the National Capital Regional Planning  
27 Council, the Washington Metropolitan Council of Governments, the Washington  
28 Metropolitan Area Transit Commission, the highway agencies of the signatories, the  
29 Maryland-National Capital Park and Planning Commission, the Northern Virginia  
30 Regional Planning and Economic Development Commission, the Maryland [Office]  
31 DEPARTMENT of Planning and the Commission of Fine Arts. Such cooperation shall  
32 include the creation, as necessary, of technical committees composed of personnel,  
33 appointed by such agencies, concerned with planning and collection and analysis of  
34 data relative to decision-making in the transportation planning process.

1 15.

2 (a) Before a mass transit plan is adopted, altered, revised or amended, the  
3 Board shall transmit such proposed plan, alteration, revision or amendment for  
4 comment to the following and to such other agencies as the Board shall determine:

5 (10) The Maryland [Office] DEPARTMENT of Planning; and

6 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act  
7 may not take effect until similar Acts are passed by the District of Columbia and the  
8 Commonwealth of Virginia; that the District of Columbia and the Commonwealth of  
9 Virginia are requested to concur in this Act of the General Assembly by the passage of  
10 substantially similar Acts; that the Department of Legislative Services shall notify  
11 the appropriate officials of the District of Columbia, the Commonwealth of Virginia  
12 and the United States Congress of the passage of this Act; and that, upon the  
13 concurrence in this Act by the District of Columbia, the Commonwealth of Virginia  
14 and the United States, the Governor of the State of Maryland shall issue a  
15 proclamation declaring this Act valid and effective and shall forward a copy of the  
16 proclamation to the Executive Director of the Department of Legislative Services.

17 SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the  
18 General Assembly that there shall be no increases in the State budget of the  
19 Department of Planning for fiscal year 2001 or any fiscal year thereafter directly  
20 resulting from removing the Office of Planning from the Executive Department and  
21 creating the Department of Planning as a principal department of State government.

22 SECTION 6. AND BE IT FURTHER ENACTED, That the publisher of the  
23 Annotated Code of Maryland, subject to the approval of the Department of Legislative  
24 Services, shall correct any agency names and titles throughout the Code that are  
25 rendered incorrect by this Act.

26 SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions  
27 of Section 4 of this Act, this Act shall take effect July 1, 2000.