

HOUSE BILL 286

Unofficial Copy
P1

2000 Regular Session
0lr0169
CF 0lr0076

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

Committee Report: Favorable
House action: Adopted
Read second time: February 29, 2000

CHAPTER _____

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,

1 Article - State Government
2 Section 2-201(e)(1)(ii), 8-201, and 11-103(d)
3 Annotated Code of Maryland
4 (1999 Replacement Volume)

5 BY repealing

6 Article - State Finance and Procurement
7 Section 5-201 and 5-202
8 Annotated Code of Maryland
9 (1995 Replacement Volume and 1999 Supplement)

10 BY repealing and reenacting, with amendments,

11 Article - State Finance and Procurement
12 Section 2-203(a)(1) and (2), (b)(1), (c)(2) and (3), 3-407(a)(2)(i)13., 5-101, 5-203,
13 5-204; 5-301 through 5-309 to be under the amended subtitle "Subtitle 3.
14 General Authority and Responsibilities of Department"; 5-401 through
15 5-408, 5-501 through 5-509, 5-602 through 5-605, 5-611, 5-615, 5-702,
16 5-705, 5-7B-05, 5-7B-06, 5-7B-08, 5-7B-09, 5-805, 5-806, 5-809,
17 5-812, and 5-814(a)(7)
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1999 Supplement)

20 BY adding to

21 Article - State Finance and Procurement
22 Section 5-201 and 5-204 to be under the amended subtitle "Subtitle 2.
23 Organization of Department and General Authority of Secretary"
24 Annotated Code of Maryland
25 (1995 Replacement Volume and 1999 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article - State Finance and Procurement
28 Section 3-407(a)(1), 5-601, 5-701, and 5-801
29 Annotated Code of Maryland
30 (1995 Replacement Volume and 1999 Supplement)

31 BY repealing and reenacting, with amendments,

32 Article 20 - Tri-County Council for Southern Maryland
33 Section 2-101(f) and 3-102(a) and (c)
34 Annotated Code of Maryland
35 (1998 Replacement Volume and 1999 Supplement)

36 BY repealing and reenacting, with amendments,

37 Article 20A - Tri-County Council for Western Maryland
38 Section 2-202(9) and 3-102(a) and (c)(1)

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

- 1 (1998 Replacement Volume and 1999 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article 83B - Department of Housing and Community Development
4 Section 2-204(4)
5 Annotated Code of Maryland
6 (1998 Replacement Volume and 1999 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article - Agriculture
9 Section 2-503(a)(1), 2-508.1(a), and 2-512(e)(2) and (3)
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 1999 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 3-901(f)(3)(iii)
15 Annotated Code of Maryland
16 (1999 Replacement Volume)
- 17 BY repealing and reenacting, with amendments,
18 Article - Environment
19 Section 3-302(a)(2)(iv), 5-803(a), (b)(1), (d)(1), and (h)(8), (9), and (10),
20 7-406(j)(8), 8-404(5), 9-228(e)(1), 9-345(c)(2), 9-505(a)(18) and (19),
21 9-507(b)(2), 9-1405(a)(2), 14-503(b), 14-509(b), and 15-809(a)
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1999 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 Article - Financial Institutions
26 Section 13-1013(b)(2), 13-1016(2)(vii), and 13-1104(a)(6)
27 Annotated Code of Maryland
28 (1998 Replacement Volume and 1999 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Article - Health - General
31 Section 19-118(f)(2)
32 Annotated Code of Maryland
33 (1996 Replacement Volume and 1999 Supplement)
- 34 BY repealing and reenacting, with amendments,
35 Article - Natural Resources
36 Section 3-3A-01(f), 5-903(c)(2), 5-904(a)(1), 5-905(a)(2)(i), (3)(i), and (4),
37 5-905(b)(2) and (c)(1)(ii), 5-906(b) and (e)(7), 5-9A-03(b)(3) and (d)(2),

1 5-9A-08(f), and 5-1010(b)(1)
2 Annotated Code of Maryland
3 (1997 Replacement Volume and 1999 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Public Utility Companies
6 Section 7-207(c)(1) and (2) and 7-208(d)(1)(vii)
7 Annotated Code of Maryland
8 (1998 Replacement Volume and 1999 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - Tax - General
11 Section 2-608.1(b)
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 1999 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Tax - Property
16 Section 13-209(b)(2) and 13-306(a-1)
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1999 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Transportation
21 Section 2-103.1(f), 6-502(b)(1)(iii), 7-302(b) and (c), 7-303(c)(5), 8-309(i)(2),
22 8-310(b)(2)(ii), 10-204 Title III Article VI Section 14(c)(3) and 15(a)(10)
23 Annotated Code of Maryland
24 (1993 Replacement Volume and 1999 Supplement)

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

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

31 **Article - State Government**

32 2-201.

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

35 (ii) precincts are to the geographical boundaries of the precincts as
36 reviewed and certified by the local board of supervisors of elections or their designees,

1 before they were reported to the U.S. Bureau of the Census as part of the 1990 Census
 2 Redistricting Data Program and as those precinct lines are specifically shown on the
 3 P.L. 94-171 census block maps provided by the U.S. Bureau of the Census and as
 4 reviewed and corrected by the Maryland [Office] DEPARTMENT of Planning.

5 8-201.

6 (a) The Executive Branch of the State government shall have not more than
 7 21 principal departments, each of which shall embrace a broad, functional area of that
 8 Branch.

9 (b) The principal departments of the Executive Branch of the State
 10 government are:

- 11 (1) Aging;
- 12 (2) Agriculture;
- 13 (3) Budget and Management;
- 14 (4) Business and Economic Development;
- 15 (5) the Environment;
- 16 (6) General Services;
- 17 (7) Health and Mental Hygiene;
- 18 (8) Housing and Community Development;
- 19 (9) Human Resources;
- 20 (10) Juvenile Justice;
- 21 (11) Labor, Licensing, and Regulation;
- 22 (12) Natural Resources;
- 23 (13) PLANNING;
- 24 [(13)] (14) Public Safety and Correctional Services;
- 25 [(14)] (15) State Police;
- 26 [(15)] (16) Transportation; and
- 27 [(16)] (17) Veterans Affairs.

28 11-103.

29 (d) This title does not affect the authority of the [Office] DEPARTMENT of
 30 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.

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

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

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

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

7 (4) The State Treasurer shall hold and the State Comptroller shall
8 account for the fund.

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

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

12 5-305.

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

16 (1) intervene as a party; or

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

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

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

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

29 (1) has more than local impact; and

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

31 5-306.

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

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

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

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

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

8 5-307.

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

11 (b) The annual report shall include:

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

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

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

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

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

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

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

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

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

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

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

28 5-308.

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

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

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

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

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

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

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

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

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

14 5-309.

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

17 5-401.

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

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

24 5-402.

25 (a) The [Office] DEPARTMENT shall:

26 (1) harmonize its planning activities with the planning activities of other
27 units of the State government;

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

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

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

3 (b) The [Office] DEPARTMENT shall:

4 (1) harmonize its planning activities with the planning activities of local
5 governments; and

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

9 (c) The [Office] DEPARTMENT shall:

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

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

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

15 (i) units of the federal government; and

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

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

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

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

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

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

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

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

4 (h) The [Office] DEPARTMENT shall:

5 (1) review transportation plans and programs prepared by the
6 Department of Transportation and regional planning agencies and make
7 recommendations regarding the relationship between transportation and planned
8 land use; and

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

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

14 (1) transportation components of local plans;

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

16 (3) local transportation improvements.

17 5-403.

18 (a) The [Office] DEPARTMENT:

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

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

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

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

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

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

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

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

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

10 5-404.

11 (a) The [Office] DEPARTMENT may collect reimbursement, in accordance with
12 an agreement, for technical services the [Office] DEPARTMENT provides under §
13 5-402 or § 5-403(a) of this subtitle.

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

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

22 5-405.

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

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

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

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

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

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

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

5 5-406.

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

9 5-407.

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

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

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

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

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

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

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

34 5-408.

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

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

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

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

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

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

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

17 (ii) require by regulation.

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

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

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

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

27 (e) The [Office] DEPARTMENT and the Foundation may not certify a county
28 under this section unless the [Office] DEPARTMENT and the Foundation determine
29 that:

30 (1) the proposed county program for the purchase of development rights
31 or financial enhancements related to the purchase of development rights is likely to
32 be successful; and

33 (2) either:

34 (i) local expenditures prior to July 1, 1990, for the purchase of
35 development rights or financial enhancements related to the purchase of development

1 rights have equaled or exceeded the additional funds that will be available to the
2 county as a result of certification; or

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

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

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

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

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

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

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

27 5-501.

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

31 (1) any unit of the State government, of a regional government, or of a
32 local government; or

33 (2) any interstate agency.

34 5-502.

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

1 5-503.

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

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

7 5-504.

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

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

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

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

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

18 5-505.

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

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

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

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

26 5-506.

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

29 (1) the resources of the State;

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

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

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

- 3 (1) governmental units;
- 4 (2) regional planning commissions;
- 5 (3) public or private educational institutions;
- 6 (4) public or private research organizations;
- 7 (5) civic groups; and
- 8 (6) interested persons.

9 5-507.

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

- 14 (1) the objectives of the State Development Plan; and
- 15 (2) the function of State, regional, and local planning.

16 5-508.

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

21 5-509.

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

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

- 27 (1) to submit financial and technical assistance information to the
28 [Office] DEPARTMENT; and
- 29 (2) to publish information concerning grant application requirements in
30 the Maryland Register in a timely manner.

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

1 5-601.

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

3 5-602.

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

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

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

12 5-603.

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

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

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

18 (i) governmental units;

19 (ii) regional planning commissions;

20 (iii) public or private educational institutions;

21 (iv) public or private research organizations;

22 (v) civic groups; and

23 (vi) interested persons.

24 5-604.

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

27 5-605.

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

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

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

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

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

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

10 5-611.

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

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

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

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

21 (e) The [Office] DEPARTMENT shall:

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

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

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

30 5-615.

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

1 5-701.

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

4 5-702.

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

7 5-705.

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

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

13 5-7B-05.

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

16 (i) the Board of Public Works determines that extraordinary
17 circumstances exist in accordance with the requirements of paragraph (2) of this
18 subsection; or

19 (ii) the Board of Public Works approves the project as a
20 transportation project that meets the requirements of paragraph (3) of this
21 subsection.

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

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

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

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

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

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

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

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

6 B. maintain the viability of the project while concomitantly
7 constraining development which potentially detracts from main street business areas;
8 and

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

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

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

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

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

22 (i) identify the extraordinary circumstances that require State
23 funds for the project; and

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

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

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

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

1 5-7B-06.

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

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

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

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

11 (i) a natural resource based industry;

12 (ii) an industry relating to:

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

15 2. forestry activities; or

16 3. mineral extraction;

17 (iii) an industry that is proximate to:

18 1. an airport facility;

19 2. a port facility;

20 3. a railroad facility;

21 4. a transit facility; or

22 5. a major highway interchange; or

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

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

29 5-7B-08.

30 (a) To be eligible for funding for growth-related projects, a local government
31 shall certify to the [Office] DEPARTMENT of Planning any area designated by the
32 local government as a priority funding area under § 5-7B-03 of this subtitle, which

1 shall be consistent with the local comprehensive plan and the criteria set forth in §
2 5-7B-03 of this subtitle.

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

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

7 (2) the opportunity for public review.

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

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

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

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

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

21 5-7B-09.

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

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

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

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

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

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

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

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

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

6 5-801.

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

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

9 (c) "Plan" means:

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

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

13 5-805.

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

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

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

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

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

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

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

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

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

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

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

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

15 5-806.

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

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

21 (2) make copies of the amendment to the Plan available to the general
22 public.

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

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

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

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

33 5-809.

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

1 (b) The report shall include specific recommendations of the [Office]
2 DEPARTMENT concerning implementation of the Plan and the bases for these
3 recommendations.

4 (c) Before presenting its report to the General Assembly, the [Office]
5 DEPARTMENT shall present the report to the Commission for its comments. The
6 [Office] DEPARTMENT shall include any comments of the Commission when it
7 presents the report to the General Assembly.

8 5-812.

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

10 5-814.

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

13 (7) as ex officio members:

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

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

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

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

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

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

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

23 2-101.

24 The membership of the Council consists of:

25 (f) One nonvoting member appointed by the Maryland Department of
26 Business and Economic Development and the Maryland [Office] DEPARTMENT of
27 Planning.

28 3-102.

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

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

7 **Article 20A - Tri-County Council for Western Maryland**

8 2-202.

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

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

16 3-102.

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

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

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

25 6-301.

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

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

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

35 (i) The amount of the award; and

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

- 1 1. The amount of those funds;
- 2 2. The source of those funds; and
- 3 3. The period for which those funds are required.

4 **Article 33 - Election Code**

5 2-303.

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

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

12 13-106.

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

1 to the State of Maryland in reimbursement of the amount of any taxes levied and
2 collected by the State of Maryland for the payment of interest on and principal of the
3 bonds issued by the New Marsh Wholesale Produce Market Authority. Nothing
4 contained in this subtitle is intended to relieve the State of Maryland of its obligations
5 to the holders of the bonds issued by the New Marsh Wholesale Produce Market
6 Authority as said obligations were imposed by Chapter 845 of the Laws of Maryland
7 of 1957. In the event of any sale, lease, reversion or disposal of the property of the
8 Authority as provided in this subtitle, the property shall not be used for a period of
9 fifty years thereafter for a wholesale fresh fruit and vegetable market or for the
10 wholesale distribution of food products.

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

12 8.

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

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

18 3.06.

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

23 3.09.

24 The planning commission shall annually prepare, adopt, and file an annual
25 report with the local legislative body. The annual report shall be made available for
26 public inspection and a copy of the report shall be mailed to the [Director]
27 SECRETARY of the [Maryland Office] DEPARTMENT of Planning. The annual report
28 shall (a) index and locate on a map all changes in development patterns including
29 land use, transportation, community facilities patterns, zoning map amendments,
30 and subdivision plats which occurred during the period covered by the report, and
31 shall state whether these changes are or are not consistent with each other, with the
32 recommendations of the last annual report, with adopted plans of the jurisdiction,
33 with adopted plans of all adjoining planning jurisdictions, and with adopted plans of
34 State and local jurisdictions that have responsibility for financing or constructing
35 public improvements necessary to implement the jurisdiction's plan; (b) contain
36 statements and recommendations for improving the planning and development
37 process within the jurisdiction. The local legislative body shall review the annual
38 report and direct that such studies and other actions as appropriate and necessary be
39 undertaken to insure the continuation of a viable planning and development process.

Article 83A - Department of Business and Economic Development

1 3-903.

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

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

Article 83B - Department of Housing and Community Development

6 2-204.

7 The Administration shall have the following functions and responsibilities:

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

Article - Agriculture

13 2-503.

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

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

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

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

1 2-508.1.

2 (a) If a county is certified by the [Office] DEPARTMENT of Planning under §
3 5-408 of the State Finance and Procurement Article as having established an
4 effective county agricultural land preservation program, and if there are moneys
5 remaining in the Maryland Agricultural Land Preservation Fund at the end of the
6 fiscal year, the county may apply to the Foundation for an amount equal to the
7 difference between:

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

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

14 2-512.

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

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

28 **Article - Education**

29 3-901.

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

32 1. The election districts as they existed as of April 1, 1990;
33 and

34 2. The precincts:

35 A. As reviewed and certified by the Montgomery County
36 Board of Supervisors of Elections or its designees, before the precinct boundaries were
37 reported to the U.S. Bureau of the Census as part of the 1990 Census Redistricting
38 Data Program; and

1 B. As those precinct lines are specifically shown on the P.L.
2 94-171 census block maps provided by the U.S. Bureau of the Census and as reviewed
3 and corrected by the [Maryland Office] DEPARTMENT of Planning.

4 **Article - Environment**

5 3-302.

6 (a) The Committee consists of:

7 (2) 1 representative of each of the following departments, appointed by
8 the Secretary of that department:

9 (iv) The [Office] DEPARTMENT of Planning; and

10 5-803.

11 (a) By January 1, 1982 the Department, after consultation with and
12 consideration of recommendations submitted by subdivisions and the Department of
13 Agriculture and the [Office] DEPARTMENT of Planning, shall designate a priority list
14 of watersheds for the purpose of flood control planning and management and
15 establish a schedule for completion of studies of these watersheds.

16 (b) (1) The Department, in cooperation with the subdivisions and the
17 Department of Agriculture and the [Office] DEPARTMENT of Planning, shall conduct
18 studies of the watersheds designated pursuant to subsection (a) of this section which
19 shall define at least:

20 (i) The existing magnitude and frequency of flood events;

21 (ii) The magnitude and frequency of flood events based on planned
22 development; and

23 (iii) Alternative management techniques according to their
24 effectiveness in controlling floods and minimizing flood damage.

25 (d) (1) By July 1, 1990 each subdivision, in cooperation with the
26 Departments of the Environment and Agriculture, the [Office] DEPARTMENT of
27 Planning, and other appropriate State agencies, shall prepare a flood management
28 plan based upon an evaluation of the alternative management techniques and other
29 findings included in studies conducted under subsection (b) of this section. Each flood
30 management plan shall be consistent with the purposes and provisions of this
31 subtitle.

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

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

- 4 (i) A determination of statewide and interjurisdictional needs and
5 priorities;
- 6 (ii) Standards of eligibility for applicants and projects;
- 7 (iii) Criteria for recognition of tidal and nontidal areas;
- 8 (iv) Engineering and economic standards and alternatives; and
- 9 (v) Procedures for filing and processing contents of applications.

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

13 7-406.

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

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

18 8-404.

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

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

22 9-228.

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

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

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

1 9-345.

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

7 9-505.

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

10 (18) For a county with a population greater than 150,000 according to the
11 latest [Office] DEPARTMENT of Planning projections, include a recycling plan by July
12 1, 1990 that:

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

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

20 (iii) Requires full implementation of the recycling plan by January
21 1, 1994; and

22 (19) For a county with a population less than 150,000 according to the
23 latest [Office] DEPARTMENT of Planning projections, include a recycling plan by July
24 1, 1990 that:

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

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

31 (iii) Require full implementation of the recycling plan by January 1,
32 1994.

33 9-507.

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

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

4 9-1405.

5 (a) The Secretary:

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

9 14-503.

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

14 14-509.

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

19 15-809.

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

31 **Article - Financial Institutions**

32 13-1013.

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

1 13-1016.

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

4 (2) A representative of each of:

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

6 13-1104.

7 (a) The Authority consists of:

8 (6) The [Director] SECRETARY of the [Office] DEPARTMENT of
9 Planning;

10 **Article - Health - General**

11 19-118.

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

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

16 **Article - Natural Resources**

17 3-3A-01.

18 (f) "Participating agencies" means the Commission, the People's Counsel of
19 the Public Service Commission, and the Departments of Business and Economic
20 Development, Agriculture, and Transportation, and the [Office] DEPARTMENT of
21 Planning.

22 5-903.

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

25 5-904.

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

29 5-905.

30 (a) (2) (i) By the first of July each year, a participating local governing
31 body shall submit an annual program of proposed acquisition and development
32 projects, together with a list of projects submitted by any municipal corporation to the

1 local governing body and not included in the local governing body's annual program,
2 to the [Office] DEPARTMENT of Planning for review and to the Department for
3 approval.

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

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

12 5-905.

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

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

35 5-906.

36 (b) Every acquisition and development project funded by the State in whole or
37 in part shall meet needs identified in the Maryland Land Preservation and
38 Recreation Plan prepared and revised every 5 years, beginning in 1993, by the
39 [Maryland Office] DEPARTMENT of Planning in cooperation with the Department.
40 The document shall identify and recommend for State acquisition efforts those
41 resource areas facing the most intense or immediate development pressure. These

1 resource areas shall be designated as targeted areas. The document and any changes
2 to it shall be distributed to every local governing body.

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

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

11 5-9A-03.

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

13 (3) The [Director] SECRETARY of the [Office] DEPARTMENT of
14 Planning.

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

17 5-9A-08.

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

21 5-1010.

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

27 **Article - Public Utility Companies**

28 7-207.

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

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

1 7-208.

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

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

6 **Article - Tax - General**

7 2-608.1.

8 (b) For fiscal year 1990, after making the distributions required under §
9 2-604 through § 2-608 of this subtitle, the Comptroller shall distribute to each
10 municipality the amount, if any, by which:

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

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

17 **Article - Tax - Property**

18 13-209.

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

25 13-306.

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

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

34 (2) 25% of the balance of revenue from the agricultural land transfer tax
35 that remains after the remittance under item (1) of this subsection.

Article - Transportation

1

2 2-103.1.

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

9 6-502.

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

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

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

14 7-302.

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

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

23 7-303.

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

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

28 8-309.

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

33 8-310.

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

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

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

5 **Article - Transportation**

6 10-204.

7 Title III

8 Article VI

9 14.

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

12 (3) To the extent not inconsistent with or duplicative of the planning
13 process specified in subparagraph (2) of this paragraph (c), cooperate with the
14 National Capital Planning Commission, the National Capital Regional Planning
15 Council, the Washington Metropolitan Council of Governments, the Washington
16 Metropolitan Area Transit Commission, the highway agencies of the signatories, the
17 Maryland-National Capital Park and Planning Commission, the Northern Virginia
18 Regional Planning and Economic Development Commission, the Maryland [Office]
19 DEPARTMENT of Planning and the Commission of Fine Arts. Such cooperation shall
20 include the creation, as necessary, of technical committees composed of personnel,
21 appointed by such agencies, concerned with planning and collection and analysis of
22 data relative to decision-making in the transportation planning process.

23 15.

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

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

28 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act
29 may not take effect until similar Acts are passed by the District of Columbia and the
30 Commonwealth of Virginia; that the District of Columbia and the Commonwealth of
31 Virginia are requested to concur in this Act of the General Assembly by the passage of
32 substantially similar Acts; that the Department of Legislative Services shall notify
33 the appropriate officials of the District of Columbia, the Commonwealth of Virginia
34 and the United States Congress of the passage of this Act; and that, upon the
35 concurrence in this Act by the District of Columbia, the Commonwealth of Virginia
36 and the United States, the Governor of the State of Maryland shall issue a
37 proclamation declaring this Act valid and effective and shall forward a copy of the
38 proclamation to the Executive Director of the Department of Legislative Services.

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

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

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