

SENATE BILL 204

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P1

2000 Regular Session
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By: **The President (Administration) and Senators Blount, Frosh, and Pinsky**

Introduced and read first time: January 24, 2000
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable
Senate action: Adopted
Read second time: February 25, 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)

1 BY repealing and reenacting, with amendments,
2 Article - State Government
3 Section 2-201(e)(1)(ii), 8-201, and 11-103(d)
4 Annotated Code of Maryland
5 (1999 Replacement Volume)

6 BY repealing
7 Article - State Finance and Procurement
8 Section 5-201 and 5-202
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1999 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - State Finance and Procurement
13 Section 2-203(a)(1) and (2), (b)(1), and (c)(2) and (3), 3-407(a)(2)(i)13., 5-101,
14 5-203, 5-204; 5-301 through 5-309 to be under the amended subtitle
15 "Subtitle 3. General Authority and Responsibilities of Department"; 5-401
16 through 5-408, 5-501 through 5-509, 5-602 through 5-605, 5-611, 5-615,
17 5-702, 5-705, 5-7B-05, 5-7B-06, 5-7B-08, 5-7B-09, 5-805, 5-806,
18 5-809, 5-812, and 5-814(a)(7)
19 Annotated Code of Maryland
20 (1995 Replacement Volume and 1999 Supplement)

21 BY adding to
22 Article - State Finance and Procurement
23 Section 5-201 and 5-204 to be under the amended subtitle "Subtitle 2.
24 Organization of Department and General Authority of Secretary"
25 Annotated Code of Maryland
26 (1995 Replacement Volume and 1999 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article - State Finance and Procurement
29 Section 3-407(a)(1), 5-601, 5-701, and 5-801
30 Annotated Code of Maryland
31 (1995 Replacement Volume and 1999 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article 20 - Tri-County Council for Southern Maryland
34 Section 2-101(f) and 3-102(a) and (c)
35 Annotated Code of Maryland
36 (1998 Replacement Volume and 1999 Supplement)

37 BY repealing and reenacting, with amendments,
38 Article 20A - Tri-County Council for Western Maryland

- 1 Section 2-202(9) and 3-102(a) and (c)(1)
2 Annotated Code of Maryland
3 (1998 Replacement Volume and 1999 Supplement)
- 4 BY repealing and reenacting, with amendments,
5 Article 24 - Political Subdivisions - Miscellaneous Provisions
6 Section 6-301(b)(1) and (c)(2)
7 Annotated Code of Maryland
8 (1998 Replacement Volume and 1999 Supplement)
- 9 BY repealing and reenacting, without amendments,
10 Article 24 - Political Subdivisions - Miscellaneous Provisions
11 Section 6-301(c)(1)
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1999 Supplement)
- 14 BY repealing and reenacting, with amendments,
15 Article 33 - Election Code
16 Section 2-303(e)(2)
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1999 Supplement)
- 19 BY repealing and reenacting, with amendments,
20 Article 41 - Governor - Executive and Administrative Departments
21 Section 13-106(a)
22 Annotated Code of Maryland
23 (1997 Replacement Volume and 1999 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 Article 49D - Office of Children, Youth, and Families
26 Section 8(a)
27 Annotated Code of Maryland
28 (1998 Replacement Volume and 1999 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Article 66B - Zoning and Planning
31 Section 3.06(c)(2) and 3.09
32 Annotated Code of Maryland
33 (1998 Replacement Volume and 1999 Supplement)
- 34 BY repealing and reenacting, with amendments,
35 Article 83A - Department of Business and Economic Development
36 Section 3-903(b)(1)

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

1 5-905(b)(2) and (c)(1)(ii), 5-906(b) and (e)(7), 5-9A-03(b)(3) and (d)(2),
 2 5-9A-08(f), and 5-1010(b)(1)
 3 Annotated Code of Maryland
 4 (1997 Replacement Volume and 1999 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article - Public Utility Companies
 7 Section 7-207(c)(1) and (2) and 7-208(d)(1)(vii)
 8 Annotated Code of Maryland
 9 (1998 Replacement Volume and 1999 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article - Tax - General
 12 Section 2-608.1(b)
 13 Annotated Code of Maryland
 14 (1997 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,
 16 Article - Tax - Property
 17 Section 13-209(b)(2) and 13-306(a-1)
 18 Annotated Code of Maryland
 19 (1994 Replacement Volume and 1999 Supplement)

20 BY repealing and reenacting, with amendments,
 21 Article - Transportation
 22 Section 2-103.1(f), 6-502(b)(1)(iii), 7-302(b) and (c), 7-303(c)(5), 8-309(i)(2),
 23 8-310(b)(2)(ii), and 10-204 Title III Article VI Section 14(c)(3) and
 24 15(a)(10)
 25 Annotated Code of Maryland
 26 (1993 Replacement Volume and 1999 Supplement)

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

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

33 **Article - State Government**

34 2-201.

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

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

7 8-201.

8 (a) The Executive Branch of the State government shall have not more than
9 21 principal departments, each of which shall embrace a broad, functional area of that
10 Branch.

11 (b) The principal departments of the Executive Branch of the State
12 government are:

- 13 (1) Aging;
- 14 (2) Agriculture;
- 15 (3) Budget and Management;
- 16 (4) Business and Economic Development;
- 17 (5) the Environment;
- 18 (6) General Services;
- 19 (7) Health and Mental Hygiene;
- 20 (8) Housing and Community Development;
- 21 (9) Human Resources;
- 22 (10) Juvenile Justice;
- 23 (11) Labor, Licensing, and Regulation;
- 24 (12) Natural Resources;
- 25 (13) PLANNING;
- 26 [(13)] (14) Public Safety and Correctional Services;
- 27 [(14)] (15) State Police;
- 28 [(15)] (16) Transportation; and
- 29 [(16)] (17) Veterans Affairs.

1 11-103.

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

4 **Article - State Finance and Procurement**

5 2-203.

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

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

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

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

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

22 (i) the amount of the award; and

23 (ii) if the award is conditioned on matching funds:

24 1. the amount of those funds;

25 2. the source of those funds; and

26 3. the period for which those funds are required.

27 3-407.

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

29 (2) Of the members of the Board:

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

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

1 5-101.

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

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

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

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

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

7 Subtitle 2. Organization of [Office] DEPARTMENT and General Authority of
8 [Director] SECRETARY.

9 [5-201.

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

12 [5-202.

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

15 (b) The Director must have:

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

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

19 (c) Before taking office, the appointee shall take the oath required by Article I,
20 § 9 of the Maryland Constitution.

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

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

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

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

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

2 5-201.

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

5 (B) THE HEAD OF THE DEPARTMENT IS THE SECRETARY OF PLANNING, WHO
6 SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE
7 SENATE.

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

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

13 (2) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE
14 DEPARTMENT AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE
15 THE ORDERLY AND EFFICIENT OPERATION OF THE DEPARTMENT.

16 (3) THE SECRETARY MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS
17 OF RESPONSIBILITY IN THE DEPARTMENT AS NECESSARY TO FULFILL THE DUTIES
18 ASSIGNED TO THE SECRETARY.

19 (E) THE SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
20 BUDGET.

21 [5-203.] 5-202.

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

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

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

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

33 [5-204.] 5-203.

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

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

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

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

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

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

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

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

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

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

24 (1) meetings of regional planning commissions;

25 (2) interstate planning conferences; and

26 (3) other planning conferences.

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

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

31 5-204.

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

33 (B) (1) THE ATTORNEY GENERAL SHALL ASSIGN TO THE DEPARTMENT THE
34 NUMBER OF ASSISTANT ATTORNEYS GENERAL AUTHORIZED BY LAW TO BE

1 ASSIGNED TO THE DEPARTMENT AND ANY ADDITIONAL ONES NECESSARY TO GIVE
2 EFFECTIVE LEGAL ADVICE AND COUNSEL.

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

5 (C) (1) THE COUNSEL TO THE DEPARTMENT MAY HAVE NO DUTY OTHER
6 THAN:

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

9 (II) TO SUPERVISE THE OTHER ASSISTANT ATTORNEYS GENERAL
10 ASSIGNED TO THE DEPARTMENT; AND

11 (III) TO PERFORM FOR THE DEPARTMENT THE DUTIES THAT THE
12 ATTORNEY GENERAL ASSIGNS.

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

15 (3) AFTER THE ATTORNEY GENERAL DESIGNATES THE COUNSEL TO THE
16 DEPARTMENT, THE ATTORNEY GENERAL MAY NOT REASSIGN THE COUNSEL
17 WITHOUT CONSULTING THE SECRETARY.

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

19 5-301.

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

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

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

27 5-302.

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

1 5-303.

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

6 5-304.

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

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

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

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

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

17 (4) The State Treasurer shall hold and the State Comptroller shall
18 account for the fund.

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

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

22 5-305.

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

26 (1) intervene as a party; or

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

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

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

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

8 (1) has more than local impact; and

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

10 5-306.

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

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

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

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

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

21 5-307.

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

24 (b) The annual report shall include:

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

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

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

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

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

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

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

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

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

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

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

8 5-308.

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

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

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

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

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

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

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

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

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

26 5-309.

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

1 5-401.

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

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

8 5-402.

9 (a) The [Office] DEPARTMENT shall:

10 (1) harmonize its planning activities with the planning activities of other
11 units of the State government;

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

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

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

19 (b) The [Office] DEPARTMENT shall:

20 (1) harmonize its planning activities with the planning activities of local
21 governments; and

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

25 (c) The [Office] DEPARTMENT shall:

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

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

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

31 (i) units of the federal government; and

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

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

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

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

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

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

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

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

21 (h) The [Office] DEPARTMENT shall:

22 (1) review transportation plans and programs prepared by the
23 Department of Transportation and regional planning agencies and make
24 recommendations regarding the relationship between transportation and planned
25 land use; and

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

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

31 (1) transportation components of local plans;

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

33 (3) local transportation improvements.

34 5-403.

35 (a) The [Office] DEPARTMENT:

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

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

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

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

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

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

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

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

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

26 5-404.

27 (a) The [Office] DEPARTMENT may collect reimbursement, in accordance with
28 an agreement, for technical services the [Office] DEPARTMENT provides under §
29 5-402 or § 5-403(a) of this subtitle.

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

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

1 5-405.

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

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

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

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

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

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

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

21 5-406.

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

25 5-407.

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

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

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

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

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

6 (2) On or before August 1 of each year, the Commission shall provide the
7 [Director] SECRETARY with a copy of the proposed budget of the Commission for the
8 following fiscal year. After the copy of the proposed budget is provided to the
9 [Director] SECRETARY, the Commission shall promptly notify the [Director]
10 SECRETARY and obtain the approval of the [Director] SECRETARY for any changes in
11 the proposed budget for regional projects funded under this section.

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

15 5-408.

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

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

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

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

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

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

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

34 (ii) require by regulation.

35 (d) (1) To apply for certification under this section, a county shall file with
36 the Maryland Agricultural Land Preservation Foundation and the [Office]

1 DEPARTMENT an application in the form that the [Office] DEPARTMENT and the
2 Foundation jointly require by regulation.

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

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

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

8 (e) The [Office] DEPARTMENT and the Foundation may not certify a county
9 under this section unless the [Office] DEPARTMENT and the Foundation determine
10 that:

11 (1) the proposed county program for the purchase of development rights
12 or financial enhancements related to the purchase of development rights is likely to
13 be successful; and

14 (2) either:

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

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

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

27 (2) A county that has been certified under this section may use the
28 additional funds available as a result of certification for the purposes stated under §
29 2-508.1 of the Agriculture Article and § 13-306 of the Tax - Property Article.

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

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

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

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

7 5-501.

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

11 (1) any unit of the State government, of a regional government, or of a
12 local government; or

13 (2) any interstate agency.

14 5-502.

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

18 5-503.

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

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

24 5-504.

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

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

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

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

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

1 5-505.

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

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

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

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

9 5-506.

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

12 (1) the resources of the State;

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

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

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

18 (1) governmental units;

19 (2) regional planning commissions;

20 (3) public or private educational institutions;

21 (4) public or private research organizations;

22 (5) civic groups; and

23 (6) interested persons.

24 5-507.

25 The [Office] DEPARTMENT shall provide information to State and local officials
26 and to the public to stimulate public interest and participation in the orderly,
27 integrated development of the State and to foster public awareness and
28 understanding of:

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

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

1 5-508.

2 Upon request of the General Assembly, the [Office] DEPARTMENT shall provide
3 information to and cooperate with the General Assembly and its committees in
4 connection with the studies made by the [Office] DEPARTMENT relevant to State
5 planning.

6 5-509.

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

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

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

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

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

19 5-601.

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

21 5-602.

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

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

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

30 5-603.

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

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

- 1 (2) seek the cooperation and advice of appropriate:
- 2 (i) governmental units;
- 3 (ii) regional planning commissions;
- 4 (iii) public or private educational institutions;
- 5 (iv) public or private research organizations;
- 6 (v) civic groups; and
- 7 (vi) interested persons.

8 5-604.

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

11 5-605.

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

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

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

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

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

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

23 5-611.

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

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

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

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

4 (e) The [Office] DEPARTMENT shall:

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

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

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

13 5-615.

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

16 5-701.

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

19 5-702.

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

22 5-705.

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

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

28 5-7B-05.

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

31 (i) the Board of Public Works determines that extraordinary
32 circumstances exist in accordance with the requirements of paragraph (2) of this
33 subsection; or

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

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

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

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

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

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

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

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

20 A. prevent development that is inconsistent with §
21 5-7A-01(1), (2), and (3) of this title; and

22 B. maintain the viability of the project while concomitantly
23 constraining development which potentially detracts from main street business areas;
24 and

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

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

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

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

1 5-7B-09.

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

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

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

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

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

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

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

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

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

21 5-801.

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

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

24 (c) "Plan" means:

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

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

28 5-805.

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

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

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

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

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

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

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

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

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

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

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

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

31 5-806.

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

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

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

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

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

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

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

13 5-809.

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

18 (b) The report shall include specific recommendations of the [Office]
19 DEPARTMENT concerning implementation of the Plan and the bases for these
20 recommendations.

21 (c) Before presenting its report to the General Assembly, the [Office]
22 DEPARTMENT shall present the report to the Commission for its comments. The
23 [Office] DEPARTMENT shall include any comments of the Commission when it
24 presents the report to the General Assembly.

25 5-812.

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

27 5-814.

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

30 (7) as ex officio members:

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

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

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

- 1 (iv) the [Director] SECRETARY of the [Office] DEPARTMENT of
2 Planning or a designee;
- 3 (v) the Secretary of Transportation or a designee; and
- 4 (vi) the Chief of the Planning Division, U. S. Army Corps of
5 Engineers, Baltimore District or a designee.

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

7 2-101.

8 The membership of the Council consists of:

- 9 (f) One nonvoting member appointed by the Maryland Department of
10 Business and Economic Development and the Maryland [Office] DEPARTMENT of
11 Planning.

12 3-102.

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

- 17 (c) The [Office] DEPARTMENT of Planning may make recommendations to
18 the Council, on or before the date of the hearing, for its modification where necessary
19 to achieve conformity with State plans and policies. Each local planning commission
20 and governing body of each governmental subdivision within the region may make
21 recommendations to the Council with respect to the effect of the plan within its
22 governmental subdivision on or before the date of the hearing.

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

24 2-202.

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

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

32 3-102.

- 33 (a) Before the plan, or any part, is adopted, it shall be submitted to the
34 [Office] DEPARTMENT of Planning and to the local planning commission, and

1 governing body of each governmental subdivision within the region, not less than 60
2 days prior to a public hearing.

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

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

7 6-301.

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

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

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

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

22 **Article 33 - Election Code**

23 2-303.

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

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

30 13-106.

31 (a) The New Marsh Wholesale Produce Market Authority, as the same was
32 created by Chapter 662 of the Laws of Maryland of 1955 and amended by Chapter 845
33 of the Laws of Maryland of 1957, shall transfer to the Authority all of the land,

1 buildings, structures, facilities, equipment and other property acquired by the New
2 Marsh Produce Authority pursuant to the provisions of said Chapter 662 and Chapter
3 845; and upon such transfer the Authority shall assume and be charged with all of the
4 duties, obligations and liabilities, whether publicly or privately owned or operated,
5 occupying such Produce Market Authority, including the lease with the Mayor and
6 City Council of Baltimore for the land now being used for an abandoned motor vehicle
7 facility, and the New Marsh Wholesale Produce Market Authority shall cease to exist.
8 Immediately following the completion of such transfer the Authority shall make or
9 cause to be made an investigation and determination as to the feasibility and
10 economics of expanding the operations and facilities of the New Marsh Wholesale
11 Produce Market at its present location so as to accommodate additional wholesale
12 produce merchants, including those who are presently or who have in the past
13 operated their businesses in other areas of the City of Baltimore; provided, however,
14 that prior to undertaking any expansion of the operations and facilities of the New
15 Marsh Wholesale Produce Market at its present location for the above-stated
16 purpose, the determinations and any recommendations made as a result of such
17 investigation shall be submitted by the Authority to the Department of General
18 Services, the [Office] DEPARTMENT of Planning and to the Board of Public Works for
19 the respective approval of each. The Authority with the approval of the Board of
20 Public Works may sell, lease or otherwise dispose of the land, buildings, structures,
21 facilities, equipment and other property so acquired for such consideration and in
22 such manner as is in the best interest of the State of Maryland and the Authority;
23 provided that the proceeds derived from any such sale, lease or other conveyance
24 shall first be dedicated to the payment of the interest on and the principal of the
25 outstanding bonds of the New Marsh Wholesale Produce Market Authority and that
26 any proceeds remaining after the payment of such interest and principal shall be paid
27 to the State of Maryland in reimbursement of the amount of any taxes levied and
28 collected by the State of Maryland for the payment of interest on and principal of the
29 bonds issued by the New Marsh Wholesale Produce Market Authority. Nothing
30 contained in this subtitle is intended to relieve the State of Maryland of its obligations
31 to the holders of the bonds issued by the New Marsh Wholesale Produce Market
32 Authority as said obligations were imposed by Chapter 845 of the Laws of Maryland
33 of 1957. In the event of any sale, lease, reversion or disposal of the property of the
34 Authority as provided in this subtitle, the property shall not be used for a period of
35 fifty years thereafter for a wholesale fresh fruit and vegetable market or for the
36 wholesale distribution of food products.

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

38 8.

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

1

Article 66B - Zoning and Planning

2 3.06.

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

7 3.09.

8 The planning commission shall annually prepare, adopt, and file an annual
9 report with the local legislative body. The annual report shall be made available for
10 public inspection and a copy of the report shall be mailed to the [Director]
11 SECRETARY of the [Maryland Office] DEPARTMENT of Planning. The annual report
12 shall (a) index and locate on a map all changes in development patterns including
13 land use, transportation, community facilities patterns, zoning map amendments,
14 and subdivision plats which occurred during the period covered by the report, and
15 shall state whether these changes are or are not consistent with each other, with the
16 recommendations of the last annual report, with adopted plans of the jurisdiction,
17 with adopted plans of all adjoining planning jurisdictions, and with adopted plans of
18 State and local jurisdictions that have responsibility for financing or constructing
19 public improvements necessary to implement the jurisdiction's plan; (b) contain
20 statements and recommendations for improving the planning and development
21 process within the jurisdiction. The local legislative body shall review the annual
22 report and direct that such studies and other actions as appropriate and necessary be
23 undertaken to insure the continuation of a viable planning and development process.

24

Article 83A - Department of Business and Economic Development

25 3-903.

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

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

30

Article 83B - Department of Housing and Community Development

31 2-204.

32 The Administration shall have the following functions and responsibilities:

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

1

Article - Agriculture

2 2-503.

3 (a) (1) The Maryland Agricultural Land Preservation Foundation shall be
4 governed and administered by a board of trustees composed of the State Treasurer,
5 who shall serve as an ex officio member, the Comptroller, who shall serve as an ex
6 officio member, and the Secretary who shall serve as an ex officio member, and nine
7 members from the State at-large to be appointed by the Governor, at least five of
8 whom shall be farmer representatives from different areas of the State. The State
9 Treasurer may appoint, as the Treasurer's designee, a deputy treasurer to serve on
10 the board of trustees. One of the at-large members who is not a farmer representative
11 shall be a representative of the [Office] DEPARTMENT of Planning. All of the farmer
12 representatives shall be actively engaged in or retired from active farming. Three of
13 the five farmer representatives shall be appointed as follows:

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

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

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

20 2-508.1.

21 (a) If a county is certified by the [Office] DEPARTMENT of Planning under §
22 5-408 of the State Finance and Procurement Article as having established an
23 effective county agricultural land preservation program, and if there are moneys
24 remaining in the Maryland Agricultural Land Preservation Fund at the end of the
25 fiscal year, the county may apply to the Foundation for an amount equal to the
26 difference between:

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

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

33 2-512.

34 (e) (2) A county shall use that county's unencumbered and uncommitted
35 matching funds and any additional funds under § 2-508.1 of this subtitle available to
36 a county certified by the [Office] DEPARTMENT of Planning and the Foundation
37 under § 5-408 of the State Finance and Procurement Article to purchase development
38 rights and guarantee loans that are collateralized by development rights for

1 agricultural land that meets the minimum standards set by the Foundation under §
2 2-509(c) of this subtitle, except as provided in paragraph (3) of this subsection.

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

9 **Article - Education**

10 3-901.

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

13 1. The election districts as they existed as of April 1, 1990;
14 and

15 2. The precincts:

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

20 B. As those precinct lines are specifically shown on the P.L.
21 94-171 census block maps provided by the U.S. Bureau of the Census and as reviewed
22 and corrected by the [Maryland Office] DEPARTMENT of Planning.

23 **Article - Environment**

24 3-302.

25 (a) The Committee consists of:

26 (2) 1 representative of each of the following departments, appointed by
27 the Secretary of that department:

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

29 5-803.

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

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

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

6 (ii) The magnitude and frequency of flood events based on planned
7 development; and

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

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

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

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

24 (i) A determination of statewide and interjurisdictional needs and
25 priorities;

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

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

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

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

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

33 7-406.

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

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

2 8-404.

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

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

6 9-228.

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

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

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

16 9-345.

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

22 9-505.

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

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

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

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

35 (iii) Requires full implementation of the recycling plan by January
36 1, 1994; and

1 (19) For a county with a population less than 150,000 according to the
2 latest [Office] DEPARTMENT of Planning projections, include a recycling plan by July
3 1, 1990 that:

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

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

10 (iii) Require full implementation of the recycling plan by January 1,
11 1994.

12 9-507.

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

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

19 9-1405.

20 (a) The Secretary:

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

24 14-503.

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

29 14-509.

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

34 15-809.

35 (a) On receipt of an application and accompanying documents, the
36 Department shall review it and make further inquiries, inspections, or examinations

1 as necessary or desirable for proper evaluation. If the Department objects to any part
2 of the application or accompanying documents, it shall notify promptly the applicant
3 by certified mail, return receipt requested, bearing a postmark from the United
4 States Postal Service, of its objections, setting forth its reasons, and shall afford the
5 applicant a reasonable opportunity to make amendments or take actions required to
6 remove the objections. The Department shall submit a copy of the application and
7 accompanying documents to the [Office] DEPARTMENT of Planning for review with
8 respect to matters that are the responsibility of [that Office] THE DEPARTMENT OF
9 PLANNING.

10

Article - Financial Institutions

11 13-1013.

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

16 13-1016.

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

19 (2) A representative of each of:

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

21 13-1104.

22 (a) The Authority consists of:

23 (6) The [Director] SECRETARY of the [Office] DEPARTMENT of
24 Planning;

25

Article - Health - General

26 19-118.

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

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

1

Article - Natural Resources

2 3-3A-01.

3 (f) "Participating agencies" means the Commission, the People's Counsel of
4 the Public Service Commission, and the Departments of Business and Economic
5 Development, Agriculture, and Transportation, and the [Office] DEPARTMENT of
6 Planning.

7 5-903.

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

10 5-904.

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

14 5-905.

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

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

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

29 5-905.

30 (b) (2) A local governing body shall prepare a local land preservation and
31 recreation plan with acquisition goals based upon the most current population data
32 available from the [Maryland Office] DEPARTMENT of Planning and submit it to the
33 Department and to the [Maryland Office] DEPARTMENT of Planning for joint
34 approval according to the criteria and goals set forth in the Maryland Land
35 Preservation and Recreation Plan and any revisions thereof. A local governing body
36 shall revise its local land preservation and recreation plan at least every five years
37 concurrently with the revision of the Maryland Land Preservation and Recreation
38 Plan and submit the revised local plan to the Department and to the [Maryland

1 Office] DEPARTMENT of Planning for joint approval. Prior to approval of a revised
2 local plan, the Department shall provide the legislators from the district within which
3 any part of the local jurisdiction is located the opportunity to review and comment on
4 the revised local plan.

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

14 5-906.

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

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

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

31 5-9A-03.

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

33 (3) The [Director] SECRETARY of the [Office] DEPARTMENT of
34 Planning.

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

1 5-9A-08.

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

5 5-1010.

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

11 **Article - Public Utility Companies**

12 7-207.

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

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

20 7-208.

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

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

25 **Article - Tax - General**

26 2-608.1.

27 (b) For fiscal year 1990, after making the distributions required under §
28 2-604 through § 2-608 of this subtitle, the Comptroller shall distribute to each
29 municipality the amount, if any, by which:

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

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

1

Article - Tax - Property

2 13-209.

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

9 13-306.

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

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

18 (2) 25% of the balance of revenue from the agricultural land transfer tax
19 that remains after the remittance under item (1) of this subsection.

20

Article - Transportation

21 2-103.1.

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

28 6-502.

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

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

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

1 7-302.

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

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

10 7-303.

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

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

15 8-309.

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

20 8-310.

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

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

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

26 **Article - Transportation**

27 10-204.

28 Title III

29 Article VI

30 14.

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

1 (3) To the extent not inconsistent with or duplicative of the planning
2 process specified in subparagraph (2) of this paragraph (c), cooperate with the
3 National Capital Planning Commission, the National Capital Regional Planning
4 Council, the Washington Metropolitan Council of Governments, the Washington
5 Metropolitan Area Transit Commission, the highway agencies of the signatories, the
6 Maryland-National Capital Park and Planning Commission, the Northern Virginia
7 Regional Planning and Economic Development Commission, the Maryland [Office]
8 DEPARTMENT of Planning and the Commission of Fine Arts. Such cooperation shall
9 include the creation, as necessary, of technical committees composed of personnel,
10 appointed by such agencies, concerned with planning and collection and analysis of
11 data relative to decision-making in the transportation planning process.

12 15.

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

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

17 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act
18 may not take effect until similar Acts are passed by the District of Columbia and the
19 Commonwealth of Virginia; that the District of Columbia and the Commonwealth of
20 Virginia are requested to concur in this Act of the General Assembly by the passage of
21 substantially similar Acts; that the Department of Legislative Services shall notify
22 the appropriate officials of the District of Columbia, the Commonwealth of Virginia
23 and the United States Congress of the passage of this Act; and that, upon the
24 concurrence in this Act by the District of Columbia, the Commonwealth of Virginia
25 and the United States, the Governor of the State of Maryland shall issue a
26 proclamation declaring this Act valid and effective and shall forward a copy of the
27 proclamation to the Executive Director of the Department of Legislative Services.

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

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

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

