

SENATE BILL 832

P1

2lr2596

By: **Senator Pipkin**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources – Office of Planning**

3 FOR the purpose of repealing provisions of law designating the Department of
4 Planning as a principal department of State government and providing certain
5 legal counsel to the Department of Planning; renaming the Department of
6 Planning to be the Office of Planning and transferring the Office to the
7 Department of Natural Resources; specifying that the head of the Office is the
8 Director of the Office of Planning; specifying the duties of the Director;
9 requiring the publisher of the Annotated Code of Maryland, under certain
10 circumstances, to make certain corrections to the Code; making conforming
11 changes; defining certain terms; and generally relating to the Office of
12 Planning.

13 BY renumbering

14 Article – State Finance and Procurement
15 Section 5–310 and 5–311, respectively
16 to be Section 3–610 and 3–611, respectively
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

19 BY transferring

20 Article – State Finance and Procurement
21 Section 5–101 through 5–816, respectively, and the title “Title 5. State
22 Planning”; and 5A–101 through 5A–406, respectively, and the title “Title
23 5A. Division of Historical and Cultural Programs”
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2011 Supplement)

26 to be

27 Article – Natural Resources

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Section 1A–101 through 1A–816, respectively, and the title “Title 1A. State
2 Planning”; and 1B–101 through 1B–406, respectively, and the title “Title
3 1B. Division of Historical and Cultural Programs”
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2011 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – State Government
8 Section 2–201(e)(1)(ii), 8–201, and 11–103(d)
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2011 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 1A–101; 1A–202 and 1A–203 to be under the amended subtitle “Subtitle
14 2. Organization of Office and General Authority of Director”; 1A–301
15 through 1A–309 to be under the amended subtitle “Subtitle 3. General
16 Authority and Responsibilities of Office”; 1A–401 through 1A–408,
17 1A–501 through 1A–509, 1A–602 through 1A–605, 1A–611, 1A–615,
18 1A–703(a)(1)(iii), 1A–705, 1A–706(1), 1A–7A–02(a)(1)(i),
19 1A–7B–01(c)(1)(iii)4. and (v) and (2)(iii), 1A–7B–02(1) and (6),
20 1A–7B–03(a) and (h)(3), 1A–7B–04(b), 1A–7B–05(a)(3)(i) and (ii) and (c),
21 1A–7B–06, 1A–7B–08, 1A–7B–09, 1A–805, 1A–806, 1A–809, 1A–812,
22 1A–814(a)(7), 1B–101, 1B–303(a)(9)(ii), (b)(1)(iv)5., and (d)(2)(i) and (3)(v),
23 1B–304(b)(1), 1B–313(c)(3), 1B–315(b)(2), 1B–318(c)(1)(ii) and (d),
24 1B–325(a)(2), 1B–327(e)(1) and (l)(2), 1B–328(e)(2)(i), (g)(1), (h)(1), and
25 (k)(2), 1B–329(e)(1), 1B–333(b) and (d)(1), 1B–334(c)(1), 1B–335(c)(3),
26 1B–338, 1B–340(b) and (c)(1), 1B–341(c)(1), (f)(1), and (g)(2)(iii),
27 1B–342(f), 1B–343(b) and (f), 1B–346(a)(1) and (2)(ii), (b)(1), and (c),
28 1B–353(b), 1B–357, 1B–403(a), and 1B–404
29 Annotated Code of Maryland
30 (2005 Replacement Volume and 2011 Supplement)
31 (As enacted by Section 2 of this Act)
- 32 BY repealing
33 Article – Natural Resources
34 Section 1A–201 and 1A–204
35 Annotated Code of Maryland
36 (2005 Replacement Volume and 2011 Supplement)
37 (As enacted by Section 2 of this Act)
- 38 BY adding to
39 Article – Natural Resources
40 Section 1A–201 and 1A–202
41 Annotated Code of Maryland
42 (2005 Replacement Volume and 2011 Supplement)
43 (As enacted by Section 2 of this Act)

1 BY repealing and reenacting, without amendments,
 2 Article – Natural Resources
 3 Section 1A–601, 1A–701, and 1A–801
 4 Annotated Code of Maryland
 5 (2005 Replacement Volume and 2011 Supplement)
 6 (As enacted by Section 2 of this Act)

7 BY repealing and reenacting, with amendments,
 8 Article – State Finance and Procurement
 9 Section 2–203
 10 Annotated Code of Maryland
 11 (2009 Replacement Volume and 2011 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 13 MARYLAND, That Section(s) 5–310 and 5–311, respectively, of Article – State
 14 Finance and Procurement of the Annotated Code of Maryland be renumbered to be
 15 Section(s) 3–610 and 3–611, respectively.

16 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5–101 through
 17 5–816, respectively, and the title “Title 5. State Planning”; and 5A–101 through
 18 5A–406, respectively, and the title “Title 5A. Division of Historical and Cultural
 19 Programs” of Article – State Finance and Procurement of the Annotated Code of
 20 Maryland be transferred to be Section(s) 1A–101 through 1A–816, respectively, and
 21 the title “Title 1A. State Planning”; and 1B–101 through 1B–406, respectively, and the
 22 title “Title 1B. Division of Historical and Cultural Programs” of Article – Natural
 23 Resources of the Annotated Code of Maryland.

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

26 Article – State Government

27 2–201.

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

30 (ii) precincts are to the geographical boundaries of the precincts
 31 as reviewed and certified by the local board of supervisors of elections or their
 32 designees, before they were reported to the U.S. Bureau of the Census as part of the
 33 2000 Census Redistricting Data Program and as those precinct lines are specifically
 34 indicated in the P.L. 94–171 data or shown on the P.L. 94–171 census block maps
 35 provided by the U.S. Bureau of the Census and as reviewed and corrected by the
 36 Maryland [Department] OFFICE of Planning.

37 8–201.

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

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

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

1 (d) This title does not affect the authority of the [Department] **OFFICE** of
2 Planning under [Title 5 of the State Finance and Procurement Article] **TITLE 1A OF**
3 **THE NATURAL RESOURCES ARTICLE.**

4 **Article – Natural Resources**

5 1A–101.

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

7 [(b) “Department” means the Department of Planning.

8 (c) “Secretary” means the Secretary of Planning.]

9 **(B) “DIRECTOR” MEANS THE DIRECTOR OF THE OFFICE OF PLANNING.**

10 **(C) “OFFICE” MEANS THE OFFICE OF PLANNING.**

11 Subtitle 2. Organization of [Department] **OFFICE** and General Authority of
12 [Secretary] **DIRECTOR.**

13 [1A–201.

14 (a) There is a Department of Planning, established as a principal department
15 of the State government.

16 (b) The head of the Department is the Secretary of Planning, who shall be
17 appointed by the Governor with the advice and consent of the Senate.

18 (c) The Secretary serves at the pleasure of the Governor and is responsible
19 directly to the Governor.

20 (d) (1) The Secretary shall advise the Governor on all matters assigned to
21 the Department and is responsible for carrying out the Governor’s policies on these
22 matters.

23 (2) The Secretary is responsible for the operation of the Department
24 and shall establish guidelines and procedures to promote the orderly and efficient
25 operation of the Department.

26 (3) The Secretary may establish, reorganize, or abolish areas of
27 responsibility in the Department as necessary to fulfill the duties assigned to the
28 Secretary.

29 (e) The Secretary is entitled to the salary provided in the State budget.]

1 **1A-201.**

2 **THERE IS AN OFFICE OF PLANNING IN THE DEPARTMENT.**

3 **1A-202.**

4 **(A) THE HEAD OF THE OFFICE IS THE DIRECTOR OF PLANNING, WHO**
5 **SHALL BE APPOINTED BY THE SECRETARY WITH THE APPROVAL OF THE**
6 **GOVERNOR.**

7 **(B) THE DIRECTOR MUST HAVE:**

8 **(1) TRAINING OR EXPERIENCE IN STATE, REGIONAL, OR LOCAL**
9 **PLANNING; OR**

10 **(2) SIGNIFICANT CIVIC, GOVERNMENTAL, OR BUSINESS**
11 **EXPERIENCE IN MATTERS CONNECTED WITH URBAN OR RURAL PLANNING.**

12 **(C) (1) (I) THE DIRECTOR SERVES AT THE PLEASURE OF THE**
13 **SECRETARY AND IS RESPONSIBLE DIRECTLY TO THE SECRETARY.**

14 **(II) THE DIRECTOR SHALL ADVISE THE SECRETARY ON ALL**
15 **MATTERS ASSIGNED TO THE OFFICE.**

16 **(2) THE DIRECTOR IS RESPONSIBLE FOR THE OPERATION OF THE**
17 **OFFICE AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE**
18 **THE ORDERLY AND EFFICIENT ADMINISTRATION OF THE OFFICE.**

19 **[1A-202.] 1A-203.**

20 **(a) The [Secretary] DIRECTOR may employ a staff in accordance with the**
21 **State budget.**

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

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

1 (d) (1) The [Secretary] **DIRECTOR** may review any personnel action
2 taken by any unit in the [Department] **OFFICE**.

3 (2) The appointment or removal of personnel by a board, division, or
4 other agency within the jurisdiction of the [Department] **OFFICE** is subject to the
5 approval of the [Secretary] **DIRECTOR**.

6 (3) The [Secretary] **DIRECTOR** may delegate the power of approval to
7 the heads or governing bodies of the boards, commissions, divisions, or other agencies
8 within the jurisdiction of the [Department] **OFFICE**.

9 [1A-203.] **1A-204.**

10 (a) The [Secretary] **DIRECTOR** is responsible for the budget of the
11 [Department] **OFFICE**.

12 (b) (1) The [Secretary] **DIRECTOR** may adopt regulations for the
13 [Department] **OFFICE**.

14 (2) The [Secretary] **DIRECTOR** shall review and shall have the power
15 to approve or disapprove or revise the regulations of all boards, commissions,
16 divisions, and other agencies within the jurisdiction of the [Department] **OFFICE**.

17 (c) In addition to the meetings of any board or commission within the
18 [Department] **OFFICE** that are provided for by law or are called by the chair of the
19 board or commission, the [Secretary] **DIRECTOR**, whenever appropriate, may call a
20 meeting of a board or commission to consider any subject that the [Secretary]
21 **DIRECTOR** considers necessary and proper.

22 (d) All boards, commissions, divisions, and other agencies of the
23 [Department] **OFFICE** shall report to the [Secretary] **DIRECTOR** or the [Secretary's]
24 **DIRECTOR'S** designee as provided in regulations or written directives of the
25 [Secretary] **DIRECTOR**.

26 (e) The [Secretary] **DIRECTOR** may create any citizens' advisory body that
27 the [Secretary] **DIRECTOR** considers necessary for the operation of the [Department]
28 **OFFICE**.

29 (f) The [Secretary] **DIRECTOR** shall have a seal.

30 (g) (1) The [Secretary] **DIRECTOR** is responsible for the comprehensive
31 planning of programs and services of the [Department] **OFFICE**.

32 (2) The [Secretary] **DIRECTOR** shall review and approve or
33 disapprove the plans of the units in the [Department] **OFFICE**.

1 (h) The [Secretary] **DIRECTOR** or a staff member of the [Department]
2 **OFFICE** designated by the [Secretary] **DIRECTOR** shall have access to information
3 that relates to State planning in the possession of any unit of the State government, of
4 a regional government, or of a local government.

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

9 (j) After providing adequate public notice, the [Secretary] **DIRECTOR** shall
10 hold hearings on matters of State planning whenever it is in the public interest to do
11 so.

12 (k) In the interest of intergovernmental cooperation, the [Secretary]
13 **DIRECTOR** shall attend:

14 (1) Meetings of regional planning commissions;

15 (2) Interstate planning conferences; and

16 (3) Other planning conferences.

17 (l) The [Secretary] **DIRECTOR** may contract for professional or consultant
18 services for work related to State planning as provided in the State budget.

19 (m) The [Secretary] **DIRECTOR** may exercise any power necessary and
20 proper to discharge the [Secretary's] **DIRECTOR'S** duties.

21 [1A-204.

22 (a) The Attorney General is legal advisor to the Department.

23 (b) (1) The Attorney General shall assign to the Department the number
24 of assistant Attorneys General authorized by law to be assigned to the Department
25 and any additional ones necessary to give effective legal advice and counsel.

26 (2) The Attorney General also shall designate an assistant Attorney
27 General as Counsel to the Department.

28 (c) (1) The Counsel to the Department may have no duty other than:

29 (i) To give the legal aid, advice, and counsel required by the
30 Secretary and any other official of the Department;

1 (ii) To supervise the other assistant Attorneys General assigned
2 to the Department; and

3 (iii) To perform for the Department the duties that the Attorney
4 General assigns.

5 (2) The Counsel shall perform these duties subject to the control and
6 supervision of the Attorney General.

7 (3) After the Attorney General designates the Counsel to the
8 Department, the Attorney General may not reassign the Counsel without consulting
9 the Secretary.]

10 Subtitle 3. General Authority and Responsibilities of [Department] **OFFICE**.

11 1A-301.

12 (a) The [Department] **OFFICE** is the staff [agency] **UNIT** of the Governor for
13 planning matters with the exception of capital facilities planning.

14 (b) (1) The [Department] **OFFICE** is the principal staff [agency] **UNIT** for
15 planning matters concerning the resources and development of the State.

16 (2) In this capacity, the [Department] **OFFICE** shall undertake special
17 studies, submit reports, and give advice to the Governor at the request of the
18 Governor.

19 1A-302.

20 The [Department] **OFFICE** shall function in part as an advisory, consultative,
21 and coordinating [agency] **UNIT**.

22 1A-303.

23 To promote the health, safety, and general welfare of the citizens of the State,
24 the [Department] **OFFICE** shall prepare, recommend, and periodically revise a
25 balanced, integrated program for the development and effective use of the natural and
26 other resources of the State.

27 1A-304.

28 (a) The [Department] **OFFICE** may accept funds, grants, and services from
29 public and private sources to carry out its powers and duties.

30 (b) (1) (i) The [Department] **OFFICE** may charge reasonable fees for
31 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] **THE STATE**
5 **FINANCE AND PROCUREMENT ARTICLE**.

6 (3) Subject to the appropriation process in the State budget, the
7 [Department] **OFFICE** shall use the fund for the costs of operating.

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

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

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

13 1A–305.

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

17 (1) Intervene as a party; or

18 (2) File a formal statement expressing the views of the [Department]
19 **OFFICE** and any other unit of the State government concerning environmental or
20 economic impact.

21 (b) The [Department] **OFFICE** may intervene only in accordance with the
22 rules of procedure and law that apply to the proceeding.

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

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

30 (1) Has more than local impact; and

31 (2) Is of substantial State or regional interest.

1 1A-306.

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

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

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

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

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

12 1A-307.

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

16 (b) The annual report shall include:

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

19 (i) Added, deleted, or revised since the last annual report; and

20 (ii) Filed by the Governor under [§ 5-605] § 1A-605 of this
21 title;

22 (2) A summary of each important study wholly or partly completed by
23 the [Department] OFFICE since the last annual report; and

24 (3) Summaries of the work of the [Department] OFFICE and of the
25 State Economic Growth, Resource Protection, and Planning Commission.

26 (c) The [Department] OFFICE shall distribute copies of the annual report:

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

29 (2) To the head of each department of the State government;

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

3 (4) On request, to any federal agency.

4 (d) The [Department] OFFICE shall make copies of the annual report
5 available for general distribution or sale.

6 1A-308.

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

11 (b) The [Department] OFFICE may submit a special report on any aspect of
12 its work that the [Secretary] DIRECTOR considers to be of current interest.

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

16 (d) The [Department] OFFICE shall distribute a copy of a special report:

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

19 (2) To the head of each department of the State government;

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

22 (4) On request, to any federal agency.

23 (e) The [Department] OFFICE shall make copies of special reports available
24 for general distribution or sale.

25 1A-309.

26 The [Department] OFFICE may exercise any power necessary and proper to
27 discharge its duties.

28 1A-401.

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

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

7 1A-402.

8 (a) The [Department] OFFICE shall:

9 (1) Harmonize its planning activities with the planning activities of
10 other units of the State government;

11 (2) Coordinate the plans and programs of all units of the State
12 government;

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

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

18 (b) The [Department] OFFICE shall:

19 (1) Harmonize its planning activities with the planning activities of
20 local governments; and

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

24 (c) The [Department] OFFICE shall:

25 (1) Coordinate State programs with the federal government;

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

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

31 (i) Units of the federal government; and

1 (ii) Local or regional agencies that are created under federal
2 programs or that receive federal support.

3 (d) As far as possible, the [Department] **OFFICE** shall cooperate with and
4 confer with planning agencies of other states or of regional groupings of states.

5 (e) The [Department] **OFFICE** shall cooperate with and assist regional and
6 private planning agencies in the execution of their planning functions, to harmonize
7 their planning activities with the State Development Plan.

8 (f) The [Department] **OFFICE** shall exercise authority as the lead agency in
9 coordinating the State's land preservation efforts and focus its planning efforts on
10 targeted land preservation.

11 (g) The [Department] **OFFICE** shall plan for the efficient use of inactive
12 railroad corridors by:

13 (1) Examining all opportunities, both present and future, for
14 acquisition or use of inactive railroad corridors;

15 (2) Coordinating and working with the [Departments of Natural
16 Resources,] **DEPARTMENT, AND THE DEPARTMENTS OF** Transportation, Business
17 and Economic Development, and the State Railroad Administration and other
18 agencies to determine the suitability and feasibility of acquiring or using inactive
19 railroad corridors for recreational trails, public utilities, or future transportation
20 purposes; and

21 (3) Taking part in United States Interstate Commerce Commission
22 proceedings regarding the abandonment or the discontinuance of use of railroad
23 corridors on behalf of the State.

24 (h) The [Department] **OFFICE** shall:

25 (1) Review transportation plans and programs prepared by the
26 Department of Transportation and regional planning agencies and make
27 recommendations regarding the relationship between transportation and planned land
28 use; and

29 (2) Evaluate proposed transportation improvements and policies to
30 assure consistency between transportation investments and the State Economic
31 Growth, Resource Protection, and Planning Policy.

32 (i) The [Department] **OFFICE** may provide advice to local governments
33 regarding the impact on growth and development of:

34 (1) Transportation components of local plans;

1 (2) Aspects of local land use regulation affecting transportation; and

2 (3) Local transportation improvements.

3 1A-403.

4 (a) The [Department] **OFFICE**:

5 (1) Shall provide planning assistance, including surveys, land use
6 studies, urban renewal plans, technical services, and other planning work, to local
7 governments; and

8 (2) May provide financial and other planning assistance to local
9 governments as provided in the State budget.

10 (b) The [Department] **OFFICE** may provide financial or other planning
11 assistance to regional planning agencies as provided in the State budget.

12 (c) Before providing the assistance, the [Secretary] **DIRECTOR** shall
13 consider the adequacy and competency of any regional or local planning agency that
14 requests financial assistance from the [Department] **OFFICE**.

15 (d) The [Secretary] **DIRECTOR** may require any local government or
16 regional planning agency that receives financial or other planning assistance from the
17 State to submit to the [Secretary] **DIRECTOR** a copy of its planning budget.

18 (e) (1) The [Secretary] **DIRECTOR** may require any local government or
19 regional planning agency that receives financial or other planning assistance from the
20 State to submit to an annual audit of its financial operations related to planning.

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

23 (3) The [Secretary] **DIRECTOR** may accept an audit by the federal
24 unit for a local government that receives financial or other planning assistance from a
25 unit of the federal government.

26 (f) Whenever the [Department] **OFFICE** requests and receives financial or
27 other assistance from any unit of the federal government for planning assistance to a
28 local government or a regional planning agency, the [Department] **OFFICE** shall
29 satisfy any requirement imposed by federal law.

30 1A-404.

1 (a) The [Department] **OFFICE** may collect reimbursement, in accordance
2 with an agreement, for technical services the [Department] **OFFICE** provides under [§
3 5-402 or § 5-403(a)] **§ 1A-402 OR § 1A-403(A)** of this subtitle.

4 (b) Except as otherwise provided in subsection (a) of this section, the
5 [Department] **OFFICE** may require a contribution in any amount from a local
6 government or regional planning agency that requests assistance under [§ 5-403] **§**
7 **1A-403** of this subtitle.

8 (c) If federal law requires a contribution in any amount as a condition before
9 a local government or a regional planning agency may receive financial or other
10 planning assistance, the [Department] **OFFICE** may supply all or part of the
11 contribution as provided in the State budget, unless the federal law specifies that the
12 local government or regional planning agency shall make the contribution.

13 1A-405.

14 (a) The [Secretary] **DIRECTOR** may make an agreement with the head of
15 another unit of the State government, of a local government, of a regional or local
16 planning agency, or of a unit of the federal government for the temporary exchange or
17 transfer of employees:

18 (1) From the [Department] **OFFICE** to the unit, local government, or
19 agency; or

20 (2) From the unit, local government, or agency to the [Department]
21 **OFFICE**.

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

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

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

29 (e) The [Secretary] **DIRECTOR** may agree to reimburse, or collect
30 reimbursement from, another unit of the State government, a local government, a
31 regional or local planning agency, or a federal agency for a transfer or exchange of
32 employees under this section.

33 1A-406.

1 In the exercise of its planning functions, the [Department] OFFICE shall
2 cooperate with any unit of the State or federal government in planning for civil
3 defense.

4 1A-407.

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

7 (b) To provide regional planning in the area of the State subject to the
8 jurisdiction of the Commission, and except as otherwise provided in this section, the
9 [Department] OFFICE may include in the annual budget of the [Department]
10 OFFICE the amount the [Secretary] DIRECTOR considers appropriate as the State's
11 share of the cost of regional planning projects programmed by the Commission for the
12 following fiscal year.

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

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

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

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

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

29 1A-408.

30 (a) There is within the [Department] OFFICE a program for certification of
31 effective county agricultural land preservation programs.

32 (b) A county may apply to the [Department] OFFICE and the Maryland
33 Agricultural Land Preservation Foundation for certification under this section only if
34 the county agricultural preservation advisory board and the governing body of the
35 county both:

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

3 (2) Approve the county's application for certification.

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

9 (2) County programs shall include:

10 (i) Any program that the [Department] OFFICE and the
11 Foundation:

12 1. Determine is necessary for an effective county
13 agricultural land preservation program; and

14 2. Require by regulation; and

15 (ii) Beginning in fiscal year 2009, a priority preservation area
16 element established in accordance with § 2-518 of the Agriculture Article.

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

21 (2) Within 60 days after notification of an application for certification:

22 (i) The Foundation shall advise the [Department] OFFICE as
23 to whether it approves the application; and

24 (ii) The [Department] OFFICE shall notify the county as to
25 whether the county's application for certification has been approved.

26 (e) The [Department] OFFICE and the Foundation may not certify a county
27 under this section unless the [Department] OFFICE and the Foundation determine
28 that:

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

1 (2) The county has committed to spend additional local funds for the
2 purchase of development rights or enhancements related to the purchase of
3 development rights in an amount equal to or exceeding the amount of the additional
4 funds that will be available as a result of certification; and

5 (3) Beginning in fiscal year 2009:

6 (i) The county's priority preservation area has been established
7 in accordance with § 2-518 of the Agriculture Article; and

8 (ii) The county's priority preservation area element in the
9 comprehensive plan meets the requirements set forth in subsection (f) of this section.

10 (f) The [Department] **OFFICE** and the Foundation may not certify a priority
11 preservation area of a county under this section unless the [Department] **OFFICE** and
12 the Foundation agree that the county's comprehensive plan:

13 (1) Establishes appropriate goals for the amount and types of
14 agricultural resource land to be preserved in the priority preservation area;

15 (2) Describes:

16 (i) The county's strategy to support normal agricultural and
17 forestry activities in conjunction with the amount of development permitted in the
18 priority preservation area; and

19 (ii) The ordinances, regulations, and procedures the county is
20 using in the priority preservation area to support the ability of working farms to
21 engage in normal agricultural and forestry activities;

22 (3) Includes maps showing the county's priority preservation area;

23 (4) Describes the priority preservation area in the context of the
24 county's growth management plans;

25 (5) Describes the way in which preservation goals will be accomplished
26 in the priority preservation area, including the county's strategy to:

27 (i) Protect land from development through zoning;

28 (ii) Preserve the desired amount of land with permanent
29 easements; and

30 (iii) Maintain a rural environment capable of supporting normal
31 agricultural and forestry activities;

1 (6) Includes an evaluation of the ability of the county's zoning and
2 other land use management practices to:

3 (i) Limit the impact of subdivision and development;

4 (ii) Allow time for easement purchase; and

5 (iii) Achieve the Foundation's goals before development
6 excessively compromises the agricultural and forest resource land;

7 (7) Identifies shortcomings in the abilities of the county's zoning and
8 land management practices and identifies current or future actions to correct the
9 shortcomings; and

10 (8) Describes the methods the county will use to concentrate
11 preservation funds and other supporting efforts in the priority preservation area to
12 achieve the goals of the Foundation and the county's acreage preservation goal.

13 (g) In certifying a county's priority preservation area, the [Department]
14 **OFFICE** and the Foundation shall ensure that:

15 (1) The county has included all the information required by subsection
16 (f) of this section in the county's comprehensive plan; and

17 (2) The size of the county's priority preservation area is appropriate in
18 relation to the county's acreage preservation goal.

19 (h) (1) A county that has been certified under this section as having
20 established an effective county agricultural land preservation program is eligible for:

21 (i) The additional funds available to certified counties under §
22 2-508.1 of the Agriculture Article and § 13-306 of the Tax – Property Article; and

23 (ii) As of July 1, 2008, funds provided for the Maryland
24 Agricultural Land Preservation Foundation over and above the funding the
25 Foundation receives in accordance with § 2-508.1 of the Agriculture Article and §§
26 13-209 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:

29 (i) For the purposes stated under § 2-508.1 of the Agriculture
30 Article and § 13-306 of the Tax – Property Article;

31 (ii) To purchase easements in its priority preservation area;

32 (iii) For a Critical Farms Program approved by the Foundation;

1 (iv) For an installment purchase agreement program approved
2 by the Foundation; or

3 (v) For the Next Generation Farmland Acquisition Program
4 approved by the Foundation.

5 (i) (1) A certification under this section is effective for 3 years and the
6 decision by the [Department] OFFICE and the Foundation as to certification is final
7 with no right to appeal.

8 (2) At the request of the county, the [Department] OFFICE and the
9 Foundation shall recertify under this section a county agricultural land preservation
10 program if:

11 (i) The county has maintained a successful program of
12 purchase of development rights or financial enhancements related to purchase of
13 development rights during the period of certification;

14 (ii) Conditions in the county priority preservation area remain
15 in accordance with the requirements of § 2–518 of the Agriculture Article;

16 (iii) The county provides an update on the method, evaluation,
17 shortcomings, and future actions that the county is using or will use to achieve
18 preservation goals, as required under subsection (f)(6) through (8) of this section; and

19 (iv) The update demonstrates significant progress toward
20 achievement of preservation goals in the priority preservation area.

21 (j) The [Department] OFFICE and the Foundation shall jointly adopt
22 regulations for administration of the certification program.

23 (k) In accordance with the requirements of § 2–1246 of the State Government
24 Article, the [Department] OFFICE and the Foundation shall report on the certification
25 program on or before January 15 of each year to:

26 (1) The Governor;

27 (2) The Secretary of Agriculture and the [Secretary] DIRECTOR OF
28 THE OFFICE of Planning;

29 (3) The Senate Budget and Taxation Committee and the Senate
30 Education, Health, and Environmental Affairs Committee; and

31 (4) The House Appropriations Committee, the House Environmental
32 Matters Committee, and the House Committee on Ways and Means.

1 1A-501.

2 The [Department] **OFFICE** shall establish a central depository for all general,
3 area, and functional plans related to this title, and all amendments or revisions to
4 these plans, that are prepared by:

5 (1) Any unit of the State government, of a regional government, or of a
6 local government; or

7 (2) Any interstate agency.

8 1A-502.

9 Each unit of the State government, of a regional government, or of a local
10 government, and each interstate agency, shall submit to the [Department] **OFFICE**
11 the plans required by regulations adopted by the [Secretary] **DIRECTOR**.

12 1A-503.

13 (a) The [Department] **OFFICE** shall establish statewide classification
14 standards for geographically referencing all basic planning information collected by
15 any unit of the State government.

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

18 1A-504.

19 (a) The [Department] **OFFICE** shall be a repository and clearinghouse for
20 information about real property available for public use.

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

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

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

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

29 1A-505.

1 (a) The [Department] OFFICE shall prepare and periodically revise
2 inventory lists of:

3 (1) The natural resources of the State; and

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

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

8 1A-506.

9 (a) To the extent relevant to State planning, the [Department] OFFICE shall
10 study:

11 (1) The resources of the State;

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

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

16 (b) In making the studies, the [Department] OFFICE 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 1A-507.

25 The [Department] OFFICE 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 understanding
28 of:

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

1 (2) The function of State, regional, and local planning.

2 1A-508.

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

7 1A-509.

8 (a) The [Department] **OFFICE** shall serve as a repository and clearinghouse
9 for information concerning federal and State grants, loans, and other financial and
10 technical assistance.

11 (b) The [Department] **OFFICE** shall adopt regulations that require units of
12 State government:

13 (1) To submit financial and technical assistance information to the
14 [Department] **OFFICE**; and

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

17 (c) The [Department] **OFFICE** shall annually publish information
18 concerning State financial and technical assistance in a catalog or catalogs of State
19 assistance programs.

20 1A-601.

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

22 1A-602.

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

26 (b) The [Department] **OFFICE** shall prepare the Plan to promote the general
27 welfare and prosperity of the people of the State through the coordinated development
28 of the State.

29 (c) The [Department] **OFFICE** shall base the Plan on studies of
30 governmental, economic, physical, and social conditions and trends.

1 1A-603.

2 In the preparation and revision of the Plan or any part of it, the [Department]
3 **OFFICE** shall:

4 (1) Seek comments from and consult with the local governments of the
5 areas that are affected by the Plan; and

6 (2) Seek the cooperation and advice of appropriate:

7 (i) Governmental units;

8 (ii) Regional planning commissions;

9 (iii) Public or private educational institutions;

10 (iv) Public or private research organizations;

11 (v) Civic groups; and

12 (vi) Interested persons.

13 1A-604.

14 The Plan shall embody the policy recommendations of the [Department]
15 **OFFICE** regarding the economic and physical development of the State.

16 1A-605.

17 (a) On completion, the [Secretary] **DIRECTOR** shall send to the Governor
18 the Plan, any substantial part of the Plan, or any revision to the Plan.

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

22 (1) The [Department] **OFFICE** shall make copies of the material filed
23 available for general distribution or sale; and

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

25 (i) To the head of each unit of the State government; and

26 (ii) Subject to § 2-1246 of the State Government Article, to the
27 General Assembly.

1 1A-611.

2 (a) The Plan shall identify all areas designated by the [Department]
3 **OFFICE** as areas of critical State concern.

4 (b) Each county shall recommend to the [Department] **OFFICE** those areas
5 in the county that should be designated as areas of critical State concern.

6 (c) Before designating an area as an area of critical State concern, the
7 [Secretary] **DIRECTOR** shall consult with and consider any recommendations
8 submitted by affected political subdivisions.

9 (d) The [Secretary] **DIRECTOR** may adopt regulations for the political
10 subdivisions to use in recommending areas to be designated as areas of critical State
11 concern.

12 (e) The [Department] **OFFICE** shall:

13 (1) Furnish to the governing body of each affected political subdivision
14 the full text of each proposed designation of an area as an area of critical State
15 concern;

16 (2) Give each political subdivision affected by a proposed designation
17 at least 45 days to review and comment on the proposed designation; and

18 (3) Publish its designation of areas of critical State concern, together
19 with all written comments received from political subdivisions regarding the areas
20 designated.

21 1A-615.

22 The Plan shall contain the recommendations of the [Secretary] **DIRECTOR**
23 concerning any current or impending problem that may affect the State as a whole.

24 1A-701.

25 In this subtitle, "Commission" means the Maryland Sustainable Growth
26 Commission.

27 1A-703.

28 (a) (1) The Commission consists of the following members:

29 (iii) As ex officio members:

- 1 1. The [Secretary] **DIRECTOR OF THE OFFICE** of
2 Planning, or the [Secretary's] **DIRECTOR'S** designee;
- 3 2. The Secretary of the Environment, or the Secretary's
4 designee;
- 5 3. The Secretary of Transportation, or the Secretary's
6 designee;
- 7 4. The Secretary of Housing and Community
8 Development, or the Secretary's designee;
- 9 5. The Secretary of Natural Resources, or the Secretary's
10 designee;
- 11 6. The Secretary of Business and Economic
12 Development, or the Secretary's designee;
- 13 7. The Secretary of Agriculture, or the Secretary's
14 designee;
- 15 8. The Superintendent of the Maryland State
16 Department of Education, or the Superintendent's designee;
- 17 9. The Chair of the Base Realignment and Closure
18 Subcabinet, or the Chair's designee;
- 19 10. The Executive Director of the Rural Maryland
20 Council, or the Executive Director's designee; and
- 21 11. The Director of the University of Maryland's National
22 Center for Smart Growth, or the Director's designee;

23 1A-705.

24 The [Department] **OFFICE** of Planning shall provide staff for the Commission.

25 1A-706.

26 The Commission shall:

- 27 (1) Assess and advise on the progress of State, regional, and local
28 planning in Maryland in achieving the goals of the State economic growth, resource
29 protection, and planning policy, as defined in [§ 5-7A-01] § **1A-7A-01** of this title;

30 1A-7A-02.

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

5 (i) The State Economic Growth, Resource Protection, and
6 Planning Policy established in [~~§ 5-7A-01~~] ~~§ 1A-7A-01~~ of this subtitle; or
7 1A-7B-01.

8 (c) (1) “Growth-related project” means only the items set forth below:

9 (iii) Funding by the Department of Business and Economic
10 Development under any of the following:

11 4. The Economic Development Opportunities Program
12 Fund, authorized under § 7-314 of [this article] **THE STATE FINANCE AND**
13 **PROCUREMENT ARTICLE**;

14 (v) Except as provided in paragraph (2) of this subsection,
15 procurement or funding of projects by the Department of General Services for:

16 1. Leases of property by the State governed by §§ 4-318
17 through 4-321 of [this article] **THE STATE FINANCE AND PROCUREMENT**
18 **ARTICLE**; and

19 2. Land acquisition governed by §§ 4-411 through 4-416
20 of [this article] **THE STATE FINANCE AND PROCUREMENT ARTICLE**.

21 (2) “Growth-related project” does not include:

22 (iii) Acquisition of land by the Department [of Natural
23 Resources] under Title 1, Subtitle 1 of [the Natural Resources Article] **THIS ARTICLE**;
24 or

25 1A-7B-02.

26 The following areas shall be considered priority funding areas under this
27 subtitle:

28 (1) A municipal corporation, including Baltimore City, except that:

29 (i) Those areas annexed by a municipal corporation after
30 January 1, 1997 but before October 1, 2006 shall satisfy requirements relating to
31 density and service by water and sewer set forth in [~~§ 5-7B-03~~] ~~§ 1A-7B-03~~ of this
32 subtitle; and

1 (ii) Those areas annexed by a municipal corporation after
2 September 30, 2006, shall satisfy all of the requirements set forth in [§ 5-7B-03] §
3 **1A-7B-03** of this subtitle;

4 (6) An area designated by the governing body of a county or municipal
5 corporation under [§ 5-7B-03] § **1A-7B-03** of this subtitle.

6 1A-7B-03.

7 (a) (1) The governing body of a county or of a municipal corporation may
8 designate priority funding areas as provided in this section.

9 (2) The governing bodies of two or more adjoining counties, two or
10 more municipal corporations, or any combination of adjoining counties and municipal
11 corporations may designate, as provided in this section and in accordance with the
12 regulations adopted by the [Department] OFFICE of Planning, a priority funding area
13 that combines two or more contiguous areas located in each of the local governments.

14 (h) For the purposes of this section, average density shall be calculated based
15 on the total acreage of all parcels in the area for which the principal permitted use is
16 residential, excluding land:

17 (3) Subject to an agricultural easement under a county agricultural
18 land preservation program certified under [§ 5-408] § **1A-408** of this title;

19 1A-7B-04.

20 (b) In a priority funding area established under [§ 5-7B-03(c) or (e)] §
21 **1A-7B-03(C) OR (E)** of this subtitle in which water and sewer service is planned, a
22 commitment for funding for a growth-related project shall be contingent upon
23 nonstate funding for planned water and sewer service moving forward in advance of or
24 concurrent with the State funding.

25 1A-7B-05.

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

28 (i) Maintains the existing transportation system, if the
29 Department of Transportation and the [Department] OFFICE of Planning determine
30 the project does not serve to significantly increase highway capacity;

31 (ii) Serves to connect priority funding areas, if:

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

4 A. Prevent development that is inconsistent with [**§**
5 **5-7A-01(1), (2), and (3)] § ~~1A-7A-01(1), (2), AND (3)~~ of this title; and**

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

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

14 (c) (1) When a request is made to the Board of Public Works for an
15 exception under this section, the Board of Public Works may request from the
16 **[Department] OFFICE** of Planning an advisory opinion on the request for the
17 exception.

18 (2) Upon receiving a request for an advisory opinion under this
19 subsection, the **[Department] OFFICE**, if requested by a member of the public, shall
20 hold a public meeting to gather information relevant to the advisory opinion.

21 1A-7B-06.

22 (a) The State may provide funding for a growth-related project not in a
23 priority funding area without receiving approval from the Board of Public Works as
24 provided under [**§ 5-7B-05]** **§ ~~1A-7B-05~~** of this subtitle for:

25 (1) A project that is required to protect public health or safety;

26 (2) A project involving federal funds, to the extent compliance with
27 this subtitle would conflict or be inconsistent with federal law; or

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

31 (i) A natural resource based industry;

32 (ii) An industry relating to:

1 1. Agricultural operations, as defined in § 7–101 of the
2 Labor and Employment Article;

3 2. Forestry activities; or

4 3. Mineral extraction;

5 (iii) An industry that is proximate to:

6 1. An airport facility;

7 2. A port facility;

8 3. A railroad facility;

9 4. A transit facility; or

10 5. A major highway interchange; or

11 (iv) A tourism facility or museum that is required to be located
12 away from other development due to necessary proximity to specific historic, natural,
13 or cultural resources.

14 (b) A procedure for notification, review, and comment on exceptions proposed
15 under this section shall be established jointly by the applicable State agency and the
16 [Department] OFFICE of Planning.

17 1A–7B–08.

18 (a) To be eligible for funding for growth–related projects, a local government
19 or two or more county governments shall certify to the [Department] OFFICE of
20 Planning any area designated by the local government or county governments as a
21 priority funding area under [§ 5–7B–03] § 1A–7B–03 of this subtitle, which shall be
22 consistent with the local comprehensive plan and the criteria set forth in [§ 5–7B–03]
23 § 1A–7B–03 of this subtitle.

24 (b) Prior to certification of a priority funding area or areas, the local
25 government or county governments may submit the proposed priority funding areas
26 and any relevant information to the [Department] OFFICE of Planning for:

27 (1) Technical assistance, review, and comment; and

28 (2) The opportunity for public review.

29 (c) Upon certification of a priority funding area, the local government or
30 county governments shall provide to the [Department] OFFICE of Planning all

1 information necessary to demonstrate the precise location of the area, including a map
2 of the area showing planning and zoning characteristics, and existing and planned
3 water and sewer services as appropriate.

4 (d) The [Department] **OFFICE** of Planning, as appropriate, shall provide to
5 each State agency that funds growth-related projects copies of maps illustrating:

6 (1) Priority funding areas certified by the local government or county
7 governments; and

8 (2) Any comments by the [Department] **OFFICE** of Planning on the
9 areas certified.

10 (e) Prior to funding a growth-related project, the State funding agency shall
11 obtain from the affected local government or county governments a written statement
12 that the proposed growth-related project is located within a certified priority funding
13 area.

14 1A-7B-09.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) “Infill development” means new development in a priority funding
17 area on vacant, bypassed, and underutilized lands within existing developed areas.

18 (3) “Smart neighborhood development” means a comprehensively
19 planned, compact mixed use development within a priority funding area that
20 integrates residential, commercial, open space, and public uses.

21 (b) The [Department] **OFFICE** of Planning shall:

22 (1) Establish a process for the review of projects by the appropriate
23 State agencies and the [Department] **OFFICE** of Planning for compliance with this
24 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
28 of maps illustrating:

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

31 (ii) Any comments by the [Department] **OFFICE** of Planning on
32 the areas certified.

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

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

7 (e) The [Department] **OFFICE** of Planning shall:

8 (1) Draft model land-use codes for infill development and smart
9 neighborhood development;

10 (2) Draft guidelines to provide local governments with information on
11 innovative planning and implementation techniques to encourage and facilitate infill
12 development and smart neighborhood development;

13 (3) Circulate the models and guidelines to other State agencies and
14 departments; and

15 (4) Work with local governments, State agencies, and departments to
16 develop incentives to encourage the voluntary adoption and implementation by local
17 governments of models and guidelines implementing the intent of the models and
18 guidelines required to be developed by the [Department] **OFFICE** of Planning under
19 this section.

20 (f) Each State agency subject to this subtitle shall report annually to the
21 [Department] **OFFICE** of Planning on the implementation of this subtitle in a form
22 approved by the [Department] **OFFICE** of Planning.

23 1A-801.

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

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

26 (c) "Plan" means:

27 (1) The Patuxent River Policy Plan that has been approved by the
28 General Assembly; and

29 (2) All amendments to that Plan that are approved under this subtitle.

30 1A-805.

1 (a) (1) The [Department] OFFICE has primary responsibility for
2 preparing proposed amendments to the Plan.

3 (2) For the purpose of updating the Plan, the [Department] OFFICE
4 and the Commission shall together consider draft amendments to the Plan at least
5 once every 5 years starting with October 1, 1995.

6 (3) In preparing a proposed amendment, the [Department] OFFICE
7 shall consult with local jurisdictions and appropriate units of the State government,
8 who shall:

9 (i) Provide the [Department] OFFICE with pertinent
10 information, including information on implementation of the Plan; and

11 (ii) Cooperate with and assist the [Department] OFFICE in
12 preparing the proposed amendment.

13 (b) Before the [Department] OFFICE presents a proposed amendment to the
14 Plan to local jurisdictions for their approval, the Commission shall:

15 (1) Review and comment on the proposed amendment and work with
16 the [Department] OFFICE in making any modifications to the proposed amendment
17 that the Commission considers necessary;

18 (2) Distribute copies of the proposed amendment to the Governor,
19 appropriate members of the General Assembly, the local jurisdictions entitled to
20 voting representation on the Commission, other affected local jurisdictions, and
21 appropriate units of the State government, for their information and comments; and

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

23 (c) After a proposed amendment to the Plan has been acted on by the
24 Commission, the [Department] OFFICE may present the proposed amendment to the
25 governing bodies of the local jurisdictions entitled to voting representation on the
26 Commission, for their approval, by resolution. The [Department] OFFICE shall
27 include any comments made by the Commission.

28 (d) (1) If the governing bodies of 6 of the 8 local jurisdictions entitled to
29 voting representation on the Commission approve the proposed amendment, the
30 [Department] OFFICE shall present the proposed amendment to the General
31 Assembly. The [Department] OFFICE shall include any comments made by the
32 Commission or by the governing bodies.

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

1 1A-806.

2 (a) After the General Assembly approves an amendment to the Plan, the
3 **[Department] OFFICE** shall:

4 (1) Present copies of the approved amendment to the Governor and to
5 each local jurisdiction entitled to voting representation on the Commission, for their
6 information; and

7 (2) Make copies of the amendment to the Plan available to the general
8 public.

9 (b) The **[Department] OFFICE** continuously shall review and evaluate
10 information related to the Patuxent River and its watershed.

11 (c) The **[Department] OFFICE** periodically shall make and assist local
12 jurisdictions and units of the State government in making environmental assessments
13 of:

14 (1) Comprehensive planning programs, as they relate to the Patuxent
15 River and its watershed; and

16 (2) Major land use changes, major regulatory actions, and major
17 rezonings whether proposed or implemented as they relate to the Patuxent River and
18 its watershed.

19 1A-809.

20 (a) The **[Department] OFFICE** shall review, evaluate, and report biennially
21 to the Governor and, subject to § 2-1246 of the State Government Article, to the
22 General Assembly on the implementation of the Plan and the status of the Patuxent
23 River and its watershed.

24 (b) The report shall include specific recommendations of the **[Department]**
25 **OFFICE** concerning implementation of the Plan and the bases for these
26 recommendations.

27 (c) Before presenting its report to the General Assembly, the **[Department]**
28 **OFFICE** shall present the report to the Commission for its comments. The
29 **[Department] OFFICE** shall include any comments of the Commission when it
30 presents the report to the General Assembly.

31 1A-812.

32 There is a Patuxent River Commission in the **[Department] OFFICE**.

1 1A-814.

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

4 (7) As ex officio members:

5 (i) The Secretary of Agriculture or a designee;

6 (ii) The Secretary of the Environment or a designee;

7 (iii) The Secretary of Natural Resources or a designee;

8 (iv) The [Secretary] **DIRECTOR OF THE OFFICE** of Planning or
9 a designee;

10 (v) The Secretary of Transportation or a designee; and

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

13 1B-101.

14 There is a Division of Historical and Cultural Programs in the [Department]
15 **OFFICE** of Planning.

16 1B-303.

17 (a) (9) “High performance building” means a building that:

18 (ii) Achieves at least a comparable numeric rating according to a
19 nationally recognized, accepted, and appropriate numeric sustainable development
20 rating system, guideline, or standard approved by the Secretaries of Budget and
21 Management and General Services under § 3-602.1 of [this article] **THE STATE**
22 **FINANCE AND PROCUREMENT ARTICLE**.

23 (b) (1) The Director, in consultation with the Smart Growth Subcabinet,
24 shall adopt regulations to:

25 (iv) For commercial rehabilitations, establish a competitive
26 award process for the award of initial credit certificates for Maryland sustainable
27 communities tax credits that favors the award of tax credits for rehabilitation projects
28 that:

29 5. Are located in areas where the political subdivision
30 has implemented regulatory streamlining or other development incentives that foster

1 redevelopment and revitalization in priority funding areas, as defined in [Title 5,
2 **TITLE 1A**, Subtitle 7B of this article, and the appropriate local governing body or the
3 planning board or commission, if designated by the local governing body, has certified
4 to the Smart Growth Subcabinet those regulatory streamlining or other development
5 incentives;

6 (d) (2) (i) There is a Sustainable Communities Tax Credit Reserve
7 Fund that is a continuing, nonlapsing special fund that is not subject to § 7–302 of
8 [this article] **THE STATE FINANCE AND PROCUREMENT ARTICLE**.

9 (3) (v) Notwithstanding the provisions of § 7–213 of [this article]
10 **THE STATE FINANCE AND PROCUREMENT ARTICLE**, the Governor may not reduce
11 an appropriation to the Reserve Fund in the State budget as approved by the General
12 Assembly.

13 1B–304.

14 (b) (1) Under [§ 5A–318] § **1B–318** of this subtitle, the Board of Public
15 Works may select the Trust as the State unit to control and administer any property
16 acquired.

17 1B–313.

18 (c) (3) The Secretary shall advise the Governor on the appointment of
19 trustees qualified under paragraph (1) of this subsection after consulting with the
20 Advisory Committee on Archaeology established under [§ 5A–336] § **1B–336** of this
21 subtitle.

22 1B–315.

23 (b) (2) The Director appointed under [§ 5A–316] § **1B–316** of this subtitle
24 shall call a special meeting:

25 (i) On order of the chair, on the chair’s own initiative; or

26 (ii) At the request of four or more trustees.

27 1B–318.

28 (c) The Trust shall:

29 (1) Direct and conduct a comprehensive statewide survey of historic
30 properties in cooperation with:

31 (ii) State units, including the Department [of Natural
32 Resources];

1 (d) Income and fees received by the Trust, including fees authorized under
2 this subtitle and income from educational and other preservation materials, activities,
3 and services of the Trust, are not subject to § 7–302 of [this article] **THE STATE**
4 **FINANCE AND PROCUREMENT ARTICLE.**

5 1B–325.

6 (a) (2) The consultation shall occur:

7 (i) Before the State unit submits a request for the capital
8 project to the Department of Budget and Management under § 3–602 of [this article]
9 **THE STATE FINANCE AND PROCUREMENT ARTICLE;**

10 (ii) Before or as part of the final project planning phase for a
11 major transportation capital project as defined in § 2–103.1 of the Transportation
12 Article; or

13 (iii) As early in the planning process as possible for a capital
14 project that uses nonbudgeted money and is subject to the reporting requirements of §
15 3–602 of [this article] **THE STATE FINANCE AND PROCUREMENT ARTICLE.**

16 1B–327.

17 (e) (1) The MHT Loan Fund is a continuing, nonlapsing special fund that
18 is not subject to § 7–302 of [this article] **THE STATE FINANCE AND PROCUREMENT**
19 **ARTICLE.**

20 (l) (2) Except for an expenditure under subsection (d)(2) or (3) of this
21 section, a loan or expenditure from the MHT Loan Fund is not subject to [Titles 4 and
22 5] **TITLE 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OR TITLE 1B**
23 of this article.

24 1B–328.

25 (e) (2) The MHT Grant Fund may be used:

26 (i) For the purposes set forth in [§ 5A–353] **§ 1B–353** of this
27 subtitle;

28 (g) (1) The MHT Grant Fund is a continuing, nonlapsing special fund that
29 is not subject to § 7–302 of [this article] **THE STATE FINANCE AND PROCUREMENT**
30 **ARTICLE.**

31 (h) The MHT Grant Fund consists of:

1 (1) Money appropriated in the State budget to the MHT Grant
2 Program or the Historical and Cultural Museum Assistance Program under [§
3 5A-352] **§ 1B-352** of this subtitle;

4 (k) (2) Except for an expenditure under subsection (e)(2)(v) and (vi) of this
5 section, grants and expenditures from the MHT Grant Fund are not subject to [Titles
6 4 and 5] **TITLE 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND**
7 **TITLE 1A** of this article.

8 1B-329.

9 (e) (1) The Fund is a continuing, nonlapsing special fund that is not
10 subject to § 7-302 of [this article] **THE STATE FINANCE AND PROCUREMENT**
11 **ARTICLE**.

12 1B-333.

13 (b) “Archaeology Office” means the Archaeology Office established under [§
14 5A-334] **§ 1B-334** of this subtitle.

15 (d) (1) “Cave” has the meaning stated in § 5-1401 of [the Natural
16 Resources Article] **THIS ARTICLE**.

17 1B-334.

18 (c) (1) The Director shall employ a Chief Archaeologist, a State
19 Terrestrial Archaeologist, and a State Underwater Archaeologist in accordance with [§
20 5A-316] **§ 1B-316** of this subtitle.

21 1B-335.

22 (c) The Archaeology Office also shall:

23 (3) Provide to the Committee each year a copy of the part of the
24 Trust’s annual report to the Governor, required by [§ 5A-318(c)(16)] **§ 1B-318(C)(16)**
25 of this subtitle, that relates to the Trust’s archaeological activities.

26 1B-338.

27 The costs of archaeological work incurred in a State project on a site of
28 archaeological or historical significance shall be as stated in § 7-114.1 of [this article]
29 **THE STATE FINANCE AND PROCUREMENT ARTICLE**.

30 1B-340.

1 (b) The State may convey title to part or all of submerged archaeological
2 historic property it owns in accordance with a permit, if the Board of Public Works
3 approves the permit in accordance with Title 10, Subtitle 3 of [this article] **THE**
4 **STATE FINANCE AND PROCUREMENT ARTICLE.**

5 (c) (1) The Trust and a holder of a permit under [§ 5A-341] **§ 1B-341** of
6 this subtitle may enter into an agreement to dispose of submerged archaeological
7 historic property recovered by the holder.

8 1B-341.

9 (c) (1) Regulations under [§ 5A-340(e)] **§ 1B-340(E)** of this subtitle shall
10 provide that an individual does not need a permit to collect from submerged
11 archaeological historic property a limited number of objects or materials recoverable
12 by hand or with the use of screwdrivers, wrenches, or pliers.

13 (f) Subject to subsection (g) of this section, the Trust may issue to any person
14 a permit granting an exclusive right to remove, excavate, destroy, injure, or disturb
15 submerged archaeological historic property on land over which the State has sovereign
16 control for the term and under the conditions that the Trust considers appropriate if:

17 (1) The Trust and the applicant for the permit have entered into an
18 agreement under [§ 5A-340(c)] **§ 1B-340(C)** of this subtitle; and

19 (g) The Trust may not issue a permit to a person that seeks title to part or all
20 of submerged archaeological historic property, or to a person that seeks to use
21 submerged archaeological historic property for commercial salvage or another
22 income-producing purpose, unless:

23 (2) The Trust finds that:

24 (iii) The proposed excavation or disturbance will be minor and
25 will produce information relevant to the statewide comprehensive historic
26 preservation plan prepared by the Trust under [§ 5A-318(c)(4)] **§ 1B-318(C)(4)** of
27 this subtitle; or

28 1B-342.

29 (f) The Director or the Director's designee may enforce the provisions of this
30 subtitle relating to terrestrial archaeological historic property in the same manner as
31 provided in [§ 5A-341(i)] **§ 1B-341(I)** of this subtitle for submerged archaeological
32 historic property.

33 1B-343.

1 (b) In accordance with [§§ 5A-341 and 5A-342] **§§ 1B-341 AND 1B-342** of
2 this subtitle, an individual trained in archaeology may apply for and be issued a
3 permit to excavate or remove features described in subsection (a) of this section from
4 or in a cave on land that the State owns or controls by rights under a lease, option
5 contract, or purchase contract.

6 (f) The Director and the Director's designee may enforce the provisions of
7 this part relating to archaeological historic property found in caves in the same
8 manner as provided in [§ 5A-341(i)] **§ 1B-341(I)** of this subtitle for submerged
9 archaeological historic property.

10 1B-346.

11 (a) (1) A person who violates [§ 5A-339, § 5A-341, § 5A-342, or §
12 5A-343] **§ 1B-339, § 1B-341, § 1B-342, OR § 1B-343** of this subtitle, or a
13 regulation adopted under any of those sections is guilty of a misdemeanor and on
14 conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding
15 \$1,000 or both.

16 (2) If a person is found guilty of a violation under paragraph (1) of this
17 subsection, the court:

18 (ii) On request by the Trust, may revoke any permit issued to
19 the person under [§ 5A-340, § 5A-341, § 5A-342, or § 5A-343] **§ 1B-340, § 1B-341,**
20 **§ 1B-342, OR § 1B-343** of this subtitle.

21 (b) (1) A person who violates any term of a permit issued under [§
22 5A-341] **§ 1B-341** of this subtitle for use of a submerged archaeological historic
23 property for commercial salvage or other income-producing purpose is guilty of a
24 misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a
25 fine not exceeding \$10,000 or both.

26 (c) Materials and recorded information obtained in violation of [§ 5A-339, §
27 5A-341, § 5A-342, or § 5A-343] **§ 1B-339, § 1B-341, § 1B-342, OR § 1B-343** of
28 this subtitle are subject to appropriation by the State and will be managed, cared for,
29 and administered by the Trust.

30 1B-353.

31 (b) The Program shall make grants from the MHT Grant Fund under [§
32 5A-328] **§ 1B-328** of this subtitle to political subdivisions and nonprofit organizations
33 for use by museums for:

34 (1) Research related to collections, exhibits, or other educational
35 activities;

- 1 (2) The care, conservation, interpretation, and documentation of
2 collections;
- 3 (3) The planning, design, and construction of exhibits;
- 4 (4) Educational programs and projects;
- 5 (5) The development of master plans for museums, including activities
6 required to achieve accreditation by the American Association of Museums or another
7 appropriate entity;
- 8 (6) Minor structural modifications to existing museum facilities;
- 9 (7) The development of plans and specifications and the provision of
10 architectural, engineering, or other special services directly related to the construction
11 or rehabilitation of museum facilities; or
- 12 (8) Operating support for any museum-related activity, including
13 activities described in items (1) through (7) of this subsection.

14 1B-357.

15 In any fiscal year, the Secretary may reserve up to 20% of the money available
16 in the MHT Grant Fund under [§ 5A-328] § **1B-328** of this subtitle for unanticipated
17 projects eligible for assistance under [§ 5A-353] § **1B-353** of this subtitle.

18 1B-403.

19 (a) There is a Barn Preservation Fund in the [Department] **OFFICE** of
20 Planning.

21 1B-404.

22 The [Department] **OFFICE** of Planning shall adopt any regulations necessary to
23 implement this subtitle.

24 **Article – State Finance and Procurement**

25 2-203.

26 (a) (1) After consultation with the Department of Budget and
27 Management, the [Secretary] **DIRECTOR OF THE OFFICE** of Planning shall adopt
28 regulations that require a unit of the State government to submit information, as
29 required in this section, on federal aid, including grants, instructional contracts, loans,
30 research contracts, or other assistance.

1 (2) The regulations shall require a unit of the State government to
2 obtain a State Application Identifier (SAI) from the [Department] **OFFICE** of
3 Planning.

4 (b) (1) Each 6 months, a unit shall submit a summary notice to the
5 [Department] **OFFICE** of Planning if, during the 6-month period that the notice
6 covers, the unit has received an award of federal aid in the form of an instructional
7 contract, instructional grant, research contract, or research grant.

8 (2) The summary notice shall state the amount of the award.

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

11 (2) When a unit applies for federal aid, the unit shall send to the
12 [Department] **OFFICE** of Planning a copy of the application.

13 (3) Within 30 days after a unit receives an award of federal aid, the
14 unit shall submit to the [Department] **OFFICE** of Planning a summary notice that
15 states:

16 (i) the amount of the award; and

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

18 1. the amount of those funds;

19 2. the source of those funds; and

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

21 SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the
22 Annotated Code of Maryland, subject to the approval of the Department of Legislative
23 Services, shall correct any agency names and titles and cross-references throughout
24 the Code that are rendered incorrect by this Act.

25 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2012.