

# HOUSE BILL 394

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HB 859/19 – ENT

01r0407

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By: **Prince George's County Delegation and Montgomery County Delegation**  
Introduced and read first time: January 22, 2020  
Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Mandatory**  
3 **Referral Review**

4 **PG/MC 101–20**

5 FOR the purpose of establishing that a certain referral to the Maryland–National Capital  
6 Park and Planning Commission is deemed approved under certain circumstances  
7 only if there is a complete submission that can be adequately reviewed by the  
8 Commission; requiring the Commission to notify a certain submitting entity within  
9 a certain period of time regarding whether a certain submission or amendment to a  
10 submission is complete and accepted or rejected as incomplete; requiring the  
11 Commission to provide certain information to a submitting entity under certain  
12 circumstances; requiring the Commission to act on a certain amended submission  
13 within a certain period of time; authorizing a submitting entity to give certain notice  
14 to the Commission that the entity is unable to provide certain additional information  
15 on a certain submission through reasonable means under certain circumstances;  
16 requiring the Commission to consider a certain submission as complete and take  
17 certain action within a certain period of time; defining a certain term; and generally  
18 relating to the Maryland–National Capital Park and Planning Commission and  
19 mandatory referral review.

20 BY repealing and reenacting, without amendments,  
21 Article – Land Use  
22 Section 20–301  
23 Annotated Code of Maryland  
24 (2012 Volume and 2019 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article – Land Use  
27 Section 20–304  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



(2012 Volume and 2019 Supplement)

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

**Article – Land Use**

20–301.

Subject to §§ 20–303 and 20–304 of this subtitle, a public board, public body, or public official may not conduct any of the following activities in the regional district unless the proposed location, character, grade, and extent of the activity is referred to and approved by the Commission:

(1) acquiring or selling land;

(2) locating, constructing, or authorizing:

(i) a road;

(ii) a park;

(iii) any other public way or ground;

(iv) a public building or structure, including a federal building or structure; or

(v) a publicly owned or privately owned public utility; or

(3) changing the use of or widening, narrowing, extending, relocating, vacating, or abandoning any facility listed in item (2) of this section.

20–304.

**(A) IN THIS SECTION, “COMPLETE SUBMISSION” MEANS AN EXPLANATORY NARRATIVE ACCOMPANIED BY ENGINEERING OR ARCHITECTURAL DRAWINGS THAT DEPICT THE PROPOSED LOCATION, CHARACTER, GRADE, AND EXTENT OF THE ACTIVITY SUBJECT TO A MANDATORY REFERRAL.**

**(B) Unless a longer period is granted by the submitting entity, an official referral to the Commission under this part is deemed approved if the Commission fails to act within 60 days after the date of A COMPLETE submission ACCEPTED BY THE COMMISSION TO ADEQUATELY REVIEW THE PROPOSED LOCATION, CHARACTER, GRADE, AND EXTENT OF THE ACTIVITY.**

**(C) (1) WITHIN 3 BUSINESS DAYS AFTER RECEIVING A SUBMISSION OR AN**

1 AMENDMENT TO A SUBMISSION, THE COMMISSION SHALL NOTIFY THE SUBMITTING  
2 ENTITY THAT THE SUBMISSION IS:

3 (I) COMPLETE AND ACCEPTED BY THE COMMISSION; OR

4 (II) REJECTED AS INCOMPLETE BY THE COMMISSION.

5 (2) AT THE SAME TIME THAT THE COMMISSION PROVIDES NOTICE  
6 THAT A SUBMISSION HAS BEEN REJECTED AS INCOMPLETE UNDER PARAGRAPH  
7 (1)(II) OF THIS SUBSECTION, THE COMMISSION SHALL PROVIDE TO THE  
8 SUBMITTING ENTITY AN ITEMIZED LIST OF THE INFORMATION REQUIRED FOR THE  
9 SUBMISSION TO BE CONSIDERED COMPLETE.

10 (D) IF A SUBMITTING ENTITY SUBMITS AN AMENDMENT TO A SUBMISSION  
11 THAT WAS REJECTED AS INCOMPLETE, THE COMMISSION:

12 (1) SHALL ACT ON THE AMENDED SUBMISSION WITHIN 60 DAYS AFTER  
13 RECEIPT OF THE AMENDMENT; AND

14 (2) WITHIN 3 BUSINESS DAYS AFTER RECEIPT OF THE AMENDMENT,  
15 SHALL NOTIFY THE SUBMITTING ENTITY OF THE COMPLETENESS OF THE  
16 SUBMISSION IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

17 (E) (1) IF A SUBMISSION IS REJECTED AS INCOMPLETE AFTER THE  
18 SUBMITTING ENTITY HAS SUBMITTED AMENDMENTS AT LEAST THREE TIMES, THE  
19 ENTITY MAY NOTIFY THE COMMISSION THAT IT IS UNABLE TO PROVIDE ADDITIONAL  
20 INFORMATION ON THE SUBMISSION THROUGH REASONABLE MEANS.

21 (2) ON RECEIPT OF THE NOTICE FROM A SUBMITTING ENTITY  
22 PROVIDED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE  
23 COMMISSION SHALL:

24 (I) ACCEPT THE SUBMISSION AS COMPLETE; AND

25 (II) ACT ON THE SUBMISSION WITHIN 60 DAYS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2020.