

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 464

(Montgomery County Delegation and Prince George's
County Delegation)

Environment and Transportation

Education, Health, and Environmental Affairs

Maryland–National Capital Park and Planning Commission – Mandatory
Referral Review MC/PG 101–21

This bill establishes guidelines for a complete submission referral to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for specified activities in the Maryland-Washington Regional District and designates timelines and feedback required of M-NCPPC following receipt of a mandatory referral.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill does not materially affect M-NCPPC operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: A “complete submission” is an explanatory narrative accompanied by an engineering or architectural drawing that depicts the proposed location, character, grade, and extent of the activity subject to a mandatory referral. Within three business days after receiving a submission, M-NCPPC must notify the submitting entity that the submission is (1) complete and accepted by the commission if the referral adequately reviews the proposed location, character, grade, and extent of the activity or (2) rejected as incomplete by the commission. If a submission is rejected, the commission must provide an itemized list of the information required for the submission to be complete.

If a submitting entity submits an amendment to the original rejected referral submission, the commission must notify the submitting entity of the completeness of the amended submission within 3 business days. If the amendment was rejected as incomplete, the commission must act on the amended submission within 60 days of receiving the amendment.

If a submission is rejected as incomplete after an entity has submitted amendments at least three times, the entity may notify the commission that it is unable to provide additional information on the submission through reasonable means. After receipt of such notice, the commission must (1) accept the submission as complete and (2) act on the submission within 60 days.

Current Law: A public board, public body, or public official must refer the following activities in the Maryland-Washington Regional District to M-NCPPC:

- acquiring or selling land;
- locating, constructing, or authorizing a road, park, public building or structure (including federal building or structure), publicly owned or privately owned utility, or any other public way or ground; or
- changing the use of or widening, narrowing, extending, relocating, vacating, or abandoning any facility aforementioned.

The proposed location, character, grade, and extent of the activity must be referred and approved by the commission. An official referral to the commission is deemed approved if the commission fails to act within 60 days of submission. If the commission disapproves a mandatory referral, the commission must notify the submitting entity of its reasons for the disapproval. The submitting entity may overrule the disapproval of the commission and proceed with the activity as proposed.

Maryland-National Capital Park and Planning Commission

M-NCPPC is a bi-county agency serving Montgomery and Prince George's counties that was empowered by the State in 1927 to acquire and administer a regional system of parks within the Maryland-Washington Metropolitan District and administer a general plan for the physical development of the area. In 1970, M-NCPPC became responsible for managing the Prince George's County public recreation program. M-NCPPC operates approximately 52,000 acres of parkland, trails, and open space in Montgomery and Prince George's counties, as well as a variety of facilities, including nature centers, community centers, historic sites, and sports venues.

Additional Information

Prior Introductions: HB 394 of 2020 passed the House, but no further action was taken. HB 859 of 2019, a similar bill, was withdrawn prior to receiving a hearing in the House Environment and Transportation Committee.

Designated Cross File: None.

Information Source(s): Montgomery County; Prince George's County; Maryland-National Capital Park and Planning Commission; Department of Legislative Services

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