

Chapter 6

(House Bill 464 of the 2021 Regular Session)

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Mandatory Referral Review

MC/PG 101–21

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

BY repealing and reenacting, without amendments,

Article – Land Use
Section 20–301
Annotated Code of Maryland
(2012 Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Land Use
Section 20–304
Annotated Code of Maryland
(2012 Volume and 2020 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 AMENDMENT TO A SUBMISSION, THE COMMISSION SHALL NOTIFY THE SUBMITTING ENTITY THAT THE SUBMISSION IS:

- (I) COMPLETE AND ACCEPTED BY THE COMMISSION; OR**
 - (II) REJECTED AS INCOMPLETE BY THE COMMISSION.**
- (2) AT THE SAME TIME THAT THE COMMISSION PROVIDES NOTICE**

THAT A SUBMISSION HAS BEEN REJECTED AS INCOMPLETE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE COMMISSION SHALL PROVIDE TO THE SUBMITTING ENTITY AN ITEMIZED LIST OF THE INFORMATION REQUIRED FOR THE SUBMISSION TO BE CONSIDERED COMPLETE.

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

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

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

(E) (1) IF A SUBMISSION IS REJECTED AS INCOMPLETE AFTER THE SUBMITTING 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.

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

(I) ACCEPT THE SUBMISSION AS COMPLETE; AND

(II) ACT ON THE SUBMISSION WITHIN 60 DAYS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Gubernatorial Veto Override, December 6, 2021.