

# SENATE BILL 236

P1

(PRE-FILED)

5lr0303  
CF HB 272

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By: **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Planning)**

Requested: October 6, 2024

Introduced and read first time: January 8, 2025

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 2, 2025

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Department of Planning – Modernization**

3 FOR the purpose of requiring the State Administrator of Elections to submit certain  
4 information to the Secretary of Planning under certain circumstances; altering a  
5 requirement that the Department of the Environment submit certain proposals to  
6 the Department of Planning under certain circumstances; altering certain  
7 requirements related to the Department of Planning preparing certain population  
8 projections; repealing a provision authorizing the Secretary of Planning or staff  
9 member of the Department of Planning to access certain capital facilities planning  
10 information and to enter certain State-owned land under certain circumstances;  
11 repealing a certain provision authorizing the Department of Planning to include  
12 certain funding in the Department's budget for the Maryland-National Capital Park  
13 and Planning Commission; repealing a provision requiring the Department of  
14 Planning to establish certain statewide classification standards; altering certain  
15 provisions requiring the Department of Planning to be a repository and  
16 clearinghouse for information relating to State-owned real property; repealing an  
17 obsolete reference to the State Economic Growth, Resource Protection, and Planning  
18 Commission; repealing a requirement that each local jurisdiction file a certain report  
19 with the State Economic Growth, Resource Protection, and Planning Commission;  
20 and generally relating to the Department of Planning and State planning.

21 BY repealing and reenacting, with amendments,

22 Article – Election Law

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 2–303(d)  
2 Annotated Code of Maryland  
3 (2022 Replacement Volume and 2024 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article – Environment  
6 Section 9–507(b)  
7 Annotated Code of Maryland  
8 (2014 Replacement Volume and 2024 Supplement)

9 BY repealing and reenacting, without amendments,  
10 Article – State Finance and Procurement  
11 Section 5–101  
12 Annotated Code of Maryland  
13 (2021 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – State Finance and Procurement  
16 Section 5–306, 5–307, 5–503, and 5–7A–02  
17 Annotated Code of Maryland  
18 (2021 Replacement Volume and 2024 Supplement)

19 BY repealing  
20 Article – State Finance and Procurement  
21 Section 5–311, 5–407, and 5–502  
22 Annotated Code of Maryland  
23 (2021 Replacement Volume and 2024 Supplement)

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

26 **Article – Election Law**

27 2–303.

28 (d) **(1)** Within 5 days of creating a new precinct or changing a precinct  
29 boundary, a local board shall send to the State Administrator a written description of the  
30 new boundary and a map of the area involved.

31 **(2) ON RECEIPT OF THE DESCRIPTION AND MAP RELATING TO A**  
32 **PRECINCT BOUNDARY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE**  
33 **STATE ADMINISTRATOR SHALL IMMEDIATELY SEND THE INFORMATION**  
34 **ELECTRONICALLY TO THE SECRETARY OF PLANNING.**

35 **Article – Environment**

36 9–507.

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

4 (1) To the Department of Natural Resources for advice on natural  
 5 resources matters;

6 (2) **[To] FOR WATER AND SEWERAGE PROPOSALS ONLY, TO** the  
 7 Department of Planning for advice on the consistency of the proposal with the local master  
 8 plan and other appropriate matters; and

9 (3) To the Department of Agriculture for advice on the impact of water and  
 10 sewerage service and solid waste facilities on productive or potentially productive  
 11 agricultural land.

## 12 Article – State Finance and Procurement

13 5–101.

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

15 (b) “Department” means the Department of Planning.

16 (c) “Secretary” means the Secretary of Planning.

17 5–306.

18 (a) The Department shall prepare population projections for the State **[and for],**  
 19 each county, and, **ON REQUEST OF A MUNICIPAL CORPORATION, FOR A** municipal  
 20 corporation in the State.

21 (b) The population projections **PREPARED FOR THE STATE AND EACH COUNTY**  
 22 shall include details of age, sex, and race.

23 (c) The Department shall prepare the population projections for periods of 20  
 24 years, in 5–year intervals beginning with **[1990] 2025**.

25 (d) Beginning in 1991, the Department shall revise the population projections at  
 26 least every 3 years.

27 (e) In preparing the population projections for the Washington metropolitan  
 28 **[area] AND BALTIMORE METROPOLITAN AREAS,** the Department may use the  
 29 population figures developed by the ~~Maryland National Capital Park and Planning~~  
 30 ~~Commission~~ **METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS AND THE**  
 31 **BALTIMORE METROPOLITAN COUNCIL.**

1 5–307.

2 (a) Each year, no later than 60 days before the General Assembly convenes for its  
3 regular session, the Department shall submit a report to the Governor.

4 (b) The annual report shall include:

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

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

8 (ii) filed by the Governor under § 5–605 of this title;

9 (2) a summary of each important study wholly or partly completed by the  
10 Department since the last annual report; and

11 (3) [summaries of the work of the Department and of the State Economic  
12 Growth, Resource Protection, and Planning Commission] **A SUMMARY OF THE WORK OF  
13 THE DEPARTMENT.**

14 (c) The Department shall distribute copies of the annual report:

15 (1) subject to § 2–1257 of the State Government Article, to the General  
16 Assembly;

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

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

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

20 (d) The Department shall make copies of the annual report available for general  
21 distribution or sale.

22 [5–311.

23 (a) The Secretary or a staff member of the Department designated by the  
24 Secretary shall have access to information that relates to capital facilities planning in the  
25 possession of any unit of the State government.

26 (b) If the entry is made in a manner so as to cause no unnecessary injury, the  
27 Secretary or a staff member of the Department designated by the Secretary may enter, at  
28 any reasonable hour, on any State–owned land in order to make examinations and surveys  
29 that relate to capital facilities planning.]

1 [5-407.

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

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

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

11 (d) The Secretary shall determine which regional planning projects programmed  
12 by the Commission qualify for State assistance.

13 (e) (1) The Commission shall provide the Secretary with any information the  
14 Secretary requires to determine which regional planning projects programmed by the  
15 Commission qualify for State assistance.

16 (2) On or before August 1 of each year, the Commission shall provide the  
17 Secretary with a copy of the proposed budget of the Commission for the following fiscal  
18 year. After the copy of the proposed budget is provided to the Secretary, the Commission  
19 shall promptly notify the Secretary and obtain the approval of the Secretary for any  
20 changes in the proposed budget for regional projects funded under this section.

21 (f) The Secretary may require an annual audit of the operations of the  
22 Commission that relate to any project financed wholly or partly by payments to the  
23 Commission from the Department.]

24 [5-502.

25 (a) The Department shall establish statewide classification standards for  
26 geographically referencing all basic planning information collected by any unit of the State  
27 government.

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

30 5-503.

31 (a) The Department shall be a repository [and clearinghouse] for information  
32 about **STATE-OWNED** real property [available for public use].

1 (b) The Department shall correlate information concerning real property owned  
2 by the State [or any political subdivision of the State].

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

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

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

9 5-7A-02.

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

14 (i) the State Economic Growth, Resource Protection, and Planning  
15 Policy established in § 5-7A-01 of this subtitle; or

16 (ii) the local plan of the jurisdiction in which the project is located.

17 (2) The State may provide State funding for a State public works,  
18 transportation, or major capital improvement project funded through State or federal funds  
19 which is not consistent with the policy or plan under paragraph (1) of this subsection if the  
20 State determines that extraordinary circumstances exist that warrant proceeding with the  
21 project and that no reasonably feasible alternative exists.

22 (b) (1) Except as provided in paragraph (2) of this subsection with respect to a  
23 local construction project involving the use of State funds, grants, loans, loan guaranties,  
24 or insurance, a local jurisdiction may not approve or construct the project unless the project  
25 is consistent with the local plan.

26 (2) A local jurisdiction may approve and construct a local construction  
27 project which is inconsistent with the local plan under paragraph (1) of this subsection if  
28 the local jurisdiction determines that extraordinary circumstances exist that warrant  
29 proceeding with the project and that no reasonably feasible alternative exists.

30 (c) By December 1, 1992 the Governor shall establish procedures for review of  
31 State projects under subsection (a) of this section, and each local jurisdiction shall establish  
32 procedures for the review of local projects under subsection (b) of this section, to:

33 (1) ensure that the projects are consistent with their respective policy and  
34 plans; and

1 (2) evaluate extraordinary circumstances under subsections (a)(2) and  
2 (b)(2) of this section, respectively.

3 [(d) Each local jurisdiction shall report on or before February 1 of each year to the  
4 State Economic Growth, Resource Protection, and Planning Commission on the number  
5 and type of projects approved under subsection (b)(2) of this section during the preceding  
6 calendar year, including a description of the extraordinary circumstances existing and the  
7 alternatives considered, together with any additional information required by the  
8 Commission.]

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2025.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.