

HOUSE BILL 394

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HB 859/19 – ENT

01r0407

By: **Prince George’s County Delegation and Montgomery County Delegation**

Introduced and read first time: January 22, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 9, 2020

CHAPTER _____

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

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 (2012 Volume and 2019 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Land Use
4 Section 20–304
5 Annotated Code of Maryland
6 (2012 Volume and 2019 Supplement)

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

9 **Article – Land Use**

10 20–301.

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

- 15 (1) acquiring or selling land;
- 16 (2) locating, constructing, or authorizing:
- 17 (i) a road;
- 18 (ii) a park;
- 19 (iii) any other public way or ground;
- 20 (iv) a public building or structure, including a federal building or
21 structure; or
- 22 (v) a publicly owned or privately owned public utility; or
- 23 (3) changing the use of or widening, narrowing, extending, relocating,
24 vacating, or abandoning any facility listed in item (2) of this section.

25 20–304.

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

30 **(B)** Unless a longer period is granted by the submitting entity, an official referral

1 to the Commission under this part is deemed approved if the Commission fails to act within
2 60 days after the date of **A COMPLETE** submission **ACCEPTED BY THE COMMISSION TO**
3 **ADEQUATELY REVIEW THE PROPOSED LOCATION, CHARACTER, GRADE, AND EXTENT**
4 **OF THE ACTIVITY.**

5 **(C) (1) WITHIN 3 BUSINESS DAYS AFTER RECEIVING A SUBMISSION OR AN**
6 **AMENDMENT TO A SUBMISSION, THE COMMISSION SHALL NOTIFY THE SUBMITTING**
7 **ENTITY THAT THE SUBMISSION IS:**

8 **(I) COMPLETE AND ACCEPTED BY THE COMMISSION; OR**

9 **(II) REJECTED AS INCOMPLETE BY THE COMMISSION.**

10 **(2) AT THE SAME TIME THAT THE COMMISSION PROVIDES NOTICE**
11 **THAT A SUBMISSION HAS BEEN REJECTED AS INCOMPLETE UNDER PARAGRAPH**
12 **(1)(II) OF THIS SUBSECTION, THE COMMISSION SHALL PROVIDE TO THE**
13 **SUBMITTING ENTITY AN ITEMIZED LIST OF THE INFORMATION REQUIRED FOR THE**
14 **SUBMISSION TO BE CONSIDERED COMPLETE.**

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

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

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

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

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

29 **(I) ACCEPT THE SUBMISSION AS COMPLETE; AND**

30 **(II) ACT ON THE SUBMISSION WITHIN 60 DAYS.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.