

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: McCarthy
Typed by: Elise
Stored – 08/28/19
Proofread by _____
Checked by _____

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

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,

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



1 Article – Land Use
2 Section 20–301
3 Annotated Code of Maryland
4 (2012 Volume and 2019 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Land Use
7 Section 20–304
8 Annotated Code of Maryland
9 (2012 Volume and 2019 Supplement)

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

12 **Article – Land Use**

13 20–301.

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

- 18 (1) acquiring or selling land;
- 19 (2) locating, constructing, or authorizing:
- 20 (i) a road;
- 21 (ii) a park;
- 22 (iii) any other public way or ground;
- 23 (iv) a public building or structure, including a federal building or
24 structure; or
- 25 (v) a publicly owned or privately owned public utility; or

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

3 20–304.

4 (A) IN THIS SECTION, “COMPLETE SUBMISSION” MEANS ENGINEERING OR
5 ARCHITECTURAL DRAWINGS THAT DEPICT THE PROPOSED LOCATION, CHARACTER,
6 GRADE, AND EXTENT OF THE ACTIVITY SUBJECT TO A MANDATORY REFERRAL.

7 (B) Unless a longer period is granted by the submitting entity, an official referral
8 to the Commission under this part is deemed approved if the Commission fails to act within
9 60 days after the date of A COMPLETE submission ACCEPTED BY THE COMMISSION TO
10 ADEQUATELY REVIEW THE PROPOSED LOCATION, CHARACTER, GRADE, AND EXTENT
11 OF THE ACTIVITY.

12 (C) (1) WITHIN 3 BUSINESS DAYS AFTER RECEIVING A SUBMISSION OR AN
13 AMENDMENT TO A SUBMISSION, THE COMMISSION SHALL NOTIFY THE SUBMITTING
14 ENTITY THAT THE SUBMISSION IS:

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

16 (II) REJECTED AS INCOMPLETE BY THE COMMISSION.

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

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

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

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

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

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

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

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

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