

Patuxent River Commission Legislation
Article – State Finance and Procurement

§ 5-801. Definitions.

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

(b) "Commission" means the Patuxent River Commission.

(c) "Plan" means:

(1) the Patuxent River Policy Plan that has been approved by the General Assembly; and

(2) all amendments to that Plan that are approved under this subtitle.

[1985, ch. 11, ' 2; ch. 547; 1989, ch. 540, ' 2.]

§ 5-802, 5-803.

Reserved.

**PART II. PATUXENT RIVER
POLICY PLAN**

§ 5-804. Purpose of Plan.

The Plan shall be used as a policy guide by local jurisdictions and units of the State government in carrying out their action and regulatory programs in the Patuxent River Watershed.

[1985, ch. 547; 1989, ch. 540, ' 2.]

§ 5-805. Amendment of Plan.

(a) Responsibility of Office.-

(1) The Office has primary responsibility for preparing proposed amendments to the Plan.

(2) For the purpose of updating the Plan, the Office and the Commission shall together consider draft amendments to the Plan at least once every 5 years starting with October 1, 1995.

(3) In preparing a proposed amendment, the Office shall consult with local jurisdictions and appropriate units of the State government, who shall:

(i) provide the Office

with pertinent information, including information on implementation of the Plan; and
(ii) cooperate with and assist the Office in preparing the proposed amendment.

(b) Duties of Commission.- Before the Office presents a proposed amendment to the Plan to local jurisdictions for their approval, the Commission shall:

(1) review and comment on the proposed amendment and work with the Office in making any modifications to the proposed amendment that the Commission considers necessary;

(2) distribute copies of the proposed amendment to the Governor, appropriate members of the General Assembly, the local jurisdictions entitled to voting representation on the Commission, other affected local jurisdictions, and appropriate units of the State government, for their information and comments; and

(3) conduct at least 1 public hearing on the proposed amendment.

(c) Presentation to governing bodies of local jurisdictions.- After a proposed amendment to the Plan has been acted on by the Commission, the Office may present the proposed amendment to the governing bodies of the local jurisdictions entitled to voting representation on the Commission, for their approval, by resolution. The Office shall include any comments made by the Commission.

(d) Presentation to and approval by General Assembly.- (1) If the governing bodies of 6 of the 8 local jurisdictions entitled to voting representation on the Commission approve the proposed amendment, the Office shall present the proposed amendment to the General

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Assembly. The Office shall include any Comments made by the Commission or by the governing bodies.

(2) If the General Assembly, by joint resolution, approves the proposed amendment, the effective date of the amendment is immediate, unless otherwise specified in the amendment.

[1985, ch. 547; 1989, ch. 540, ' 1; 1995, ch. 532, ' 2.]

§ 5-806. Duties of Office.

(a) Copies of amendments.- After the General Assembly approves an amendment to the Plan, the Office shall:

(1) present copies of the approved amendment to the Governor and to each local jurisdiction entitled to voting representation on the Commission, for their information; and

(2) make copies of the amendment to the Plan available to the general public.

(b) Continuous review of information.- The Office continuously shall review and evaluate information related to the Patuxent River and its watershed.

(c) Assistance in making environmental assessment.- The Office periodically shall make and assist local jurisdictions and units of the State government in making environmental assessments of:

(1) comprehensive planning programs, as they relate to the Patuxent River and its watershed; and

(2) major land use changes, major regulatory actions, and major rezonings whether proposed or implemented as they relate to the Patuxent River and its watershed.

[1985, ch. 547; 1989, ch. 540, ' 1.]

§ 5-807. Funds for program.

Funds for the Patuxent River planning program described in this subtitle may include:

(1) money from the General Fund of the State;

(2) proceeds of special assessments, permit fees, or other fees;

(3) available special funds;

(4) local contributions; or

(5) federal grants.

[An. Code 1957, art. 88C, ' 2; 1985, ch. 11, ' 2; ch. 547; 1989, ch. 540, ' 2.]

§ 5-808. Staff for Plan.

The staff for the Patuxent River planning program described in this subtitle shall consist of or be supplemented by personnel from the local jurisdictions and State departments entitled to voting representation on the Commission.

[An. Code 1957, art. 88C, ' 2; 1985, ch. 11, ' 2; ch. 547; 1989, ch. 540, ' 2.]

§ 5-809. Biennial report.

(a) Submission.- The Office shall review, evaluate, and report biennially to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly on the implementation of the Plan and the status of the Patuxent River and its watershed.

(b) Contents.- The report shall include specific recommendations of the Office concerning implementation of the Plan and the bases for these recommendations.

(c) Presentation to Commission for comments.- Before presenting its report to the General Assembly, the Office shall present the report to the Commission for its comments. The Office shall include any comments of the Commission when it presents the report to the General Assembly.

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[1985, ch. 547; 1989, ch. 540, ' 1; 1994, ch. 662, ' 6; 1997, ch. 635, ' 9; ch. 636, ' 9.]

§ 5-810, 5-811.

Reserved.

**PART III. PATUXENT RIVER
COMMISSION**

§ 5-812. Commission established.

There is a Patuxent River Commission in the Office.

[An. Code 1957, art. 88C, ' 2; 1985, ch. 11, ' 2; ch. 547; 1989, ch. 540, ' 1.]

§ 5-813. Scope of responsibilities of Commission.

The existence of the Commission does not take away or limit the authority that any principal department of the State government had on July 1, 1980.

[An. Code 1957, art. 88C, ' 2; 1985, ch. 11, ' 2; ch. 547; 1989, ch. 540, ' 2.]

§ 5-814. Membership.

(a) Composition; appointment of members.- The Commission consists of the following 34 voting members appointed by the Governor:

- (1) 7 individuals, 1 from each of the following 7 counties, on the recommendation of the governing body of that county:
 - (i) Anne Arundel County;
 - (ii) Calvert County;
 - (iii) Charles County;
 - (iv) Howard County;
 - (v) Montgomery County;
 - (vi) Prince George's County; and
 - (vii) St. Mary's County;
- (2) 1 individual representing the Washington Suburban Sanitary

Commission;

- (3) 1 individual from each of the following regional planning agencies:
 - (i) the Maryland-National Capital Park and Planning Commission, Montgomery County;
 - (ii) the Maryland-National Capital Park and Planning Commission, Prince George's County; and
 - (iii) the Tri-County Council for Southern Maryland;
- (4) 1 individual, representing a municipality in the watershed, on the recommendation of the corresponding governing body of that municipality;
- (5) 1 individual representing a large federal facility in the watershed;
- (6) as far as possible, the following individuals appointed by the Governor with the advice and consent of the Senate, shall be selected to represent broad geographic, economic, and social interests within the watershed:
 - (i) 2 individuals representing farming interests;
 - (ii) 1 individual representing business interests;
 - (iii) 4 individuals representing environmental and citizen interests;
 - (iv) 2 individuals representing developer interests;
 - (v) 2 individuals representing academic interests;
 - (vi) 2 individuals, 1 each, representing 2 soil conservation districts;
 - (vii) 1 individual representing the University of Maryland Cooperative Extension Service; and
 - (viii) 1 individual representing watermen interests; and

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- (7) as ex officio members:
- (i) the Secretary of Agriculture or a designee;
 - (ii) the Secretary of the Environment or a designee;
 - (iii) the Secretary of Natural Resources or a designee;
 - (iv) the Director of the Office of Planning or a designee;
 - (v) the Secretary of Transportation or a designee; and
 - (vi) the Chief of the Planning Division, U. S. Army Corps of Engineers, Baltimore District or a designee.

- (b) Tenure; vacancies.-
- (1) Except for ex officio members or their designees, the term of a member appointed under subsection (a) (1) of this section is 4 years.
 - (2) At the end of a term, a member appointed under subsection (a) (1) of this section continues to serve until a successor is appointed and qualifies.
 - (3) A member who is appointed under subsection (a) (1) of this section after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
 - (4) The terms of the members are staggered as required by the terms provided for members of the Commission on October 1, 1995.

- (c) Nonvoting members.-
- (1) The Commission may establish and abolish nonvoting memberships.
 - (2) A nonvoting member shall be appointed by the Commission for a term set by the Commission.

[1995, ch. 532, ' 2.]

§ 5-815. Election of officers.

- (a) Chairman.- From among its voting members, the Commission shall elect a Chairman.

- (b) Vice chairman and other officers.- From among its voting members, the Commission may elect a vice chairman and any other officers it requires.
- (c) Manner of election; terms of office.- The manner of election of officers and their terms of office shall be as the Commission determines.

[An. Code 1957, art. 88C, ' 2; 1985, ch. 11, ' 2; ch. 547; 1989, ch. 540, ' 2.]

§ 5-816. Duties of Commission.

In addition to its other powers and duties, the Commission shall:

- (1) review the operation of units of State and local government that have responsibility for implementation of the Plan;
- (2) provide a clearinghouse for information on the Patuxent River and its watershed;
- (3) review and comment on plans and reports related to the Patuxent River and its watershed; and
- (4) serve as the Tributary Strategy Team for the Patuxent Watershed, coordinating the Patuxent tributary strategy with the Plan.

[An. Code 1957, art. 88C, ' 2; 1985, ch. 11, ' 2; ch. 547; 1989, ch. 540, ' 2; 1995, ch. 532, ' 2.]

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SUBTITLE 9. PATUXENT RIVER

PART I. DEFINITIONS

§ 5-901. to 5-903. Definitions.

Transferred.

PART II. PATUXENT RIVER
POLICY PLAN

§ 5-904. to 5-911. Patuxent River Policy Plan.

Transferred.

PART III. PATUXENT RIVER
COMMISSION

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§ 5-912. to 5-916. Patuxent River Commission.

Transferred