

8-1810.

(A) IF A LOCAL JURISDICTION FAILS TO NOTIFY THE COMMISSION THAT IT WILL DEVELOP A PROGRAM, FAILS TO SUBMIT A PROPOSED PROGRAM OR CHANGED PROPOSAL ON TIME, OR FAILS TO OBTAIN COMMISSION APPROVAL OF A PROPOSED PROGRAM OR CHANGED PROPOSAL THAT IS SUBMITTED, THE COMMISSION SHALL PREPARE AND ADOPT A PROGRAM THAT SATISFIES THE CRITERIA ADOPTED UNDER § 8-1808 OF THIS SUBTITLE FOR THE PART OF THE CHESAPEAKE BAY CRITICAL AREA IN THAT LOCAL JURISDICTION.

(B) ~~THE COMMISSION MAY EXERCISE ANY AUTHORITY OF A LOCAL JURISDICTION OR OF THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION TO ESTABLISH A PROGRAM FOR THAT PART OF THE CHESAPEAKE BAY CRITICAL AREA LOCATED IN WHERE A LOCAL JURISDICTION THAT FAILS TO ADOPT OR OBTAIN COMMISSION APPROVAL OF A PROGRAM. THE COMMISSION SHALL EXERCISE THIS AUTHORITY PROMULGATE A PROGRAM FOR THAT JURISDICTION BY ADOPTING RULES OR REGULATIONS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT AND THE STATE DOCUMENTS LAW TITLE 2, SUBTITLE 5 (JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW) AND TITLE 10, SUBTITLE 1 (ADMINISTRATIVE PROCEDURE ACT) OF THE STATE GOVERNMENT ARTICLE. BEFORE THE FULL COMMISSION PROMULGATES A PROGRAM UNDER THIS SUBSECTION, IT SHALL APPOINT A PANEL OF 3 OF ITS MEMBERS TO CONDUCT IN THE AFFECTED JURISDICTION AT LEAST 2 PUBLIC HEARINGS AT LEAST 10 DAYS APART ON THE PROPOSED PROGRAM, FOR WHICH 2 WEEKS TWO WEEKS NOTICE SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE LOCAL JURISDICTION. A PROGRAM PROMULGATED BY THE COMMISSION UNDER THIS SUBSECTION SHALL SUPERSEDE ANY INCONSISTENT LOCAL LAWS, ORDINANCES, OR PLANS.~~

(C) IF THE COMMISSION ADOPTS A PROGRAM FOR A LOCAL JURISDICTION, THE PROGRAM SHALL BE IMPLEMENTED AND ENFORCED BY LOCAL AUTHORITIES IN THE SAME MANNER AS IF THE PROGRAM HAD BEEN ADOPTED BY THE LOCAL JURISDICTION ITSELF.

(D) IF, AT ANY TIME AFTER THE COMMISSION HAS ADOPTED A PROGRAM FOR A LOCAL JURISDICTION, THE LOCAL JURISDICTION SUBMITS AN ALTERNATIVE PROGRAM OF ITS OWN THAT SATISFIES THE CRITERIA ADOPTED UNDER § 8-1808 OF THIS SUBTITLE AND IS APPROVED BY THE COMMISSION, THE ALTERNATIVE PROGRAM SUPERSEDES THE PROGRAM ADOPTED BY THE COMMISSION.

8-1811.

~~A LOCAL JURISDICTION THAT HAS SUBMITTED A PROGRAM THAT HAS BEEN APPROVED BY THE COMMISSION HAS PRIORITY AMONG LOCAL JURISDICTIONS WHENEVER THE SECRETARY APPROVES FUNDS FOR PROJECTS UNDER ANY OF THE FOLLOWING PROGRAMS:~~

~~(1) THE STATE SHARE OF PROGRAM OPEN SPACE UNDER TITLE 5, SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE;~~

~~(2) THE WATERWAY IMPROVEMENT PROGRAM UNDER TITLE 8, SUBTITLE 7 OF THE NATURAL RESOURCES ARTICLE;~~