

BY: Conference Committee

AMENDMENTS TO SENATE BILL NO. 389

(Third Reading File Bill)

AMENDMENT NO. 1

On page 4, in line 33, strike "DESIGNATED" and substitute "LOCALLY DESIGNATED".

AMENDMENT NO. 2

On page 7, after line 11, insert:

"(E) "LIMITED PERIPHERAL DEVELOPMENT" MEANS DEVELOPMENT THAT IS CONTIGUOUS TO AN EXISTING COMMUNITY AND DOES NOT INCREASE THE SIZE OF THE EXISTING COMMUNITY OR VILLAGE BY MORE THAN 10% OF THE EXISTING NUMBER OF DWELLING UNITS.";

and in lines 12 and 17, strike "(E)" and "(F)", respectively, and substitute "(F)" and "(G)", respectively.

AMENDMENT NO. 3

On page 8, in line 26, strike "ADDITIONAL"; after line 27, insert:

"(B) (1) AN AREA ZONED OR, IF APPLICABLE, CLASSIFIED BY JANUARY 1, 1997 PRINCIPALLY FOR INDUSTRIAL USE MAY BE DESIGNATED AS A PRIORITY FUNDING AREA.

(2) AN AREA ZONED OR, IF APPLICABLE, CLASSIFIED AFTER JANUARY 1, 1997, AS INDUSTRIAL MAY BE DESIGNATED AS A PRIORITY FUNDING AREA IF THE AREA IS SERVED BY A PUBLIC OR COMMUNITY SEWER SYSTEM.";

in line 28, strike "(B)" and substitute "(C)"; in the same line, strike beginning with "ZONED" through "OR"; in line 29, strike the comma; in line 30, strike "PROVIDED THAT" and substitute

(Over)

“IF”; in line 35, after “ZONED” insert “OR, IF APPLICABLE, CLASSIFIED”; in line 36, strike “SHALL”; in line 37, after “SUBSECTION,” insert “SHALL”; in line 38, strike the first “THE” and substitute “A LOCALLY”; and in the same line, strike “OF THE COUNTY”.

On page 9, in lines 1, 4, 7, 9, 11, 12, 14, 16, 18, 21, 24, 26, 28, 30, and 35, strike “(C)”, “(1)”, “(I)”, “(II)”, “(D)”, “(C)”, “(1)”, “(2)”, “(3)”, “(4)”, “(E)”, “(1)”, “(2)”, “(3)”, and “(F)”, respectively, and substitute “(D) (1)”, “(I)”, “1.”, “2.”, “(E)”, “(D)”, “(I)”, “(II)”, “(2)”, “(3)”, “(F)(1)”, “(I)”, “(II)”, “(2)”, and “(G)”, respectively; in line 3, strike “PROVIDED” and substitute “IF”; in the same line, strike “, AS OF OCTOBER 1, 1998”; in line 4, strike “COMMUNITY OR PUBLIC SEWER SERVICE;” and substitute “A PUBLIC OR COMMUNITY SEWER SYSTEM”; in line 5, strike “(2)”; in line 10, after “ACRE” insert “; OR”

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IS SERVED BY A PUBLIC OR COMMUNITY WATER SYSTEM AND IN THAT PART OF THE COMMUNITY DESIGNATED BY THE LOCAL GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT THERE IS AN AVERAGE DENSITY OF AT LEAST 2.0 UNITS PER ACRE.

(2) (I) THE PROVISIONS OF PARAGRAPH (1)(II) OF THIS SUBSECTION DO NOT APPLY TO MOBILE HOME PARKS OR COMMUNITIES WITH LESS THAN 10 UNITS.

(II) FUNDING FOR A GROWTH-RELATED PROJECT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IS TO BE PROVIDED ONLY IF THE PROJECT SERVES TO MAINTAIN THE CHARACTER OF THE COMMUNITY AND DOES NOT SERVE TO INCREASE THE GROWTH CAPACITY OF THE COMMUNITY EXCEPT FOR LIMITED PERIPHERAL OR IN-FILL DEVELOPMENT.

(3) (I) IF AN EXISTING COMMUNITY RECEIVES A PUBLIC OR COMMUNITY SEWER SYSTEM, AN AREA BEYOND THE PERIPHERY OF THE DEVELOPED PORTION OF THE EXISTING COMMUNITY MAY BE DESIGNATED AS A PRIORITY FUNDING AREA IF THE DEVELOPMENT OF THE AREA BEYOND THE PERIPHERY:

1. HAS A PERMITTED AVERAGE DENSITY OF AT LEAST 3.5 UNITS PER ACRE; AND

2. THE AREA IS SERVED BY A PUBLIC OR COMMUNITY SEWER SYSTEM.

(II) THE DEPARTMENT OF THE ENVIRONMENT MAY PROVIDE FUNDING FOR A SEWER SYSTEM IN AN EXISTING COMMUNITY BEYOND THE PERIPHERY OF THE DEVELOPED PORTION OF THE COMMUNITY IF THE EXPANSION HAS A PERMITTED AVERAGE DENSITY OF AT LEAST 3.5 UNITS PER ACRE”;

in line 12, after “IF” insert “;”

(1)”;

in line 15, after “COUNTY;” insert “AND”; in line 18, before “REPRESENTS” insert “THE DESIGNATION”; in line 27, after “1998;” insert “AND”; in line 28, strike “SHALL BE” and substitute “IS”; in line 29, strike “; AND” and substitute a period; and in line 33, strike “SECONDARY” and substitute “PERIPHERAL”.

On page 10, in line 1, after “(2)” insert “AN ANALYSIS OF”; in line 2, strike “DESIGNED TO ACHIEVE COMPACT DEVELOPMENT” and substitute “CONSISTENT WITH THE MASTER PLAN”; in line 3, strike “(G)” and substitute “(H)”; in line 6, after “(1)” insert “(I)”; strike beginning with “FOR:” in line 7 down through “WATERWAY” in line 9; in line 10, after “(II)” insert “DEDICATED”; in line 15, strike “OR”; in line 16, after “PURPOSES” insert “;”

(5) IDENTIFIED BY A LOCAL GOVERNMENT AS:

(I) 1. STREAMS AND THEIR BUFFERS;

2. 100-YEAR FLOOD PLAINS;

3. HABITATS OF THREATENED AND ENDANGERED SPECIES;

AND

(Over)

4. STEEP SLOPES; AND

(II) ON WHICH DEVELOPMENT IS PROHIBITED BY LOCAL LAW OR ORDINANCE; OR

(6) IDENTIFIED BY A LOCAL GOVERNMENT AS DELINEATED NONTIDAL WETLANDS ON WHICH DEVELOPMENT IS PROHIBITED BY STATE OR LOCAL LAW OR ORDINANCE”.

AMENDMENT NO. 4

On page 11, in line 23, strike “A PROJECT” and substitute “A GROWTH-RELATED PROJECT”; in the same line, strike the second “STATE”; in line 38, after “PRIORITY” insert “FUNDING”; and in line 40, strike “STATE” and substitute “COUNTY OR AN ADJACENT COUNTY”.

On page 12, in line 5, strike “PROVIDED” and substitute “IF”; in line 8, strike “STATE”; in line 9, strike “PROVIDED THAT” and substitute “IF”; in line 22, strike “DETERMINED”; in lines 29 and 30, strike “OR CHIEF EXECUTIVE”; and in line 31, strike “AND” and substitute “OR”.

AMENDMENT NO. 5

On page 13, in line 14, strike “STATE”.

On page 14, strike beginning with “FOR” in line 6 down through the second “INDUSTRY” in line 7 and substitute “RELATED TO A COMMERCIAL OR INDUSTRIAL ACTIVITY”; and in line 9, after “DEVELOPMENT” insert “, INCLUDING”:

(I) A NATURAL RESOURCE BASED INDUSTRY;

(II) AN INDUSTRY RELATING TO:

1. AGRICULTURAL OPERATIONS, AS DEFINED IN § 7-101 OF THE LABOR AND EMPLOYMENT ARTICLE;

2. FORESTRY ACTIVITIES; OR

3. MINERAL EXTRACTION;

(III) AN INDUSTRY THAT IS PROXIMATE TO:

1. AN AIRPORT FACILITY;

2. A PORT FACILITY;

3. A RAILROAD FACILITY;

4. A TRANSIT FACILITY; OR

5. A MAJOR HIGHWAY INTERCHANGE; OR

(IV) A TOURISM FACILITY OR MUSEUM THAT IS REQUIRED TO BE LOCATED AWAY FROM OTHER DEVELOPMENT DUE TO NECESSARY PROXIMITY TO SPECIFIC HISTORIC, NATURAL, OR CULTURAL RESOURCES”.

AMENDMENT NO. 6

On page 17, strike in their entirety lines 4 through 11, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That no provision of this Act shall apply to any project or program for which:

(a) Approval has been granted or a commitment made before October 1, 1998;

(b) A valid permit has been issued;

(c) A commitment for a grant, loan, loan guarantee, or insurance for a capital project has been granted;

(Over)

(d) Final review under the National Environmental Policy Act or the Maryland Environmental Policy Act is completed by October 1, 1998; or

(e) Final review through the State Clearinghouse for Intergovernmental Assistance is completed by January 1, 1999.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to create an entitlement to, or otherwise require, funding of a growth-related project proposed in a priority funding area.”;

and in line 12, strike “3.” and substitute “4.”.

AMENDMENT NO. 7

On page 10, in line 22, strike “STATE”; strike in their entirety lines 24 through 32, inclusive; in line 33, strike “(2)” and substitute “(B)”; in the same line, strike “§ 5-7B-03(D)” and substitute “§ 5-7B-03(C) OR (E)”; in line 35, after “UPON” insert “NONSTATE FUNDING FOR”; and in line 38, strike “(D)” and substitute “(C)”.

On page 11, in line 5, strike “A” and substitute “ITS”; in line 8, after “APPLY” insert “:

(I) IN A MUNICIPAL CORPORATION EXERCISING ZONING AUTHORITY LOCATED IN A COUNTY IN WHICH NO ADEQUATE SCHOOL CAPACITY STANDARDS HAVE BEEN ESTABLISHED BY THE COUNTY GOVERNING BODY; OR

(II);

in line 10, strike “FULL”; strike beginning with “TO” in line 11 down through “PROJECTS” in line 12 and substitute “ATTRIBUTABLE TO THE PROJECT”; after line 12, insert:

“(3) AFTER OCTOBER 1, 1997, PRIOR TO ESTABLISHING OR CHANGING THE SCHOOL CAPACITY STANDARDS IN A COUNTY'S ADEQUATE PUBLIC FACILITIES ORDINANCE, THE COUNTY SHALL CONFER WITH THE GOVERNING BODIES OF THE MUNICIPAL CORPORATIONS THAT EXERCISE ZONING AUTHORITY LOCATED WITHIN THE COUNTY.”;

in line 13, strike “(3)” and substitute “(4)”; in line 14, after “CORPORATION” insert “EXERCISING ZONING AUTHORITY”; and strike beginning with “AND” in line 20 down through “COUNTY” in line 21.