

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 508

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 9 down through the first “ areas” in line 11 and substitute “establishing a certain certification process for the designation of priority funding areas before those areas may be eligible for certain funding; requiring the Maryland Office of Planning to establish a certain process for the review of certain projects and to complete a certain survey and list by a certain date”; in line 12, after “periodically;” insert “requiring municipal corporations to assist counties in the collection of certain fees to finance certain school construction; requiring municipal corporations to adopt certain development standards under certain circumstances;”; after line 16, insert:

“BY repealing and reenacting, with amendments,

Article 23A - Corporations - Municipal

Section 8C

Annotated Code of Maryland

(1996 Replacement Volume)”;

in line 19, after “(5)” insert “and 8-610(g) and (h)”; and in line 24, strike “5-7B-08” and substitute “5-7B-10”.

AMENDMENT NO. 2

On page 2, after line 3, insert:

“WHEREAS, Investment in the revitalization of older neighborhoods, and encouraging quality growth and development through funding programs, will reduce the outward pressure for sprawl and leapfrogging; and”; and after line 13, insert:

“WHEREAS, County governments have demonstrated a commitment to implementing the

(Over)

Economic Growth, Resource Protection and Planning Act of 1992; and

WHEREAS, While compliance with the 1992 Act by the counties is a major step forward in implementing changes to preserve Maryland’s farms and open spaces, revitalize our existing neighborhoods, and use taxpayer dollars in a cost efficient and effective manner, the State must also play a significant role in achieving these goals; and

WHEREAS, Targeted funding by the State of certain projects that serve to foster or influence growth in those areas most suitable for growth or that meet other statewide goals will serve to build on and complement the Act and will accelerate the preservation of our open spaces and existing neighborhoods; and

WHEREAS, Rural villages and communities are an integral part of the character of Maryland and the State is committed to continuing to sustain rural villages and communities; and”.

AMENDMENT NO. 3

On page 2, after line 20, insert:

“Article 23A - Corporations - Municipal

8C.

(A) The mayor and city council, by whatever name known, of every municipal corporation in this State is authorized and empowered to lend or provide, upon such terms as may be agreed upon, the use of tools, vehicles, implements, materials, consultants, services, and other assistance to another political subdivision for purposes deemed to be public and of benefit to the municipal corporation and the other political subdivision.

(B) (1) IF A COUNTY PROVIDES FOR THE LEVY AND COLLECTION OF A DEVELOPMENT IMPACT FEE ON NEW RESIDENTIAL CONSTRUCTION TO FINANCE THE COSTS OF SCHOOL CONSTRUCTION, A MUNICIPAL CORPORATION SHALL ASSIST THE COUNTY IN THE COLLECTION OF THE FEE FOR NEW RESIDENTIAL CONSTRUCTION WITHIN THE MUNICIPAL CORPORATION BY:

(I) COLLECTING AND REMITTING THE FEE TO THE COUNTY; OR

(II) REQUIRING THE FEE TO BE PAID TO THE COUNTY IN

ACCORDANCE WITH THE COUNTY DEVELOPMENT IMPACT FEE LAW OR ORDINANCE.

(2) THE APPLICATION OF ANY IMPACT FEES PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL HAVE A RATIONAL NEXUS TO THE PROJECT FOR WHICH THE FEES ARE ASSESSED.

(3) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE CONSTRUED TO AFFECT ANY EXISTING AGREEMENTS BETWEEN A COUNTY AND MUNICIPAL CORPORATION CONCERNING THE LEVYING AND COLLECTION OF DEVELOPMENT IMPACT FEES.”.

AMENDMENT NO. 4

On page 2, after line 30, insert:

“8-610.

(g) “Project planning phase” means the phase in which engineering and environmental studies and analyses are conducted with full participation of the public, in addition to local, State, and federal agencies, to determine the scope and location of a proposed highway project.

(h) “Initial project planning phase” means that portion of the project planning phase which includes:

(1) Notification of local, State, and federal officials;

(2) Initial interagency review;

(3) Initial systems planning;

(4) Identification of alternatives, as set forth in § 8-102 of this article, for the scope and the location of the project;

(5) Estimates of right-of-way requirements, including available detail with respect to specific properties affected, and of cost;

(6) Public meetings for discussion of the foregoing; and

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(7) Reports of consultants, if any have been retained for the analysis of preliminary alternatives.”.

AMENDMENT NO. 5

On page 2, after line 35, insert:

“(B) “LOCALLY DESIGNATED GROWTH AREA” MEANS AN AREA DETERMINED BY THE COUNTY TO BE SUITABLE FOR DEVELOPMENT IN COMPLIANCE WITH ARTICLE 66B, § 3.05 OF THE CODE.”;

and in line 36, strike “(B)” and substitute “(C)”.

On page 3, in line 1, strike “(C)” and substitute “(D)”; in the same line, strike ““PROJECT”” and substitute ““GROWTH-RELATED PROJECT””; in the same line, after “MEANS” insert ““ONLY THE ITEMS SET FORTH BELOW””; in line 3, after “ARTICLE” insert “, PROJECT PLANNING AS DEFINED IN § 8-610(G) OF THE TRANSPORTATION ARTICLE, OR INITIAL PROJECT PLANNING AS DEFINED IN § 8-610(H) OF THE TRANSPORTATION ARTICLE”; in line 33, strike “AND”; and in line 37, after “ARTICLE” insert “EXCEPT FOR FUNDING NONPOINT SOURCE POLLUTION PROJECTS”.

On page 4, strike lines 1 through 7 in their entirety and substitute:

“3. THE SUPPLEMENTAL ASSISTANCE PROGRAM AUTHORIZED UNDER TITLE 9, SUBTITLE 3, PART VI OF THE ENVIRONMENT ARTICLE; AND”

(V) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, PROCUREMENT OR FUNDING OF PROJECTS BY THE DEPARTMENT OF GENERAL SERVICES FOR:

1. LEASES OF PROPERTY BY THE STATE GOVERNED BY §§ 4-318 THROUGH 4-321 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

2. PUBLIC IMPROVEMENTS GOVERNED BY §§ 4-410 AND 4-

410.1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

3. LAND ACQUISITION GOVERNED BY §§ 4-411 THROUGH 4-416 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) “GROWTH-RELATED PROJECT” DOES NOT INCLUDE:

(I) PROJECTS BY THE DEPARTMENT OF GENERAL SERVICES FOR MAINTENANCE, REPAIR, ADDITIONS, OR RENOVATIONS TO EXISTING FACILITIES, ACQUISITION OF LAND FOR TELECOMMUNICATIONS TOWERS, PARKS, CONSERVATION AND OPEN SPACE, AND ACQUISITION OF AGRICULTURAL, CONSERVATION, AND HISTORIC EASEMENTS;”.

On page 4, in line 8, strike beginning with “(2)” through “INCLUDE” and substitute “(II)”; in lines 12, 14, 16, 19, and 22, strike “(I)”, “1.”, “2.”, “3.”, and “(II)”, respectively, and substitute “1.”, “A.”, “B.”, “C.”, and “2.”, respectively; in line 24, strike “ARTICLE.” and substitute “ARTICLE;
OR

(III) ANY OTHER PROJECT, FUNDING, OR OTHER STATE ASSISTANCE NOT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(E) “RURAL VILLAGE” MEANS A RURAL VILLAGE, VILLAGE CENTER, OR OTHER UNINCORPORATED AREA THAT IS PRIMARILY RESIDENTIAL, INCLUDING AN AREA WITH HISTORIC QUALITIES, THAT IS LOCATED IN AN OTHERWISE RURAL OR AGRICULTURAL AREA AND FOR WHICH NEW GROWTH, IF ANY, WOULD DERIVE PRIMARILY FROM IN-FILL DEVELOPMENT OR LIMITED PERIPHERAL EXPANSION.”;

and in line 25, strike “(D)” and substitute “(F)”.

AMENDMENT NO. 6

On page 4, in line 29, strike “STATE”; in line 32, strike “PROVIDED THAT ALL” and substitute “EXCEPT THOSE”; in the same line, after “ANNEXED” insert “BY A MUNICIPAL CORPORATION”; strike line 33 in its entirety and substitute “REQUIREMENTS RELATING TO

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DENSITY AND SERVICE BY WATER OR SEWER SET FORTH IN § 5-7B-03 OF THIS SUBTITLE;”; in line 36, strike “§ 5-401” and substitute “§ 5-402”.

AMENDMENT NO. 7

On page 5, in line 2, after “ARTICLE” insert “THAT IS LOCATED WITHIN A LOCALLY DESIGNATED GROWTH AREA”; in line 6, after “CITY;” insert “AND”; and strike in their entirety lines 7 through 30, inclusive, and substitute:

“(7) AN AREA DESIGNATED BY THE GOVERNING BODY OF A COUNTY UNDER § 5-7B-03 OF THIS SUBTITLE.

5-7B-03.

(A) THE GOVERNING BODY OF A COUNTY MAY DESIGNATE PRIORITY FUNDING AREAS AS PROVIDED IN THIS SECTION.

(B) AN AREA ZONED OR, IF APPLICABLE, CLASSIFIED SOLELY FOR INDUSTRIAL USE MAY BE DESIGNATED AS A PRIORITY FUNDING AREA.

(C) (1) AN AREA WHERE THE PRINCIPAL USES OF THE AREA ARE FOR EMPLOYMENT MAY BE DESIGNATED AS A PRIORITY FUNDING AREA IF:

(I) THE AREA IS SERVED BY PUBLIC OR COMMUNITY WATER OR SEWER SYSTEMS; OR

(II) PUBLIC OR COMMUNITY SEWER SYSTEMS ARE PLANNED IN THE APPROVED 10-YEAR WATER AND SEWER PLAN.

(2) AN AREA ZONED OR, IF APPLICABLE, CLASSIFIED AFTER JANUARY 1, 1997 AS INDUSTRIAL, OR WHERE THE PRINCIPAL USES ARE FOR EMPLOYMENT, IN ADDITION TO MEETING THE CRITERIA SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION, SHALL BE LOCATED WITHIN A LOCALLY DESIGNATED GROWTH AREA.

(D) A COMMUNITY IN EXISTENCE PRIOR TO JANUARY 1, 1997 THAT IS WITHIN

A LOCALLY DESIGNATED GROWTH AREA MAY BE DESIGNATED AS A PRIORITY FUNDING AREA IF THE COMMUNITY, AS OF OCTOBER 1, 1998:

(1) IS SERVED BY A PUBLIC OR COMMUNITY WATER OR SEWER SYSTEM;

AND

(2) IN THAT PART OF THE COMMUNITY DESIGNATED BY THE LOCAL GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT:

(I) THERE IS AN AVERAGE DENSITY OF AT LEAST 2.0 UNITS PER ACRE; OR

(II) IF A PORTION OF THE COMMUNITY IS UNDEVELOPED, THE PERMITTED AVERAGE DENSITY IS NOT LESS THAN 2.0 UNITS PER ACRE.

(E) AN AREA, OTHER THAN AN EXISTING COMMUNITY UNDER SUBSECTION (D) OF THIS SECTION, MAY BE DESIGNATED AS A PRIORITY FUNDING AREA IF:

(1) THE AREA:

(I) IS WITHIN A LOCALLY DESIGNATED GROWTH AREA OF THE COUNTY; AND

(II) IS PLANNED TO BE SERVED UNDER THE APPROVED 10-YEAR WATER AND SEWER PLAN;

(2) THE DESIGNATION REPRESENTS A LONG-TERM DEVELOPMENT POLICY FOR PROMOTING AN ORDERLY EXPANSION OF GROWTH AND AN EFFICIENT USE OF LAND AND PUBLIC SERVICES; AND

(3) IN THAT PART OF THE AREA DESIGNATED BY THE LOCAL GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT, THERE IS PERMITTED AN AVERAGE DENSITY OF NOT LESS THAN 3.5 UNITS PER ACRE.

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(F) (1) A RURAL VILLAGE MAY BE DESIGNATED AS A PRIORITY FUNDING AREA UNDER THIS SECTION IF:

(I) THE VILLAGE IS DESIGNATED IN THE COUNTY COMPREHENSIVE PLAN AS OF JULY 1, 1998; OR

(II) THE BOUNDARY OF THE PRIORITY FUNDING AREA IS THE PERIPHERY OF THE DEVELOPED PORTION OF THE VILLAGE AS OF JULY 1, 1998; AND

(2) FUNDING FOR A GROWTH-RELATED PROJECT UNDER THIS SUBTITLE 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 VILLAGE EXCEPT FOR LIMITED PERIPHERAL OR IN-FILL DEVELOPMENT.

(G) THE DESIGNATION BY A COUNTY OF A PRIORITY FUNDING AREA UNDER THIS SECTION SHALL BE BASED ON:

(1) AN ANALYSIS OF THE CAPACITY OF LAND AREAS AVAILABLE FOR DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT; AND

(2) AN ANALYSIS OF THE LAND AREA NEEDED TO SATISFY DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE COUNTY MASTER PLAN.

(H) FOR THE PURPOSES OF THIS SECTION, AVERAGE DENSITY SHALL BE CALCULATED BASED ON THE TOTAL ACREAGE OF ALL PARCELS IN THE AREA FOR WHICH THE PRINCIPAL PERMITTED USE IS RESIDENTIAL, EXCLUDING LAND:

(1) (I) DEDICATED FOR PUBLIC PURPOSES BY EASEMENT IN PERPETUITY OR BY FEE ACQUISITION;

(II) PROHIBITED FROM DEVELOPMENT BY LOCAL, STATE, OR FEDERAL LAW; OR

(III) DEDICATED FOR RECREATIONAL USE;

(2) SUBJECT TO AN AGRICULTURAL EASEMENT UNDER § 2-508 OF THE AGRICULTURE ARTICLE;

(3) SUBJECT TO AN AGRICULTURAL EASEMENT UNDER A COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM CERTIFIED UNDER § 5-408 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

(4) USED FOR CEMETERY PURPOSES.”.

AMENDMENT NO. 8

On page 5, in line 31, strike “5-7B-03.” and substitute “5-7B-04.”; strike beginning with “NOTWITHSTANDING” in line 32 down through “AND” in line 33 and substitute “(A)”; in line 35, after the first “A” insert “GROWTH-RELATED”; and after line 36, insert:

“(B) IN A PRIORITY FUNDING AREA ESTABLISHED UNDER § 5-7B-03(D) OF THIS SUBTITLE IN WHICH WATER AND SEWER SERVICE IS PLANNED, A COMMITMENT FOR FUNDING FOR A GROWTH-RELATED PROJECT SHALL BE CONTINGENT UPON NONSTATE FUNDING FOR PLANNED WATER AND SEWER SERVICE MOVING FORWARD IN ADVANCE OF OR CONCURRENT WITH THE STATE FUNDING.

(C) (1) A GROWTH-RELATED PROJECT MAY NOT BE FUNDED BY THE STATE IN A MUNICIPAL CORPORATION EXERCISING ZONING AUTHORITY UNLESS THE MUNICIPAL CORPORATION HAS FIRST ADOPTED RESIDENTIAL DEVELOPMENT STANDARDS RELATING TO PUBLIC SCHOOL ADEQUACY. THESE STANDARDS SHALL BE SUBSTANTIALLY SIMILAR TO:

(I) THE STATE RATED CAPACITY STANDARDS ESTABLISHED BY THE PUBLIC SCHOOL INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION; OR

(II) THE SCHOOL CAPACITY STANDARDS ESTABLISHED IN ITS COUNTY'S ADEQUATE PUBLIC FACILITIES ORDINANCE.

(2) THE REQUIREMENT CONTAINED IN PARAGRAPH (1) OF THIS

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SUBSECTION DOES NOT APPLY TO A RESIDENTIAL DEVELOPMENT PROJECT WHERE AN IMPACT FEE HAS BEEN PAID OR OTHER MONETARY OR NONMONETARY CONTRIBUTIONS HAVE BEEN PROVIDED THAT DEFRAID THE LOCAL COST OF SCHOOL CONSTRUCTION ATTRIBUTABLE TO THE PROJECT.

(3) FOR PLANNING PURPOSES, EACH COUNTY BOARD OF EDUCATION SHALL ANNUALLY PROVIDE TO THE COUNTY AND EACH MUNICIPAL CORPORATION IN THE COUNTY:

(I) A LIST OF PROJECTED STUDENT ENROLLMENTS FOR A 5-YEAR PERIOD FOR EACH SCHOOL SERVING STUDENTS IN OR NEAR THAT MUNICIPAL CORPORATION; AND

(II) INFORMATION RELATING TO THE STUDENT CAPACITY OF EACH SCHOOL.”.

AMENDMENT NO. 9

On page 6, in line 1, strike “5-7B-04.” and substitute “5-7B-05.”; in line 2, after “(A)” insert “(1)”; in the same line, before “PROJECT” insert “GROWTH-RELATED”; in the same line, strike “STATE”; in line 3, after “IF” insert “:

(I) “;

strike beginning with “WHICH” in line 4 down through “EXISTS” in line 5 and substitute “IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION;
OR

(II) THE BOARD OF PUBLIC WORKS APPROVES THE PROJECT AS A TRANSPORTATION PROJECT THAT MEETS THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION.

(2) IN ORDER TO DETERMINE THAT EXTRAORDINARY CIRCUMSTANCES EXIST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL DETERMINE BY A MAJORITY VOTE THAT:

(I) THE FAILURE TO FUND THE PROJECT IN QUESTION CREATES AN EXTREME INEQUITY, HARDSHIP, OR DISADVANTAGE THAT CLEARLY OUTWEIGHS THE BENEFITS OF LOCATING A PROJECT IN A PRIORITY FUNDING AREA; AND

(II) THERE IS NO REASONABLE ALTERNATIVE FOR THE PROJECT IN A PRIORITY FUNDING AREA IN ANOTHER LOCATION WITHIN THE COUNTY.

(3) THE BOARD OF PUBLIC WORKS MAY APPROVE A TRANSPORTATION PROJECT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IF THE TRANSPORTATION PROJECT:

(I) MAINTAINS THE EXISTING TRANSPORTATION SYSTEM, IF THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING DETERMINE THE PROJECT DOES NOT SERVE TO SIGNIFICANTLY INCREASE HIGHWAY CAPACITY;

(II) SERVES TO CONNECT STATE PRIORITY FUNDING AREAS, IF:

1. THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING DETERMINE THAT ADEQUATE ACCESS CONTROL OR OTHER MEASURES ARE IN PLACE TO:

A. PREVENT DEVELOPMENT THAT IS INCONSISTENT WITH § 5-7A-01(1), (2), AND (3) OF THIS TITLE; AND

B. MAINTAIN THE VIABILITY OF THE PROJECT WHILE CONCOMITANTLY CONSTRAINING DEVELOPMENT WHICH POTENTIALLY DETRACTS FROM MAIN STREET BUSINESS AREAS; AND

2. THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING HAVE FIRST DETERMINED WHETHER ALTERNATIVE TRANSPORTATION MODES, SUCH AS MASS TRANSIT AND TRANSPORTATION DEMAND MANAGEMENT, PROVIDE A REASONABLE ALTERNATIVE TO THE PROJECT

(Over)

AND THAT NO OTHER REASONABLE ALTERNATIVE EXISTS:

(III) HAS THE SOLE PURPOSE OF PROVIDING CONTROL OF ACCESS BY THE DEPARTMENT OF TRANSPORTATION ALONG AN EXISTING HIGHWAY CORRIDOR; OR

(IV) DUE TO ITS OPERATIONAL OR PHYSICAL CHARACTERISTICS, MUST BE LOCATED AWAY FROM OTHER DEVELOPMENT”;

in line 6, after “(B)”, insert “(1)”; and after line 9, insert:

“(2) WHEN MAKING A REQUEST TO THE BOARD OF PUBLIC WORKS, THE APPLICANT SHALL:

(I) IDENTIFY THE EXTRAORDINARY CIRCUMSTANCES THAT REQUIRE STATE FUNDS FOR THE PROJECT; AND

(II) DEMONSTRATE THAT NO FEASIBLE ALTERNATIVE EXISTS TO MAKING AN EXCEPTION TO THE REQUIREMENTS OF THIS SUBTITLE.

(3) THE BOARD OF PUBLIC WORKS, AT ITS DISCRETION, MAY REQUIRE REMEDIAL ACTIONS TO MITIGATE ANY NEGATIVE IMPACTS OF THE PROPOSED PROJECT.”.

AMENDMENT NO. 10

On page 6, in line 15, strike “MAY, IN ITS DISCRETION,” and substitute “, IF REQUESTED BY A MEMBER OF THE PUBLIC, SHALL”; in lines 17 and 20, strike “5-7B-05.” and “5-7B-04”, respectively, and substitute “5-7B-06.” and “5-7B-05”, respectively; in line 18, before “THE” insert “(A)”; in the same line, after the first “A” insert “GROWTH-RELATED”; and in the same line, strike the second “STATE”.

On pages 6 and 7, strike beginning with line 21 on page 6 down through line 5 on page 7, inclusive.

On page 7, in lines 6 and 8, strike “(2)” and “(3)”, respectively, and substitute “(1)” and “(2)”, respectively; in line 7, strike “OR”; and in line 10, strike the period and substitute “; OR”

(3) A GROWTH-RELATED PROJECT RELATED TO A COMMERCIAL OR INDUSTRIAL ACTIVITY WHICH, DUE TO ITS OPERATIONAL OR PHYSICAL CHARACTERISTICS, SHALL BE LOCATED AWAY FROM OTHER DEVELOPMENT, INCLUDING:

(I) A NATURAL RESOURCE BASED INDUSTRY;

(II) AN INDUSTRY RELATING TO:

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

2. FORESTRY ACTIVITIES; OR

3. MINERAL EXTRACTION;

(III) AN INDUSTRY THAT IS PROXIMATE TO AN AIRPORT OR ANOTHER TRANSPORTATION FACILITY; 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.

(B) A PROCEDURE FOR NOTIFICATION, REVIEW, AND COMMENT ON EXCEPTIONS PROPOSED UNDER THIS SECTION SHALL BE ESTABLISHED JOINTLY BY THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING.”.

AMENDMENT NO. 11

On page 7, in line 11, strike “5-7B-06.” and substitute:

(Over)

“5-7B-07.

(A) IT SHALL BE THE POLICY OF THE STATE THAT THE EMPHASIS OF FUNDING FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS SHALL BE TO TARGET THE REHABILITATION OF EXISTING SCHOOLS TO ENSURE THAT FACILITIES IN ESTABLISHED NEIGHBORHOODS ARE OF EQUAL QUALITY TO NEW SCHOOLS.

(B) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE PROVISION OF SCHOOL CONSTRUCTION FUNDING OUTSIDE A PRIORITY FUNDING AREA.

(C) THE PUBLIC SCHOOL INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION SHALL CONTINUE TO REVIEW AND MAKE RECOMMENDATIONS ON SCHOOL FUNDING PROJECTS TO THE BOARD OF PUBLIC WORKS.”.

AMENDMENT NO. 12

On page 7, strike lines 12 through 31 in their entirety and substitute:

“5-7B-08.

(A) TO BE ELIGIBLE FOR FUNDING FOR GROWTH-RELATED PROJECTS, A LOCAL GOVERNMENT SHALL CERTIFY TO THE OFFICE OF PLANNING ANY AREA DESIGNATED BY THE LOCAL GOVERNMENT AS A PRIORITY FUNDING AREA UNDER § 5-7B-03 OF THIS SUBTITLE, WHICH SHALL BE CONSISTENT WITH THE LOCAL COMPREHENSIVE PLAN AND THE CRITERIA SET FORTH IN § 5-7B-03 OF THIS SUBTITLE.

(B) PRIOR TO CERTIFICATION OF A PRIORITY FUNDING AREA OR AREAS, THE LOCAL GOVERNMENT MAY SUBMIT THE PROPOSED PRIORITY FUNDING AREAS AND ANY RELEVANT INFORMATION TO THE OFFICE OF PLANNING FOR:

(1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND

(2) THE OPPORTUNITY FOR PUBLIC REVIEW.

(C) UPON CERTIFICATION OF A PRIORITY FUNDING AREA, THE LOCAL GOVERNMENT SHALL PROVIDE TO THE OFFICE OF PLANNING ALL INFORMATION NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE AREA, INCLUDING A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS, AND EXISTING AND PLANNED WATER OR SEWER SERVICES AS APPROPRIATE.

(D) THE OFFICE OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO EACH STATE AGENCY THAT FUNDS GROWTH-RELATED PROJECTS COPIES OF MAPS ILLUSTRATING:

(1) PRIORITY FUNDING AREAS CERTIFIED BY THE LOCAL GOVERNMENT;

AND

(2) ANY COMMENTS BY THE OFFICE OF PLANNING ON THE AREAS CERTIFIED.

(E) PRIOR TO FUNDING A GROWTH-RELATED PROJECT, THE STATE FUNDING AGENCY SHALL OBTAIN FROM THE AFFECTED LOCAL GOVERNMENT A WRITTEN STATEMENT THAT THE PROPOSED GROWTH-RELATED PROJECT IS LOCATED WITHIN A CERTIFIED PRIORITY FUNDING AREA.”.

AMENDMENT NO. 13

On page 7, in lines 32 and 36, strike “5-7B-07.” and “5-7B-08.”, respectively, and substitute “5-7B-09.” and “5-7B-10.”, respectively; and in line 33, before “EACH” insert:

“(A) THE OFFICE OF PLANNING SHALL:

(1) ESTABLISH A PROCESS FOR THE REVIEW OF PROJECTS BY THE APPROPRIATE STATE AGENCIES AND THE OFFICE OF PLANNING FOR COMPLIANCE WITH THIS SUBTITLE;

(2) PROVIDE TO EACH STATE AGENCY AND UNIT OF STATE GOVERNMENT THE LOCATION OF PRIORITY FUNDING AREAS; AND

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(3) MAKE AVAILABLE TO EACH COUNTY, AND TO THE PUBLIC FOR REVIEW, COPIES OF MAPS ILLUSTRATING:

(I) PRIORITY FUNDING AREAS CERTIFIED BY THE LOCAL GOVERNMENTS; AND

(II) ANY COMMENTS BY THE OFFICE OF PLANNING ON THE AREAS CERTIFIED.

(B) BY OCTOBER 1, 1998, THE OFFICE OF PLANNING SHALL COMPLETE SURVEYS OF MUNICIPAL, COUNTY, AND STATE GOVERNMENTS FOR INFRASTRUCTURE NEEDS AND SHALL MAINTAIN A LIST OF NEEDED PROJECTS THAT INCLUDES INFORMATION RELATING TO THE FINANCIAL CAPACITY OF THE AFFECTED UNIT OF GOVERNMENT TO UNDERTAKE SUCH PROJECTS.

(C) A COPY OF THIS LIST OF PROJECTS SHALL BE MADE AVAILABLE UPON REQUEST TO MEMBERS OF THE GENERAL ASSEMBLY, LOCAL GOVERNMENT OFFICIALS, AND THE GENERAL PUBLIC.

(D)''.

AMENDMENT NO. 14

On page 8, strike lines 14 through 21 in their entirety 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;

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

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

(f) An appropriation has been included by October 1, 1998 in the development and evaluation portion of the Consolidated Transportation Program.”.