
By: **Delegate Morhaim**

Introduced and read first time: January 28, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Priority Funding Areas - Growth-Related Projects - Limitations**

3 FOR the purpose of prohibiting the State from funding a growth-related project in a
4 priority funding area under certain circumstances; establishing an exception to
5 the prohibition; requiring the State to consider written comments regarding an
6 exception; clarifying that a certain county's failure to provide written comments
7 to the State regarding an exception may not delay the funding of the
8 growth-related project; and generally relating to growth-related projects in
9 priority funding areas.

10 BY repealing and reenacting, with amendments,
11 Article - State Finance and Procurement
12 Section 5-7B-04
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1998 Supplement)

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

17 **Article - State Finance and Procurement**

18 5-7B-04.

19 (a) Except as otherwise provided in this subtitle, beginning October 1, 1998,
20 the State may not provide funding for a growth-related project if the project is not
21 located within a priority funding area.

22 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE AND IN
23 PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING OCTOBER 1, 1999, THE STATE MAY
24 NOT PROVIDE FUNDING FOR A GROWTH-RELATED PROJECT WITHIN A PRIORITY
25 FUNDING AREA WHEN THE PRIORITY FUNDING AREA ABUTS ANOTHER COUNTY AND
26 THE OTHER COUNTY'S LAND IS:

27 (I) DESIGNATED AS A RURAL LEGACY AREA AS DEFINED BY §
28 5-9A-02 OF THE NATURAL RESOURCES ARTICLE; OR

1 (II) ZONED AS AGRICULTURAL.

2 (2) THE STATE MAY PROVIDE FUNDING FOR A GROWTH-RELATED
3 PROJECT WITHIN A PRIORITY FUNDING AREA WHEN THE PRIORITY FUNDING AREA
4 ABUTS ANOTHER COUNTY, AND THE OTHER COUNTY'S LAND IS ZONED AS
5 AGRICULTURAL, IF:

6 (I) THE OTHER COUNTY IS NOTIFIED BY THE STATE OF THE
7 PROPOSED GROWTH-RELATED PROJECT AT LEAST 90 DAYS BEFORE:

8 1. THE FUNDING OF THE PROJECT; OR

9 2. THE PROJECT IS SUBMITTED TO THE GENERAL ASSEMBLY
10 IN THE BUDGET; AND

11 (II) THE OTHER COUNTY IS GIVEN THE OPPORTUNITY TO SUBMIT
12 WRITTEN COMMENTS ON THE IMPACT OF THE GROWTH-RELATED PROJECT ON THE
13 OTHER COUNTY'S AGRICULTURAL LAND THAT ABUTS THE PRIORITY FUNDING AREA,
14 ON THE NEIGHBORING COUNTY, AND ON THE STATE.

15 (3) THE OTHER COUNTY MUST SUBMIT ITS WRITTEN COMMENTS
16 WITHIN 60 DAYS AFTER RECEIVING NOTICE UNDER PARAGRAPH (2) OF THIS
17 SUBSECTION.

18 (4) THE STATE SHALL CONSIDER WRITTEN COMMENTS SUBMITTED
19 UNDER THIS SECTION BEFORE PROVIDING THE FUNDING FOR THE
20 GROWTH-RELATED PROJECT.

21 (5) THE OTHER COUNTY'S FAILURE TO SUBMIT WRITTEN COMMENTS
22 MAY NOT DELAY THE FUNDING OF A GROWTH-RELATED PROJECT.

23 [(b)] (C) In a priority funding area established under § 5-7B-03(c) or (e) of
24 this subtitle in which water and sewer service is planned, a commitment for funding
25 for a growth-related project shall be contingent upon nonstate funding for planned
26 water and sewer service moving forward in advance of or concurrent with the State
27 funding.

28 [(c)] (D) (1) A growth-related project may not be funded by the State in a
29 municipal corporation exercising zoning authority unless the municipal corporation
30 has first adopted residential development standards relating to public school
31 adequacy. These standards shall be substantially similar to:

32 (i) the State rated capacity standards established by the public
33 school interagency committee on school construction; or

34 (ii) the school capacity standards established in its county's
35 adequate public facilities ordinance.

36 (2) The requirement contained in paragraph (1) of this subsection does
37 not apply:

1 (i) in a municipal corporation exercising zoning authority located
2 in a county in which no adequate school capacity standards have been established by
3 the county governing body; or

4 (ii) to a residential development project where an impact fee has
5 been paid or other monetary or nonmonetary contributions have been provided that
6 defray the local cost of school construction attributable to the project.

7 (3) After October 1, 1997, prior to establishing or changing the school
8 capacity standards in a county's adequate public facilities ordinance, the county shall
9 confer with the governing bodies of the municipal corporations that exercise zoning
10 authority located within the county.

11 (4) For planning purposes, each county board of education shall annually
12 provide to the county and each municipal corporation exercising zoning authority in
13 the county:

14 (i) a list of projected student enrollments for a 5-year period for
15 each school serving students in or near that municipal corporation; and

16 (ii) information relating to the student capacity of each school.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1999.