
By: **Delegate James**
Introduced and read first time: February 25, 2004
Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 11, 2004

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

2 **Priority Funding Areas - Exception - Military Base Realignment and**
3 **Closure**

4 FOR the purpose of authorizing the State to provide funding for a growth-related
5 project not in a priority funding area without a certain approval from the Board
6 of Public Works if the project is related to a federal military base realignment
7 and closure activity by the United States Department of Defense; ~~exempting~~
8 requiring the Maryland Department of Planning and the Department of
9 Business and Economic Development to establish an expedited review process
10 for projects related to a federal military base realignment and closure activity by
11 the United States Department of Defense from certain procedures; and
12 generally relating to priority funding areas and military base realignment and
13 closure.

14 BY repealing and reenacting, with amendments,
15 Article - State Finance and Procurement
16 Section 5-7B-06
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2003 Supplement)

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

1 **Article - State Finance and Procurement**

2 5-7B-06.

3 (a) The State may provide funding for a growth-related project not in a
4 priority funding area without receiving approval from the Board of Public Works as
5 provided under § 5-7B-05 of this subtitle for:

6 (1) a project that is required to protect public health or safety;

7 (2) a project involving federal funds, to the extent compliance with this
8 subtitle would conflict or be inconsistent with federal law; [or]

9 (3) a growth-related project related to a commercial or industrial
10 activity which, due to its operational or physical characteristics, shall be located away
11 from other development, including:

12 (i) a natural resource based industry;

13 (ii) an industry relating to:

14 1. agricultural operations, as defined in § 7-101 of the Labor
15 and Employment Article;

16 2. forestry activities; or

17 3. mineral extraction;

18 (iii) an industry that is proximate to:

19 1. an airport facility;

20 2. a port facility;

21 3. a railroad facility;

22 4. a transit facility; or

23 5. a major highway interchange; or

24 (iv) a tourism facility or museum that is required to be located away
25 from other development due to necessary proximity to specific historic, natural, or
26 cultural resources; OR

27 (4) A PROJECT RELATED TO A FEDERAL MILITARY BASE REALIGNMENT
28 AND CLOSURE ACTIVITY BY THE UNITED STATES DEPARTMENT OF DEFENSE.

29 (b) (1) ~~[A] EXCEPT AS PROVIDED IN~~ SUBJECT TO THE REQUIREMENTS OF
30 PARAGRAPH (2) OF THIS SUBSECTION, A procedure for notification, review, and
31 comment on exceptions proposed under this section shall be established jointly by the
32 applicable State agency and the Department of Planning.

1 (2) ~~PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE~~
2 DEPARTMENT OF PLANNING AND THE DEPARTMENT OF BUSINESS AND ECONOMIC
3 DEVELOPMENT SHALL ESTABLISH AN EXPEDITED REVIEW PROCESS FOR A PROJECT
4 RELATED TO A FEDERAL MILITARY BASE REALIGNMENT AND CLOSURE ACTIVITY BY
5 THE UNITED STATES DEPARTMENT OF DEFENSE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2004.