

**Department of Legislative Services**

Maryland General Assembly

2004 Session

**FISCAL AND POLICY NOTE**

Senate Bill 53 (Chairman, Education, Health, and Environmental Affairs Committee)  
(By Request – Departmental – Planning)

Education, Health, and Environmental Affairs

Environmental Matters

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**Planning - Priority Funding Areas - Requests for Exceptions**

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This departmental bill transfers specified authority from the State Economic Growth, Resource Protection, and Planning Commission, which no longer exists, to the Maryland Department of Planning (MDP). Specifically, the bill transfers the authority to render an advisory opinion to the Board of Public Works relating to the funding of a growth-related project not located within a priority funding area (PFA). Upon receiving a request for an advisory opinion from the board, MDP, rather than the commission, must hold a public meeting to gather relevant information if requested by a member of the public.

The bill takes effect July 1, 2004.

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**Fiscal Summary**

**State Effect:** The bill's changes could be handled with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** MDP has determined that this bill will have minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Current Law/Background:** The Smart Growth Areas Act of 1997 prohibits the State from providing funding for any growth-related project not located within a PFA. The law allows for certain exceptions in which the State may provide funding for a growth-related

project not located within a PFA. Among other exceptions, funding may be provided if the Board of Public Works determines that extraordinary circumstances exist as specified in statute or if the board approves the project as a transportation project that meets specified requirements. Under current law, the board may request an advisory opinion concerning requests for exceptions from the State Economic Growth, Resource Protection, and Planning Commission. Upon receiving such a request, the commission, if requested by a member of the public, must hold a public meeting to gather relevant information. Pursuant to the Maryland Program Evaluation Act, the commission's authority terminated on July 1, 2003.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Planning, Department of Legislative Services

**Fiscal Note History:** First Reader - January 13, 2004  
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