

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 1141
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after “Force;” insert “providing that certain provisions of the Maryland Public Ethics Law do not apply under certain circumstances to certain regulated lobbyists;”; and in line 21, after “date;” insert “providing for the construction of this Act;”.

On page 3, in line 1, before “DIFFERENT” insert “SUBSTANTIALLY”; in line 24, before “A” insert “(I)”; in line 28, strike “The” and substitute:

“(II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, FOR ANNEXATIONS THAT BEGIN BEFORE OCTOBER 1, 2009, THE”;

in line 38, strike “(4)” and substitute “(III) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, FOR ANNEXATIONS THAT BEGIN ON OR AFTER OCTOBER 1, 2009;”; and after line 40, insert:

“(IV) FOR THE PURPOSES OF SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, AN ANNEXATION BEGINS IF:

1. A PROPOSAL FOR CHANGE IS INITIATED BY RESOLUTION IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; OR

2. A PROPOSAL FOR CHANGE IS INITIATED BY WRITTEN PETITION IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(4) (I) A MUNICIPAL CORPORATION MAY SUBMIT AN ANNEXATION PLAN IN ACCORDANCE WITH PARAGRAPH (3)(II) OF THIS SUBSECTION, IF ON OR AFTER OCTOBER 1, 2009, A MUNICIPAL CORPORATION IS GRANTED AN

(Over)

EXTENSION FOR THE INCLUSION OF A MUNICIPAL GROWTH ELEMENT IN ACCORDANCE WITH ARTICLE 66B, § 3.05(F) OF THE CODE.

(II) AFTER THE EXPIRATION OF A FINAL EXTENSION GRANTED UNDER ARTICLE 66B, § 3.05(F) OF THE CODE FOR THE INCLUSION OF A MUNICIPAL GROWTH ELEMENT, AN ANNEXATION PLAN SHALL BE SUBMITTED IN ACCORDANCE WITH PARAGRAPH (3)(III) OF THIS SUBSECTION.”.

AMENDMENT NO. 2

On page 5, in line 15, strike “PLAN” and substitute “PLAN, CONSIDERING AVAILABLE DATA PROVIDED BY THE DEPARTMENT OF THE ENVIRONMENT;”; strike beginning with “AND” in line 15 down through “AND” in line 20; in line 21, strike “THE SUITABILITY OF” and substitute “SUITABLE”; in line 24, strike “PLAN” and substitute “PLAN, CONSIDERING AVAILABLE DATA PROVIDED BY THE DEPARTMENT OF THE ENVIRONMENT; AND”; strike beginning with “AND” in line 24 down through “AND” in line 29; and in line 32, after “DEPARTMENT” insert “REFLECTED IN THE GENERAL WATER RESOURCES PROGRAM REQUIRED UNDER § 5-203 OF THE ENVIRONMENT ARTICLE”.

On page 6, after line 31, insert:

“(4) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE, ON REQUEST, TECHNICAL ASSISTANCE TO A LOCAL GOVERNMENT ON THE DEVELOPMENT OF THE WATER RESOURCES ELEMENT OF THE COMPREHENSIVE PLAN.”.

AMENDMENT NO. 3

On page 7, after line 22, insert:

“(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CHARTER COUNTY MUST INCLUDE ANY PLAN ELEMENT REQUIRED UNDER THIS SECTION IN ITS COMPREHENSIVE PLAN ON OR BEFORE OCTOBER 1, 2009.

(2) ON A REQUEST BY A CHARTER COUNTY THAT SHOWS GOOD CAUSE FOR EXTENDING THE TIME LIMIT TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF PLANNING MAY GRANT UP TO TWO 6-MONTH

EXTENSIONS TO THAT CHARTER COUNTY.

(3) A CHARTER COUNTY THAT IS NOT IN COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION AFTER OCTOBER 1, 2009, OR AFTER THE EXPIRATION OF ANY EXTENSIONS GRANTED UNDER PARAGRAPH (2) OF THIS SUBSECTION, MAY NOT CHANGE THE ZONING CLASSIFICATION OF A PROPERTY UNTIL THAT CHARTER COUNTY COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION.”.

AMENDMENT NO. 4

On page 9, in line 18, strike “SECTION” and substitute “SECTION, CONSIDERING AVAILABLE DATA PROVIDED BY THE DEPARTMENT OF THE ENVIRONMENT”; strike beginning with “AND” in line 18 down through “AVAILABILITY” in line 22; in line 23, strike “THE SUITABILITY OF” and substitute “SUITABLE”; in line 26, strike “SECTION” and substitute “SECTION, CONSIDERING AVAILABLE DATA PROVIDED BY THE DEPARTMENT OF THE ENVIRONMENT; AND”; strike beginning with “AND” in line 26 down through “AND” in line 31; and in line 34, after “DEPARTMENT” insert “REFLECTED IN THE GENERAL WATER RESOURCES PROGRAM REQUIRED UNDER § 5-203 OF THE ENVIRONMENT ARTICLE”.

On page 12, after line 28, insert:

“(8) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE, ON REQUEST, TECHNICAL ASSISTANCE TO A LOCAL GOVERNMENT ON THE DEVELOPMENT OF THE WATER RESOURCES ELEMENT OF THE COMPREHENSIVE PLAN.”.

AMENDMENT NO. 5

On page 10, in line 26, before “A” insert “FOR A MUNICIPAL CORPORATION THAT EXERCISES ZONING AUTHORITY,”.

On page 11, in line 4, after “NEEDED” insert “TO ACCOMMODATE GROWTH”.

On page 14, strike beginning with “A” in line 7 down through “(2)” in line 9; and in lines 12,

(Over)

15, 19, 21, and 30, strike “(3)”, “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively; and after line 36, insert:

“(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR A MUNICIPAL CORPORATION MUST INCLUDE ANY PLAN ELEMENT REQUIRED UNDER THIS SECTION IN ITS COMPREHENSIVE PLAN ON OR BEFORE OCTOBER 1, 2009.

(2) ON A REQUEST BY A COUNTY OR MUNICIPAL CORPORATION THAT SHOWS GOOD CAUSE FOR EXTENDING THE TIME LIMIT TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF PLANNING MAY GRANT UP TO TWO 6-MONTH EXTENSIONS TO THAT COUNTY OR MUNICIPAL CORPORATION.

(3) A COUNTY OR MUNICIPAL CORPORATION THAT IS NOT IN COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION AFTER OCTOBER 1, 2009, OR AFTER THE EXPIRATION OF ANY EXTENSIONS GRANTED UNDER PARAGRAPH (2) OF THIS SUBSECTION, MAY NOT CHANGE THE ZONING CLASSIFICATION OF A PROPERTY UNTIL THAT COUNTY OR MUNICIPAL CORPORATION COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION.”.

AMENDMENT NO. 6

On page 18, strike in their entirety lines 20 through 32, inclusive; in line 33, strike “3.” and substitute “2.”.

On page 19, in lines 4 and 9, strike “4.” and “5.”, respectively, and substitute “3.” and “4.”, respectively; in line 12, after “(b)” insert “(1)”; in lines 13, 15, 17, 18, 20, and 23, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(i)”, “(ii)”, “(iii)”, “(v)”, “(vi)”, and “(vii)”, respectively; in lines 21 and 24, in each instance, strike “(i)” and substitute “1.”; in lines 22 and 25, in each instance, strike “(ii)” and substitute “2.”; after line 17, insert:

“(iv) the Secretary of the Environment, or the Secretary’s designee;”;

in line 24, strike “and”; in line 25, after “Association” insert “; and

(iii) one representative of the agricultural community”;

and after line 25, insert:

“(2) If the Governor appoints a regulated lobbyist to serve as a member of the Task Force, the lobbyist:

(i) is not subject to § 15-504(d) of the State Government Article with respect to that service; and

(ii) is not subject to § 15-703(f)(3) of the State Government Article as a result of that service.”.

On page 20, in line 9, after “infrastructure” insert “, water resources,”; in line 11, after “infrastructure” insert “, water resources,”; in line 14, strike the second “and”; after line 14, insert:

“(8) examine the impact of § 1.03(e) and § 3.05(f) of Article 66B of the Code on a local government’s ability to establish a floating zone on a property or grant piecemeal rezoning of a specific property; and”;

and in line 15, strike “(8)” and substitute “(9)”.

AMENDMENT NO. 7

On page 20, after line 22, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any annexation:

(a) that was initiated either by resolution, in accordance with § 19(b) of Article 23A of the Code, or by written petition, in accordance with § 19(c) of Article 23A of the Code, before the effective date of this Act; and

(b) in which final enactment of the annexation resolution, as described in § 19(e) of Article 23A of the Code, will occur by January 1, 2007.”.