

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 389

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “survey” insert “and list”; in line 15, after “date,” insert “defining certain terms”; and in line 17, after “construction,” insert “requiring municipal corporations to adopt certain development standards under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 37, strike “Compliance” and substitute “While compliance”.

On page 3, in line 1, strike “using” and substitute “use”.

AMENDMENT NO. 3

On page 3, in line 30, after “COUNTY,” insert “OR”; strike beginning with “BEFORE” in line 31 down through “CORPORATION,” in line 34 and substitute “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.”;

in line 35, strike “(2)” and substitute “(3)”; and in line 36, strike “MUNICIPALITY” and substitute “MUNICIPAL CORPORATION”.

AMENDMENT NO. 4

On page 4, in line 33, strike “DESIGNATED” and substitute “LOCALLY DESIGNATED”.

On page 5, in line 8, after “ARTICLE,” insert “PROJECT PLANNING AS DEFINED IN § 8-601(G) OF THE TRANSPORTATION ARTICLE, OR INITIAL PROJECT PLANNING AS”

(Over)

DEFINED IN § 8-610(H) OF THE TRANSPORTATION ARTICLE.”; and strike beginning with “PROJECT” in line 9 down through “ARTICLE” in line 11.

AMENDMENT NO. 5

On page 6, in line 5, strike “MITIGATION”; strike beginning with “THE” in line 8 down through “B.” in line 11; in line 15, after “PROGRAM” insert “AUTHORIZED UNDER TITLE 9, SUBTITLE 3, PART VI OF THE ENVIRONMENT ARTICLE”.

AMENDMENT NO. 6

On page 7, in line 21, strike “STATE”; and in line 24, strike “MUNICIPALITY” and substitute “MUNICIPAL CORPORATION”.

AMENDMENT NO. 7

On page 8, in line 26, strike “ADDITIONAL”; after line 27, insert:

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

in line 28, strike “(B)” and substitute “(C)”; in the same line, strike beginning with “ZONED” through “OR”; in line 29, strike the comma; in line 30, strike “PROVIDED THAT” and substitute “IF”; in line 31, after “COMMUNITY” insert “WATER OR”; in line 35, after “ZONED” insert “OR, IF APPLICABLE, CLASSIFIED”; in line 36, strike “SHALL”; in line 37, after “SUBSECTION,” insert “SHALL”; in line 38, strike the first “THE” and substitute “A LOCALLY”; and in the same line, strike “OF THE COUNTY”.

On page 9, in lines 1, 11, 12, 14, 16, 18, 21, 24, 26, 28, 30, and 35, strike “(C)”, “(D)”, “(C)”, “(1)”, “(2)”, “(3)”, “(4)”, “(E)”, “(1)”, “(2)”, “(3)”, and “(F)”, respectively, and substitute “(D)”, “(E)”, “(D)”, “(I)”, “(II)”, “(2)”, “(3)”, “(F)(1)”, “(I)”, “(II)”, “(2)”, and “(G)”, respectively; in line 4, strike “COMMUNITY OR PUBLIC SEWER SERVICE” and substitute “A PUBLIC OR COMMUNITY WATER OR SEWER SYSTEM”; in line 12, after “IF” insert “:”

(1)”;

in line 15, after “COUNTY;” insert “AND”; in line 18, before “REPRESENTS” insert “THE DESIGNATION”; in line 27, after “1998;” insert “OR”; in line 29, strike “; AND” and substitute a period; and in line 33, strike “SECONDARY” and substitute “PERIPHERAL”.

On page 10, in line 1, after “(2)” insert “AN ANALYSIS OF”; in line 2, strike “DESIGNED TO ACHIEVE COMPACT DEVELOPMENT” and substitute “CONSISTENT WITH THE MASTER PLAN”; in line 3, strike “(G)” and substitute “(H)”; in line 6, after “(1)” insert “(I)”; in line 7, strike “FOR:” and substitute a semicolon; strike in their entirety lines 8 and 9 and substitute:

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

and in line 10, strike “(II)” and substitute:

“(III) DEDICATED FOR”.

AMENDMENT NO. 8

On page 10, in line 22, strike “STATE”; strike in their entirety lines 24 through 32, inclusive; in line 33, strike “(2)” and substitute “(B)”; in the same line, strike “§ 5-7B-03(D)” and substitute “§ 5-7B-03(E)”; in line 35, after “UPON” insert “NONSTATE FUNDING FOR”; and in line 38, strike “(D)” and substitute “(C)”.

On page 11, in line 5, strike “A” and substitute “ITS”; in line 8, after “APPLY” insert “:

(I) IN A MUNICIPAL CORPORATION EXERCISING ZONING AUTHORITY LOCATED IN A COUNTY IN WHICH NO ADEQUATE SCHOOL CAPACITY STANDARDS HAVE BEEN ESTABLISHED BY THE COUNTY GOVERNING BODY; OR

(II)”;

in line 10, strike “FULL”; strike beginning with “TO” in line 11 down through “PROJECTS” in line 12 and substitute “ATTRIBUTABLE TO THE PROJECT”; after line 12, insert:

“(3) AFTER OCTOBER 1, 1997, PRIOR TO ESTABLISHING OR CHANGING THE SCHOOL CAPACITY STANDARDS IN A COUNTY'S ADEQUATE PUBLIC FACILITIES ORDINANCE, THE COUNTY SHALL CONFER WITH THE GOVERNING BODIES OF THE MUNICIPAL CORPORATIONS THAT EXERCISE ZONING AUTHORITY LOCATED WITHIN THE COUNTY.”;

in line 13, strike “(3)” and substitute “(4)”; in line 14, after “CORPORATION” insert “EXERCISING ZONING AUTHORITY”; and strike beginning with “AND” in line 20 down through “COUNTY” in line 21.

AMENDMENT NO. 9

On page 11, in line 23, strike “A PROJECT” and substitute “A GROWTH-RELATED PROJECT”; in the same line, strike the second “STATE”; in line 38, after “PRIORITY” insert “FUNDING”; and in line 40, strike “STATE” and substitute “COUNTY”.

On page 12, in line 5, strike “PROVIDED” and substitute “IF”; in line 9, strike “PROVIDED THAT” and substitute “IF”; in line 22, strike “DETERMINED”; in lines 29 and 30, strike “OR CHIEF EXECUTIVE”; and in line 31, strike “AND” and substitute “OR”.

AMENDMENT NO. 10

On page 13, in line 14, strike “STATE”.

On page 14, strike beginning with “FOR” in line 6 down through the second “INDUSTRY” in line 7 and substitute “RELATED TO A COMMERCIAL OR INDUSTRIAL ACTIVITY”; and in line 9, after “DEVELOPMENT” insert “, INCLUDING:

(I) A NATURAL RESOURCE BASED INDUSTRY;

(II) AN INDUSTRY RELATING TO:

1. AGRICULTURAL OPERATIONS, AS DEFINED IN § 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”.

AMENDMENT NO. 11

On page 14, strike in their entirety lines 23 through 27, inclusive.

AMENDMENT NO. 12

On page 15, in line 12, strike “AREAS” and substitute “AREA”; strike in their entirety lines 27 through 30, inclusive; and in lines 31 and 38, strike “(E)” and “(F)”, respectively, and substitute “(D)” and “(E)”, respectively.

On pages 15 and 16, strike beginning with the colon in line 39 on page 15 through “(1)” in line 1 on page 16.

On page 16, strike beginning with “; AND” in line 3 down through “LOCATED” in line 6.

AMENDMENT NO. 13

On page 16, in line 13, strike “STATE”; in lines 20 and 21, strike “A SURVEY” and substitute “SURVEYS”; strike beginning with “, THE” in line 21 down through “COMMISSION” in line 23; in line 23, after “NEEDS” insert “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”; after line 23, insert:

“(C) A COPY OF THIS LIST OF PROJECTS SHALL BE MADE AVAILABLE UPON

(Over)

REQUEST TO MEMBERS OF THE GENERAL ASSEMBLY, LOCAL GOVERNMENT OFFICIALS, AND THE GENERAL PUBLIC.”;

and in line 24, strike “(C)” and substitute “(D)”.

AMENDMENT NO. 14

On page 17, strike in their entirety lines 4 through 11, inclusive, 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.”.