

CF 7r2043

By: The President (Administration) and Senators Blount, Collins, Conway, Frosh, Hollinger, Pinsky, and Sfikas

Introduced and read first time: January 27, 1997

Rule 32(d) suspended

Assigned to: Economic and Environmental Affairs and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 26, 1997

CHAPTER _____

1 AN ACT concerning

2 **"Smart Growth" and Neighborhood Conservation - "Smart Growth" Areas**

3 FOR the purpose of enhancing the Economic Growth, Resource Protection, and Planning

4 Act of 1992 by setting priorities for certain State spending so as to preserve existing

5 neighborhoods and agricultural, natural, and rural resources; establishing priority

6 funding areas in the State; providing that certain State agencies may not approve

7 certain projects which are not in priority funding areas after a certain date;

8 providing for certain exceptions; authorizing the Board of Public Works to grant

9 exceptions under certain circumstances; ~~requiring the Maryland Office of Planning~~

10 ~~to establish a collaborative process with local governments for the determination of~~

11 ~~priority funding areas; defining certain terms~~ establishing a certain certification

12 process for the designation of priority funding areas before those areas may be

13 eligible for certain funding; requiring the Maryland Office of Planning to establish

14 a certain process for the review of certain projects and to complete a certain survey

15 by a certain date; requiring that priority funding areas maps and descriptions be

16 updated periodically; requiring municipal corporations to assist counties in the

17 collection of certain fees to finance certain school construction; providing that a

18 decision to fund or not to fund a project is not subject to certain administrative

19 actions; ~~requiring the Governor to convene a certain task force for certain purposes;~~

20 ~~requiring the task force to submit a certain report by a certain date;~~ providing that

21 this Act does not create a private cause of action; providing that this Act shall not

22 apply to certain projects; and generally relating to "smart growth" and the

23 establishment of priority funding areas.

24 BY repealing and reenacting, with amendments,

25 Article 23A - Corporations - Municipal

3

1 existing neighborhoods, and using taxpayer dollars in the cost efficient and effective
2 manner, the State must also play a significant role in achieving these goals; and

3 WHEREAS, Targeted funding by the State of certain projects that serve to foster or
4 influence growth in those areas most suitable for growth or that meet other statewide
5 goals will serve to build on and complement the Act and will accelerate the preservation
6 of our open spaces and existing neighborhoods; and

7 WHEREAS, Rural villages and communities are an integral part of the character of
8 Maryland and the State is committed to continuing to sustain rural villages and
9 communities; and

10 WHEREAS, In order to effectuate the State Policy adopted by the General
11 Assembly in 1992, the State needs to build on the 1992 Act by focusing spending in those
12 areas, including those parts of locally designated growth areas, that constitute the most
13 efficient and effective use of the taxpayer dollars and which will serve to best preserve
14 existing neighborhoods and Maryland's fields, farms, and open spaces; now, therefore,

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

17 **Article 23A - Corporations - Municipal**

18 8C.

19 (A) The mayor and city council, by whatever name known, of every municipal
20 corporation in this State is authorized and empowered to lend or provide, upon such
21 terms as may be agreed upon, the use of tools, vehicles, implements, materials,
22 consultants, services, and other assistance to another political subdivision for purposes
23 deemed to be public and of benefit to the municipal corporation and the other political
24 subdivision.

25 (B) (1) IF A COUNTY PROVIDES FOR THE LEVY AND COLLECTION OF A
26 DEVELOPMENT IMPACT FEE ON NEW RESIDENTIAL CONSTRUCTION TO FINANCE
27 THE COSTS OF SCHOOL CONSTRUCTION, A MUNICIPAL CORPORATION SHALL ASSIST
28 THE COUNTY IN THE COLLECTION OF THE FEE FOR NEW RESIDENTIAL
29 CONSTRUCTION WITHIN THE MUNICIPAL CORPORATION BY:

30 (I) COLLECTING AND REMITTING THE FEE TO THE COUNTY;

31 (II) REQUIRING THE FEE TO BE PAID TO THE COUNTY BEFORE
32 ISSUING AN APPLICABLE BUILDING PERMIT FOR NEW CONSTRUCTION; OR

33 (III) OTHER REASONABLE MEANS PROVIDED FOR BY THE
34 MUNICIPAL CORPORATION.

35 (2) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE CONSTRUED TO
36 AFFECT ANY EXISTING AGREEMENTS BETWEEN A COUNTY AND MUNICIPALITY
37 CONCERNING THE LEVYING AND COLLECTION OF DEVELOPMENT IMPACT FEES.

4

1 **Article - Transportation**

2 2-103.1.

3 (a) (4) "Major capital project" means any new, expanded, or significantly
4 improved facility or service that involves planning, environmental studies, design,
5 right-of-way, construction, or purchase of essential equipment related to the facility or
6 service.

7 (5) "Minor capital project" means any project for the preservation or
8 rehabilitation of an existing facility or service, including the planning, design,
9 right-of-way, construction, or purchase of equipment essential to the facility or service,
10 and generally not requiring the preparation of an environmental impact assessment.

11 8-610.

12 (g) "Project planning phase" means the phase in which engineering and
13 environmental studies and analyses are conducted with full participation of the public, in
14 addition to local, State, and federal agencies, to determine the scope and location of a
15 proposed highway project.

16 (h) "Initial project planning phase" means that portion of the project planning
17 phase which includes:

18 (1) Notification of local, State, and federal officials;

19 (2) Initial interagency review;

20 (3) Initial systems planning;

21 (4) Identification of alternatives, as set forth in § 8-102 of this article, for
22 the scope and the location of the project;

23 (5) Estimates of right-of-way requirements, including available detail with
24 respect to specific properties affected, and of cost;

25 (6) Public meetings for discussion of the foregoing; and

26 (7) Reports of consultants, if any have been retained for the analysis of
27 preliminary alternatives.

28 **Article - State Finance and Procurement**

29 SUBTITLE 7B. PRIORITY FUNDING AREAS.

30 5-7B-01.

31 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (B) "DESIGNATED GROWTH AREA" MEANS AN AREA DETERMINED BY THE
34 COUNTY TO BE SUITABLE FOR DEVELOPMENT IN COMPLIANCE WITH ARTICLE 66B, §
35 3.05 OF THE CODE.

5

1 ~~(B)~~ (C) "FUNDING" INCLUDES ANY FORM OF ASSURANCE, GUARANTEE,
2 GRANT PAYMENT, CREDIT, TAX CREDIT, OR OTHER ASSISTANCE, INCLUDING A
3 LOAN, LOAN GUARANTEE, OR REDUCTION IN THE PRINCIPAL OBLIGATION OF, OR
4 RATE OF INTEREST PAYABLE ON, A LOAN OR A PORTION OF A LOAN.

5 ~~(C)~~ (D) (1) ~~"PROJECT"~~ "GROWTH-RELATED PROJECT" MEANS ONLY THE
6 ITEMS SET FORTH BELOW:

7 (I) ANY MAJOR CAPITAL PROJECT AS DEFINED IN § 2-103.1(A)(4) OF
8 THE TRANSPORTATION ARTICLE, EXCEPT EXISTING TRANSPORTATION FACILITIES
9 PROJECTS AS DEFINED IN § 4-101(I) OF THE TRANSPORTATION ARTICLE, PROJECT
10 PLANNING AS DEFINED IN § 8-610(G) OF THE TRANSPORTATION ARTICLE, OR INITIAL
11 PROJECT PLANNING AS DEFINED IN § 8-610(H) OF THE TRANSPORTATION ARTICLE;

12 (II) FUNDING BY THE DEPARTMENT OF HOUSING AND
13 COMMUNITY DEVELOPMENT FOR:

14 1. CONSTRUCTION OR PURCHASE OF NEWLY CONSTRUCTED
15 SINGLE FAMILY HOMES OR PURCHASE OF LOANS FOR NEWLY CONSTRUCTED
16 SINGLE FAMILY HOMES UNDER ARTICLE 83B, §§ 2-201 THROUGH 2-208, §§ 2-601
17 THROUGH 2-614, OR §§ 2-1001 THROUGH 2-1007 OF THE CODE;

18 2. ACQUISITION OR CONSTRUCTION OF NEWLY
19 CONSTRUCTED MULTIFAMILY RENTAL HOUSING UNDER ARTICLE 83B, §§ 2-201
20 THROUGH 2-208, §§ 2-501 THROUGH 2-510, OR §§ 2-801 THROUGH 2-810 OF THE CODE;
21 OR

22 3. STATE-FUNDED NEIGHBORHOOD REVITALIZATION
23 PROJECTS UNDER ARTICLE 83B, TITLE 4 OF THE CODE;

24 (III) FUNDING BY THE DEPARTMENT OF BUSINESS AND ECONOMIC
25 DEVELOPMENT UNDER ANY OF THE FOLLOWING:

26 1. THE MARYLAND INDUSTRIAL LAND ACT, AUTHORIZED
27 UNDER ARTICLE 83A, TITLE 5, SUBTITLE 7 OF THE CODE;

28 2. THE MARYLAND INDUSTRIAL AND COMMERCIAL
29 REDEVELOPMENT FUND, AUTHORIZED UNDER ARTICLE 83A, TITLE 5, SUBTITLE 8 OF
30 THE CODE;

31 3. THE MARYLAND INDUSTRIAL DEVELOPMENT FINANCING
32 AUTHORITY, AUTHORIZED UNDER ARTICLE 83A, TITLE 5, SUBTITLE 9 OF THE CODE;

33 4. THE MARYLAND SMALL BUSINESS DEVELOPMENT
34 FINANCING AUTHORITY, AUTHORIZED UNDER ARTICLE 83A, TITLE 5, SUBTITLE 10
35 OF THE CODE;

36 5. THE MARYLAND ENERGY FINANCING ACT, AUTHORIZED
37 UNDER ARTICLE 83A, TITLE 6, SUBTITLE 4 OF THE CODE; AND

38 6. THE ECONOMIC DEVELOPMENT OPPORTUNITIES
39 PROGRAM FUND, AUTHORIZED UNDER § 7-314 OF THE STATE FINANCE AND
40 PROCUREMENT ARTICLE; ~~AND~~

6

1 (IV) FUNDING BY THE DEPARTMENT OF THE ENVIRONMENT, FOR
2 ANY PROJECT UNDER:

3 1. §§ 9-1601 THROUGH 9-1605 (WATER QUALITY REVOLVING
4 LOAN FUND) OF THE ENVIRONMENT ARTICLE EXCEPT FOR FUNDING NONPOINT
5 SOURCE POLLUTION MITIGATION PROJECTS;

6 2. §§ 9-420 THROUGH 9-426 (WATER SUPPLY FINANCIAL
7 ASSISTANCE PROGRAM) OF THE ENVIRONMENT ARTICLE; AND

8 3. THE FOLLOWING PROGRAMS AUTHORIZED UNDER TITLE
9 9, SUBTITLE 3, PART VI OF THE ENVIRONMENT ARTICLE:

10 A. BIOLOGICAL NUTRIENT REMOVAL; AND

11 B. THE SUPPLEMENTAL ASSISTANCE ~~PROGRAM;~~

12 ~~C. THE STORMWATER CONTROL COST SHARE PROGRAM;~~

13 ~~AND~~

14 ~~D. SMALL CREEKS AND ESTUARIES RESTORATION~~

15 PROGRAM; AND

16 (V) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
17 PROCUREMENT OR FUNDING OF PROJECTS BY THE DEPARTMENT OF GENERAL
18 SERVICES FOR:

19 1. LEASES OF PROPERTY BY THE STATE GOVERNED BY §§
20 4-318 THROUGH 4-321 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

21 2. PUBLIC IMPROVEMENTS GOVERNED BY §§ 4-410 AND
22 4-410.1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

23 3. LAND ACQUISITION GOVERNED BY §§ 4-411 THROUGH
24 4-416 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

25 (2) "GROWTH-RELATED PROJECT" DOES NOT INCLUDE:

26 (I) PROJECTS BY THE DEPARTMENT OF GENERAL SERVICES FOR
27 MAINTENANCE, REPAIR, ADDITIONS, OR RENOVATIONS TO EXISTING FACILITIES,
28 ACQUISITION OF LAND FOR TELECOMMUNICATIONS TOWERS, PARKS,
29 CONSERVATION AND OPEN SPACE, AND ACQUISITION OF AGRICULTURAL
30 CONSERVATION, AND HISTORIC EASEMENTS;

31 ~~(2) "PROJECT" DOES NOT INCLUDE (II) FUNDING BY THE DEPARTMENT~~
32 ~~OF HOUSING AND COMMUNITY DEVELOPMENT FOR ANY PROJECT FINANCED WITH~~
33 ~~THE PROCEEDS OF REVENUE BONDS ISSUED BY THE COMMUNITY DEVELOPMENT~~
34 ~~ADMINISTRATION IF:~~

35 ~~(1) THE SECRETARY OF HOUSING AND COMMUNITY~~
36 ~~DEVELOPMENT DETERMINES THAT APPLICATION OF THIS SECTION:~~

37 ~~1. A. CONFLICTS WITH ANY PROVISION OF FEDERAL OR~~
38 ~~STATE LAW APPLICABLE TO THE ISSUANCE OR TAX-EXEMPT STATUS OF THE BONDS;~~

7

1 ~~2-~~ B. CONFLICTS WITH ANY PROVISION OF ANY TRUST
2 AGREEMENT BETWEEN THE COMMUNITY DEVELOPMENT ADMINISTRATION AND
3 ANY TRUSTEE; OR

4 ~~3-~~ C. WOULD OTHERWISE PROHIBIT FINANCING OF AN
5 EXISTING PROJECT, OR FINANCING PROVIDED TO CURE OR PREVENT ANY DEFAULT
6 UNDER EXISTING FINANCING; OR

7 ~~(H)~~ 2. THE REVENUE BONDS ARE ISSUED UNDER A TRANSFER
8 OF THE MARYLAND STATE CEILING TO THE ADMINISTRATION BY A COUNTY UNDER
9 TITLE 13, SUBTITLE 8 OF THE FINANCIAL INSTITUTIONS ~~ARTICLE.~~ ARTICLE; OR

10 (III) ANY OTHER PROJECT, FUNDING, OR OTHER STATE
11 ASSISTANCE NOT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

12 (E) "RURAL VILLAGE" MEANS A RURAL VILLAGE, VILLAGE CENTER, OR
13 OTHER UNINCORPORATED AREA THAT IS PRIMARILY RESIDENTIAL, INCLUDING AN
14 AREA WITH HISTORIC QUALITIES, THAT IS LOCATED IN AN OTHERWISE RURAL OR
15 AGRICULTURAL AREA AND FOR WHICH NEW GROWTH, IF ANY, WOULD DERIVE
16 PRIMARILY FROM IN-FILL DEVELOPMENT OR LIMITED PERIPHERAL EXPANSION.

17 ~~(D)~~ (F) "TECHNICAL ASSISTANCE" MEANS THE PROVISION OF ADVICE,
18 CONSULTATION, TRAINING, INFORMATION, OR DESIGN, OR ARCHITECTURAL,
19 ORGANIZATIONAL, OR MANAGEMENT ASSISTANCE.

20 5-7B-02.

21 THE FOLLOWING AREAS SHALL BE CONSIDERED STATE PRIORITY FUNDING
22 AREAS UNDER THIS SUBTITLE:

23 (1) A MUNICIPAL CORPORATION, INCLUDING BALTIMORE CITY,
24 ~~PROVIDED THAT ALL~~ EXCEPT THOSE AREAS ANNEXED BY A MUNICIPALITY AFTER
25 JANUARY 1, 1997 SHALL SATISFY THE ~~PROVISIONS OF ITEM (8) OF THIS SECTION;~~
26 REQUIREMENTS RELATING TO DENSITY AND SERVICE BY WATER AND SEWER SET
27 FORTH IN § 5-7B-03 OF THIS SUBTITLE;

28 (2) A DESIGNATED NEIGHBORHOOD, AS DEFINED IN ARTICLE 83B, §
29 4-202 OF THE CODE;

30 (3) AN ENTERPRISE ZONE AS DESIGNATED UNDER ARTICLE 83A, ~~§ 5-401~~
31 § 5-402 OF THE CODE, OR BY THE UNITED STATES GOVERNMENT;

32 (4) A CERTIFIED HERITAGE AREA AS DEFINED IN §§ 13-1101 AND 13-1111
33 OF THE FINANCIAL INSTITUTIONS ARTICLE THAT IS LOCATED WITHIN A LOCALLY
34 DESIGNATED GROWTH AREA;

35 (5) THOSE AREAS OF THE STATE LOCATED BETWEEN INTERSTATE
36 HIGHWAY 495 AND THE DISTRICT OF COLUMBIA;

37 (6) THOSE AREAS OF THE STATE LOCATED BETWEEN INTERSTATE
38 HIGHWAY 695 AND BALTIMORE CITY; AND

39 ~~(7) AREAS ZONED AS INDUSTRIAL OR THE EQUIVALENT WHICH ARE~~
40 ~~SERVED BY PUBLIC OR COMMUNITY WATER AND SEWER SYSTEMS; AND~~

1 ~~(8) AN AREA WITHIN A LOCALLY DESIGNATED GROWTH THAT MEETS~~
2 ~~THE FOLLOWING CRITERIA:~~

3 ~~(I) 1. THE AREA IS SERVED BY PUBLIC OR COMMUNITY WATER~~
4 ~~AND SEWER SERVICE; AND~~

5 ~~2. IN ANY PART OF THE AREA SERVED BY PUBLIC OR~~
6 ~~COMMUNITY WATER AND SEWER SERVICE THAT IS DESIGNATED BY THE LOCAL~~
7 ~~GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT:~~

8 ~~A. THERE IS REQUIRED AN AVERAGE DENSITY OF 2.0 UNITS~~
9 ~~PER ACRE; OR~~

10 ~~B. THERE IS IN PRACTICE AN AVERAGE DENSITY OF 2.0~~
11 ~~UNITS PER ACRE; OR~~

12 ~~(II) 1. THE AREA IS PLANNED TO BE SERVED BY PUBLIC OR~~
13 ~~COMMUNITY WATER AND SEWER SERVICE WITHIN 6 YEARS UNDER THE ADOPTED~~
14 ~~CAPITAL IMPROVEMENT PLAN OF THE LOCAL JURISDICTION AND THE APPROVED~~
15 ~~WATER AND SEWER PLAN IN WHICH THE AREA IS LOCATED; AND~~

16 ~~2. IN ANY PART OF THE AREA PLANNED TO BE SERVED BY~~
17 ~~PUBLIC OR COMMUNITY WATER AND SEWER SERVICE THAT IS DESIGNATED BY THE~~
18 ~~LOCAL GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT:~~

19 ~~A. THERE IS REQUIRED AN AVERAGE DENSITY OF 3.5 UNITS~~
20 ~~PER ACRE; OR~~

21 ~~B. THERE IS IN PRACTICE AN AVERAGE DENSITY OF 3.5~~
22 ~~UNITS PER ACRE.~~

23 (7) AN AREA DESIGNATED BY THE GOVERNING BODY OF A COUNTY
24 UNDER § 5-7B-03 OF THIS SUBTITLE.

25 5-7B-03.

26 (A) THE GOVERNING BODY OF A COUNTY MAY DESIGNATE ADDITIONAL
27 PRIORITY FUNDING AREAS AS PROVIDED IN THIS SECTION.

28 (B) (1) AN AREA ZONED AS OF JANUARY 1, 1997 AS INDUSTRIAL, OR WHERE
29 THE PRINCIPAL USES OF THE AREA ARE FOR EMPLOYMENT, MAY BE DESIGNATED
30 AS A PRIORITY FUNDING AREA PROVIDED THAT:

31 (I) THE AREA IS SERVED BY PUBLIC OR COMMUNITY SEWER
32 SYSTEMS; OR

33 (II) PUBLIC OR COMMUNITY SEWER SYSTEMS ARE PLANNED IN
34 THE APPROVED 10-YEAR WATER AND SEWER PLAN.

35 (2) AN AREA ZONED AFTER JANUARY 1, 1997 AS INDUSTRIAL, OR
36 WHERE THE PRINCIPAL USES ARE FOR EMPLOYMENT SHALL, IN ADDITION TO
37 MEETING THE CRITERIA SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION, BE
38 LOCATED WITHIN THE DESIGNATED GROWTH AREA OF THE COUNTY.

1 (C) A COMMUNITY IN EXISTENCE PRIOR TO JANUARY 1, 1997 THAT IS WITHIN
2 A LOCALLY DESIGNATED GROWTH AREA MAY BE DESIGNATED AS A PRIORITY
3 FUNDING AREA PROVIDED THE COMMUNITY, AS OF OCTOBER 1, 1998:

4 (1) IS SERVED BY COMMUNITY OR PUBLIC SEWER SERVICE; AND

5 (2) IN THAT PART OF THE COMMUNITY DESIGNATED BY THE LOCAL
6 GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT:

7 (I) THERE IS AN AVERAGE DENSITY OF AT LEAST 2.0 UNITS PER
8 ACRE; OR

9 (II) IF A PORTION OF THE COMMUNITY IS UNDEVELOPED, THE
10 PERMITTED AVERAGE DENSITY IS NOT LESS THAN 2.0 UNITS PER ACRE.

11 (D) AN AREA, OTHER THAN AN EXISTING COMMUNITY UNDER SUBSECTION
12 (C) OF THIS SECTION, MAY BE DESIGNATED AS A PRIORITY FUNDING AREA IF THE
13 AREA:

14 (1) IS WITHIN A LOCALLY DESIGNATED GROWTH AREA OF THE
15 COUNTY;

16 (2) IS PLANNED TO BE SERVED UNDER THE APPROVED 10-YEAR WATER
17 AND SEWER PLAN;

18 (3) REPRESENTS A LONG-TERM DEVELOPMENT POLICY FOR
19 PROMOTING AN ORDERLY EXPANSION OF GROWTH AND AN EFFICIENT USE OF
20 LAND AND PUBLIC SERVICES; AND

21 (4) IN THAT PART OF THE AREA DESIGNATED BY THE LOCAL
22 GOVERNMENT FOR RESIDENTIAL USE OR DEVELOPMENT, THERE IS PERMITTED AN
23 AVERAGE DENSITY OF NOT LESS THAN 3.5 UNITS PER ACRE.

24 (E) A RURAL VILLAGE MAY BE DESIGNATED AS A PRIORITY FUNDING AREA
25 UNDER THIS SECTION IF:

26 (1) THE VILLAGE IS DESIGNATED IN THE COUNTY COMPREHENSIVE
27 PLAN AS OF JULY 1, 1998;

28 (2) THE BOUNDARY OF THE PRIORITY FUNDING AREA SHALL BE THE
29 PERIPHERY OF THE DEVELOPED PORTION OF THE VILLAGE AS OF JULY 1, 1998; AND

30 (3) FUNDING FOR A GROWTH-RELATED PROJECT UNDER THIS
31 SUBTITLE IS TO BE PROVIDED ONLY IF THE PROJECT SERVES TO MAINTAIN THE
32 CHARACTER OF THE COMMUNITY AND DOES NOT SERVE TO INCREASE THE
33 GROWTH CAPACITY OF THE VILLAGE EXCEPT FOR LIMITED SECONDARY OR IN-FILL
34 DEVELOPMENT.

35 (F) THE DESIGNATION BY A COUNTY OF A PRIORITY FUNDING AREA UNDER
36 THIS SECTION SHALL BE BASED ON:

37 (1) AN ANALYSIS OF THE CAPACITY OF LAND AREAS AVAILABLE FOR
38 DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT; AND

10

1 (2) THE LAND AREA NEEDED TO SATISFY DEMAND FOR DEVELOPMENT
2 AT DENSITIES DESIGNED TO ACHIEVE COMPACT DEVELOPMENT.

3 (G) FOR THE PURPOSES OF THIS SECTION, AVERAGE DENSITY SHALL BE
4 CALCULATED BASED ON THE TOTAL ACREAGE OF ALL PARCELS IN THE AREA FOR
5 WHICH THE PRINCIPAL PERMITTED USE IS RESIDENTIAL, EXCLUDING LAND:

6 (1) DEDICATED FOR PUBLIC USE BY EASEMENT IN PERPETUITY OR FEE
7 ACQUISITION FOR:

8 (I) CONSERVATION USE, WHICH INCLUDES AREAS SET ASIDE AS A
9 BUFFER AREA ADJOINING A STREAM, WETLAND, OR WATERWAY; OR

10 (II) RECREATIONAL USE;

11 (2) SUBJECT TO AN AGRICULTURAL EASEMENT UNDER § 2-508 OF THE
12 AGRICULTURE ARTICLE;

13 (3) SUBJECT TO AN AGRICULTURAL EASEMENT UNDER A COUNTY
14 AGRICULTURAL LAND PRESERVATION PROGRAM CERTIFIED UNDER § 5-408 OF THE
15 STATE FINANCE AND PROCUREMENT ARTICLE; OR

16 (4) USED FOR CEMETERY PURPOSES.

17 ~~5-7B-03; 5-7B-04.~~

18 ~~NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW THAT MAY BE~~
19 ~~INCONSISTENT WITH THIS SUBTITLE, AND~~

20 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING
21 OCTOBER 1, 1998, THE STATE MAY NOT PROVIDE FUNDING FOR A
22 GROWTH-RELATED PROJECT IF THE PROJECT IS NOT LOCATED WITHIN A STATE
23 PRIORITY FUNDING AREA.

24 (B) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE AN ENTITLEMENT
25 TO, OR OTHERWISE REQUIRE, FUNDING OF A GROWTH-RELATED PROJECT
26 PROPOSED IN A PRIORITY FUNDING AREA.

27 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN A
28 PRIORITY FUNDING AREA ESTABLISHED UNDER § 5-7B-03 OF THIS SUBTITLE IN
29 WHICH SEWER SERVICE IS PLANNED, A COMMITMENT FOR FUNDING FOR A
30 GROWTH-RELATED PROJECT SHALL BE CONTINGENT UPON PLANNED SEWER
31 SERVICE MOVING FORWARD IN ADVANCE OF OR CONCURRENT WITH THE STATE
32 FUNDING.

33 (2) IN A PRIORITY FUNDING AREA ESTABLISHED UNDER § 5-7B-03(D) OF
34 THIS SUBTITLE IN WHICH WATER AND SEWER SERVICE IS PLANNED, A COMMITMENT
35 FOR FUNDING FOR A GROWTH-RELATED PROJECT SHALL BE CONTINGENT UPON
36 PLANNED WATER AND SEWER SERVICE MOVING FORWARD IN ADVANCE OF OR
37 CONCURRENT WITH THE STATE FUNDING.

38 (D) (1) A GROWTH-RELATED PROJECT MAY NOT BE FUNDED BY THE STATE
39 IN A MUNICIPAL CORPORATION EXERCISING ZONING AUTHORITY UNLESS THE
40 MUNICIPAL CORPORATION HAS FIRST ADOPTED RESIDENTIAL DEVELOPMENT

11

1 STANDARDS RELATING TO PUBLIC SCHOOL ADEQUACY. THESE STANDARDS SHALL
2 BE SUBSTANTIALLY SIMILAR TO:

3 (I) THE STATE RATED CAPACITY STANDARDS ESTABLISHED BY
4 THE PUBLIC SCHOOL INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION; OR

5 (II) THE SCHOOL CAPACITY STANDARDS ESTABLISHED IN A
6 COUNTY'S ADEQUATE PUBLIC FACILITIES ORDINANCE.

7 (2) THE REQUIREMENT CONTAINED IN PARAGRAPH (1) OF THIS
8 SUBSECTION DOES NOT APPLY TO A RESIDENTIAL DEVELOPMENT PROJECT WHERE
9 AN IMPACT FEE HAS BEEN PAID OR OTHER MONETARY OR NONMONETARY
10 CONTRIBUTIONS HAVE BEEN PROVIDED THAT DEFRAID THE FULL LOCAL COST OF
11 SCHOOL CONSTRUCTION TO HELP OFFSET THE COSTS OF SCHOOL CONSTRUCTION
12 PROJECTS.

13 (3) FOR PLANNING PURPOSES, EACH COUNTY BOARD OF EDUCATION
14 SHALL ANNUALLY PROVIDE TO THE COUNTY AND EACH MUNICIPAL CORPORATION
15 IN THE COUNTY:

16 (I) A LIST OF PROJECTED STUDENT ENROLLMENTS FOR A 5-YEAR
17 PERIOD FOR EACH SCHOOL SERVING STUDENTS IN OR NEAR THAT MUNICIPAL
18 CORPORATION; AND

19 (II) INFORMATION RELATING TO THE STUDENT CAPACITY OF
20 EACH SCHOOL AND ANY PROPOSED PLANS RELATING TO SCHOOL REDISTRICTING
21 IN THE COUNTY.

22 ~~5-7B-04; 5-7B-05.~~

23 (A) (1) THE STATE MAY PROVIDE FUNDING FOR A PROJECT NOT IN A STATE
24 PRIORITY FUNDING AREA IF:

25 (I) THE BOARD OF PUBLIC WORKS DETERMINES THAT
26 EXTRAORDINARY CIRCUMSTANCES EXIST WHICH WARRANT PROCEEDING WITH
27 THE PROJECT AND THAT NO REASONABLY FEASIBLE ALTERNATIVE EXISTS IN
28 ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION;
29 OR

30 (II) THE BOARD OF PUBLIC WORKS APPROVES THE PROJECT AS A
31 TRANSPORTATION PROJECT THAT MEETS THE REQUIREMENTS OF PARAGRAPH (3)
32 OF THIS SUBSECTION.

33 (2) IN ORDER TO DETERMINE THAT EXTRAORDINARY
34 CIRCUMSTANCES EXIST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD
35 SHALL DETERMINE BY A MAJORITY VOTE THAT:

36 (I) THE FAILURE TO FUND THE PROJECT IN QUESTION CREATES
37 AN EXTREME INEQUITY, HARDSHIP, OR DISADVANTAGE THAT CLEARLY
38 OUTWEIGHS THE BENEFITS FROM LOCATING A PROJECT IN A PRIORITY AREA; AND

39 (II) THERE IS NO REASONABLE ALTERNATIVE FOR THE PROJECT
40 IN A PRIORITY FUNDING AREA IN ANOTHER LOCATION WITHIN THE STATE.

12

1 (3) THE BOARD OF PUBLIC WORKS MAY APPROVE A TRANSPORTATION
2 PROJECT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IF THE TRANSPORTATION
3 PROJECT:

4 (I) MAINTAINS THE EXISTING TRANSPORTATION SYSTEM,
5 PROVIDED THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING
6 DETERMINE THE PROJECT DOES NOT SERVE TO SIGNIFICANTLY INCREASE
7 HIGHWAY CAPACITY;

8 (II) SERVES TO CONNECT STATE PRIORITY FUNDING AREAS,
9 PROVIDED THAT:

10 1. THE DEPARTMENT OF TRANSPORTATION AND THE
11 OFFICE OF PLANNING DETERMINE THAT ADEQUATE ACCESS CONTROL OR OTHER
12 MEASURES ARE IN PLACE TO:

13 A. PREVENT DEVELOPMENT THAT IS INCONSISTENT WITH §
14 5-7A-01(1), (2), AND (3) OF THIS TITLE; AND

15 B. MAINTAIN THE VIABILITY OF THE PROJECT WHILE
16 CONCOMITANTLY CONSTRAINING DEVELOPMENT WHICH POTENTIALLY DETRACTS
17 FROM MAIN STREET BUSINESS AREAS; AND

18 2. THE DEPARTMENT OF TRANSPORTATION AND THE
19 OFFICE OF PLANNING HAVE FIRST DETERMINED WHETHER ALTERNATIVE
20 TRANSPORTATION MODES, SUCH AS MASS TRANSIT AND TRANSPORTATION
21 DEMAND MANAGEMENT, PROVIDE A REASONABLE ALTERNATIVE TO THE PROJECT
22 AND DETERMINED THAT NO REASONABLE ALTERNATIVE EXISTS;

23 (III) HAS THE SOLE PURPOSE OF PROVIDING CONTROL OF ACCESS
24 BY THE DEPARTMENT OF TRANSPORTATION ALONG AN EXISTING HIGHWAY
25 CORRIDOR; OR

26 (IV) DUE TO ITS OPERATIONAL OR PHYSICAL CHARACTERISTICS,
27 MUST BE LOCATED AWAY FROM OTHER DEVELOPMENT.

28 (B) (1) A REQUEST FOR APPROVAL BY THE BOARD UNDER SUBSECTION (A)
29 OF THIS SECTION MAY BE MADE AT THE REQUEST OF THE GOVERNING BODY OR
30 CHIEF EXECUTIVE OF THE LOCAL JURISDICTION IN WHICH THE PROJECT IS
31 LOCATED ~~OR~~ AND THE SECRETARY WITH APPROVAL AUTHORITY OVER THE
32 PROJECT.

33 (2) WHEN MAKING A REQUEST TO THE BOARD OF PUBLIC WORKS, THE
34 APPLICANT SHALL:

35 (I) IDENTIFY THE EXTRAORDINARY CIRCUMSTANCES THAT
36 REQUIRE STATE FUNDS FOR THE PROJECT; AND

37 (II) DEMONSTRATE THAT NO FEASIBLE ALTERNATIVES EXIST TO
38 MAKING AN EXCEPTION TO THE REQUIREMENTS OF THIS SUBTITLE.

1 (3) THE BOARD OF PUBLIC WORKS, AT ITS DISCRETION, MAY REQUIRE
2 REMEDIAL ACTIONS TO MITIGATE ANY NEGATIVE IMPACTS OF THE PROPOSED
3 PROJECT.

4 (C) (1) WHEN A REQUEST IS MADE TO THE BOARD OF PUBLIC WORKS FOR
5 AN EXCEPTION UNDER THIS SECTION, THE BOARD OF PUBLIC WORKS MAY REQUEST
6 FROM THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING
7 COMMISSION AN ADVISORY OPINION ON THE REQUEST FOR THE EXCEPTION.

8 (2) UPON RECEIVING A REQUEST FOR AN ADVISORY OPINION UNDER
9 THIS SUBSECTION, THE COMMISSION ~~MAY, IN ITS DISCRETION,~~ IF REQUESTED BY A
10 MEMBER OF THE PUBLIC, SHALL HOLD A PUBLIC MEETING TO GATHER
11 INFORMATION RELEVANT TO THE ADVISORY OPINION.

12 ~~5-7B-05; 5-7B-06.~~

13 (A) THE STATE MAY PROVIDE FUNDING FOR A GROWTH-RELATED PROJECT
14 NOT IN A STATE PRIORITY FUNDING AREA WITHOUT RECEIVING APPROVAL FROM
15 THE BOARD OF PUBLIC WORKS AS PROVIDED UNDER § ~~5-7B-04~~ 5-7B-05 OF THIS
16 SUBTITLE FOR:

17 ~~(1) A TRANSPORTATION PROJECT THAT:~~

18 ~~(I) MAINTAINS THE EXISTING TRANSPORTATION SYSTEM;~~
19 ~~PROVIDED THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING~~
20 ~~DETERMINE THE PROJECT DOES NOT SERVE TO INCREASE HIGHWAY CAPACITY;~~

21 ~~(II) SERVES TO CONNECT STATE PRIORITY FUNDING AREAS;~~
22 ~~PROVIDED THAT:~~

23 ~~1. THE DEPARTMENT OF TRANSPORTATION AND THE~~
24 ~~OFFICE OF PLANNING DETERMINE THAT ADEQUATE ACCESS CONTROL MEASURES~~
25 ~~ARE IN PLACE TO:~~

26 ~~A. PREVENT DEVELOPMENT THAT IS INCONSISTENT WITH §~~
27 ~~5-7A-01(1), (2), AND (3) OF THIS TITLE; AND~~

28 ~~B. MAINTAIN THE VIABILITY OF THE PROJECT WHILE~~
29 ~~CONCOMITANTLY CONSTRAINING DEVELOPMENT WHICH POTENTIALLY DETRACTS~~
30 ~~FROM MAIN STREET BUSINESS AREAS; AND~~

31 ~~2. THE DEPARTMENT OF TRANSPORTATION IN~~
32 ~~CONSULTATION WITH THE OFFICE OF PLANNING HAS FIRST CONSIDERED WHETHER~~
33 ~~ALTERNATIVE TRANSPORTATION MODES SUCH AS MASS TRANSIT PROVIDE A~~
34 ~~REASONABLE ALTERNATIVE TO THE PROJECT AND DETERMINED THAT NO SUCH~~
35 ~~REASONABLE ALTERNATIVE EXISTS;~~

36 ~~(III) HAS THE SOLE PURPOSE OF PROVIDING CONTROL OF ACCESS~~
37 ~~BY THE DEPARTMENT OF TRANSPORTATION ALONG AN EXISTING HIGHWAY~~
38 ~~CORRIDOR; OR~~

39 ~~(IV) DUE TO ITS OPERATIONAL OR PHYSICAL CHARACTERISTICS,~~
40 ~~MUST BE LOCATED AWAY FROM OTHER DEVELOPMENT;~~

14

1 ~~(2)~~ (1) A PROJECT THAT IS REQUIRED TO PROTECT PUBLIC HEALTH
2 OR SAFETY; ~~OR~~

3 ~~(3)~~ (2) A PROJECT INVOLVING FEDERAL FUNDS, TO THE EXTENT
4 COMPLIANCE WITH THIS SUBTITLE WOULD CONFLICT OR BE INCONSISTENT WITH
5 FEDERAL LAW; ~~OR~~

6 (3) A GROWTH-RELATED PROJECT FOR A NATURAL RESOURCE BASED
7 INDUSTRY OR TOURISM-RELATED INDUSTRY WHICH, DUE TO ITS OPERATIONAL OR
8 PHYSICAL CHARACTERISTICS, SHALL BE LOCATED AWAY FROM OTHER
9 DEVELOPMENT.

10 (B) A PROCEDURE FOR NOTIFICATION, REVIEW, AND COMMENT ON
11 EXCEPTIONS PROPOSED UNDER THIS SECTION SHALL BE ESTABLISHED JOINTLY BY
12 THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING.

13 ~~5-7B-06; 5-7B-07.~~

14 (A) IT SHALL BE THE POLICY OF THE STATE THAT THE EMPHASIS OF
15 FUNDING FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS SHALL BE TO TARGET
16 THE REHABILITATION OF EXISTING SCHOOLS TO ENSURE THAT FACILITIES IN
17 ESTABLISHED NEIGHBORHOODS ARE OF EQUAL QUALITY TO NEW SCHOOLS.

18 (B) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE PROVISION OF
19 SCHOOL CONSTRUCTION FUNDING OUTSIDE A PRIORITY FUNDING AREA.

20 (C) THE PUBLIC SCHOOL INTERAGENCY COMMITTEE ON SCHOOL
21 CONSTRUCTION SHALL CONTINUE TO REVIEW AND MAKE RECOMMENDATIONS ON
22 SCHOOL FUNDING PROJECTS TO THE BOARD OF PUBLIC WORKS.

23 (D) A MUNICIPAL CORPORATION MAY MAKE AN APPEAL TO THE PUBLIC
24 SCHOOL INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION OR THE BOARD OF
25 PUBLIC WORKS TO HAVE STATE FUNDING ACCELERATED FOR A SCHOOL
26 CONSTRUCTION PROJECT THAT WOULD BENEFIT THE RESIDENTS OF THE
27 MUNICIPAL CORPORATION.

28 ~~(A) THE OFFICE OF PLANNING SHALL:~~

29 ~~(1) BY REGULATION AND IN CONSULTATION WITH THE STATE~~
30 ~~ECONOMIC GROWTH, RESOURCE PROTECTION, AND POLICY COMMISSION,~~
31 ~~ESTABLISH A COLLABORATIVE PROCESS WITH LOCAL JURISDICTIONS FOR THE~~
32 ~~DEVELOPMENT, AND PERIODIC UPDATING, OF MAPS AND DESCRIPTIONS OF STATE~~
33 ~~PRIORITY FUNDING AREAS;~~

34 ~~(2) IN THE CASE OF A DISPUTE, DETERMINE THE LOCATION OF A STATE~~
35 ~~PRIORITY FUNDING AREA;~~

36 ~~(3) ESTABLISH A PROCESS FOR THE REVIEW OF PROJECTS BY THE~~
37 ~~APPROPRIATE STATE AGENCIES AND THE OFFICE OF PLANNING FOR COMPLIANCE~~
38 ~~WITH THIS SUBTITLE; AND~~

15

1 ~~(4) PROVIDE TO EACH STATE AGENCY AND UNIT OF STATE~~
2 ~~GOVERNMENT, AS APPROPRIATE, AS WELL AS LOCAL GOVERNMENTS, THE~~
3 ~~LOCATION OF STATE PRIORITY FUNDING AREAS.~~

4 ~~(B) THE COLLABORATIVE PROCESS DESCRIBED IN SUBSECTION (A) OF THIS~~
5 ~~SECTION SHALL ENSURE THAT EACH COUNTY AND MUNICIPALITY HAS THE~~
6 ~~OPPORTUNITY TO SUBMIT A MAP AND DESCRIPTION OF THE JURISDICTION'S~~
7 ~~PRIORITY FUNDING AREAS, WHICH SHALL BE CONSISTENT WITH THE LOCAL~~
8 ~~COMPREHENSIVE PLAN AND THE CRITERIA SET FORTH IN § 5-7B-02 OF THIS~~
9 ~~SUBTITLE.~~

10 5-7B-08.

11 (A) TO BE ELIGIBLE FOR FUNDING FOR GROWTH-RELATED PROJECTS, A
12 LOCAL GOVERNMENT SHALL CERTIFY TO THE OFFICE OF PLANNING ANY AREAS
13 DESIGNATED BY THE LOCAL GOVERNMENT AS A PRIORITY FUNDING AREA UNDER
14 § 5-7B-03 OF THIS SUBTITLE, WHICH SHALL BE CONSISTENT WITH THE LOCAL
15 COMPREHENSIVE PLAN AND THE CRITERIA SET FORTH IN § 5-7B-03 OF THIS
16 SUBTITLE.

17 (B) PRIOR TO CERTIFICATION OF A PRIORITY FUNDING AREA OR AREAS, THE
18 LOCAL GOVERNMENT MAY SUBMIT THE PROPOSED PRIORITY FUNDING AREAS AND
19 ANY RELEVANT INFORMATION TO THE OFFICE OF PLANNING FOR:

20 (1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND

21 (2) THE OPPORTUNITY FOR PUBLIC REVIEW.

22 (C) UPON CERTIFICATION OF A PRIORITY FUNDING AREA, THE LOCAL
23 GOVERNMENT SHALL PROVIDE TO THE OFFICE OF PLANNING ALL INFORMATION
24 NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE AREA, INCLUDING
25 A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS, AND
26 EXISTING AND PLANNED WATER AND SEWER SERVICES AS APPROPRIATE.

27 (D) UPON RECEIPT OF CERTIFICATION FOR A PRIORITY FUNDING AREA
28 UNDER SUBSECTION (A) OF THIS SECTION, THE OFFICE OF PLANNING SHALL REVIEW
29 AND COMMENT ON THE CERTIFIED PRIORITY FUNDING AREA FOR CONSISTENCY
30 WITH THE REQUIREMENTS OF THIS SUBTITLE.

31 (E) THE OFFICE OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO EACH
32 STATE AGENCY THAT FUNDS GROWTH-RELATED PROJECTS COPIES OF MAPS
33 ILLUSTRATING:

34 (1) PRIORITY FUNDING AREAS CERTIFIED BY THE LOCAL
35 GOVERNMENT; AND

36 (2) ANY COMMENTS BY THE OFFICE OF PLANNING ON THE AREAS
37 CERTIFIED.

38 (F) PRIOR TO FUNDING A GROWTH-RELATED PROJECT, THE STATE FUNDING
39 AGENCY SHALL:

16

1 (1) OBTAIN FROM THE AFFECTED LOCAL GOVERNMENT A WRITTEN
2 STATEMENT THAT THE PROPOSED GROWTH-RELATED PROJECT IS LOCATED
3 WITHIN A CERTIFIED PRIORITY FUNDING AREA; AND

4 (2) ASSURE THAT THE DECISION TO FUND THE PROJECT IS CONSISTENT
5 WITH THE COMMENTS MADE BY THE OFFICE OF PLANNING ON THE CERTIFIED
6 PRIORITY FUNDING AREA IN WHICH THE PROJECT IS LOCATED.

7 ~~5-7B-07.~~ 5-7B-09.

8 (A) THE OFFICE OF PLANNING SHALL:

9 (1) ESTABLISH A PROCESS FOR THE REVIEW OF PROJECTS BY THE
10 APPROPRIATE STATE AGENCIES AND THE OFFICE OF PLANNING FOR COMPLIANCE
11 WITH THIS SUBTITLE;

12 (2) PROVIDE TO EACH STATE AGENCY AND UNIT OF STATE
13 GOVERNMENT THE LOCATION OF STATE PRIORITY FUNDING AREAS; AND

14 (3) MAKE AVAILABLE TO EACH COUNTY, AND TO THE PUBLIC FOR
15 REVIEW, COPIES OF MAPS ILLUSTRATING:

16 (I) PRIORITY FUNDING AREAS CERTIFIED BY THE LOCAL
17 GOVERNMENTS; AND

18 (II) ANY COMMENTS BY THE OFFICE OF PLANNING ON THE AREAS
19 CERTIFIED.

20 (B) BY OCTOBER 1, 1998, THE OFFICE OF PLANNING SHALL COMPLETE A
21 SURVEY OF MUNICIPAL, COUNTY, AND STATE GOVERNMENTS, THE WASHINGTON
22 SUBURBAN SANITARY COMMISSION, AND THE MARYLAND-NATIONAL CAPITAL
23 PARK AND PLANNING COMMISSION FOR INFRASTRUCTURE NEEDS.

24 (C) EACH STATE AGENCY SUBJECT TO THIS SUBTITLE SHALL REPORT
25 ANNUALLY TO THE OFFICE OF PLANNING ON THE IMPLEMENTATION OF THIS
26 SUBTITLE IN A FORM APPROVED BY THE OFFICE OF PLANNING.

27 ~~5-7B-08.~~ 5-7B-10.

28 (A) THIS SECTION MAY NOT BE CONSTRUED TO CREATE A PRIVATE CAUSE OF
29 ACTION FOR ANY PERSON OR LOCAL GOVERNMENT.

30 (B) A DECISION TO FUND A PROJECT OR NOT TO FUND A PROJECT AS
31 REQUIRED UNDER THIS SUBTITLE SHALL NOT BE SUBJECT TO TITLE 10, SUBTITLE 2
32 (ADMINISTRATIVE PROCEDURE ACT - CONTESTED CASES) OF THE STATE
33 GOVERNMENT ARTICLE.

34 (C) THIS SUBTITLE MAY NOT BE CONSTRUED TO PREVENT AN AGENCY FROM
35 PROVIDING TECHNICAL ASSISTANCE IN AN AREA THAT IS NOT A PRIORITY FUNDING
36 AREA.

37 7-314.

38 (O) IN THE CASE OF AN ECONOMIC DEVELOPMENT OPPORTUNITY LOCATED
39 OUTSIDE A PRIORITY FUNDING AREA AS ESTABLISHED UNDER TITLE 5, SUBTITLE 7B

17

1 OF THIS ARTICLE, THE DEPARTMENT SHALL FIRST COMPLY WITH THE PROVISIONS
2 OF THAT SUBTITLE BEFORE MAKING A REQUEST FOR APPROVAL BY THE
3 LEGISLATIVE POLICY COMMITTEE UNDER THIS SECTION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That no provision of this Act
5 shall apply to any project or program for which approval has been granted or a
6 commitment made before October 1, 1998, or for which a valid permit or State
7 commitment for a grant, loan, loan guarantee, or insurance for a capital project, or for
8 which final review under the National Environmental Policy Act or the Maryland
9 Environmental Policy Act is completed by October 1, 1998, or for which final review
10 through the State Clearinghouse for Intergovernmental Assistance is completed by
11 January 1, 1999.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1997.