

Gubernatorial Executive Order 01.01.1983.17

The Governor

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Intergovernmental Review of Federal Programs and Activities

WHEREAS, The Intergovernmental Cooperation Act of 1982, as amended, 31 U.S.C. §6506, and the Demonstration Cities and Metropolitan Development Act of 1966, as amended, 42 U.S.C. §3334, provide that all viewpoints — including those of state and local governments, as well as those of regional organizations — shall, to the extent possible, be fully considered and taken into account before federal agencies undertake financial assistance or direct development; and

WHEREAS, These Acts also provide that, to the extent possible, all federal assistance for development should be consistent with and further the objectives of state, regional, and local comprehensive plans, and all federally-required plans shall be coordinated with and made part of these comprehensive plans; and

WHEREAS, The President of the United States has, by Executive Order 12372, as amended by Executive Order 12416, directed federal agencies to provide opportunities for consultation with state and local governments when these governments are directly affected by proposed federal financial assistance or direct federal development; and

WHEREAS, In order to foster an intergovernmental partnership and a strengthened federalism, the President has specifically ordered federal agencies to:

(a) Use designated state processes to determine official views of state and local elected officials,

(b) Communicate with state and local elected officials as early in the planning cycle as is reasonably feasible,

(c) Seek the coordination of views of elected officials of affected state and local governments in one state with those of similar officials in other states, when proposed federal

financial assistance or direct federal development has a potential impact on interstate metropolitan or other interstate areas,

(d) Make efforts to accommodate state and local elected officials' concerns about proposed federal financial assistance and direct federal development, when these concerns are communicated through designated state processes,

(e) In those cases where state and local concerns cannot be accommodated, explain the bases for federal decisions in a timely manner,

(f) Allow the states to simplify and consolidate existing federally-required state plans and to substitute state planning and budgeting systems, where permitted by law, and

(g) Support state and local general purpose governments by discouraging creation or use of federally-required, single-purpose organizations not representative of or accountable to state or local elected officials: and

WHEREAS, Federal agency implementation of the Presidential Executive Orders is effective on September 30, 1983; and

WHEREAS, One of the objectives of the Presidential Executive Orders is that the states, in consultation with state and local elected officials, develop processes for the review and coordination of proposed federal financial assistance and direct federal development and select federal programs and activities for review and comment; and

WHEREAS, The Department of State Planning has consulted with State and local elected officials, regional officials, and others regarding the most effective way for providing intergovernmental review and coordination of federal programs and activities;

NOW, THEREFORE, I, HARRY HUGHES GOVERNOR OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND,

AND PURSUANT TO PRESIDENTIAL EXECUTIVE ORDER 12372, AS AMENDED BY PRESIDENTIAL EXECUTIVE ORDER 12416,

HEREBY ISSUE THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE SEPTEMBER 30, 1983.

SECTION 1. MARYLAND INTERGOVERNMENTAL REVIEW AND COORDINATION PROCESS

SECTION 2. DUTIES OF THE DEPARTMENT OF STATE PLANNING

(a) In order for Maryland to secure the benefits of intergovernmental cooperation and coordination, and in order to provide a simple, uniform, and consistent mechanism for State, regional, and local public officials to learn about and comment on proposed federal financial assistance and direct federal development, the Maryland Intergovernmental Review and Coordination Process is established. The process shall serve as Maryland's designated process for determining the views of State and local elected officials and regional officials concerning proposed federal financial assistance and direct federal development.

In order to carry out federal law and this Executive Order, the Department of State Planning is designated as the single point of contact for federal agencies seeking the views of State, regional, and local public officials. In this capacity, the Department shall:

(b) The Maryland Intergovernmental Review and Coordination Process shall facilitate the exchange of information among federal approval authorities, other proponents of federal action, and officials of general purpose governments within the State.

(a) In accordance with procedural rules adopted by the Department for the Maryland Intergovernmental Review and Coordination Process, provide opportunities for State, regional, and local public officials to review and comment on proposed federal financial assistance and direct federal development;

(b) In consultation with State, regional, and local public officials, select the federal programs and activities to be subject to the review process;

(c) Transmit all comments resulting from the review process to federal approval authorities, either through applicants for financial assistance or directly;

(d) Facilitate the resolution of disagreements identified during the review process;

(e) Seek to formulate a single recommended course of action based on review comments:

(f) Coordinate responses when federal agencies advise that they cannot accommodate the concerns of State, regional, and local public officials;

(g) Coordinate efforts by State agencies to simplify and consolidate federally-required State plans; and

(h) Periodically prepare any necessary reports on the activities of the review process.

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