

SENATE BILL 204

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2001 Regular Session
(11r0183)

ENROLLED BILL

-- *Economic and Environmental Affairs/Environmental Matters* --

Introduced by **The President (Administration) and Senators Blount, Collins, Conway, Della, Exum, Frosh, Green, Hoffman, Hollinger, Jimeno, Kelley, Lawlah, McFadden, Miller, Pinsky, Ruben, Sfikas, Stone, Teitelbaum, and Van Hollen**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 566

1 AN ACT concerning

2

Office of Smart Growth

3 FOR the purpose of establishing the Office of Smart Growth in the Executive Branch;
4 specifying the purpose of this Act; establishing the Special Secretary of Smart
5 Growth as the head of the Office; specifying the duties of the Special Secretary;
6 ~~requiring the Special Secretary to appoint a Deputy Special Secretary under~~
7 ~~certain circumstances~~; authorizing the Special Secretary to employ certain staff;
8 specifying the powers and duties of the Office; establishing a Smart Growth
9 Subcabinet; providing for the membership of the Subcabinet; specifying the
10 ~~chair~~ chair and vice chair of the Subcabinet; specifying the staff for the
11 Subcabinet; requiring the Subcabinet to perform certain duties; requiring the
12 Subcabinet to submit a certain annual report; and generally relating to the
13 establishment of the Office of Smart Growth.

14 BY adding to

1 Article - State Government
2 Section 9-1401 through ~~9-1407~~ 9-1406, inclusive, to be under the new subtitle
3 "Subtitle 14. Office of Smart Growth"
4 Annotated Code of Maryland
5 (1999 Replacement Volume and 2000 Supplement)

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

8 **Article - State Government**

9 **SUBTITLE 14. OFFICE OF SMART GROWTH.**

10 9-1401.

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) "OFFICE" MEANS THE OFFICE OF SMART GROWTH.

14 (C) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY OF SMART
15 GROWTH.

16 (D) "SUBCABINET" MEANS THE SMART GROWTH SUBCABINET.

17 9-1402.

18 (A) THE GENERAL ASSEMBLY FINDS THAT THE STATE IS COMMITTED TO
19 ADDRESSING THE HIGH FINANCIAL, SOCIAL, AND ENVIRONMENTAL COSTS OF
20 SPRAWL DEVELOPMENT THROUGH EFFECTIVE SMART GROWTH POLICY.

21 (B) THE PURPOSE OF THIS SUBTITLE IS TO ESTABLISH A CENTRALIZED
22 OFFICE IN THE STATE IN A MANNER SUCH THAT THE POLICY OF SMART GROWTH
23 CAN BE BETTER ARTICULATED, COORDINATED, AND IMPLEMENTED IN ORDER TO
24 BETTER SERVE THE RESIDENTS OF THE STATE.

25 9-1403.

26 THERE IS AN OFFICE OF SMART GROWTH, ESTABLISHED AS PART OF THE
27 EXECUTIVE DEPARTMENT.

28 9-1404.

29 (A) THE HEAD OF THE OFFICE IS THE SPECIAL SECRETARY OF SMART
30 GROWTH, WHO SHALL BE APPOINTED BY THE GOVERNOR.

31 (B) (1) THE SPECIAL SECRETARY SERVES AT THE PLEASURE OF THE
32 GOVERNOR AND IS RESPONSIBLE DIRECTLY TO THE GOVERNOR.

1 (2) THE SPECIAL SECRETARY SHALL ADVISE THE GOVERNOR ON ALL
2 MATTERS ASSIGNED TO THE OFFICE AND IS RESPONSIBLE FOR CARRYING OUT THE
3 GOVERNOR'S POLICIES ON SMART GROWTH.

4 (C) (1) THE SPECIAL SECRETARY IS RESPONSIBLE FOR THE OPERATION OF
5 THE OFFICE AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE
6 THE ORDERLY AND EFFICIENT ADMINISTRATION OF THE OFFICE.

7 (2) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THE SPECIAL
8 SECRETARY MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS OF RESPONSIBILITY
9 IN THE OFFICE AS NECESSARY TO FULFILL THE DUTIES ASSIGNED TO THE SPECIAL
10 SECRETARY.

11 (3) ~~THE SPECIAL SECRETARY SHALL ESTABLISH THE GENERAL POLICY~~
12 ~~FOR AND ADOPT STANDARDS AND REGULATIONS TO PROMOTE AND GUIDE THE~~
13 ~~DEVELOPMENT OF SMART GROWTH IN THE STATE~~ MAY ADOPT REGULATIONS
14 NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

15 (D) THE SPECIAL SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE
16 STATE BUDGET.

17 9-1405.

18 ~~(A) (1) WITH THE APPROVAL OF THE GOVERNOR, THE SPECIAL SECRETARY~~
19 ~~SHALL APPOINT A DEPUTY SPECIAL SECRETARY.~~

20 ~~(2) THE DEPUTY SPECIAL SECRETARY SERVES AT THE PLEASURE OF~~
21 ~~THE SPECIAL SECRETARY.~~

22 ~~(3) THE DEPUTY SPECIAL SECRETARY IS ENTITLED TO THE SALARY~~
23 ~~PROVIDED IN THE STATE BUDGET.~~

24 ~~(4) THE DEPUTY SPECIAL SECRETARY HAS THE DUTIES PROVIDED BY~~
25 ~~LAW OR DELEGATED BY THE SPECIAL SECRETARY.~~

26 ~~(B) (1) THE SPECIAL SECRETARY MAY EMPLOY A STAFF IN ACCORDANCE~~
27 ~~WITH THE STATE BUDGET.~~

28 ~~(2) THE SPECIAL SECRETARY SHALL APPOINT AND REMOVE STAFF IN~~
29 ~~ACCORDANCE WITH THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS~~
30 ~~ARTICLE.~~

31 ~~9-1406.~~

32 (A) IN ADDITION TO ANY OTHER POWERS AND DUTIES IMPOSED BY LAW, THE
33 OFFICE HAS THE POWERS AND DUTIES SET FORTH IN THIS SECTION.

34 (B) THE OFFICE SHALL:

35 (1) ~~EXAMINE THE SMART GROWTH PROGRAMS, SERVICES, AND PLANS~~
36 ~~OF STATE AGENCIES TO IDENTIFY DUPLICATIONS, INEFFICIENCIES, AND UNMET~~

~~1 NEEDS IN THE STATE AND TO EVALUATE THE EFFECTIVENESS OF THOSE PROGRAMS,
2 SERVICES, AND PLANS;~~

~~3 (2) COORDINATE THE SMART GROWTH PROGRAMS, SERVICES, AND
4 PLANS OF STATE AGENCIES TO ENSURE INTERAGENCY CONSENSUS AND
5 COOPERATION;~~

6 (1) REVIEW STATE ASSISTANCE PROGRAMS RELATED TO SMART
7 GROWTH TO DETERMINE THEIR APPLICABILITY, IF ANY, TO PROJECTS THAT ARE
8 CONSISTENT WITH THE STATE'S SMART GROWTH POLICY;

9 (2) PROMOTE INTERAGENCY CONSENSUS AND COOPERATION ON
10 PROJECTS THAT ARE CONSISTENT WITH THE STATE'S SMART GROWTH POLICY AND
11 RESOLVE CONFLICTING AGENCY POSITIONS ON PROJECTS IN AN EXPEDITED
12 MANNER;

13 (3) PROVIDE ADVISORY AND TECHNICAL ASSISTANCE TO LOCAL
14 JURISDICTIONS AND TO THE PUBLIC IN PREPARING, FINANCING, AND DEVELOPING
15 SMART GROWTH AND NEIGHBORHOOD CONSERVATION PROJECTS;

16 (4) GATHER AND DISSEMINATE INFORMATION TO THE PUBLIC,
17 INCLUDING LOCAL JURISDICTIONS, NONPROFIT ORGANIZATIONS, AND DEVELOPERS
18 ON HOW TO DEVELOP PROJECTS THAT ARE CONSISTENT WITH THE STATE'S SMART
19 GROWTH POLICY;

20 (5) PROVIDE A SINGLE POINT OF ACCESS FOR MEMBERS OF THE PUBLIC,
21 INCLUDING LOCAL JURISDICTIONS, NONPROFIT ORGANIZATIONS, ~~AND DEVELOPERS,~~
22 AND COMMUNITY AND HOMEOWNERS' ASSOCIATIONS WHO NEED ASSISTANCE OR
23 GUIDANCE IN NAVIGATING THE PROCESSES AND REGULATIONS OF STATE AGENCIES
24 ON PROJECTS THAT ARE CONSISTENT WITH THE STATE'S SMART GROWTH POLICY;

25 (6) WORK WITH LOCAL GOVERNMENTS IN EXPEDITING REVIEW OF
26 PROJECTS THAT BOTH THE LOCAL GOVERNMENT AND THE STATE AGREE ARE
27 CONSISTENT WITH THE STATE'S SMART GROWTH POLICY;

28 (7) ~~IN COOPERATION WITH THE DEPARTMENT OF PLANNING, IMPROVE
29 PUBLIC ACCESS TO INFORMATION IN THE STATE CLEARINGHOUSE FOR
30 INTERGOVERNMENTAL ASSISTANCE, AS ESTABLISHED IN § 5-509 OF THE STATE
31 FINANCE AND PROCUREMENT ARTICLE;~~

32 (8) PROVIDE EFFECTIVE PUBLIC INFORMATION ON SMART GROWTH
33 PROGRAMS AND EDUCATIONAL ACTIVITIES, INCLUDING RELATIONSHIPS WITH THE
34 NATIONAL CENTER FOR SMART GROWTH EDUCATION AND RESEARCH AT THE
35 UNIVERSITY OF MARYLAND COLLEGE PARK, AND COORDINATION OF SMART
36 GROWTH OUTREACH EFFORTS TO LOCAL GOVERNMENTS, THE GENERAL PUBLIC,
37 AND OTHER INTEREST GROUPS;

38 (9) (8) COORDINATE THE EFFORTS OF THE EXECUTIVE BRANCH TO
39 PROVIDE INPUT TO THE GENERAL ASSEMBLY ON LEGISLATION THAT CONCERNS
40 SMART GROWTH AND NEIGHBORHOOD CONSERVATION;

1 ~~(4)~~ (9) IN COORDINATION WITH THE SUBCABINET, RECOMMEND TO
 2 THE GOVERNOR CHANGES TO STATE LAW AND REGULATIONS NECESSARY TO
 3 ADVANCE THE POLICY OF SMART GROWTH; AND

4 ~~(4)~~ (10) REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §
 5 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR
 6 BEFORE DECEMBER 1, 2001 AND EACH DECEMBER 1 THEREAFTER ON THE
 7 ACTIVITIES OF THE OFFICE AND THE IMPLEMENTATION OF SMART GROWTH
 8 PROJECTS IN THE PRECEDING CALENDAR YEAR.

9 ~~9-1407. 9-1406.~~

10 (A) THERE IS A SMART GROWTH SUBCABINET.

11 (B) THE SUBCABINET CONSISTS OF:

12 (1) THE SPECIAL SECRETARY;

13 (2) THE SECRETARY OF AGRICULTURE;

14 (3) THE SECRETARY OF BUDGET AND MANAGEMENT;

15 (4) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT;

16 (5) THE SECRETARY OF THE ENVIRONMENT;

17 (6) THE SECRETARY OF GENERAL SERVICES;

18 (7) THE SECRETARY OF HIGHER EDUCATION;

19 (8) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT;

20 (9) THE ASSISTANT SECRETARY OF THE OFFICE OF NEIGHBORHOOD
 21 REVITALIZATION;

22 (10) THE SECRETARY OF NATURAL RESOURCES;

23 (11) THE SECRETARY OF PLANNING;

24 (12) THE SECRETARY OF TRANSPORTATION; AND

25 (13) A REPRESENTATIVE OF THE GOVERNOR'S OFFICE.

26 (C) THE EXECUTIVE DIRECTOR OF THE NATIONAL CENTER FOR SMART
 27 GROWTH, EDUCATION AND RESEARCH AT THE UNIVERSITY OF MARYLAND COLLEGE
 28 PARK SHALL SERVE AS AN EX OFFICIO MEMBER OF THE SUBCABINET.

29 (D) (1) THE SPECIAL SECRETARY ~~AND THE SECRETARY OF PLANNING~~
 30 SHALL COCHAIR ~~BE~~:

31 ~~(1)~~ THE CHAIR OF THE SUBCABINET AND SHALL BE; AND SHALL BE

1 ~~(H)~~ RESPONSIBLE FOR THE OVERSIGHT, DIRECTION, AND
2 ACCOUNTABILITY OF THE WORK OF THE SUBCABINET.

3 (2) THE SECRETARY OF PLANNING SHALL BE THE VICE CHAIR OF THE
4 SUBCABINET.

5 (E) (1) THE OFFICE SHALL PROVIDE THE PRIMARY STAFF SUPPORT FOR
6 THE SUBCABINET.

7 (2) THE SPECIAL SECRETARY AND THE SECRETARY OF PLANNING MAY
8 CALL UPON ANY OF THE SUBCABINET MEMBERS TO PROVIDE ADDITIONAL STAFF
9 ASSISTANCE AS NEEDED.

10 (F) THE SPECIAL SECRETARY AND THE SECRETARY OF PLANNING MAY
11 ESTABLISH SUBCOMMITTEES TO CARRY OUT THE WORK OF THE SUBCABINET.

12 (G) THE SUBCABINET SHALL MEET REGULARLY AT SUCH TIMES AND PLACES
13 AS IT DETERMINES.

14 (H) THE SUBCABINET SHALL:

15 (1) PROVIDE A FORUM FOR DISCUSSION OF INTERDEPARTMENTAL
16 ISSUES RELATING TO ACTIVITIES THAT AFFECT GROWTH, DEVELOPMENT,
17 NEIGHBORHOOD CONSERVATION, AND RESOURCE MANAGEMENT;

18 (2) WORK TOGETHER USING ALL AVAILABLE RESOURCES TO PROMOTE
19 THE UNDERSTANDING OF SMART GROWTH;

20 (3) IN COORDINATION WITH STATE AGENCIES, EVALUATE AND REPORT
21 ANNUALLY TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE
22 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE IMPLEMENTATION OF
23 THE STATE'S SMART GROWTH POLICY; AND

24 (4) PERFORM OTHER DUTIES ASSIGNED BY THE GOVERNOR.

25 (I) THE ANNUAL REPORT REQUIRED IN SUBSECTION (H)(3) OF THIS SECTION
26 SHALL INCLUDE:

27 (1) A DESCRIPTION OF THE PROJECTS, PROGRAMS, AND COSTS OF
28 ACTIVITIES LOCATED IN PRIORITY FUNDING AREAS;

29 (2) A DESCRIPTION OF PROJECTS, PROGRAMS, AND COSTS OF
30 ACTIVITIES FUNDED UNDER THE EXCEPTIONS ALLOWED IN § 5-7B-06 OF THE STATE
31 FINANCE AND PROCUREMENT ARTICLE;

32 (3) PROJECTS SUBMITTED TO THE BOARD OF PUBLIC WORKS FOR
33 FUNDING OUTSIDE PRIORITY FUNDING AREAS UNDER THE EXTRAORDINARY
34 CIRCUMSTANCES EXCEPTION IN ACCORDANCE WITH § 5-7B-05 OF THE STATE
35 FINANCE AND PROCUREMENT ARTICLE AND THE IMPACT OF THESE PROJECTS UPON
36 THE STATE'S SMART GROWTH POLICY;

1 (4) A LIST OF PROGRAMS AND POLICIES REVIEWED AND CHANGED TO
2 ENSURE COMPLIANCE WITH THE STATE'S SMART GROWTH POLICY; AND

3 (5) A LIST OF PROJECTS OR PROGRAMS APPROVED AND FUNDED UNDER
4 CHAPTER 759, § 2 OF THE ACTS OF 1997.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2001.