

Chapter 488

(House Bill 474)

AN ACT concerning

Smart, Green, and Growing – Maryland Sustainable Growth Commission

FOR the purpose of repealing the Task Force on the Future for Growth and Development in Maryland; establishing the Maryland Sustainable Growth Commission; establishing the membership and the charge of the Commission; providing for the terms of the members; requiring the Governor to designate the chair and the vice chair of the Commission; authorizing the Commission to adopt rules of procedure; requiring the Commission to submit an annual report of its activities on or before a certain date; providing for the termination of certain provisions of this Act; and generally relating to the Maryland Sustainable Growth Commission.

BY repealing

Chapter 381 of the Acts of the General Assembly of 2006, as amended by
Chapter 626 of the Acts of the General Assembly of 2007
Section 4

BY adding to

Article – State Finance and Procurement
Section 5–701 through 5–707 to be under the new subtitle “Subtitle 7. Maryland
Sustainable Growth Commission”
Annotated Code of Maryland
(2009 Replacement Volume)

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

Chapter 381 of the Acts of 2006, as amended by Chapter 626 of the Acts of 2007

[SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Future for Growth and Development in Maryland.

(b) (1) The Task Force consists of the following members:

(i) two members of the House Environmental Matters Committee, appointed by the Speaker of the House;

(ii) two members of the Senate Education, Health, and Environmental Affairs Committee, appointed by the President of the Senate;

(iii) the Secretary of Planning, or the Secretary's designee;

(iv) the Secretary of the Environment, or the Secretary's designee;

(v) the Secretary of Transportation, or the Secretary's designee;

(vi) the Secretary of Housing and Community Development, or the Secretary's designee;

(vii) the Chair of the Base Realignment and Closure Subcabinet, or the Chair's designee;

(viii) the Executive Director of the Rural Maryland Council, or the Executive Director's designee;

(ix) the Director of the University of Maryland's National Center for Smart Growth, or the Director's designee;

(x) four representatives of local government:

1. two designated by the Maryland Municipal League, with one representing a rural county; and

2. two designated by the Maryland Association of Counties, with one representing a rural county; and

(xi) the following members, appointed by the Governor:

1. one representative of the environmental community;

2. one representative of the State Builders Association;

3. one representative of the agricultural community; and

4. three representatives of citizens organizations that address affordable housing, transportation, and smart growth.

(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.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of Planning shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study current land use policies and their impact on growth in the State;

(2) study current trends and challenges for municipal corporations and counties as they relate to growth, including population and demographic changes;

(3) analyze the capabilities of municipal corporations and counties to plan for future growth and development;

(4) analyze the impacts of county development proximate to municipal corporate limits on municipal infrastructure, water resources, and sensitive areas;

(5) analyze the impacts of municipal growth and development on county infrastructure, water resources, and sensitive areas;

(6) identify regional growth and development issues;

(7) study mechanisms to facilitate joint planning to coordinate growth and development between municipal corporations and counties;

(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;

(9) determine methods to assess the cumulative impacts of proposed development on infrastructure, including water, sewer, roads, and utilities, and on

transportation, fire and safety resources, health systems, educational systems, and environmental resources on a regional scale;

(10) (i) determine the parameters for a State development plan, State transportation plan, State housing plan; and

(ii) determine how these plans work together with local land use plans;

(11) identify infrastructure needed for smart growth development consistent with population growth;

(12) assess mechanisms to fund the construction and maintenance of smart growth infrastructure;

(13) make recommendations to implement law or regulations that further best management practices as they relate to future growth and development in the State; and

(14) serve as an advisory board to the Governor's Smart Growth Subcabinet, providing advice and guidance at least twice annually through December 31, 2010.

(g) On or before December 1, 2008, the Task Force shall report its findings and recommendations to the Speaker of the House, the President of the Senate, the House Environmental Matters Committee, the Senate Education, Health, and Environmental Affairs Committee, and the Governor, in accordance with § 2-1246 of the State Government Article.]

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

SUBTITLE 7. MARYLAND SUSTAINABLE GROWTH COMMISSION.

5-701.

IN THIS SUBTITLE, “COMMISSION” MEANS THE MARYLAND SUSTAINABLE GROWTH COMMISSION.

5-702.

THERE IS A MARYLAND SUSTAINABLE GROWTH COMMISSION.

5-703.

(A) (1) THE COMMISSION CONSISTS OF THE FOLLOWING ~~30~~ MEMBERS:

(I) TWO MEMBERS OF THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE;

(II) TWO MEMBERS OF THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(III) AS EX OFFICIO MEMBERS:

1. THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;

2. THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;

3. THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;

4. THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

5. THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;

6. THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

7. THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S DESIGNEE;

~~7~~ 8. THE SUPERINTENDENT OF THE MARYLAND STATE DEPARTMENT OF EDUCATION, OR THE SUPERINTENDENT'S DESIGNEE;

~~8~~ 9. THE CHAIR OF THE BASE REALIGNMENT AND CLOSURE SUBCABINET, OR THE CHAIR'S DESIGNEE;

~~9~~ 10. THE EXECUTIVE DIRECTOR OF THE RURAL MARYLAND COUNCIL, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

~~10.~~ 11. THE DIRECTOR OF THE UNIVERSITY OF MARYLAND'S NATIONAL CENTER FOR SMART GROWTH, OR THE DIRECTOR'S DESIGNEE;

(IV) FOUR REPRESENTATIVES OF LOCAL GOVERNMENT:

1. TWO DESIGNATED BY THE MARYLAND MUNICIPAL LEAGUE; AND

2. TWO DESIGNATED BY THE MARYLAND ASSOCIATION OF COUNTIES;

(V) APPOINTED BY THE GOVERNOR:

1. ONE REPRESENTATIVE OF THE SMART GROWTH COMMUNITY;

2. ONE REPRESENTATIVE OF THE ENVIRONMENTAL COMMUNITY;

3. ONE REPRESENTATIVE OF THE RESIDENTIAL BUILDING AND DEVELOPMENT COMMUNITY;

4. ONE REPRESENTATIVE OF THE COMMERCIAL BUILDING AND DEVELOPMENT COMMUNITY;

5. ONE REPRESENTATIVE OF THE AGRICULTURAL COMMUNITY;

6. ONE REPRESENTATIVE OF A CITIZEN ORGANIZATION THAT ADDRESSES HOUSING;

7. ONE REPRESENTATIVE OF A CITIZEN ORGANIZATION THAT ADDRESSES TRANSPORTATION;

8. ONE REPRESENTATIVE FROM WESTERN MARYLAND;

9. ONE REPRESENTATIVE FROM SOUTHERN MARYLAND;

10. ~~ONE REPRESENTATIVE~~ THREE REPRESENTATIVES
FROM THE WASHINGTON METROPOLITAN AREA;

11. ~~ONE REPRESENTATIVE~~ THREE REPRESENTATIVES
FROM THE BALTIMORE METROPOLITAN AREA; AND

12. ONE REPRESENTATIVE FROM THE EASTERN
SHORE.

(2) (I) THE MEMBERS REPRESENTING A REGION OF THE
STATE SHALL HAVE KNOWLEDGE OF SMART GROWTH AND PLANNING ISSUES.

(II) OF THE THREE MEMBERS REPRESENTING THE
WASHINGTON METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR
REGIONAL GOVERNMENT.

(III) OF THE THREE MEMBERS REPRESENTING THE
BALTIMORE METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR
REGIONAL GOVERNMENT.

(IV) OF THE MEMBERS APPOINTED BY THE GOVERNOR, ONE
SHALL BE AN ARCHITECT THAT:

1. IS LICENSED TO PRACTICE IN THE STATE; AND

2. IS A RESIDENT OF THE STATE.

(B) (1) EXCEPT FOR EX OFFICIO MEMBERS OR THEIR DESIGNEES,
THE TERM OF A MEMBER IS 5 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
APPOINTED AND QUALIFIES.

(C) IF THE GOVERNOR APPOINTS A REGULATED LOBBYIST TO SERVE AS
A MEMBER OF THE COMMISSION, THE LOBBYIST:

(1) IS NOT SUBJECT TO § 15-504(D) OF THE STATE GOVERNMENT
ARTICLE WITH RESPECT TO THAT SERVICE; AND

(2) IS NOT SUBJECT TO § 15-703(F)(3) OF THE STATE GOVERNMENT ARTICLE AS A RESULT OF THAT SERVICE.

(D) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

5-704.

(A) THE GOVERNOR SHALL DESIGNATE THE CHAIR AND THE VICE CHAIR OF THE COMMISSION.

(B) THE COMMISSION MAY ADOPT RULES OF PROCEDURE.

5-705.

THE DEPARTMENT OF PLANNING SHALL PROVIDE STAFF FOR THE COMMISSION.

5-706.

THE COMMISSION SHALL:

(1) ASSESS AND ADVISE ON THE PROGRESS OF STATE, REGIONAL, AND LOCAL PLANNING IN MARYLAND IN ACHIEVING THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY, AS DEFINED IN § 5-7A-01 OF THIS TITLE;

(2) MAKE RECOMMENDATIONS ~~FOR~~ ON THE ADEQUACY, COORDINATION, AND IMPLEMENTATION OF FUNDING MECHANISMS AND OTHER STATE ASSISTANCE FOR PLANNING ACTIVITIES AND INFRASTRUCTURE AND LAND PRESERVATION NEEDS, CONSISTENT WITH THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;

(3) PROMOTE PLANNING COORDINATION AND INTERJURISDICTIONAL COOPERATION AMONG THE STATE AND LOCAL

JURISDICTIONS AND RECOMMEND MECHANISMS TO FACILITATE VOLUNTARY JOINT PLANNING;

(4) ADVISE ON THE CONTENT AND PREPARATION OF THE STATE DEVELOPMENT PLAN, STATE TRANSPORTATION PLAN, AND STATE HOUSING PLAN AND THE IMPLEMENTATION OF THESE PLANS, INCLUDING THE RELATIONSHIP OF THESE PLANS WITH LOCAL LAND USE PLANS;

(5) PROMOTE AND MAKE RECOMMENDATIONS REGARDING EFFICIENT AND PREDICTABLE MODEL STATE AND LOCAL DEVELOPMENT REGULATIONS TO ACHIEVE THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;

(6) EVALUATE THE CONTINUING VIABILITY AND EFFECTIVENESS OF THE STATE AND LOCAL GOVERNMENT SMART GROWTH INDICATORS CONTAINED IN ARTICLE 66B, § 3.10 OF THE CODE, AND MAKE RECOMMENDATIONS FOR AMENDMENTS OR ADDITIONS TO THE INDICATORS;

~~**(7) REVIEW THE ANNUAL REPORTS SUBMITTED BY COUNTIES AND MUNICIPAL CORPORATIONS IN ACCORDANCE WITH ARTICLE 66B, § 3.09 OF THE CODE, WITH RESPECT TO PROGRESS IN ACHIEVING THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;**~~

~~**(8)**~~ **(8) REVIEW THE REPORTS OF LOCAL JURISDICTIONS ON ADEQUATE PUBLIC FACILITIES DEVELOPMENT RESTRICTIONS REQUIRED BY ARTICLE 66B, § 10.01 OF THE CODE, AND ASSESS WHETHER AND TO WHAT EXTENT ADEQUATE PUBLIC FACILITIES ORDINANCES ~~HAVE A DETRIMENTAL EFFECT ON SMART GROWTH~~ AFFECT THE ACHIEVEMENT OF THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;**

~~**(9)**~~ **(8) DEVELOP AND ASSIST IN THE IMPLEMENTATION OF EDUCATIONAL AND OUTREACH PROGRAMS ABOUT SMART GROWTH;**

~~**(10)**~~ **(9) REVIEW PERIODICALLY THE EDUCATIONAL REQUIREMENTS FOR MEMBERS OF PLANNING BOARDS AND COMMISSIONS AND BOARDS OF APPEALS REQUIRED BY ARTICLE 66B, §§ 3.02 AND 4.07 OF THE CODE, AND EVALUATE COMPLIANCE RATES FOR THE MEMBERS;**

~~**(11)**~~ **(10) MAKE RECOMMENDATIONS FOR CHANGES IN STATE LAW, REGULATIONS, POLICIES, AND PROCEDURES, IF ANY, THAT THE COMMISSION BELIEVES ARE NECESSARY TO ACHIEVE THE STATE'S ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY; AND**

~~(12)~~ (11) SERVE AS AN ADVISORY BOARD TO THE GOVERNOR'S SMART GROWTH SUBCABINET, PROVIDING ADVICE AND GUIDANCE.

5-707.

ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSION SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON ITS ACTIVITIES AND RECOMMENDATIONS TO:

- (1) THE SPEAKER OF THE HOUSE;
- (2) THE PRESIDENT OF THE SENATE;
- (3) THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE;
- (4) THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE; AND
- (5) THE GOVERNOR.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. Section 2 of this Act shall remain effective for a period of 10 years and 6 months and, at the end of December 31, 2020, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.