

HOUSE BILL 302

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2001 Regular Session
11r0184
CF 11r0183

By: **The Speaker (Administration) and Delegates Barve, Bronrott, Busch, Cole, D'Amato, D. Davis, Giannetti, Gordon, Guns, Hammen, Hubbard, Hurson, Kirk, Klausmeier, Krysiak, McHale, Moe, Morhaim, Oaks, Owings, Phillips, Pitkin, Turner, and Zirkin**

Introduced and read first time: January 26, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

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 chairs of the Subcabinet; specifying the staff for the Subcabinet; requiring the
11 Subcabinet to perform certain duties; requiring the Subcabinet to submit a
12 certain annual report; and generally relating to the establishment of the Office
13 of Smart Growth.

14 BY adding to
15 Article - State Government
16 Section 9-1401 through 9-1407, inclusive, to be under the new subtitle "Subtitle
17 14. Office of Smart Growth"
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2000 Supplement)

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

22 **Article - State Government**

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

24 9-1401.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

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

2 (C) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY OF SMART
3 GROWTH.

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

5 9-1402.

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

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

13 9-1403.

14 THERE IS AN OFFICE OF SMART GROWTH, ESTABLISHED AS PART OF THE
15 EXECUTIVE DEPARTMENT.

16 9-1404.

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

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

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

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

27 (2) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THE SPECIAL
28 SECRETARY MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS OF RESPONSIBILITY
29 IN THE OFFICE AS NECESSARY TO FULFILL THE DUTIES ASSIGNED TO THE SPECIAL
30 SECRETARY.

31 (3) THE SPECIAL SECRETARY SHALL ESTABLISH THE GENERAL POLICY
32 FOR AND ADOPT STANDARDS AND REGULATIONS TO PROMOTE AND GUIDE THE
33 DEVELOPMENT OF SMART GROWTH IN THE STATE.

34 (D) THE SPECIAL SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE
35 STATE BUDGET.

1 9-1405.

2 (A) (1) WITH THE APPROVAL OF THE GOVERNOR, THE SPECIAL SECRETARY
3 SHALL APPOINT A DEPUTY SPECIAL SECRETARY.

4 (2) THE DEPUTY SPECIAL SECRETARY SERVES AT THE PLEASURE OF
5 THE SPECIAL SECRETARY.

6 (3) THE DEPUTY SPECIAL SECRETARY IS ENTITLED TO THE SALARY
7 PROVIDED IN THE STATE BUDGET.

8 (4) THE DEPUTY SPECIAL SECRETARY HAS THE DUTIES PROVIDED BY
9 LAW OR DELEGATED BY THE SPECIAL SECRETARY.

10 (B) (1) THE SPECIAL SECRETARY MAY EMPLOY A STAFF IN ACCORDANCE
11 WITH THE STATE BUDGET.

12 (2) THE SPECIAL SECRETARY SHALL APPOINT AND REMOVE STAFF IN
13 ACCORDANCE WITH THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS
14 ARTICLE.

15 9-1406.

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

18 (B) THE OFFICE SHALL:

19 (1) EXAMINE THE SMART GROWTH PROGRAMS, SERVICES, AND PLANS
20 OF STATE AGENCIES TO IDENTIFY DUPLICATIONS, INEFFICIENCIES, AND UNMET
21 NEEDS IN THE STATE AND TO EVALUATE THE EFFECTIVENESS OF THOSE PROGRAMS,
22 SERVICES, AND PLANS;

23 (2) COORDINATE THE SMART GROWTH PROGRAMS, SERVICES, AND
24 PLANS OF STATE AGENCIES TO ENSURE INTERAGENCY CONSENSUS AND
25 COOPERATION;

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

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

33 (5) PROVIDE A SINGLE POINT OF ACCESS FOR MEMBERS OF THE PUBLIC,
34 INCLUDING LOCAL JURISDICTIONS, NONPROFIT ORGANIZATIONS, AND DEVELOPERS
35 WHO NEED ASSISTANCE OR GUIDANCE IN NAVIGATING THE PROCESSES AND

1 REGULATIONS OF STATE AGENCIES ON PROJECTS THAT ARE CONSISTENT WITH THE
2 STATE'S SMART GROWTH POLICY;

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

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

10 (8) PROVIDE EFFECTIVE PUBLIC INFORMATION ON SMART GROWTH
11 PROGRAMS AND EDUCATIONAL ACTIVITIES, INCLUDING RELATIONSHIPS WITH THE
12 NATIONAL CENTER FOR SMART GROWTH EDUCATION AND RESEARCH AT THE
13 UNIVERSITY OF MARYLAND COLLEGE PARK, AND COORDINATION OF SMART
14 GROWTH OUTREACH EFFORTS TO LOCAL GOVERNMENTS, THE GENERAL PUBLIC,
15 AND OTHER INTEREST GROUPS;

16 (9) COORDINATE THE EFFORTS OF THE EXECUTIVE BRANCH TO
17 PROVIDE INPUT TO THE GENERAL ASSEMBLY ON LEGISLATION THAT CONCERNS
18 SMART GROWTH AND NEIGHBORHOOD CONSERVATION;

19 (10) IN COORDINATION WITH THE SUBCABINET, RECOMMEND TO THE
20 GOVERNOR CHANGES TO STATE LAW AND REGULATIONS NECESSARY TO ADVANCE
21 THE POLICY OF SMART GROWTH; AND

22 (11) REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF
23 THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE
24 DECEMBER 1, 2001 AND EACH DECEMBER 1 THEREAFTER ON THE ACTIVITIES OF THE
25 OFFICE AND THE IMPLEMENTATION OF SMART GROWTH PROJECTS IN THE
26 PRECEDING CALENDAR YEAR.

27 9-1407.

28 (A) THERE IS A SMART GROWTH SUBCABINET.

29 (B) THE SUBCABINET CONSISTS OF:

30 (1) THE SPECIAL SECRETARY;

31 (2) THE SECRETARY OF AGRICULTURE;

32 (3) THE SECRETARY OF BUDGET AND MANAGEMENT;

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

34 (5) THE SECRETARY OF THE ENVIRONMENT;

35 (6) THE SECRETARY OF GENERAL SERVICES;

- 1 (7) THE SECRETARY OF HIGHER EDUCATION;
- 2 (8) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT;
- 3 (9) THE ASSISTANT SECRETARY OF THE OFFICE OF NEIGHBORHOOD
4 REVITALIZATION;
- 5 (10) THE SECRETARY OF NATURAL RESOURCES;
- 6 (11) THE SECRETARY OF PLANNING;
- 7 (12) THE SECRETARY OF TRANSPORTATION; AND
- 8 (13) A REPRESENTATIVE OF THE GOVERNOR'S OFFICE.

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

12 (D) THE SPECIAL SECRETARY AND THE SECRETARY OF PLANNING SHALL
13 COCHAIR THE SUBCABINET AND SHALL BE RESPONSIBLE FOR THE OVERSIGHT,
14 DIRECTION, AND ACCOUNTABILITY OF THE WORK OF THE SUBCABINET.

15 (E) (1) THE OFFICE SHALL PROVIDE THE PRIMARY STAFF SUPPORT FOR
16 THE SUBCABINET.

17 (2) THE SPECIAL SECRETARY AND THE SECRETARY OF PLANNING MAY
18 CALL UPON ANY OF THE SUBCABINET MEMBERS TO PROVIDE ADDITIONAL STAFF
19 ASSISTANCE AS NEEDED.

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

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

24 (H) THE SUBCABINET SHALL:

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

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

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

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

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

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

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

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

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

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

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