

SENATE BILL 204

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2001 Regular Session  
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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**

Introduced and read first time: January 22, 2001  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 14, 2001

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CHAPTER \_\_\_\_\_

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  
15 Article - State Government  
16 Section 9-1401 through ~~9-1407~~ 9-1406, inclusive, to be under the new subtitle  
17 "Subtitle 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:

1 **Article - State Government**

## 2 SUBTITLE 14. OFFICE OF SMART GROWTH.

3 9-1401.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

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

7 (C) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY OF SMART  
8 GROWTH.

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

10 9-1402.

11 (A) THE GENERAL ASSEMBLY FINDS THAT THE STATE IS COMMITTED TO  
12 ADDRESSING THE HIGH FINANCIAL, SOCIAL, AND ENVIRONMENTAL COSTS OF  
13 SPRAWL DEVELOPMENT THROUGH EFFECTIVE SMART GROWTH POLICY.14 (B) THE PURPOSE OF THIS SUBTITLE IS TO ESTABLISH A CENTRALIZED  
15 OFFICE IN THE STATE IN A MANNER SUCH THAT THE POLICY OF SMART GROWTH  
16 CAN BE BETTER ARTICULATED, COORDINATED, AND IMPLEMENTED IN ORDER TO  
17 BETTER SERVE THE RESIDENTS OF THE STATE.

18 9-1403.

19 THERE IS AN OFFICE OF SMART GROWTH, ESTABLISHED AS PART OF THE  
20 EXECUTIVE DEPARTMENT.

21 9-1404.

22 (A) THE HEAD OF THE OFFICE IS THE SPECIAL SECRETARY OF SMART  
23 GROWTH, WHO SHALL BE APPOINTED BY THE GOVERNOR.24 (B) (1) THE SPECIAL SECRETARY SERVES AT THE PLEASURE OF THE  
25 GOVERNOR AND IS RESPONSIBLE DIRECTLY TO THE GOVERNOR.26 (2) THE SPECIAL SECRETARY SHALL ADVISE THE GOVERNOR ON ALL  
27 MATTERS ASSIGNED TO THE OFFICE AND IS RESPONSIBLE FOR CARRYING OUT THE  
28 GOVERNOR'S POLICIES ON SMART GROWTH.29 (C) (1) THE SPECIAL SECRETARY IS RESPONSIBLE FOR THE OPERATION OF  
30 THE OFFICE AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE  
31 THE ORDERLY AND EFFICIENT ADMINISTRATION OF THE OFFICE.32 (2) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THE SPECIAL  
33 SECRETARY MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS OF RESPONSIBILITY

1 IN THE OFFICE AS NECESSARY TO FULFILL THE DUTIES ASSIGNED TO THE SPECIAL  
2 SECRETARY.

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

7           (D) THE SPECIAL SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE  
8 STATE BUDGET.

9 9-1405.

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

12           (2) ~~THE DEPUTY SPECIAL SECRETARY SERVES AT THE PLEASURE OF~~  
13 ~~THE SPECIAL SECRETARY.~~

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

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

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

20           (2) ~~THE SPECIAL SECRETARY SHALL APPOINT AND REMOVE STAFF IN~~  
21 ~~ACCORDANCE WITH THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS~~  
22 ~~ARTICLE.~~

23 ~~9-1406.~~

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

26           (B) THE OFFICE SHALL:

27           (1) ~~EXAMINE THE SMART GROWTH PROGRAMS, SERVICES, AND PLANS~~  
28 ~~OF STATE AGENCIES TO IDENTIFY DUPLICATIONS, INEFFICIENCIES, AND UNMET~~  
29 ~~NEEDS IN THE STATE AND TO EVALUATE THE EFFECTIVENESS OF THOSE PROGRAMS,~~  
30 ~~SERVICES, AND PLANS;~~

31           (2) ~~COORDINATE THE SMART GROWTH PROGRAMS, SERVICES, AND~~  
32 ~~PLANS OF STATE AGENCIES TO ENSURE INTERAGENCY CONSENSUS AND~~  
33 ~~COOPERATION;~~

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

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

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

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

12          (5)     PROVIDE A SINGLE POINT OF ACCESS FOR MEMBERS OF THE PUBLIC,  
13 INCLUDING LOCAL JURISDICTIONS, NONPROFIT ORGANIZATIONS, AND DEVELOPERS  
14 WHO NEED ASSISTANCE OR GUIDANCE IN NAVIGATING THE PROCESSES AND  
15 REGULATIONS OF STATE AGENCIES ON PROJECTS THAT ARE CONSISTENT WITH THE  
16 STATE'S SMART GROWTH POLICY;

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

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

24          (8)     PROVIDE EFFECTIVE PUBLIC INFORMATION ON SMART GROWTH  
25 PROGRAMS AND EDUCATIONAL ACTIVITIES, INCLUDING RELATIONSHIPS WITH THE  
26 NATIONAL CENTER FOR SMART GROWTH EDUCATION AND RESEARCH AT THE  
27 UNIVERSITY OF MARYLAND COLLEGE PARK, AND COORDINATION OF SMART  
28 GROWTH OUTREACH EFFORTS TO LOCAL GOVERNMENTS, THE GENERAL PUBLIC,  
29 AND OTHER INTEREST GROUPS;

30          (9)     (8)     COORDINATE THE EFFORTS OF THE EXECUTIVE BRANCH TO  
31 PROVIDE INPUT TO THE GENERAL ASSEMBLY ON LEGISLATION THAT CONCERNS  
32 SMART GROWTH AND NEIGHBORHOOD CONSERVATION;

33          (10)    (9)     IN COORDINATION WITH THE SUBCABINET, RECOMMEND TO  
34 THE GOVERNOR CHANGES TO STATE LAW AND REGULATIONS NECESSARY TO  
35 ADVANCE THE POLICY OF SMART GROWTH; AND

36          (11)    (10)    REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §  
37 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR  
38 BEFORE DECEMBER 1, 2001 AND EACH DECEMBER 1 THEREAFTER ON THE  
39 ACTIVITIES OF THE OFFICE AND THE IMPLEMENTATION OF SMART GROWTH  
40 PROJECTS IN THE PRECEDING CALENDAR YEAR.

1 ~~9-1407. 9-1406.~~

2 (A) THERE IS A SMART GROWTH SUBCABINET.

3 (B) THE SUBCABINET CONSISTS OF:

4 (1) THE SPECIAL SECRETARY;

5 (2) THE SECRETARY OF AGRICULTURE;

6 (3) THE SECRETARY OF BUDGET AND MANAGEMENT;

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

8 (5) THE SECRETARY OF THE ENVIRONMENT;

9 (6) THE SECRETARY OF GENERAL SERVICES;

10 (7) THE SECRETARY OF HIGHER EDUCATION;

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

12 (9) THE ASSISTANT SECRETARY OF THE OFFICE OF NEIGHBORHOOD  
13 REVITALIZATION;

14 (10) THE SECRETARY OF NATURAL RESOURCES;

15 (11) THE SECRETARY OF PLANNING;

16 (12) THE SECRETARY OF TRANSPORTATION; AND

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

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

21 (D) (1) THE SPECIAL SECRETARY AND THE SECRETARY OF PLANNING  
22 SHALL COCHAIR BE:

23 (I) THE CHAIR OF THE SUBCABINET AND SHALL BE; AND

24 (II) RESPONSIBLE FOR THE OVERSIGHT, DIRECTION, AND  
25 ACCOUNTABILITY OF THE WORK OF THE SUBCABINET.

26 (2) THE SECRETARY OF PLANNING SHALL BE THE VICE CHAIR OF THE  
27 SUBCABINET.

28 (E) (1) THE OFFICE SHALL PROVIDE THE PRIMARY STAFF SUPPORT FOR  
29 THE SUBCABINET.

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

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

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

8     (H)     THE SUBCABINET SHALL:

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

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

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

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

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

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

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

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

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

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

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