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By: **Chairman, Environmental Matters Committee (By Request -  
Departmental - Planning)**

Introduced and read first time: February 2, 2004

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Planning - Smart Growth - Priority Places**

3 FOR the purpose of abolishing the Office of Smart Growth and transferring its  
4 authority to the Department of Planning; authorizing the Department to  
5 undertake certain responsibilities and to advise the Governor on certain  
6 matters; requiring the Department to provide certain reports; transferring the  
7 Smart Growth Subcabinet to the Department of Planning; providing that the  
8 Secretary shall be the chair of the Subcabinet; and generally relating to the  
9 transfer of authority for smart growth and priority places to the Department of  
10 Planning.

11 BY repealing  
12 Article - State Government  
13 Section 9-1401 through 9-1406, inclusive, and the subtitle "Subtitle 14. Office  
14 of Smart Growth"  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2003 Supplement)

17 BY adding to  
18 Article - State Finance and Procurement  
19 Section 5-701 and 5-702 to be under the new subtitle "Subtitle 7. Smart Growth  
20 and Priority Places"  
21 Annotated Code of Maryland  
22 (2001 Replacement Volume and 2003 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That Section(s) 9-1401 through 9-1406, inclusive, and the subtitle  
25 "Subtitle 14. Office of Smart Growth" of Article - State Government of the Annotated  
26 Code of Maryland be repealed.

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

1                                   **Article - State Finance and Procurement**

2                                   SUBTITLE 7. SMART GROWTH AND PRIORITY PLACES.

3 5-701.

4       (A)       IN ADDITION TO ANY OTHER POWERS AND DUTIES IMPOSED BY LAW, THE  
5 DEPARTMENT HAS THE POWERS AND DUTIES SET FORTH IN THIS SECTION.

6       (B)       THE DEPARTMENT SHALL:

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

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

15                  (3)       PROVIDE ADVISORY AND TECHNICAL ASSISTANCE TO LOCAL  
16 JURISDICTIONS AND TO THE PUBLIC IN PREPARING, FINANCING, AND DEVELOPING  
17 SMART GROWTH AND PRIORITY PLACES AND NEIGHBORHOOD CONSERVATION  
18 PROJECTS;

19                  (4)       GATHER AND DISSEMINATE INFORMATION TO THE PUBLIC,  
20 INCLUDING LOCAL JURISDICTIONS, NONPROFIT ORGANIZATIONS, AND DEVELOPERS  
21 ON HOW TO DEVELOP PROJECTS THAT ARE CONSISTENT WITH THE STATE'S SMART  
22 GROWTH POLICY AND PRIORITY PLACES STRATEGY;

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

29                  (6)       WORK WITH LOCAL GOVERNMENTS IN EXPEDITING REVIEW OF  
30 PROJECTS THAT BOTH THE LOCAL GOVERNMENT AND THE STATE AGREE ARE  
31 CONSISTENT WITH THE STATE'S SMART GROWTH POLICY AND PRIORITY PLACES  
32 STRATEGY;

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

1 (8) COORDINATE THE EFFORTS OF THE EXECUTIVE BRANCH TO  
2 PROVIDE INPUT TO THE GENERAL ASSEMBLY ON LEGISLATION THAT CONCERNS  
3 SMART GROWTH AND PRIORITY PLACES AND NEIGHBORHOOD CONSERVATION;

4 (9) IN COORDINATION WITH THE SUBCABINET, RECOMMEND TO THE  
5 GOVERNOR CHANGES TO STATE LAW AND REGULATIONS NECESSARY TO ADVANCE  
6 THE STATE'S SMART GROWTH POLICY AND PRIORITY PLACES STRATEGY; AND

7 (10) REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF  
8 THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE  
9 DECEMBER 1, 2004, AND EACH DECEMBER 1 THEREAFTER, ON THE ACTIVITIES OF  
10 THE DEPARTMENT AND THE IMPLEMENTATION OF SMART GROWTH AND PRIORITY  
11 PLACES PROJECTS IN THE PRECEDING CALENDAR YEAR.

12 5-702.

13 (A) THERE IS A SMART GROWTH SUBCABINET.

14 (B) THE SUBCABINET CONSISTS OF:

15 (1) THE SECRETARY;

16 (2) THE SECRETARY OF AGRICULTURE;

17 (3) THE SECRETARY OF BUDGET AND MANAGEMENT;

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

19 (5) THE SECRETARY OF THE ENVIRONMENT;

20 (6) THE SECRETARY OF GENERAL SERVICES;

21 (7) THE SECRETARY OF HIGHER EDUCATION;

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

23 (9) THE ASSISTANT SECRETARY OF THE OFFICE OF NEIGHBORHOOD  
24 REVITALIZATION;

25 (10) THE SECRETARY OF NATURAL RESOURCES;

26 (11) THE SECRETARY OF TRANSPORTATION; AND

27 (12) A REPRESENTATIVE OF THE GOVERNOR'S OFFICE.

28 (C) THE EXECUTIVE DIRECTOR OF THE NATIONAL CENTER FOR SMART  
29 GROWTH RESEARCH AND EDUCATION SHALL SERVE AS AN EX OFFICIO MEMBER OF  
30 THE SUBCABINET.

1 (D) THE SECRETARY SHALL CHAIR THE SUBCABINET AND SHALL BE  
2 RESPONSIBLE FOR THE OVERSIGHT, DIRECTION, AND ACCOUNTABILITY OF THE  
3 WORK OF THE SUBCABINET.

4 (E) (1) THE DEPARTMENT SHALL PROVIDE THE PRIMARY STAFF SUPPORT  
5 FOR THE SUBCABINET.

6 (2) THE SECRETARY MAY CALL UPON ANY OF THE SUBCABINET  
7 MEMBERS TO PROVIDE ADDITIONAL STAFF ASSISTANCE AS NEEDED.

8 (F) THE SECRETARY MAY ESTABLISH SUBCOMMITTEES TO CARRY OUT THE  
9 WORK OF THE SUBCABINET.

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

12 (H) THE SUBCABINET SHALL:

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

16 (2) WORK TOGETHER USING ALL AVAILABLE RESOURCES TO PROMOTE  
17 THE UNDERSTANDING OF SMART GROWTH AND PRIORITY PLACES;

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

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

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

25 (1) A DESCRIPTION OF THE PROJECTS, PROGRAMS, AND COSTS OF  
26 ACTIVITIES LOCATED IN PRIORITY FUNDING AREAS AND PRIORITY PLACES;

27 (2) A DESCRIPTION OF PROJECTS, PROGRAMS, AND COSTS OF  
28 ACTIVITIES FUNDED UNDER THE EXCEPTIONS ALLOWED IN § 5-7B-06 OF THIS  
29 ARTICLE;

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

34 (4) A LIST OF PROGRAMS AND POLICIES REVIEWED AND CHANGED TO  
35 ENSURE COMPLIANCE WITH THE STATE'S SMART GROWTH POLICY AND PRIORITY  
36 PLACES STRATEGY; AND

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

3       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 July 1, 2004.