

HOUSE BILL 922

C8, L6

2lr2139

By: **Delegate Clagett**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Smart Growth Advisory Council**

3 FOR the purpose of establishing the Maryland Smart Growth Advisory Council;
4 providing for the appointment, selection, membership, terms, and duties of the
5 Council; requiring the Council to develop criteria for the selection of a member;
6 providing for the staffing for the Council; requiring the Council to advise the
7 Smart Growth Subcabinet on certain issues; requiring the Council to inform the
8 Governor and the General Assembly of issues concerning the implementation of
9 smart growth policies; requiring the Council to hold certain public meetings and
10 to conduct certain public hearings; providing that a member of the Council may
11 not receive compensation as a member of the Council; requiring the Council to
12 make an annual report to the Governor and the General Assembly; requiring
13 the Smart Growth Subcabinet to work with the Council to resolve certain local
14 government issues; defining a term; correcting a certain cross-reference; and
15 generally relating to the Maryland Smart Growth Advisory Council.

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 9–1406
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2011 Supplement)

21 BY adding to
22 Article – State Government
23 Section 9–1501 to be under the new subtitle “Subtitle 15. Maryland Smart
24 Growth Advisory Council”
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2011 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – State Government

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9–1406.

(a) There is a Smart Growth Subcabinet.

(b) The Subcabinet consists of:

(1) the Special Secretary;

(2) the Secretary of Agriculture;

(3) the Secretary of Budget and Management;

(4) the Secretary of Business and Economic Development;

(5) the Secretary of the Environment;

(6) the Secretary of General Services;

(7) the Secretary of Higher Education;

(8) the Secretary of Housing and Community Development;

(9) the Assistant Secretary of the Office of Neighborhood
Revitalization;

(10) the Secretary of Natural Resources;

(11) the Secretary of Planning;

(12) the Secretary of Transportation;

(13) a representative of the Governor's office;

(14) the Secretary of Health and Mental Hygiene;

(15) the Secretary of Labor, Licensing, and Regulation; and

(16) the Director of the Maryland Energy Administration.

(c) The Executive Director of the National Center for Smart Growth
Education and Research at the University of Maryland, College Park shall serve as an
ex officio member of the Subcabinet.

1 (d) (1) The Special Secretary shall chair the Subcabinet and shall be
2 responsible for the oversight, direction, and accountability of the work of the
3 Subcabinet.

4 (2) The Secretary of Planning shall be the vice chair of the Subcabinet.

5 (e) (1) The Office shall provide the primary staff support for the
6 Subcabinet.

7 (2) The Special Secretary and the Secretary of Planning may call upon
8 any of the Subcabinet members to provide additional staff assistance as needed.

9 (f) The Special Secretary and the Secretary of Planning may establish
10 subcommittees to carry out the work of the Subcabinet.

11 (g) The Subcabinet shall meet regularly at such times and places as it
12 determines.

13 (h) (1) The Subcabinet shall:

14 (i) provide a forum for discussion of interdepartmental issues
15 relating to activities that affect growth, development, neighborhood conservation, and
16 resource management;

17 (ii) work together using all available resources to promote the
18 understanding of smart growth;

19 (iii) work together to create, enhance, support, and revitalize
20 sustainable communities across the State;

21 **(IV) WORK WITH THE MARYLAND SMART GROWTH**
22 **ADVISORY COUNCIL, ESTABLISHED UNDER § 9-1501 OF THIS TITLE, TO**
23 **RESOLVE LOCAL GOVERNMENT ISSUES RELATING TO ACTIVITIES THAT AFFECT**
24 **SMART GROWTH, DEVELOPMENT, NEIGHBORHOOD CONSERVATION, AND**
25 **RESOURCE MANAGEMENT;**

26 [(iv)] (v) subject to paragraph (2) of this subsection, make
27 recommendations to:

28 1. the Department of Business and Economic
29 Development in accordance with § 5-1304 of the Economic Development Article;

30 2. the Department of Housing and Community
31 Development in accordance with § 6-206 of the Housing and Community Development
32 Article;

1 3. the Department of Planning in accordance with §
2 5A-303 of the State Finance and Procurement Article; and

3 4. the Department of Transportation in accordance with
4 § 7-101 of the Transportation Article;

5 [(v)] (VI) in coordination with State agencies, evaluate and
6 report annually to the Governor and, in accordance with § 2-1246 of this article, to the
7 General Assembly on the implementation of the State's smart growth policy; and

8 [(vi)] (VII) perform other duties assigned by the Governor.

9 (2) The failure of the Subcabinet to make a recommendation under
10 paragraph [(1)(iv)] (1)(V) of this subsection may not be construed as prohibiting a
11 department to act in accordance with the department's authority under State law.

12 (i) The annual report required in subsection [(h)(3)] (H)(1) of this section
13 shall include:

14 (1) a description of the projects, programs, and costs of activities
15 located in priority funding areas;

16 (2) a description of projects, programs, and costs of activities funded
17 under the exceptions allowed in § 5-7B-06 of the State Finance and Procurement
18 Article;

19 (3) projects submitted to the Board of Public Works for funding
20 outside priority funding areas under the extraordinary circumstances exception in
21 accordance with § 5-7B-05 of the State Finance and Procurement Article and the
22 impact of these projects upon the State's smart growth policy;

23 (4) a list of programs and policies reviewed and changed to ensure
24 compliance with the State's smart growth policy; and

25 (5) a list of projects or programs approved and funded under Chapter
26 759, § 2 of the Acts of 1997.

27 **SUBTITLE 15. MARYLAND SMART GROWTH ADVISORY COUNCIL.**

28 **9-1501.**

29 **(A) IN THIS SECTION, "COUNCIL" MEANS THE MARYLAND SMART**
30 **GROWTH ADVISORY COUNCIL.**

31 **(B) THERE IS A MARYLAND SMART GROWTH ADVISORY COUNCIL.**

1 **(C) THE COUNCIL CONSISTS OF:**

2 **(1) A REPRESENTATIVE FROM THE MARYLAND MUNICIPAL**
3 **LEAGUE;**

4 **(2) A REPRESENTATIVE FROM THE MARYLAND ASSOCIATION OF**
5 **COUNTIES;**

6 **(3) A REPRESENTATIVE APPOINTED BY THE SPEAKER OF THE**
7 **HOUSE OF DELEGATES;**

8 **(4) A REPRESENTATIVE APPOINTED BY THE PRESIDENT OF THE**
9 **SENATE; AND**

10 **(5) ONE MEMBER TO BE SELECTED BY A MAJORITY OF THE**
11 **MEMBERSHIP OF THE COUNCIL.**

12 **(D) THE COUNCIL SHALL DEVELOP CRITERIA FOR THE MEMBER TO BE**
13 **SELECTED UNDER SUBSECTION (C)(5) OF THIS SECTION.**

14 **(E) (1) THE TERM OF A MEMBER WHO IS SELECTED BY THE COUNCIL**
15 **UNDER SUBSECTION (C)(5) OF THIS SECTION IS 18 MONTHS FROM THE DATE OF**
16 **SELECTION.**

17 **(2) A MEMBER WHO IS SELECTED BY THE COUNCIL UNDER**
18 **SUBSECTION (C)(5) OF THIS SECTION MAY NOT SERVE MORE THAN ONE TERM.**

19 **(3) THE REPRESENTATIVE FROM THE SENATE AND THE**
20 **REPRESENTATIVE FROM THE HOUSE OF DELEGATES SHALL SERVE AT THE**
21 **PLEASURE OF THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE**
22 **HOUSE, RESPECTIVELY.**

23 **(F) (1) AT THE FIRST MEETING OF EACH CALENDAR YEAR, THE**
24 **COUNCIL SHALL ELECT ONE MEMBER TO SERVE AS THE CHAIR OF THE**
25 **COUNCIL.**

26 **(2) THE CHAIR SHALL BE ELECTED BY A MAJORITY OF THE**
27 **MEMBERSHIP OF THE COUNCIL.**

28 **(3) THE COUNCIL MAY APPOINT ANY OFFICERS THAT IT**
29 **CONSIDERS NECESSARY.**

1 **(G) THE MARYLAND MUNICIPAL LEAGUE AND THE MARYLAND**
2 **ASSOCIATION OF COUNTIES SHALL PROVIDE SUPPORT STAFF FOR THE**
3 **COUNCIL.**

4 **(H) THE COUNCIL SHALL:**

5 **(1) ADVISE THE SMART GROWTH SUBCABINET ON COUNTY AND**
6 **LOCAL GOVERNMENT ISSUES RELATING TO ACTIVITIES THAT AFFECT SMART**
7 **GROWTH, DEVELOPMENT, NEIGHBORHOOD CONSERVATION, AND RESOURCE**
8 **MANAGEMENT; AND**

9 **(2) INFORM THE GOVERNOR AND THE GENERAL ASSEMBLY OF**
10 **ISSUES CONCERNING THE IMPLEMENTATION OF SMART GROWTH POLICIES,**
11 **INCLUDING OFFERING TESTIMONY ON THESE ISSUES BEFORE LEGISLATIVE**
12 **BODIES.**

13 **(I) (1) THE COUNCIL SHALL SET PRIORITIES AND DETERMINE:**

14 **(I) THE FUNCTION OF SUBCOMMITTEES;**

15 **(II) STANDARDS OF CONDUCT;**

16 **(III) PROCEDURES; AND**

17 **(IV) THE USE OF TECHNOLOGY TO CONVENE OR CONDUCT**
18 **MEETINGS OR FACILITATE COMMUNICATIONS AMONG MEMBERS.**

19 **(2) THE COUNCIL SHALL REVIEW AND CONSIDER WHETHER THE**
20 **PROCEDURES AND RULES USED BY THE GENERAL ASSEMBLY WOULD BE**
21 **APPROPRIATE FOR USE AS MODELS FOR THE COUNCIL.**

22 **(J) THE COUNCIL SHALL:**

23 **(1) MEET AT LEAST THREE TIMES EACH YEAR AND CONDUCT AT**
24 **LEAST ONE PUBLIC HEARING EACH YEAR ON ISSUES RELATING TO SMART**
25 **GROWTH, DEVELOPMENT, NEIGHBORHOOD CONSERVATION, AND RESOURCE**
26 **MANAGEMENT; AND**

27 **(2) OPEN ALL MEETINGS TO THE PUBLIC.**

28 **(K) A MEMBER OF THE COUNCIL MAY NOT RECEIVE COMPENSATION AS**
29 **A MEMBER OF THE COUNCIL.**

1 **(L) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COUNCIL SHALL**
2 **REPORT ITS ACTIVITIES TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
3 **2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2012.