

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 932 (Delegate Clagett)
Environmental Matters

Department of Planning - State Development Plan - Denial of Projects, Permits,
Approvals, or State Funding

This bill prohibits the State Development Plan from being used to (1) create or establish a new cause for State denial of projects, permits, or approvals; or (2) deny State funding mandated by statute, regulation, or in the annual State operating or capital budgets.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances, but allocation of funding could shift.

Local Effect: The bill is not expected to materially affect local finances, but allocation of funding could shift.

Small Business Effect: None.

Analysis

Current Law: The Maryland Department of Planning (MDP) must prepare and periodically revise a State Development Plan that promotes the general welfare and prosperity of the people of the State through coordinated development of the State. The plan must be based on studies of governmental, economic, physical, and social conditions and trends. The plan must embody MDP's policy recommendations regarding the economic and physical development of the State.

When preparing and revising the plan, MDP must seek (1) comments from local governments affected by the plan; and (2) cooperation and advice from government units, regional planning commissions, educational institutions, research organizations, civic groups, and other interested persons.

Upon completion, the Secretary of Planning must submit the plan, or its parts or revisions, to the Governor. The Governor must file the plan, or its parts or revisions, as well as any comments made by the Governor with the Secretary of State. Copies of the plan and the Governor's comments must be (1) made available for general distribution or sale; and (2) sent to the head of each unit of State government and to the General Assembly.

Background: Over the past four years, MDP has worked with State agencies, local governments, private industry, and the general public to develop the State's first comprehensive development plan, known as PlanMaryland. PlanMaryland is a policy framework for growth and preservation in the State and a blueprint to help guide State agencies in their decision making on programs and funding for growth and preservation. MDP released a draft plan in April 2011 and subsequently sought public input through open houses, targeted meetings, and an online comment tool. MDP released a revised draft plan in September 2011 that reflected public feedback and established an additional public comment period. The final PlanMaryland document was submitted to Governor O'Malley in December 2011. On December 19, 2011, the Governor accepted PlanMaryland and filed Executive Order 01.01.2011.22, which outlines a process for implementing the plan.

PlanMaryland proposes focusing State financial assistance in specific geographic areas and aligning State regulations and procedures. The plan calls for targeting State financial assistance to specific places that are designated for growth, revitalization, land preservation and resource conservation, and maintaining public services and quality of life. The plan anticipates a future local-State effort to identify planning areas that reflect local feedback and data from existing State mapping tools. To streamline State regulations and procedures, the plan proposes that (1) State capital spending and noncapital plans, programs, and procedures be realigned and focused to achieve the objectives; and (2) MDP collaborate with other State agencies to incorporate PlanMaryland into other strategic State plans for major needs, such as transportation.

The Governor's executive order on implementing PlanMaryland clarifies the plan's purpose; specifies a multiple stakeholder process for developing planning areas and associated planning area guidelines; and outlines other implementation requirements, which are summarized below.

- The Smart Growth Subcabinet, which is composed primarily of the heads of State agencies, must coordinate implementation of the plan among State agencies and report on progress.
- State agencies must review and then modify and align their plans, programs, and policies with the plan and within future State planning areas.

- State agencies must submit a report on their efforts, which includes implementation work plans, timelines, and performance tracking methods, in June 2012.
- The Smart Growth Subcabinet must review the State agency work plans, timelines, and tracking methods and prepare a report summarizing how each State agency proposes to implement the plan by August 2012.

There is some concern that PlanMaryland may lead to efforts to weaken local government planning and zoning authority and reduce State aid to some local jurisdictions. However, the Attorney General advises that PlanMaryland is simply a policy plan, not a law, and it cannot void a local government's planning and zoning authority. In addition, some environmental advocates have voiced concern that the plan will not have sufficient effect on growth patterns.

MDP advises that the bill may limit its ability to contribute to efforts to prioritize State funding that is allocated to local jurisdictions. In accordance with PlanMaryland, MDP is participating in efforts to ensure State capital spending and noncapital plans, programs, and procedures are realigned and focused to achieve the plan's objective. Overall, MDP notes that the bill may lead to reduced State agency coordination and less effective efforts to evaluate State funding of growth-related projects.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of Havre de Grace; Howard, Montgomery, and Prince George's counties; Maryland Department of Agriculture; Department of Business and Economic Development; Department of Budget and Management; Department of Natural Resources; Maryland Department of Planning; Department of General Services; Department of Housing and Community Development; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Office of Administrative Hearings; Department of Legislative Services

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mlm/lgc

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