

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**

House Bill 252 (Delegate Smigiel, *et al.*)  
Environmental Matters

---

**State Development Plan - Repeal**

---

This bill repeals the statutory requirement for the Maryland Department of Planning (MDP) to develop a State development plan as well as all provisions and requirements associated with developing, coordinating on, and implementing the plan.

---

**Fiscal Summary**

**State Effect:** The bill is not anticipated to directly affect State finances.

**Local Effect:** The bill is not anticipated to directly affect local finances.

**Small Business Effect:** None.

---

**Analysis**

**Current Law:** 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.

MDP must cooperate with and assist other State agencies, units of local and federal government, and regional planning agencies in the execution of their planning functions, to harmonize their planning activities with the State development plan.

Prior to making a decision about whether to grant a permit to construct certain facilities related to oil or natural gas in defined coastal areas, the Maryland Department of the Environment must determine that the applicant has shown that the facility conforms with the State development plan.

**Background:** PlanMaryland, the State's first comprehensive development plan, is a policy framework for growth and preservation in the State and a blueprint to help guide State agencies in their decisionmaking on programs and funding for growth and preservation. In December 2011, Governor O'Malley 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. 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 PlanMaryland Executive Order clarifies the plan's purpose, specifies a multiple stakeholder process for developing planning areas and associated guidelines, and outlines other implementation requirements. In accordance with the executive order, MDP submitted a PlanMaryland implementation progress report in September 2012 that summarized more than 90 conceptual implementation strategies for more effectively targeting State resources to various planning areas.

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.

Because PlanMaryland promotes improved governmental coordination and seeks to maximize the use of existing infrastructure, MDP advises that State and local cost savings may be realized in the future as the plan is implemented.

---

### **Additional Information**

**Prior Introductions:** HB 654 of 2012 received an unfavorable report from the House Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** Anne Arundel, Baltimore, Charles, Frederick, and Montgomery counties; Maryland Department of Agriculture; Department of Natural Resources; Maryland Department of Planning; Department of Housing and Community Development; Maryland Association of Counties; Maryland Department of Transportation; Maryland Department of the Environment; Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2013  
mlm/lgc

---

Analysis by: Amanda Mock

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510