

# SENATE BILL 309

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(PRE-FILED)

4lr0397  
CF HB 225

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By: **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Planning)**

Requested: September 17, 2023

Introduced and read first time: January 10, 2024

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 8, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Sustainable Growth Subcabinet and Repeal of the Office of Smart Growth**

3 FOR the purpose of repealing the Office of Smart Growth; repealing the position of Special  
4 Secretary of Smart Growth; renaming the Smart Growth Subcabinet to be the  
5 Sustainable Growth Subcabinet; altering the membership and duties of the  
6 Subcabinet; and generally relating to the Sustainable Growth Subcabinet and the  
7 repeal of the Office of Smart Growth.

8 BY repealing and reenacting, with amendments,

9 Article – State Government

10 Section 9–1401, 9–1402, 9–1405, and 9–1406 to be under the amended subtitle  
11 “Subtitle 14. Sustainable Growth Subcabinet”

12 Annotated Code of Maryland

13 (2021 Replacement Volume and 2023 Supplement)

14 BY repealing

15 Article – State Government

16 Section 9–1403 and 9–1404

17 Annotated Code of Maryland

18 (2021 Replacement Volume and 2023 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

20 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



**Article – State Government**

Subtitle 14. [Office of Smart Growth] **SUSTAINABLE GROWTH SUBCABINET.**

9–1401.

- (a) In this subtitle the following words have the meanings indicated.
- (b) [“Office” means the Office of Smart Growth.
- (c) “Special Secretary” means the Special Secretary of Smart Growth.
- (d)] “Subcabinet” means the [Smart] **SUSTAINABLE** Growth Subcabinet.

**(C) “SUSTAINABLE GROWTH POLICY” MEANS THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY SET FORTH IN § 5–7A–01 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

9–1402.

(a) The General Assembly finds that the State is committed to addressing the high financial, social, and environmental costs of sprawl development through effective [smart] **SUSTAINABLE** growth policy.

(b) The purpose of this subtitle is to establish a centralized office in the State in a manner such that the policy of [smart] **SUSTAINABLE** growth can be better articulated, coordinated, and implemented in order to better serve the residents of the State.

[9–1403.

There is an Office of Smart Growth, established as part of the Executive Department.]

[9–1404.

(a) The head of the Office is the Special Secretary of Smart Growth, who shall be appointed by the Governor.

(b) (1) The Special Secretary serves at the pleasure of the Governor and is responsible directly to the Governor.

(2) The Special Secretary shall advise the Governor on all matters assigned to the Office and is responsible for carrying out the Governor’s policies on smart growth.

(c) (1) The Special Secretary is responsible for the operation of the Office and

1 shall establish guidelines and procedures to promote the orderly and efficient  
2 administration of the Office.

3 (2) Subject to the provisions of this subtitle, the Special Secretary may  
4 establish, reorganize, or abolish areas of responsibility in the Office as necessary to fulfill  
5 the duties assigned to the Special Secretary.

6 (3) The Special Secretary may adopt regulations necessary to carry out the  
7 provisions of this subtitle.

8 (d) The Special Secretary is entitled to the salary provided in the State budget.]  
9 9–1405.

10 (a) In addition to any other powers and duties imposed by law, the [Office]  
11 **SUBCABINET** has the powers and duties set forth in this section.

12 (b) The [Office] **SUBCABINET** shall:

13 (1) review State assistance programs related to [smart] **SUSTAINABLE**  
14 growth to determine their applicability, if any, to projects that are consistent with the  
15 State's [smart] **SUSTAINABLE** growth policy;

16 (2) promote interagency consensus and cooperation on projects that are  
17 consistent with the State's [smart] **SUSTAINABLE** growth policy and resolve conflicting  
18 agency positions on projects in an expedited manner;

19 (3) provide advisory and technical assistance to local jurisdictions and to  
20 the public in preparing, financing, and developing [smart] **SUSTAINABLE** growth and  
21 neighborhood [conservation] **VITALITY** projects;

22 (4) gather and disseminate information to the public, including local  
23 jurisdictions, nonprofit organizations, and developers on how to develop projects that are  
24 consistent with the State's [smart] **SUSTAINABLE** growth policy;

25 (5) provide a single point of access for members of the public, including  
26 local jurisdictions, nonprofit organizations, developers, and community and homeowners'  
27 associations who need assistance or guidance in navigating the processes and regulations  
28 of State agencies on projects that are consistent with the State's [smart] **SUSTAINABLE**  
29 growth policy;

30 (6) work with local governments in expediting review of projects that both  
31 the local government and the State agree are consistent with the State's [smart]  
32 **SUSTAINABLE** growth policy;

33 (7) provide effective public information on [smart] **SUSTAINABLE** growth

1 programs and educational activities, including relationships with the National Center for  
2 Smart Growth Education and Research at the University of Maryland, College Park  
3 Campus, and coordination of [smart] SUSTAINABLE growth outreach efforts to local  
4 governments, the general public, and other interest groups;

5 (8) coordinate the efforts of the Executive Branch to provide input to the  
6 General Assembly on legislation that concerns [smart] SUSTAINABLE growth and  
7 neighborhood [conservation] VITALITY; and

8 (9) [in coordination with the Subcabinet,] recommend to the Governor  
9 changes to State law and regulations necessary to advance the policy of [smart]  
10 SUSTAINABLE growth.

11 [9–1406.] **9–1403.**

12 (a) There is a [Smart] SUSTAINABLE Growth Subcabinet.

13 (b) The Subcabinet consists of:

14 (1) [the Special Secretary;

15 (2)] the Secretary of Agriculture;

16 [(3)] (2) the Secretary of Budget and Management;

17 [(4)] (3) the Secretary of Commerce;

18 (4) **THE SECRETARY OF EMERGENCY MANAGEMENT;**

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 Revitalization;

24 (10) the Secretary of Natural Resources;

25 (11) the Secretary of Planning;

26 (12) the Secretary of Transportation;

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

1 (14) the Secretary of Health;

2 (15) the Secretary of Labor; and

3 (16) the Director of the Maryland Energy Administration.

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

7 (d) (1) The [Special] Secretary OF PLANNING shall chair the Subcabinet and  
8 shall be responsible for the oversight, direction, and accountability of the work of the  
9 Subcabinet.

10 (2) The Secretary of [Planning] HOUSING AND COMMUNITY  
11 DEVELOPMENT shall be the vice chair of the Subcabinet.

12 (e) (1) The [Office] DEPARTMENT OF PLANNING shall provide the primary  
13 staff support for the Subcabinet AND SERVE AS ITS PRIMARY OFFICE.

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

16 (f) The [Special Secretary and the] Secretary of Planning may establish  
17 subcommittees to carry out the work of the Subcabinet.

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

19 (h) (1) The Subcabinet shall:

20 (i) provide a forum for discussion of interdepartmental issues  
21 relating to activities that affect growth, development, neighborhood [conservation]  
22 VITALITY, and resource management;

23 (ii) work together using all available resources to promote the  
24 understanding of [smart] SUSTAINABLE growth;

25 (iii) work together to create, enhance, support, and revitalize  
26 EQUITABLE AND sustainable communities across the State;

27 (iv) meet at least biannually with county and municipal elected  
28 leaders and planning officials to discuss local government issues relating to activities that  
29 affect [smart] EQUITABLE AND RESILIENT growth, development, neighborhood  
30 [conservation] VITALITY, and resource management;

1 (v) subject to paragraph (2) of this subsection, make  
2 recommendations to:

3 1. the Department of Commerce in accordance with § 5–1304  
4 of the Economic Development Article;

5 2. the Department of Housing and Community Development  
6 in accordance with § 6–206 of the Housing and Community Development Article;

7 3. the Department of Planning in accordance with § 5A–303  
8 of the State Finance and Procurement Article; and

9 4. the Department of Transportation in accordance with §  
10 7–101 of the Transportation Article;

11 (vi) in coordination with State agencies, evaluate and report  
12 annually to the Governor and, in accordance with § 2–1257 of this article, to the General  
13 Assembly on the implementation of the State’s [smart] SUSTAINABLE growth policy; and

14 (vii) perform other duties assigned by the Governor.

15 (2) The failure of the Subcabinet to make a recommendation under  
16 paragraph (1)(v) of this subsection may not be construed as prohibiting a department to act  
17 in accordance with the department’s authority under State law.

18 (i) The annual report required in subsection (h)(1) of this section shall include:

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

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

23 (3) projects submitted to the Board of Public Works for funding outside  
24 priority funding areas under the extraordinary circumstances exception in accordance with  
25 § 5–7B–05 of the State Finance and Procurement Article and the impact of these projects  
26 upon the State’s [smart] SUSTAINABLE growth policy;

27 (4) a list of programs and policies reviewed and changed to ensure  
28 compliance with the State’s [smart] SUSTAINABLE growth policy; and

29 (5) a list of projects or programs approved and funded under Chapter 759,  
30 § 2 of the Acts of 1997.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the  
32 Annotated Code of Maryland, in consultation with and subject to the approval of the  
33 Department of Legislative Services, shall correct, with no further action required by the

1 General Assembly, cross–references and terminology rendered incorrect by this Act. The  
2 publisher shall adequately describe any correction that is made in an editor’s note following  
3 the section affected.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2024.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.