

SENATE BILL 278

M3

0lr0148
CF HB 474

By: **The President (By Request – Administration) and Senators Astle, Della, Exum, Forehand, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Peters, Pinsky, Pugh, and Stone**

Introduced and read first time: January 22, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2010

CHAPTER _____

1 AN ACT concerning

2 **Smart, Green, and Growing – Maryland Sustainable Growth Commission**

3 FOR the purpose of repealing the Task Force on the Future for Growth and
4 Development in Maryland; establishing the Maryland Sustainable Growth
5 Commission; establishing the membership and the charge of the Commission;
6 providing for the terms of the members; requiring the Governor to designate the
7 chair and the vice chair of the Commission; authorizing the Commission to
8 adopt rules of procedure; requiring the Commission to submit an annual report
9 of its activities on or before a certain date; providing for the termination of
10 certain provisions of this Act; and generally relating to the Maryland
11 Sustainable Growth Commission.

12 BY repealing

13 Chapter 381 of the Acts of the General Assembly of 2006, as amended by
14 Chapter 626 of the Acts of the General Assembly of 2007
15 Section 4

16 BY adding to

17 Article – State Finance and Procurement
18 Section 5–701 through 5–707 to be under the new subtitle “Subtitle 7. Maryland
19 Sustainable Growth Commission”
20 Annotated Code of Maryland
21 (2009 Replacement Volume)

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.



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

3 **Chapter 381 of the Acts of 2006, as amended by Chapter 626 of the Acts of**
4 **2007**

5 [SECTION 4. AND BE IT FURTHER ENACTED, That:

6 (a) There is a Task Force on the Future for Growth and Development in
7 Maryland.

8 (b) (1) The Task Force consists of the following members:

9 (i) two members of the House Environmental Matters
10 Committee, appointed by the Speaker of the House;

11 (ii) two members of the Senate Education, Health, and
12 Environmental Affairs Committee, appointed by the President of the Senate;

13 (iii) the Secretary of Planning, or the Secretary's designee;

14 (iv) the Secretary of the Environment, or the Secretary's
15 designee;

16 (v) the Secretary of Transportation, or the Secretary's designee;

17 (vi) the Secretary of Housing and Community Development, or
18 the Secretary's designee;

19 (vii) the Chair of the Base Realignment and Closure Subcabinet,
20 or the Chair's designee;

21 (viii) the Executive Director of the Rural Maryland Council, or the
22 Executive Director's designee;

23 (ix) the Director of the University of Maryland's National Center
24 for Smart Growth, or the Director's designee;

25 (x) four representatives of local government:

26 1. two designated by the Maryland Municipal League,
27 with one representing a rural county; and

28 2. two designated by the Maryland Association of
29 Counties, with one representing a rural county; and

- 1 (xi) the following members, appointed by the Governor:
- 2 1. one representative of the environmental community;
- 3 2. one representative of the State Builders Association;
- 4 3. one representative of the agricultural community; and
- 5 4. three representatives of citizens organizations that
- 6 address affordable housing, transportation, and smart growth.

7 (2) If the Governor appoints a regulated lobbyist to serve as a member

8 of the Task Force, the lobbyist:

9 (i) is not subject to § 15–504(d) of the State Government Article

10 with respect to that service; and

11 (ii) is not subject to § 15–703(f)(3) of the State Government

12 Article as a result of that service.

13 (c) The Governor shall designate the chair of the Task Force.

14 (d) The Department of Planning shall provide staff for the Task Force.

15 (e) A member of the Task Force:

16 (1) may not receive compensation as a member of the Task Force; but

17 (2) is entitled to reimbursement for expenses under the Standard

18 State Travel Regulations, as provided in the State budget.

19 (f) The Task Force shall:

20 (1) study current land use policies and their impact on growth in the

21 State;

22 (2) study current trends and challenges for municipal corporations

23 and counties as they relate to growth, including population and demographic changes;

24 (3) analyze the capabilities of municipal corporations and counties to

25 plan for future growth and development;

26 (4) analyze the impacts of county development proximate to municipal

27 corporate limits on municipal infrastructure, water resources, and sensitive areas;

28 (5) analyze the impacts of municipal growth and development on

29 county infrastructure, water resources, and sensitive areas;

1 (6) identify regional growth and development issues;

2 (7) study mechanisms to facilitate joint planning to coordinate growth
3 and development between municipal corporations and counties;

4 (8) examine the impact of § 1.03(e) and § 3.05(f) of Article 66B of the
5 Code on a local government's ability to establish a floating zone on a property or grant
6 piecemeal rezoning of a specific property;

7 (9) determine methods to assess the cumulative impacts of proposed
8 development on infrastructure, including water, sewer, roads, and utilities, and on
9 transportation, fire and safety resources, health systems, educational systems, and
10 environmental resources on a regional scale;

11 (10) (i) determine the parameters for a State development plan,
12 State transportation plan, State housing plan; and

13 (ii) determine how these plans work together with local land use
14 plans;

15 (11) identify infrastructure needed for smart growth development
16 consistent with population growth;

17 (12) assess mechanisms to fund the construction and maintenance of
18 smart growth infrastructure;

19 (13) make recommendations to implement law or regulations that
20 further best management practices as they relate to future growth and development in
21 the State; and

22 (14) serve as an advisory board to the Governor's Smart Growth
23 Subcabinet, providing advice and guidance at least twice annually through
24 December 31, 2010.

25 (g) On or before December 1, 2008, the Task Force shall report its findings
26 and recommendations to the Speaker of the House, the President of the Senate, the
27 House Environmental Matters Committee, the Senate Education, Health, and
28 Environmental Affairs Committee, and the Governor, in accordance with § 2-1246 of
29 the State Government Article.]

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

32 **Article – State Finance and Procurement**

33 **SUBTITLE 7. MARYLAND SUSTAINABLE GROWTH COMMISSION.**

1 **5-701.**

2 **IN THIS SUBTITLE, "COMMISSION" MEANS THE MARYLAND SUSTAINABLE**
3 **GROWTH COMMISSION.**

4 **5-702.**

5 **THERE IS A MARYLAND SUSTAINABLE GROWTH COMMISSION.**

6 **5-703.**

7 **(A) (1) THE COMMISSION CONSISTS OF THE FOLLOWING ~~30~~**
8 **MEMBERS:**

9 **(I) TWO MEMBERS OF THE HOUSE ENVIRONMENTAL**
10 **MATTERS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE;**

11 **(II) TWO MEMBERS OF THE SENATE EDUCATION, HEALTH,**
12 **AND ENVIRONMENTAL AFFAIRS COMMITTEE, APPOINTED BY THE PRESIDENT**
13 **OF THE SENATE;**

14 **(III) AS EX OFFICIO MEMBERS:**

15 **1. THE SECRETARY OF PLANNING, OR THE**
16 **SECRETARY'S DESIGNEE;**

17 **2. THE SECRETARY OF THE ENVIRONMENT, OR THE**
18 **SECRETARY'S DESIGNEE;**

19 **3. THE SECRETARY OF TRANSPORTATION, OR THE**
20 **SECRETARY'S DESIGNEE;**

21 **4. THE SECRETARY OF HOUSING AND COMMUNITY**
22 **DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;**

23 **5. THE SECRETARY OF NATURAL RESOURCES, OR**
24 **THE SECRETARY'S DESIGNEE;**

25 **6. THE SECRETARY OF BUSINESS AND ECONOMIC**
26 **DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;**

27 **7. THE SECRETARY OF AGRICULTURE, OR THE**
28 **SECRETARY'S DESIGNEE;**

~~7.~~ 8. THE SUPERINTENDENT OF THE MARYLAND STATE DEPARTMENT OF EDUCATION, OR THE SUPERINTENDENT'S DESIGNEE;

~~8.~~ 9. THE CHAIR OF THE BASE REALIGNMENT AND CLOSURE SUBCABINET, OR THE CHAIR'S DESIGNEE;

~~9.~~ 10. THE EXECUTIVE DIRECTOR OF THE RURAL MARYLAND COUNCIL, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

~~10.~~ 11. THE DIRECTOR OF THE UNIVERSITY OF MARYLAND'S NATIONAL CENTER FOR SMART GROWTH, OR THE DIRECTOR'S DESIGNEE;

(IV) FOUR REPRESENTATIVES OF LOCAL GOVERNMENT:

1. TWO DESIGNATED BY THE MARYLAND MUNICIPAL LEAGUE; AND

2. TWO DESIGNATED BY THE MARYLAND ASSOCIATION OF COUNTIES;

(V) APPOINTED BY THE GOVERNOR:

1. ONE REPRESENTATIVE OF THE SMART GROWTH COMMUNITY;

2. ONE REPRESENTATIVE OF THE ENVIRONMENTAL COMMUNITY;

3. ONE REPRESENTATIVE OF THE RESIDENTIAL BUILDING AND DEVELOPMENT COMMUNITY;

4. ONE REPRESENTATIVE OF THE COMMERCIAL BUILDING AND DEVELOPMENT COMMUNITY;

5. ONE REPRESENTATIVE OF THE AGRICULTURAL COMMUNITY;

6. ONE REPRESENTATIVE OF A RURAL COMMUNITY;

~~6.~~ 7. ONE REPRESENTATIVE OF A CITIZEN ORGANIZATION THAT ADDRESSES HOUSING;

~~7.~~ 8. ONE REPRESENTATIVE OF A CITIZEN ORGANIZATION THAT ADDRESSES TRANSPORTATION;

1 ~~8.~~ 9. ONE REPRESENTATIVE FROM WESTERN
2 MARYLAND;

3 ~~9.~~ 10. ONE REPRESENTATIVE FROM SOUTHERN
4 MARYLAND;

5 ~~10.~~ 11. ~~ONE REPRESENTATIVE~~ THREE
6 REPRESENTATIVES FROM THE WASHINGTON METROPOLITAN AREA;

7 ~~11.~~ 12. ~~ONE REPRESENTATIVE~~ THREE
8 REPRESENTATIVES FROM THE BALTIMORE METROPOLITAN AREA; AND

9 ~~12.~~ 13. ONE REPRESENTATIVE FROM THE EASTERN
10 SHORE.

11 (2) (I) THE MEMBERS REPRESENTING A REGION OF THE
12 STATE SHALL HAVE KNOWLEDGE OF SMART GROWTH AND PLANNING ISSUES.

13 (II) OF THE THREE MEMBERS REPRESENTING THE
14 WASHINGTON METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR
15 REGIONAL GOVERNMENT.

16 (III) OF THE THREE MEMBERS REPRESENTING THE
17 BALTIMORE METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR
18 REGIONAL GOVERNMENT.

19 (IV) OF THE MEMBERS APPOINTED BY THE GOVERNOR, ONE
20 SHALL BE AN ARCHITECT THAT:

21 1. IS LICENSED TO PRACTICE IN THE STATE; AND

22 2. IS A RESIDENT OF THE STATE.

23 (B) (1) EXCEPT FOR EX OFFICIO MEMBERS OR THEIR DESIGNEES,
24 THE TERM OF A MEMBER IS 5 YEARS.

25 (2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
26 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

27 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
28 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
29 APPOINTED AND QUALIFIES.

1 (C) IF THE GOVERNOR APPOINTS A REGULATED LOBBYIST TO SERVE AS
2 A MEMBER OF THE COMMISSION, THE LOBBYIST:

3 (1) IS NOT SUBJECT TO § 15-504(D) OF THE STATE GOVERNMENT
4 ARTICLE WITH RESPECT TO THAT SERVICE; AND

5 (2) IS NOT SUBJECT TO § 15-703(F)(3) OF THE STATE
6 GOVERNMENT ARTICLE AS A RESULT OF THAT SERVICE.

7 (D) A MEMBER OF THE COMMISSION:

8 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
9 COMMISSION; BUT

10 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
11 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
12 BUDGET.

13 **5-704.**

14 (A) THE GOVERNOR SHALL DESIGNATE THE CHAIR AND THE VICE
15 CHAIR OF THE COMMISSION.

16 (B) THE COMMISSION MAY ADOPT RULES OF PROCEDURE.

17 **5-705.**

18 THE DEPARTMENT OF PLANNING SHALL PROVIDE STAFF FOR THE
19 COMMISSION.

20 **5-706.**

21 THE COMMISSION SHALL:

22 (1) ASSESS AND ADVISE ON THE PROGRESS OF STATE, REGIONAL,
23 AND LOCAL PLANNING IN MARYLAND IN ACHIEVING THE GOALS OF THE STATE
24 ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY, AS
25 DEFINED IN § 5-7A-01 OF THIS TITLE;

26 (2) MAKE RECOMMENDATIONS ~~FOR~~ ON THE ADEQUACY,
27 COORDINATION, AND IMPLEMENTATION OF FUNDING MECHANISMS AND OTHER
28 STATE ASSISTANCE FOR PLANNING ACTIVITIES AND INFRASTRUCTURE AND
29 LAND PRESERVATION NEEDS, CONSISTENT WITH THE STATE ECONOMIC
30 GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;

1 (3) PROMOTE PLANNING COORDINATION AND
2 INTERJURISDICTIONAL COOPERATION AMONG THE STATE AND LOCAL
3 JURISDICTIONS AND RECOMMEND MECHANISMS TO FACILITATE VOLUNTARY
4 JOINT PLANNING;

5 (4) ADVISE ON THE CONTENT AND PREPARATION OF THE STATE
6 DEVELOPMENT PLAN, STATE TRANSPORTATION PLAN, AND STATE HOUSING
7 PLAN AND THE IMPLEMENTATION OF THESE PLANS, INCLUDING THE
8 RELATIONSHIP OF THESE PLANS WITH LOCAL LAND USE PLANS;

9 (5) PROMOTE AND MAKE RECOMMENDATIONS REGARDING
10 EFFICIENT AND PREDICTABLE MODEL STATE AND LOCAL DEVELOPMENT
11 REGULATIONS TO ACHIEVE THE GOALS OF THE STATE ECONOMIC GROWTH,
12 RESOURCE PROTECTION, AND PLANNING POLICY;

13 (6) EVALUATE THE CONTINUING VIABILITY AND EFFECTIVENESS
14 OF THE STATE AND LOCAL GOVERNMENT SMART GROWTH INDICATORS
15 CONTAINED IN ARTICLE 66B, § 3.10 OF THE CODE, AND MAKE
16 RECOMMENDATIONS FOR AMENDMENTS OR ADDITIONS TO THE INDICATORS;

17 (7) ~~REVIEW THE ANNUAL REPORTS SUBMITTED BY COUNTIES AND~~
18 ~~MUNICIPAL CORPORATIONS IN ACCORDANCE WITH ARTICLE 66B, § 3.09 OF THE~~
19 ~~CODE, WITH RESPECT TO PROGRESS IN ACHIEVING THE GOALS OF THE STATE~~
20 ~~ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;~~

21 ~~(8)~~ (8) REVIEW THE REPORTS OF LOCAL JURISDICTIONS ON
22 ADEQUATE PUBLIC FACILITIES DEVELOPMENT RESTRICTIONS REQUIRED BY
23 ARTICLE 66B, § 10.01 OF THE CODE, AND ASSESS WHETHER AND TO WHAT
24 EXTENT ADEQUATE PUBLIC FACILITIES ORDINANCES ~~HAVE A DETRIMENTAL~~
25 ~~EFFECT ON SMART GROWTH~~ AFFECT THE ACHIEVEMENT OF THE GOALS OF THE
26 STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;

27 ~~(9)~~ (8) DEVELOP AND ASSIST IN THE IMPLEMENTATION OF
28 EDUCATIONAL AND OUTREACH PROGRAMS ABOUT SMART GROWTH;

29 ~~(10)~~ (9) REVIEW PERIODICALLY THE EDUCATIONAL
30 REQUIREMENTS FOR MEMBERS OF PLANNING BOARDS AND COMMISSIONS AND
31 BOARDS OF APPEALS REQUIRED BY ARTICLE 66B, §§ 3.02 AND 4.07 OF THE
32 CODE, AND EVALUATE COMPLIANCE RATES FOR THE MEMBERS;

33 ~~(11)~~ (10) MAKE RECOMMENDATIONS FOR CHANGES IN STATE
34 LAW, REGULATIONS, POLICIES, AND PROCEDURES, IF ANY, THAT THE
35 COMMISSION BELIEVES ARE NECESSARY TO ACHIEVE THE STATE'S ECONOMIC
36 GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY; AND

1 ~~(12)~~ **(11)** SERVE AS AN ADVISORY BOARD TO THE GOVERNOR'S
2 SMART GROWTH SUBCABINET, PROVIDING ADVICE AND GUIDANCE.

3 **5-707.**

4 **ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSION SHALL**
5 **REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**
6 **ARTICLE, ON ITS ACTIVITIES AND RECOMMENDATIONS TO:**

7 **(1) THE SPEAKER OF THE HOUSE;**

8 **(2) THE PRESIDENT OF THE SENATE;**

9 **(3) THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE;**

10 **(4) THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL**
11 **AFFAIRS COMMITTEE; AND**

12 **(5) THE GOVERNOR.**

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2010. Section 2 of this Act shall remain effective for a period of 10 years and 6
15 months and, at the end of December 31, 2020, with no further action required by the
16 General Assembly, Section 2 of this Act shall be abrogated and of no further force and
17 effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.