

# SENATE BILL 278

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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

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## A BILL ENTITLED

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)

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

24 **Chapter 381 of the Acts of 2006, as amended by Chapter 626 of the Acts of**  
25 **2007**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

10                    (iv)    the Secretary of the Environment, or the Secretary's  
11 designee;

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

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

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

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

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

21                    (x)     four representatives of local government:

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

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

26                    (xi)    the following members, appointed by the Governor:

27                             1.     one representative of the environmental community;

28                             2.     one representative of the State Builders Association;

1                                   3.     one representative of the agricultural community;  
2 and

3                                   4.     three representatives of citizens organizations that  
4 address affordable housing, transportation, and smart growth.

5                   (2)     If the Governor appoints a regulated lobbyist to serve as a member  
6 of the Task Force, the lobbyist:

7                                   (i)     is not subject to § 15–504(d) of the State Government Article  
8 with respect to that service; and

9                                   (ii)    is not subject to § 15–703(f)(3) of the State Government  
10 Article as a result of that service.

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

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

13           (e)     A member of the Task Force:

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

15                                   (2)     is entitled to reimbursement for expenses under the Standard  
16 State Travel Regulations, as provided in the State budget.

17           (f)     The Task Force shall:

18                                   (1)     study current land use policies and their impact on growth in the  
19 State;

20                                   (2)     study current trends and challenges for municipal corporations  
21 and counties as they relate to growth, including population and demographic changes;

22                                   (3)     analyze the capabilities of municipal corporations and counties to  
23 plan for future growth and development;

24                                   (4)     analyze the impacts of county development proximate to municipal  
25 corporate limits on municipal infrastructure, water resources, and sensitive areas;

26                                   (5)     analyze the impacts of municipal growth and development on  
27 county infrastructure, water resources, and sensitive areas;

28                                   (6)     identify regional growth and development issues;

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

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

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

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

10 (ii) determine how these plans work together with local land use  
11 plans;

12 (11) identify infrastructure needed for smart growth development  
13 consistent with population growth;

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

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

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

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

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

29 **Article – State Finance and Procurement**

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

31 **5-701.**

32 **IN THIS SUBTITLE, "COMMISSION" MEANS THE MARYLAND SUSTAINABLE**  
33 **GROWTH COMMISSION.**

1 **5-702.**

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

3 **5-703.**

4 **(A) (1) THE COMMISSION CONSISTS OF THE FOLLOWING 30**  
5 **MEMBERS:**

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

8 **(II) TWO MEMBERS OF THE SENATE EDUCATION, HEALTH,**  
9 **AND ENVIRONMENTAL AFFAIRS COMMITTEE, APPOINTED BY THE PRESIDENT**  
10 **OF THE SENATE;**

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

12 **1. THE SECRETARY OF PLANNING, OR THE**  
13 **SECRETARY'S DESIGNEE;**

14 **2. THE SECRETARY OF THE ENVIRONMENT, OR THE**  
15 **SECRETARY'S DESIGNEE;**

16 **3. THE SECRETARY OF TRANSPORTATION, OR THE**  
17 **SECRETARY'S DESIGNEE;**

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

20 **5. THE SECRETARY OF NATURAL RESOURCES, OR**  
21 **THE SECRETARY'S DESIGNEE;**

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

24 **7. THE SUPERINTENDENT OF THE MARYLAND**  
25 **STATE DEPARTMENT OF EDUCATION, OR THE SUPERINTENDENT'S DESIGNEE;**

26 **8. THE CHAIR OF THE BASE REALIGNMENT AND**  
27 **CLOSURE SUBCABINET, OR THE CHAIR'S DESIGNEE;**

28 **9. THE EXECUTIVE DIRECTOR OF THE RURAL**  
29 **MARYLAND COUNCIL, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND**

1                                   **10. THE DIRECTOR OF THE UNIVERSITY OF**  
2 **MARYLAND'S NATIONAL CENTER FOR SMART GROWTH, OR THE DIRECTOR'S**  
3 **DESIGNEE;**

4                                   **(IV) FOUR REPRESENTATIVES OF LOCAL GOVERNMENT:**

5                                   **1. TWO DESIGNATED BY THE MARYLAND MUNICIPAL**  
6 **LEAGUE; AND**

7                                   **2. TWO DESIGNATED BY THE MARYLAND**  
8 **ASSOCIATION OF COUNTIES;**

9                                   **(V) APPOINTED BY THE GOVERNOR:**

10                                  **1. ONE REPRESENTATIVE OF THE SMART GROWTH**  
11 **COMMUNITY;**

12                                  **2. ONE REPRESENTATIVE OF THE ENVIRONMENTAL**  
13 **COMMUNITY;**

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

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

18                                  **5. ONE REPRESENTATIVE OF THE AGRICULTURAL**  
19 **COMMUNITY;**

20                                  **6. ONE REPRESENTATIVE OF A CITIZEN**  
21 **ORGANIZATION THAT ADDRESSES HOUSING;**

22                                  **7. ONE REPRESENTATIVE OF A CITIZEN**  
23 **ORGANIZATION THAT ADDRESSES TRANSPORTATION;**

24                                  **8. ONE REPRESENTATIVE FROM WESTERN**  
25 **MARYLAND;**

26                                  **9. ONE REPRESENTATIVE FROM SOUTHERN**  
27 **MARYLAND;**

28                                  **10. ONE REPRESENTATIVE FROM THE WASHINGTON**  
29 **METROPOLITAN AREA;**

1                   11. ONE REPRESENTATIVE FROM THE BALTIMORE  
2 METROPOLITAN AREA; AND

3                   12. ONE REPRESENTATIVE FROM THE EASTERN  
4 SHORE.

5                   (2) THE MEMBERS REPRESENTING A REGION OF THE STATE  
6 SHALL HAVE KNOWLEDGE OF SMART GROWTH AND PLANNING ISSUES.

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

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

11                   (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN  
12 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS  
13 APPOINTED AND QUALIFIES.

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

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

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

20                   (D) A MEMBER OF THE COMMISSION:

21                   (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
22 COMMISSION; BUT

23                   (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
24 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE  
25 BUDGET.

26 5-704.

27                   (A) THE GOVERNOR SHALL DESIGNATE THE CHAIR AND THE VICE  
28 CHAIR OF THE COMMISSION.

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

1 **5-705.**

2 **THE DEPARTMENT OF PLANNING SHALL PROVIDE STAFF FOR THE**  
3 **COMMISSION.**

4 **5-706.**

5 **THE COMMISSION SHALL:**

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

10 **(2) MAKE RECOMMENDATIONS FOR COORDINATION AND**  
11 **IMPLEMENTATION OF FUNDING MECHANISMS AND OTHER STATE ASSISTANCE**  
12 **FOR PLANNING ACTIVITIES AND INFRASTRUCTURE NEEDS, CONSISTENT WITH**  
13 **THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING**  
14 **POLICY;**

15 **(3) PROMOTE PLANNING COORDINATION AND**  
16 **INTERJURISDICTIONAL COOPERATION AMONG THE STATE AND LOCAL**  
17 **JURISDICTIONS AND RECOMMEND MECHANISMS TO FACILITATE JOINT**  
18 **PLANNING;**

19 **(4) ADVISE ON THE CONTENT AND PREPARATION OF THE STATE**  
20 **DEVELOPMENT PLAN, STATE TRANSPORTATION PLAN, AND STATE HOUSING**  
21 **PLAN AND THE IMPLEMENTATION OF THESE PLANS, INCLUDING THE**  
22 **RELATIONSHIP OF THESE PLANS WITH LOCAL LAND USE PLANS;**

23 **(5) PROMOTE AND MAKE RECOMMENDATIONS REGARDING**  
24 **EFFICIENT AND PREDICTABLE STATE AND LOCAL DEVELOPMENT REGULATIONS**  
25 **TO ACHIEVE THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE**  
26 **PROTECTION, AND PLANNING POLICY;**

27 **(6) EVALUATE THE CONTINUING VIABILITY AND EFFECTIVENESS**  
28 **OF THE SMART GROWTH INDICATORS CONTAINED IN ARTICLE 66B, § 3.10 OF**  
29 **THE CODE, AND MAKE RECOMMENDATIONS FOR AMENDMENTS OR ADDITIONS**  
30 **TO THE INDICATORS;**

31 **(7) REVIEW THE ANNUAL REPORTS SUBMITTED BY COUNTIES AND**  
32 **MUNICIPAL CORPORATIONS IN ACCORDANCE WITH ARTICLE 66B, § 3.09 OF THE**



1 CODE, WITH RESPECT TO PROGRESS IN ACHIEVING THE GOALS OF THE STATE  
2 ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY;

3 (8) REVIEW THE REPORTS OF LOCAL JURISDICTIONS ON  
4 ADEQUATE PUBLIC FACILITIES DEVELOPMENT RESTRICTIONS REQUIRED BY  
5 ARTICLE 66B, § 10.01 OF THE CODE, AND ASSESS WHETHER AND TO WHAT  
6 EXTENT ADEQUATE PUBLIC FACILITIES ORDINANCES HAVE A DETRIMENTAL  
7 EFFECT ON SMART GROWTH;

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

10 (10) REVIEW PERIODICALLY THE EDUCATIONAL REQUIREMENTS  
11 FOR MEMBERS OF PLANNING BOARDS AND COMMISSIONS AND BOARDS OF  
12 APPEALS REQUIRED BY ARTICLE 66B, §§ 3.02 AND 4.07 OF THE CODE, AND  
13 EVALUATE COMPLIANCE RATES FOR THE MEMBERS;

14 (11) MAKE RECOMMENDATIONS FOR CHANGES IN STATE LAW,  
15 REGULATIONS, POLICIES, AND PROCEDURES, IF ANY, THAT THE COMMISSION  
16 BELIEVES ARE NECESSARY TO ACHIEVE THE STATE'S ECONOMIC GROWTH,  
17 RESOURCE PROTECTION, AND PLANNING POLICY; AND

18 (12) SERVE AS AN ADVISORY BOARD TO THE GOVERNOR'S SMART  
19 GROWTH SUBCABINET, PROVIDING ADVICE AND GUIDANCE.

20 5-707.

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

24 (1) THE SPEAKER OF THE HOUSE;

25 (2) THE PRESIDENT OF THE SENATE;

26 (3) THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE;

27 (4) THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL  
28 AFFAIRS COMMITTEE; AND

29 (5) THE GOVERNOR.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 2010. Section 2 of this Act shall remain effective for a period of 10 years and 6

1 months and, at the end of December 31, 2020, with no further action required by the  
2 General Assembly, Section 2 of this Act shall be abrogated and of no further force and  
3 effect.