

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 278 (The President, *et al.*) (By Request - Administration)
Education, Health, and Environmental Affairs Environmental Matters

Smart, Green, and Growing - Maryland Sustainable Growth Commission

This Administration bill repeals the Task Force on the Future for Growth and Development in Maryland and establishes a Maryland Sustainable Growth Commission. The Maryland Department of Planning (MDP) must provide staff support for the commission. The commission must submit an annual report on its activities and recommendations to the Governor, the Presiding Officers, and specified committees of the General Assembly.

The bill takes effect July 1, 2010, and the bill's provisions concerning the commission terminate December 31, 2020.

Fiscal Summary

State Effect: The bill is not anticipated to have a significant impact on State operations or finances. This estimate assumes that, absent the bill, the task force may have continued to meet for several years and that MDP redirects existing budgeted resources for the task force to the commission. Nevertheless, general fund expenditures increase minimally for expense reimbursements for 15 new commission members.

Local Effect: Minimal.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: Commission members who represent a region of the State must have knowledge of smart growth and planning issues. The bill establishes other conditions regarding certain members. Members, excluding *ex officio* members or their designees, must serve five-year terms, or until a successor is appointed and qualifies. Regulated lobbyists appointed to the commission by the Governor are exempt from specified provisions of public ethics law.

The commission must:

- assess and advise on the progress of State, regional, and local planning toward specified planning goals;
- make recommendations on the adequacy, coordination, and implementation of funding mechanisms and other State assistance for planning activities and infrastructure and land preservation needs;
- promote planning coordination and interjurisdictional cooperation;
- advise on the content, preparation, and implementation of the State development, transportation, and housing plans;
- promote and make recommendations regarding efficient and predictable model State and local government regulations to achieve specified planning goals;
- evaluate the continuing viability and effectiveness of specified smart growth indicators and recommend changes;
- review specified planning reports submitted by local governments;
- develop and assist with smart growth educational and outreach programs;
- periodically review specified educational requirements for members of planning boards and commissions and boards of appeals;
- recommend changes in State law, regulations, policies, and procedures necessary to achieve State planning goals; and
- serve as an advisory board to the Smart Growth Subcabinet.

The commission is authorized to develop rules of procedure. Members of the commission may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations.

Current Law/Background: Several State entities are charged with addressing development and growth issues in the State, including MDP, the Task Force on the Future for Growth and Development in Maryland, and the Smart Growth Subcabinet.

These entities, as well as a growth-related commission that terminated in 2003, are described below.

MDP works with State and local government agencies to ensure comprehensive and integrated planning for the best use of State resources. MDP provides data, trend analysis, research assistance, and policy development and implementation support for local governments, communities, businesses, and organizations. MDP also provides technical assistance, local program review, and planning design services to local governments.

The Task Force on the Future for Growth and Development in Maryland (established by Chapter 381 of 2006 and modified by Chapter 626 of 2007) is charged with studying a wide range of smart growth and land use issues impacting Maryland. The task force is required to advise the Smart Growth Subcabinet until December 2010. The task force released a report in January 2009 providing detailed recommendations for action at various levels of State and local government. The task force currently plans to disband in December 2010, although there is no statutory termination date. This bill is a direct result of recent feedback from the task force, recommending additional study by a broader group.

The Smart Growth Subcabinet was established in 2001 (Chapter 566) to promote smart growth policy. Specifically, the 13-member Smart Growth Subcabinet must (1) provide a forum for discussion of interdepartmental issues; (2) work together using all available resources to promote the understanding of Smart Growth; (3) in coordination with State agencies, evaluate and report annually to the Governor and the General Assembly on the implementation of the State's Smart Growth policy; and (4) perform other duties assigned by the Governor.

The State Economic Growth, Resource Protection, and Planning Commission was created by Chapter 437 of 1992 to advise and report to the General Assembly, the Governor, and local governments on a number of items related to planning in the State. It was an advisory body and lacked regulatory powers. In 2001, the Department of Legislative Services (DLS) completed a full evaluation of the planning commission and recommended allowing it to sunset pursuant to the Maryland Program Evaluation Act. In the sunset evaluation, DLS advised that the planning commission lacked a defined role and focus and that there was considerable overlap with other State entities such as MDP. Among other things, DLS recommended that MDP establish *ad hoc* advisory work groups on an as-needed basis to ensure continued representation by a wide variety of interests, and track and report on the progress of State, regional, and local planning in the State. The planning commission terminated in 2003.

MDP advises that the Maryland Sustainable Growth Commission will provide the State with a broad representation of stakeholders who can continue to promote a smart and sustainable growth agenda. MDP notes that the commission will build on the task force's work and provide a forum to analyze and advise on a myriad of planning issues. The task force has been meeting monthly, with additional work group meetings; DLS assumes the replacement commission meets with similar frequency.

Additional Information

Prior Introductions: None.

Cross File: HB 474 (The Speaker, *et al.*) (By Request - Administration) - Environmental Matters.

Information Source(s): Maryland Department of Planning, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2010
mlm/lgc Revised - Senate Third Reader - March 18, 2010

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Smart, Green, and Growing - Maryland Sustainable Growth Commission

BILL NUMBER: SB 278

PREPARED BY:

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.