

# HOUSE BILL 654

L6, P1

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By: **Delegates Smigiel, Afzali, Aumann, Bates, Beitzel, Boteler, Cluster, Dwyer, Elliott, Fisher, Frank, Haddaway–Ricchio, Hershey, Hogan, Hough, Jacobs, Krebs, McComas, McDermott, Otto, Parrott, Ready, Schulz, and Szeliga**

Introduced and read first time: February 8, 2012

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Development Plan – Repeal**

3 FOR the purpose of repealing a requirement that the Department of Planning prepare  
4 and revise certain plans for the development of the State for certain purposes  
5 and based on certain studies; repealing a requirement that the Department  
6 seek comments from and consult with certain local governments and seek the  
7 cooperation and advice of certain persons when preparing and revising a certain  
8 Plan; repealing a provision stating that the Plan shall embody certain policy  
9 recommendations of the Department; repealing a requirement that the  
10 Secretary of Planning send to the Governor the Plan, substantial parts of the  
11 Plan, or revisions to the Plan; repealing a requirement that the Governor file  
12 with the Secretary of State the Plan, part of the Plan, or revision to the Plan,  
13 together with certain comments; repealing a requirement that the Department  
14 make copies of certain materials available for general distribution or sale under  
15 certain circumstances; repealing a requirement that the Governor send copies of  
16 certain materials to certain persons under certain circumstances; repealing  
17 certain provisions relating to the required contents of the Plan; repealing a  
18 requirement that each county make a certain recommendation to the  
19 Department; repealing a requirement that the Secretary consult with and  
20 consider recommendations submitted by certain political subdivisions before  
21 making a certain designation; repealing the authority of the Secretary to adopt  
22 certain regulations; repealing a requirement that the Department furnish to  
23 certain political subdivisions the full text of certain proposed designations;  
24 repealing a requirement that the Department give certain political subdivisions  
25 a certain period of time to review and comment on a certain proposed  
26 designation; repealing a requirement that the Department publish certain  
27 designations and certain written comments; repealing a certain definition;  
28 making certain conforming changes; correcting certain cross–references; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 generally relating to the repeal of certain provisions relating to the State  
2 Development Plan.

3 BY repealing and reenacting, with amendments,  
4 Article – Environment  
5 Section 14–508(a)  
6 Annotated Code of Maryland  
7 (2007 Replacement Volume and 2011 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – State Finance and Procurement  
10 Section 5–307(b), 5–402, 5–507, and 5–706(4)  
11 Annotated Code of Maryland  
12 (2009 Replacement Volume and 2011 Supplement)

13 BY repealing  
14 Article – State Finance and Procurement  
15 Section 5–601 through 5–605 and the part “Part I. Definitions; General  
16 Provisions”; and 5–608 through 5–615 and the part “Part II. Contents of  
17 Plan”; and the subtitle “Subtitle 5. State Development Plan”  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2011 Supplement)

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

22 **Article – Environment**

23 14–508.

24 (a) Within 90 days following the completion of the public hearing under §  
25 14–507 of this subtitle, and after receiving the advisory comments and  
26 recommendations of the Secretaries of Natural Resources, Business and Economic  
27 Development, and Transportation and the Director of Planning, the Secretary shall  
28 decide whether to grant, grant conditionally, or deny the permit. The Secretary’s  
29 decision shall be in writing and based upon the economic and environmental  
30 statement, the public hearing record, and a determination that the applicant has  
31 shown satisfactorily that the facility:

32 (1) Conforms with and meets all applicable air, water, noise, and solid  
33 waste laws of the State as determined and certified in writing by the appropriate State  
34 unit with jurisdiction over these laws;

35 (2) Conforms with adopted or approved county or local land use  
36 planning and the official county or local comprehensive zoning map;

1           (3) [Conforms with the State development plan, if such plan has been  
2 lawfully approved and adopted;

3           (4)] Would have no material adverse effect upon the natural  
4 environment of the area, its scenic or natural beauty, rare or irreplaceable natural  
5 resources, or unique historic sites;

6           [(5)] (4) Would not be so located or constructed as to have a material  
7 adverse effect upon the public health, safety, or welfare;

8           [(6)] (5) Would not be a potential or immediate undue burden on the  
9 water supply of the site or region;

10           [(7)] (6) Would not materially contribute to an extant level of undue  
11 environmental degradation or resource exhaustion;

12           [(8)] (7) Conforms with any coastal zone management program  
13 developed by the State of Maryland pursuant to the federal Coastal Zone Management  
14 Act of 1972;

15           [(9)] (8) Would have no material adverse effect upon critical areas  
16 identified and designated pursuant to [§ 5–611 of the State Finance and Procurement  
17 Article and] Article 66B, § 3.05 of the Code;

18           [(10)] (9) Would not impose, directly or indirectly, a substantial  
19 burden on existing State, regional, or county public facilities beyond their respective  
20 capacities, or that new public facilities, if necessary, either:

21                   (i) Would not be completed in time to serve the facility; or

22                   (ii) Would be inadequate to serve the facility without causing  
23 overloading of the public facilities; and

24           [(11)] (10) Evidences fewer undesirable environmental, economic,  
25 fiscal, and cultural consequences in its specific or general proposed location than other  
26 specific or general locations.

## 27                                   **Article – State Finance and Procurement**

28           5–307.

29           (b) The annual report shall include:

30                   (1) [a summary and description of the nature of every section of the  
31 State Development Plan that has been:

1 (i) added, deleted, or revised since the last annual report; and

2 (ii) filed by the Governor under § 5–605 of this title;

3 (2)] a summary of each important study wholly or partly completed by  
4 the Department since the last annual report; and

5 [(3)] (2) summaries of the work of the Department and of the State  
6 Economic Growth, Resource Protection, and Planning Commission.

7 5–402.

8 (a) The Department shall:

9 (1) harmonize its planning activities with the planning activities of  
10 other units of the State government;

11 (2) coordinate the plans and programs of all units of the State  
12 government;

13 [(3) cooperate with and assist other units of the State government in  
14 the execution of their planning functions, to harmonize their planning activities with  
15 the State Development Plan;] and

16 [(4)] (3) promote the State's Economic Growth, Resource Protection,  
17 and Planning Policy set forth in Subtitle 7A of this title.

18 (b) The Department shall[:

19 (1)] harmonize its planning activities with the planning activities of  
20 local governments[; and

21 (2) cooperate with and assist local governments in the execution of  
22 their planning functions, to harmonize their planning activities with the State  
23 Development Plan].

24 (c) The Department shall:

25 (1) coordinate State programs with the federal government; **AND**

26 [(2) cooperate with and assist units of the federal government in the  
27 execution of their planning functions, to harmonize their planning activities with the  
28 State Development Plan; and]

29 [(3)] (2) cooperate with, confer with, and, on request, provide  
30 information to:

1 (i) units of the federal government; and

2 (ii) local or regional agencies that are created under federal  
3 programs or that receive federal support.

4 (d) As far as possible, the Department shall cooperate with and confer with  
5 planning agencies of other states or of regional groupings of states.

6 [(e) The Department shall cooperate with and assist regional and private  
7 planning agencies in the execution of their planning functions, to harmonize their  
8 planning activities with the State Development Plan.]

9 [(f) (E) The Department shall exercise authority as the lead agency in  
10 coordinating the State's land preservation efforts and focus its planning efforts on  
11 targeted land preservation.

12 [(g) (F) The Department shall plan for the efficient use of inactive railroad  
13 corridors by:

14 (1) examining all opportunities, both present and future, for  
15 acquisition or use of inactive railroad corridors;

16 (2) coordinating and working with the Departments of Natural  
17 Resources, Transportation, Business and Economic Development, and the State  
18 Railroad Administration and other agencies to determine the suitability and feasibility  
19 of acquiring or using inactive railroad corridors for recreational trails, public utilities,  
20 or future transportation purposes; and

21 (3) taking part in United States Interstate Commerce Commission  
22 proceedings regarding the abandonment or the discontinuance of use of railroad  
23 corridors on behalf of the State.

24 [(h) (G) The Department shall:

25 (1) review transportation plans and programs prepared by the  
26 Department of Transportation and regional planning agencies and make  
27 recommendations regarding the relationship between transportation and planned land  
28 use; and

29 (2) evaluate proposed transportation improvements and policies to  
30 assure consistency between transportation investments and the State Economic  
31 Growth, Resource Protection, and Planning Policy.

32 [(i) (H) The Department may provide advice to local governments  
33 regarding the impact on growth and development of:

- 1 (1) transportation components of local plans;
- 2 (2) aspects of local land use regulation affecting transportation; and
- 3 (3) local transportation improvements.

4 5-507.

5 The Department shall provide information to State and local officials and to the  
6 public to stimulate public interest and participation in the orderly, integrated  
7 development of the State and to foster public awareness and understanding of[:

- 8 (1) the objectives of the State Development Plan; and
- 9 (2)] the function of State, regional, and local planning.

10 [Subtitle 5. State Development Plan.]

11 [Part I. Definitions; General Provisions.]

12 [5-601.

13 In this subtitle, "Plan" means the State Development Plan.]

14 [5-602.

15 (a) The Department shall prepare and from time to time revise a plan or  
16 plans for development of the State. The plan or plans collectively shall be known as  
17 the State Development Plan.

18 (b) The Department shall prepare the Plan to promote the general welfare  
19 and prosperity of the people of the State through the coordinated development of the  
20 State.

21 (c) The Department shall base the Plan on studies of governmental,  
22 economic, physical, and social conditions and trends.]

23 [5-603.

24 In the preparation and revision of the Plan or any part of it, the Department  
25 shall:

- 26 (1) seek comments from and consult with the local governments of the  
27 areas that are affected by the Plan; and

1 (2) seek the cooperation and advice of appropriate:

2 (i) governmental units;

3 (ii) regional planning commissions;

4 (iii) public or private educational institutions;

5 (iv) public or private research organizations;

6 (v) civic groups; and

7 (vi) interested persons.]

8 [5-604.

9 The Plan shall embody the policy recommendations of the Department  
10 regarding the economic and physical development of the State.]

11 [5-605.

12 (a) On completion, the Secretary shall send to the Governor the Plan, any  
13 substantial part of the Plan, or any revision to the Plan.

14 (b) The Governor shall file with the Secretary of State the Plan, part of the  
15 Plan, or revision to the Plan, together with any comments made by the Governor, and,  
16 in that event:

17 (1) the Department shall make copies of the material filed available  
18 for general distribution or sale; and

19 (2) the Governor shall send copies of the material filed:

20 (i) to the head of each unit of the State government; and

21 (ii) subject to § 2-1246 of the State Government Article, to the  
22 General Assembly.]

23 [Part II. Contents of Plan.]

24 [5-608.

25 The Plan shall contain a statement of the objectives, standards, and principles  
26 sought to be expressed in the Plan.]

27 [5-609.

1           The Plan shall contain a comprehensive analysis and evaluation of the capital  
2 plans and programs of each unit of the State government.]

3 [5-610.

4           The Plan shall contain a review and analysis of:

5                   (1)    all federal grants, loans, or services available to the State;

6                   (2)    all State grants to local governments; and

7                   (3)    the impact of any existing or proposed federal program on the  
8 State.]

9 [5-611.

10           (a)    The Plan shall identify all areas designated by the Department as areas  
11 of critical State concern.

12           (b)    Each county shall recommend to the Department those areas in the  
13 county that should be designated as areas of critical State concern.

14           (c)    Before designating an area as an area of critical State concern, the  
15 Secretary shall consult with and consider any recommendations submitted by affected  
16 political subdivisions.

17           (d)    The Secretary may adopt regulations for the political subdivisions to use  
18 in recommending areas to be designated as areas of critical State concern.

19           (e)    The Department shall:

20                   (1)    furnish to the governing body of each affected political subdivision  
21 the full text of each proposed designation of an area as an area of critical State  
22 concern;

23                   (2)    give each political subdivision affected by a proposed designation  
24 at least 45 days to review and comment on the proposed designation; and

25                   (3)    publish its designation of areas of critical State concern, together  
26 with all written comments received from political subdivisions regarding the areas  
27 designated.]

28 [5-612.



1           The Plan shall contain recommendations for the most desirable general pattern  
2 of land use in the State. The recommendations shall be based on the best available  
3 information concerning:

4           (1)    environmental and natural factors, including climate, soil and  
5 underground conditions, topography, and water sources and bodies of water;

6           (2)    present and prospective economic bases of the State;

7           (3)    water and sewerage facilities;

8           (4)    trends of industrial, population, or other developments;

9           (5)    habits and standards of life of the people of the State; and

10          (6)    the relation of land use in the State to land use in adjoining areas.]

11   [5-613.

12           The Plan shall contain recommendations concerning the need for and the  
13 proposed general location of major public works and private facilities, including  
14 utilities, flood control works, water reservoirs, pollution control facilities, and military  
15 or defense installations, that are of State, as opposed to purely local or regional,  
16 concern because of:

17          (1)    their function, size, extent, or legal status;

18          (2)    the fact that their authorization, location, or construction is legally  
19 under the jurisdiction of a unit of the State government; or

20          (3)    any other reason that makes inclusion in the Plan appropriate.]

21   [5-614.

22           The Plan shall recommend a major circulation pattern for the State, including  
23 major transportation routes and major terminals that should be used for movement  
24 within the State or for movement from and to adjoining areas.]

25   [5-615.

26           The Plan shall contain the recommendations of the Secretary concerning any  
27 current or impending problem that may affect the State as a whole.]

28   5-706.

29           The Commission shall:

1                   (4)     advise on the content and preparation of the [State development  
2 plan,] State transportation plan[,] and State housing plan and the implementation of  
3 these plans, including the relationship of these plans with local land use plans;

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2012.