

HOUSE BILL 111

L2

0lr0361

By: **Delegates Eckardt, Cane, and Haddaway**

Introduced and read first time: January 18, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2010

CHAPTER _____

1 AN ACT concerning

2 ~~Charter~~ **Counties – Local Laws – Digital Copies for Legislative Delegations**

3 FOR the purpose of ~~authorizing a charter county to make a digital copy of a certain~~
4 ~~compilation of laws available on the Internet as an alternative to a requirement~~
5 ~~to provide certain copies to certain entities; altering a certain requirement that~~
6 ~~a charter county provide a copy of a certain compilation of laws to the~~
7 ~~Department of Legislative Services to authorize the copy to be in either a digital~~
8 ~~or printed form; authorizing a charter county under certain circumstances to~~
9 ~~make a digital copy of certain compilations or codes of local laws available on~~
10 ~~the Internet as an alternative to a requirement to deposit copies with certain~~
11 ~~State agencies~~ authorizing certain counties to provide a certain notice regarding
12 a digital copy of the county's compilation of local laws to each member of the
13 county's legislative delegation as an alternative to furnishing each member a
14 printed copy of the compilation under certain circumstances; clarifying that
15 copies of compilations of local laws and enactments of local laws furnished by
16 certain counties to certain units of State government under certain
17 circumstances shall be printed copies; making stylistic changes; and generally
18 relating to copies of compilations and ~~codes~~ enactments of local laws of ~~charter~~
19 counties.

20 BY repealing and reenacting, with amendments,

21 Article 25 – County Commissioners

22 Section 32A

23 Annotated Code of Maryland

24 (2005 Replacement Volume and 2009 Supplement)

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 BY repealing and reenacting, with amendments,
 2 Article 25A – Chartered Counties of Maryland
 3 Section 7
 4 Annotated Code of Maryland
 5 (2005 Replacement Volume and 2009 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article 25B – Home Rule for Code Counties
 8 Section 12
 9 Annotated Code of Maryland
 10 (2005 Replacement Volume and 2009 Supplement)

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

13 **Article 25 – County Commissioners**

14 **32A.**

15 Whenever the board of county commissioners or county council of any county in
 16 this State publishes or issues in printed, mimeographed or similar duplicated form a
 17 code or compilation containing all or a portion of the public local laws of the county,
 18 the board or council shall deposit **PRINTED** copies free of charge with the following
 19 State agencies: State Archives, one copy; State Law Library, one copy; State
 20 Department of Legislative Services, five copies.

21 **Article 25A – Chartered Counties of Maryland**

22 7.

23 (a) (1) At the end of each calendar or fiscal year, each charter county shall
 24 furnish in a convenient and legible compilation a complete set of all laws enacted
 25 during that year under the “Express Powers Act” in § 5 of this article, whether to
 26 enact, amend, or repeal a local law.

27 (2) The laws in the compilation shall be in numerical sequence,
 28 beginning with No. 1, and in a separate series for each year.

29 (b) (1) Copies of this compilation shall be [made]:

30 (I) **MADE** available for inspection at the office of the county
 31 council, county executive, or county manager, during normal business hours; and

32 (II) [copies shall be kept] **KEPT** on permanent record in the
 33 same office.

1 **(2)** [Copies also shall be furnished] **EACH CHARTER COUNTY SHALL:**

2 **(I)** ~~MAKE A DIGITAL COPY OF THE LAWS IN THE~~
3 ~~COMPILATION AVAILABLE TO THE PUBLIC ON THE INTERNET; OR~~

4 ~~(II)~~ **FURNISH PRINTED COPIES OF THE COMPILATION** to the
5 State Archives, **AND** the State Law Library, ~~and to each member of the legislative~~
6 ~~delegation of the county; AND~~

7 **(II)** **ONCE EACH YEAR:**

8 **1.** **NOTIFY EACH MEMBER OF THE COUNTY'S**
9 **LEGISLATIVE DELEGATION THAT A DIGITAL COPY OF THE COMPILATION IS**
10 **AVAILABLE ON THE INTERNET; OR**

11 **2.** **FURNISH A PRINTED COPY OF THE COMPILATION**
12 **TO EACH MEMBER OF THE COUNTY'S LEGISLATIVE DELEGATION.**

13 **(3)** [The foregoing copies] **COPIES UNDER PARAGRAPH ~~(2)(II)~~ (2)**
14 **OF THIS SUBSECTION** shall be furnished without charge, and the county also may
15 make other copies available at a reasonable cost to any person.

16 (c) Not later than March 1 of the next succeeding year, the charter county,
17 without charge, shall furnish ~~4~~ **PRINTED** copies; ~~A DIGITAL OR PRINTED COPY~~ of
18 the compilation to the State Department of Legislative Services.

19 (d) **(1)** [In addition to furnishing copies of the compilation to the State
20 Department of Legislative Services, the] **EACH** charter county shall provide to the
21 **STATE** Department **OF LEGISLATIVE SERVICES** a statement concerning any
22 referendum on any proposed local law.

23 **(2)** The statement shall include information on the results of any
24 referendum held during the year, and it shall include information as to any
25 referendum pending actually or potentially, but not yet held, at the end of the year.

26 (e) **(1)** At the end of each calendar year the State Department of
27 Legislative Services shall address an inquiry to each charter county inquiring whether
28 or not during that calendar year or its latest fiscal year it has enacted, amended or
29 repealed any portion of its laws under the "Express Powers Act".

30 **(2)** The charter county shall promptly answer the inquiry and shall
31 verify that **PRINTED** ~~{copies}~~;

32 ~~(I)~~ ~~THE TEXT OF ALL ENACTMENTS, AMENDMENTS, OR~~
33 ~~REPEALS HAVE BEEN POSTED ON THE INTERNET; OR~~

1 ~~(H) COPIES~~ of all such enactments, amendments, or repeals
2 have already been sent to the Department.

3 (f) **(1)** If the charter county ~~FAILS OR REFUSES TO POST THE~~
4 ~~COMPILATION ON THE INTERNET~~, fails or refuses to supply PRINTED copies of this
5 compilation and of the results of any referenda thereon to the State Department of
6 Legislative Services by March 1 of the next succeeding year, or fails or refuses to
7 certify that there have been no such enactments, amendments, or repeals, or
8 referenda, during the last calendar or fiscal year, the Department shall promptly
9 certify that fact to the State Comptroller, who then may order the discontinuance of all
10 funds, grants or State aid which the charter county is entitled to receive under State
11 law.

12 **(2)** This section refers specifically to all funds, grants or State aid
13 which the charter county is entitled to receive under applicable provisions of State law
14 relating to the income tax, the tax on racing, the recordation tax, the admissions and
15 amusement tax, and the license tax.

16 (g) **(1)** The State Department of Legislative Services shall receive the
17 [several] compilations and statements [thus] delivered to it.

18 **(2)** The titles of the laws of the several charter counties which amend
19 their codes of public local laws shall be arranged in a logical and convenient order and
20 shall be delivered to the State printer for inclusion in the Session Laws of the General
21 Assembly for its regular session in that year.

22 **(3)** The titles of the laws of the charter counties which amend their
23 codes of public local laws shall be printed and identified as such, and they shall be
24 indexed with or in a supplemental volume to the laws enacted by the General
25 Assembly.

26 (h) Whenever the county council of any county in this State publishes or
27 issues in printed, mimeographed, or similar duplicated form a code or compilation
28 containing all or a portion of the public local laws of the county, the council shall
29 ~~deposit~~

30 ~~**(1)** MAKE A DIGITAL COPY OF THE CODE OR COMPILATION ON~~
31 ~~THE INTERNET; OR~~

32 ~~**(2)** DEPOSIT~~ PRINTED copies free of charge with the following State
33 agencies: State Archives, 1 copy; State Law Library, 1 copy; State Department of
34 Legislative Services, 5 copies.

35 **Article 25B – Home Rule for Code Counties**

1 12.

2 (a) At the end of each calendar or fiscal year, each code county shall furnish
3 in a convenient and legible compilation a complete set of all local laws enacted,
4 amended, or repealed by the code county during that year.

5 (b) (1) Copies of this compilation shall be [made]:

6 (I) MADE available for inspection at the office of the board of
7 county commissioners during normal business hours; and

8 (II) [copies shall be kept] KEPT on permanent record at the
9 office of the board of county commissioners.

10 (2) [Copies also shall be furnished] EACH CODE COUNTY SHALL:

11 (I) FURNISH PRINTED COPIES to the State Archives[,] AND to
12 the State Law Library[, and to each member of the legislative delegation of the
13 county]; AND

14 (II) ONCE EACH YEAR:

15 1. NOTIFY EACH MEMBER OF THE COUNTY'S
16 LEGISLATIVE DELEGATION THAT A DIGITAL COPY OF THE COMPILATION IS
17 AVAILABLE ON THE INTERNET; OR

18 2. FURNISH A PRINTED COPY OF THE COMPILATION
19 TO EACH MEMBER OF THE COUNTY'S LEGISLATIVE DELEGATION.

20 (3) [The foregoing copies] COPIES UNDER PARAGRAPH (2) OF THIS
21 SUBSECTION shall be furnished without charge, and the county also may make other
22 copies available at a reasonable cost to any person.

23 (c) Not later than March 1 of the next succeeding year, the code county,
24 without charge, shall furnish 4 PRINTED copies of this compilation to the State
25 Department of Legislative Services.

26 (d) (1) [In addition to furnishing copies of the compilation to the State
27 Department of Legislative Services, the] EACH code county shall provide TO the
28 STATE Department OF LEGISLATIVE SERVICES a statement concerning any
29 referendum on any proposed local law.

30 (2) The statement shall include information on the results of any
31 referendum held during the year, and it shall include information as to any
32 referendum pending actually or potentially, but not yet held, at the end of the year.

1 (e) **(1)** At the end of each calendar year the State Department of
2 Legislative Services shall address an inquiry to each code county inquiring whether or
3 not during that calendar year or its latest fiscal year it has enacted, amended or
4 repealed any portion of its public local laws.

5 **(2)** The code county shall promptly answer the inquiry and shall verify
6 that **PRINTED** copies of all such enactments, amendments, or repeals have already
7 been sent to the Department.

8 (f) **(1)** If the code county fails or refuses to supply **PRINTED** copies of this
9 compilation and of the results of any referenda thereon to the State Department of
10 Legislative Services by March 1 of the next succeeding year, or fails or refuses to
11 certify that there have been no such enactments, amendments, or repeals, or
12 referenda, during the last calendar or fiscal year, the Department shall promptly
13 certify that fact to the State Comptroller, who then may order the discontinuance of all
14 funds, grants or State aid which the code county is entitled to receive under State law.

15 **(2)** This section refers specifically to all funds, grants or State aid
16 which the code county is entitled to receive under applicable provisions of State law
17 relating to the income tax, the tax on racing, the recordation tax, the admissions and
18 amusement tax, and the license tax.

19 (g) **(1)** The State Department of Legislative Services shall receive the
20 [several] compilations and statements [thus] delivered to it.

21 **(2)** The titles of the laws of the several code counties which amend
22 their codes of public local laws shall be arranged in a logical and convenient order and
23 shall be delivered to the State printer for inclusion in the Session Laws of the General
24 Assembly for its regular session in that year.

25 **(3)** The titles of the laws of the code counties which amend their codes
26 of public local laws shall be printed and identified as such, and they shall be indexed
27 with or in a supplemental volume to the laws enacted by the General Assembly.

28 (h) Whenever a code county in this State publishes or issues in printed,
29 mimeographed, or similar duplicated form a code or compilation containing all or a
30 portion of the public local laws of the county, the code county shall deposit **PRINTED**
31 copies free of charge with the following State agencies: State Archives, 1 copy; State
32 Law Library, 1 copy; State Department of Legislative Services, 5 copies.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2010.