

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 111

(Delegate Eckardt, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

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Counties - Local Laws - Copies for Legislative Delegations

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This bill authorizes charter and code home rule counties to provide members of each county's legislative delegation an annual notice stating that a digital copy of the compilation of local laws is available on the Internet, as an alternative to furnishing printed copies to each member of the county's delegation. The bill also clarifies that all counties must furnish printed copies of the compilations and enactments of local laws to State agencies, as required under current law.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Potential minimal decrease in expenditures for the State's nine charter counties (Anne Arundel, Baltimore, Dorchester, Harford, Howard, Montgomery, Prince George's, Talbot, and Wicomico) and the State's six code home rule counties (Allegany, Caroline, Charles, Kent, Queen Anne's, and Worcester). No effect on revenues.

**Small Business Effect:** None.

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Analysis

**Current Law:** Under current law, each charter and code home rule county must annually provide, without charge, a compilation of all laws enacted during the year under the Express Powers Act (annual compilation) to the State Archives, the State Law Library, and to each member of the county's legislative delegation. Also, no later than March 1 of the next succeeding year, each charter and code home rule county must

provide the Department of Legislative Services with four copies of this annual compilation.

**Background:** Currently, nine counties exercise charter home rule and six counties operate under code home rule. The other eight counties operate under the commission form of local government. **Exhibit 1** shows the form of government for each Maryland county and the year in which local home rule was granted.

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**Exhibit 1**  
**Forms of County Governments in Maryland**

<u>Charter Home Rule</u>		<u>Code Home Rule</u>		<u>Commission</u>
Anne Arundel	1964	Allegany	1974	Calvert
Baltimore	1956	Caroline	1984	Carroll
Dorchester	2002	Charles	2002	Cecil
Harford	1972	Kent	1970	Frederick
Howard	1968	Queen Anne's	1990	Garrett
Montgomery	1948	Worcester	1976	St. Mary's
Prince George's	1970			Somerset
Talbot	1973			Washington
Wicomico	1964			

Source: Department of Legislative Services

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Article 25A, Section 4 of the Annotated Code of Maryland provides in part that a charter county “shall be entitled to exercise the following express powers ... granted as a substitute for and in extension of the powers codified in Article 25 of the Annotated Code of Maryland, title ‘County Commissioners’ ...” Subject to the constitution and the public general law of the State, a county council may enact local laws for the county on any matter covered under the Express Powers Act. The county council may also amend or repeal a local law adopted by the General Assembly before the adoption of home rule as long as the scope of the law is within the Express Powers Act.

A charter county may establish civil penalties and criminal penalties up to a certain statutory cap. It may incur general obligation debt up to a certain statutory cap and subject to the possibility of a petition to referendum. It may establish special taxing districts for any of the purposes enumerated in Article 25A of the Annotated Code of Maryland. It exercises zoning authority under the Express Powers Act rather than Article 66B of the Annotated Code of Maryland. This provision, referred to as the

so-called “police powers,” allows charter counties to enact local laws for the public good as long as the local laws are not inconsistent with the public general law of the State.

**Local Fiscal Effect:** Printing and postage expenditures for Allegany, Anne Arundel, Baltimore, Caroline, Charles, Dorchester, Harford, Howard, Kent, Montgomery, Prince George’s, Queen Anne’s Talbot, Wicomico, and Worcester counties may decrease by a minimal amount for counties that choose to provide a digital copy online in lieu of sending printed copies. Most responding counties advised that any savings as a result of reduced printing is expected to be negligible; however, Harford County estimates that printing and postage costs may decrease by \$2,300 annually and Talbot County estimates annual savings of \$670. All charter counties currently provide public local laws online, so any reduction in printing costs will represent a net savings to each county.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 174 (Senator Glassman) – Education, Health, and Environmental Affairs.

**Information Source(s):** Anne Arundel, Harford, Kent, Montgomery, Prince George’s, Talbot, and Wicomico counties; Baltimore City; Maryland State Law Library; Maryland State Archives; Department of Legislative Services

**Fiscal Note History:** First Reader - February 2, 2010  
mpc/hlb Revised - House Third Reader - March 26, 2010

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