

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 472

(The Speaker)(By Request - Department of Legislative Services - Code Revision)

Environmental Matters

Education, Health, and Environmental Affairs

Local Government Article

This code revision bill revises, restates, and recodifies the laws of the State that relate to local government. The new Local Government Article as a whole governs the laws relating to counties, municipalities, and other local political subdivisions. The article is composed of 13 different former articles of the code that are revised in their entirety in the new Local Government Article and will, therefore, be repealed in their entirety, Article 19, Article 23A, Article 24, Article 25, Article 25A, Article 25B, Article 26, Article 31, Article 49B, Article 75, Article 78A, Article 95, Article 96½, and two articles that are partially revised in the Local Government Article, Article 23 and Article 41.

Fiscal Summary

State Effect: None. The bill's provisions are intended as nonsubstantive revisions, restatements, recodifications, and transfers of existing provisions, and there is no fiscal impact.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The Local Government Article consists of five divisions and 30 titles, as follows:

Division I. Definitions; General Provisions.

This division contains provisions relating to counties, municipalities, and other political subdivisions.

Title 1. Definitions; General Provisions.

This title contains definitions that apply to the entire article. It also contains other general provisions that apply to counties, municipalities, and other political subdivisions.

Title 2. Reserved.

Title 3. Reserved.

Division II. Municipalities.

This division contains provisions relating to the powers of municipalities.

Title 4. In General.

This title concerns the incorporation of a municipality and general administrative powers of a municipality.

Title 5. Powers.

This title sets forth the powers of municipalities.

Title 6. Violations of Ordinances and Resolutions.

This title deals with a municipality's authority to designate an offense as a municipal infraction and the enforcement of municipal infractions.

Title 7. Reserved.

Title 8. Reserved.

Division III. Counties.

This division contains provisions relating to the powers of counties.

Title 9. General and Administrative Provisions.

This title concerns the general and administrative powers of code counties, commission counties, and charter counties.

Title 10. Express Powers Act.

This title contains the provisions of the Express Powers Act, which are the powers to enact local laws granted to charter counties and code counties.

Title 11. Powers of Code Counties.

This title contains provisions that apply only to code counties.

Title 12. Other Powers of Counties – Generally.

This title contains powers granted to counties relating to their ability to carry out county governmental functions.

Title 13. Other Powers of Counties – Regulatory.

This title contains regulatory authority granted to counties.

Title 14. Reserved.

Title 15. Reserved.

Division IV. Local Finance.

This division contains provisions relating to local finance requirements and authority, including public debt and taxing authorization, for counties, municipalities, and other local entities.

Title 16. In General.

This title sets forth various general requirements imposed on and authority granted to local entities in areas relating to the financial operations of local governments.

Title 17. Investment by Local Government.

This title contains the specific requirements to be followed by counties, municipalities, and other local governmental entities for investing local funds.

Title 18. Local Economic Development.

This title relates to programs that a local governmental entity can create or support to promote local economic development.

Title 19. Public Debt.

This title contains the public debt provisions relating to counties, municipalities, and other local governmental entities.

Title 20. Taxes and Development Impact Fees.

This title governs the imposition of taxes and development impact fees by counties, municipalities, and other local governmental entities.

Title 21. Special Taxing Districts.

This title contains provisions authorizing the creation of special taxing districts for various purposes.

Title 22. Reserved.

Title 23. Reserved.

Division V. Other Local Entities.

This division contains provisions creating local entities or authorizing the creation of local entities.

Title 24. Regional Councils of Governments.

This title authorizes the governing body of a county or municipality to establish, organize, and participate in a regional council of governments to study governmental problems of mutual interest and concern and make recommendations for review and action.

Title 25. Public Watershed Associations.

This title contains provisions relating to the establishment of public watershed associations by counties.

Title 26. Public Drainage Associations.

This title contains provisions relating to the establishment of public drainage associations by counties. The title does not apply to Baltimore City.

Title 27. Drainage Districts.

This title contains provisions relating to the establishment of drainage districts by counties. The title does not apply to Baltimore City.

Title 28. Salary and Study Commissions.

This title contains the details regarding salary study commissions established for Allegany County and Washington County.

Title 29. St. Mary's County Human Relations Commission.

This title authorizes the County Commissioners of St. Mary's County to establish a Human Relations Commission for the county.

Title 30. Baltimore City Police Department Death Relief Fund.

This title establishes the Baltimore City Police Department Death Relief Fund for the purpose of providing death benefits to beneficiaries of officers or civilian employees of the Baltimore City Police Department.

The bill revises and recodifies several sections in other articles, including, Article 2B, Business Regulation, Courts and Judicial Proceedings, Public Utilities, State Finance and Procurement, and Transportation.

New Material

The bill adds two new sections to the Education Article in order to cross reference provisions in the new Local Government Article. Section 4-128 of the Education Article clarifies that provisions in the Local Government Article relating to employees who return from military services apply to a county board of education. Section 4-129 of the Education Article clarifies that a provision of the Local Government Article relating to an employee's right to engage in political activity applies to a county board of education.

Obsolete Provisions

The bill deletes several obsolete provisions. Among them are references to entities that no longer exist. In other cases, if appropriate, the bill changes obsolete terminology to conform to current usage, such as changing the former references to “levying” taxes to “imposing” taxes and changing references to the “county commissioners” of counties that had adopted charter home rule to be “county council” or “governing body.” In yet other cases, the bill transfers obsolete provisions to the Session Laws. A statute is transferred to the Session Laws to ensure that the statute remains in effect but does not clutter the Annotated Code. This method is used for statutes that appear to be obsolete but may conceivably still affect entities in existence at the time of transfer.

Special Sections

The bill contains a number of standard uncodified sections common to code revision projects, primarily designed to protect the status of the revision as a bulk, nonsubstantive restatement of the former law.

Background: The Local Government Article is a product of the continuing revision of the Annotated Code of Maryland by the legal staff of the Office of Policy Analysis of the Department of Legislative Services. The first revised articles were enacted at the First Extraordinary Session of 1973 and, as of the date of the introduction in the General Assembly of the Local Government Article, 33 revised articles have become law: Agriculture, Business Occupations and Professions, Business Regulation, Commercial Law, Corporations and Associations, Correctional Services, Courts and Judicial Proceedings, Criminal Law, Criminal Procedure, Economic Development, Education, Election Law, Estates and Trusts, Family Law, Financial Institutions, Health – Environmental (now Environment), Health – General, Health Occupations, Housing and Community Development, Human Services, Insurance, Labor and Employment, Land Use, Natural Resources, Public Safety, Public Utility Companies (now Public Utilities), Real Property, State Finance and Procurement, State Government, State Personnel and Pensions, Tax – General, Tax – Property, and Transportation.

Additional Comments: Every effort is made to ensure that a proposed revision conforms as nearly as possible to the intent of the General Assembly, and any issues involving the interpretation of an aspect of current law are highlighted in the appropriate revisor’s note. In other instances, the staff and the Article Review Committee have used revisor’s notes to call to the attention of the General Assembly fundamental policy issues that are beyond the purview of the revision process.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2013
mlm/hlb

Analysis by: Michael Sanelli

Direct Inquiries to:
(410) 946-5510
(301) 970-5510