

HOUSE BILL 165

L6

(PRE-FILED)

4r0510
CF SB 747

By: **Delegate J. Lewis**

Requested: August 15, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2024

CHAPTER _____

1 AN ACT concerning

2 **Local Government – Annual Audit Reporting Requirements – Alterations**

3 FOR the purpose of requiring a certain amount of State aid to be discontinued if a county,
4 municipality, or special taxing district does not submit a certain audit report within
5 a certain period of time after the deadline for the report, subject to a certain
6 condition; and generally relating to local government reporting requirements.

7 BY repealing and reenacting, without amendments,

8 Article – Local Government

9 Section 16–304

10 Annotated Code of Maryland

11 (2013 Volume and 2023 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Local Government

14 Section 16–306

15 Annotated Code of Maryland

16 (2013 Volume and 2023 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Local Government**

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 16-304.

2 (a) (1) Except as provided in paragraph (2) of this subsection, on or before
3 October 31 after the close of its fiscal year, each county, municipality, and special taxing
4 district shall file with the Department of Legislative Services a financial report for that
5 fiscal year.

6 (2) (i) A county, municipality, or special taxing district with a
7 population of over 400,000 may file its financial report on or before December 31 after the
8 close of its fiscal year.

9 (ii) Unless subparagraph (i) of this paragraph applies, Howard
10 County may file its financial report on or before November 30 after the close of its fiscal
11 year.

12 (iii) Allegany County, Calvert County, Caroline County, Charles
13 County, Frederick County, Garrett County, Queen Anne's County, St. Mary's County,
14 Somerset County, Talbot County, and Wicomico County may file the county's financial
15 report on or before December 31 after the close of the county's fiscal year.

16 (b) The financial report required under subsection (a) of this section shall be:

17 (1) prepared on the form established by the Department of Legislative
18 Services; and

19 (2) verified by the chief executive officer of the county, municipality, or
20 special taxing district.

21 (c) If a county, municipality, or special taxing district does not comply with
22 subsection (a) of this section, the Comptroller, on notice from the Executive Director of the
23 Department of Legislative Services, may order the discontinuance of all money, grants, or
24 State aid that the county, municipality, or special taxing district is entitled to receive under
25 State law, including money from:

26 (1) the income tax;

27 (2) the tax on racing;

28 (3) the recordation tax;

29 (4) the admissions and amusement tax; and

30 (5) the license tax.

31 16-306.

1 (a) The county, municipality, or special taxing district shall report the results of
2 the audit required under § 16–305 of this subtitle to the Legislative Auditor:

3 (1) on the form and in the manner that the Legislative Auditor requires;
4 and

5 (2) on or before the date the financial report of the county, municipality, or
6 special taxing district must be filed under § 16–304(a) of this subtitle.

7 (b) An audit report filed by a county, municipality, or special taxing district with
8 the Legislative Auditor shall include financial statements of the county, municipality, or
9 special taxing district that are:

10 (1) prepared in accordance with generally accepted accounting principles;
11 and

12 (2) audited in accordance with generally accepted auditing standards.

13 (c) An audit report filed with the Legislative Auditor is a public record.

14 (d) **[If] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, IF** a
15 county, municipality, or special taxing district does not comply with subsection (a) or (b) of
16 this section, the Comptroller, on notice from the Executive Director of the Department of
17 Legislative Services, may order the discontinuance of all money, grants, or State aid that
18 the county, municipality, or special taxing district is entitled to receive under State law
19 that are distributed by the Comptroller, the clerks of the court, or any other unit of State
20 government.

21 **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A COUNTY,**
22 **MUNICIPALITY, OR SPECIAL TAXING DISTRICT DOES NOT COMPLY WITH SUBSECTION**
23 **(A) OR (B) OF THIS SECTION WITHIN ~~1~~ 3 CALENDAR ~~YEAR~~ YEARS AFTER THE**
24 **DEADLINE DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION, THE EXECUTIVE**
25 **DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL NOTIFY THE**
26 **COMPTROLLER AND THE COMPTROLLER SHALL ORDER THE DISCONTINUANCE OF**
27 **20% OF ALL STATE AID FOR ~~POLICE AID,~~ THE CURRENT FISCAL YEAR FOR HIGHWAY**
28 **USER REVENUES, ~~AND DISPARITY GRANTS~~ THAT THE COUNTY, MUNICIPALITY, OR**
29 **SPECIAL TAXING DISTRICT IS OTHERWISE ENTITLED TO RECEIVE UNDER STATE LAW**
30 **THAT IS DISTRIBUTED BY THE COMPTROLLER, THE CLERKS OF THE COURT, OR ANY**
31 **OTHER UNIT OF STATE GOVERNMENT.**

32 **(2) (I) A DISCONTINUANCE OF FUNDS UNDER PARAGRAPH (1) OF**
33 **THIS SUBSECTION SHALL REMAIN IN EFFECT FOR A COUNTY, MUNICIPALITY, OR**
34 **SPECIAL TAXING DISTRICT UNTIL THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING**
35 **DISTRICT SUBMITS THE AUDIT REPORT REQUIRED UNDER THIS SECTION.**

1 (ii) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
 2 SUBPARAGRAPH, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
 3 LEGISLATIVE SERVICES SHALL NOTIFY THE COMPTROLLER AND THE
 4 COMPTROLLER SHALL ORDER THE ~~CONTINUANCE~~ REINSTATEMENT OF THE FUNDS
 5 DISCONTINUED UNDER PARAGRAPH (1) OF THIS SUBSECTION PROMPTLY AFTER THE
 6 COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT SUBMITS THE AUDIT
 7 REPORT REQUIRED UNDER THIS SECTION.

8 2. A. IF A ~~CONTINUANCE~~ REINSTATEMENT OF FUNDS
 9 IS ORDERED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, ONLY THE
 10 DISCONTINUED FUNDS FOR THE CURRENT FISCAL YEAR SHALL BE RELEASED.

11 B. ~~FOR ANY FISCAL YEAR IN WHICH~~ IF A COUNTY,
 12 MUNICIPALITY, OR SPECIAL TAXING DISTRICT FAILED TO SUBMIT THE AUDIT
 13 REPORT REQUIRED UNDER THIS SECTION IN THE SAME FISCAL YEAR IN WHICH IT
 14 WAS DUE, THE DISCONTINUED FUNDS FOR THAT FISCAL YEAR SHALL REVERT TO
 15 THE GENERAL FUND OF THE STATE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply beginning
 17 with the fiscal year 2024 audits that are required to be submitted under § 16-306 of the
 18 Local Government Article, enacted by Section 1 of this Act.

19 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 20 July 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.