

CONSTITUTIONAL AMENDMENT

By: Delegates Fry, R. Baker, Beck, Benson, Bissett, Bonsack, Bozman, Brinkley, M. Burns, Cadden, Ciliberti, Conroy, Conway, Curran, C. Davis, Donoghue, Eckardt, Edwards, Elliott, Faulkner, Franchot, Getty, Gordon, Guns, Harkins, Healey, Hecht, Holt, Howard, Hubbard, Hutchins, Jacobs, Kagan, Kelly, Klima, B. Hughes, Crumlin, Baldwin, Leopold, Malone, Mandel, Marriott, McClenahan, McKee, Minnick, V. Mitchell, Mohorovic, Morgan, Owings, Palumbo, Pendergrass, Pitkin, Poole, Preis, Rudolph, Rzepkowski, Schade, Schisler, Shriver, Slade, Snodgrass, Stocksdale, Stull, Stup, Walkup, Wood, Workman, W. Baker, Dewberry, O'Donnell, Flanagan, DeCarlo, Frush, and Klausmeier

Introduced and read first time: February 2, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Mandates on Local Government - Constitutional Restriction**

3 FOR the purpose of adding a new section to the Constitution to prohibit certain State
4 laws or regulations that require additional expenditures by a county, Baltimore City,
5 or a municipal corporation of the State from becoming effective except under
6 certain circumstances; specifying certain exceptions; defining certain terms;
7 providing for the application of this Act; generally relating to a prohibition against
8 State laws or regulations that require additional expenditures by counties,
9 Baltimore City, or municipal corporations of the State; and submitting this
10 amendment to the qualified voters of the State of Maryland for their adoption or
11 rejection.

12 BY proposing an addition to the Constitution of Maryland

13 Article III - Legislative Department

14 Section 32A

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
17 concurring), That it be proposed that the Constitution of Maryland read as follows:

18 **Article III - Legislative Department**

19 32A.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) "COUNTY" MEANS A COUNTY OF THIS STATE OR BALTIMORE CITY.

23 (3) "GOVERNING BODY" MEANS:

2

1 (I) FOR BALTIMORE CITY, THE MAYOR AND CITY COUNCIL;

2 (II) FOR A NONHOME RULE COUNTY, THE BOARD OF COUNTY
3 COMMISSIONERS;

4 (III) FOR A CHARTER COUNTY, AS PROVIDED BY LOCAL LAW, THE
5 COUNTY COUNCIL OR THE COUNTY COUNCIL AND THE COUNTY EXECUTIVE;

6 (IV) FOR A CODE COUNTY, THE BOARD OF COUNTY
7 COMMISSIONERS; AND

8 (V) FOR A MUNICIPAL CORPORATION, THE BODY PROVIDED
9 UNDER THE MUNICIPAL CHARTER.

10 (B) A LAW PASSED BY THE GENERAL ASSEMBLY OR A REGULATION
11 ADOPTED BY A UNIT OF THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT
12 THAT REQUIRES ADDITIONAL EXPENDITURES BY A COUNTY OR MUNICIPAL
13 CORPORATION OF THE STATE MAY NOT BECOME EFFECTIVE UNTIL:

14 (1) THE GENERAL ASSEMBLY APPROPRIATES MONEY FROM THE STATE
15 TREASURY TO THE AFFECTED COUNTY OR MUNICIPAL CORPORATION AND ONLY
16 TO THE EXTENT AND AMOUNT THAT MONEY IS APPROPRIATED; OR

17 (2) THE GENERAL ASSEMBLY ENACTS ENABLING LEGISLATION
18 AUTHORIZING THE AFFECTED COUNTY OR MUNICIPAL CORPORATION TO PROVIDE
19 A LOCAL REVENUE SOURCE FOR THE PURPOSES OF THE LAW OR REGULATION, BUT
20 ONLY TO THE EXTENT AND AMOUNT THAT THE ENABLING LEGISLATION PROVIDES,
21 OR WOULD PROVIDE, THE NECESSARY REVENUE.

22 (C) THE PROVISIONS OF THIS SECTION APPLY TO:

23 (1) ANY LAW ENACTED BY THE GENERAL ASSEMBLY ON OR AFTER
24 JANUARY 1, 1997, OR ANY LAW AMENDED ON OR AFTER JANUARY 1, 1997, IF THE
25 EFFECT OF THE AMENDMENT WOULD BE TO REQUIRE ADDITIONAL EXPENDITURES
26 BY A COUNTY OR MUNICIPAL CORPORATION ABOVE ANY AMOUNT REQUIRED ON
27 JANUARY 1, 1997; OR

28 (2) ANY REGULATION ADOPTED BY A UNIT OF THE EXECUTIVE
29 BRANCH OF STATE GOVERNMENT ON OR AFTER JANUARY 1, 1997, IF THE EFFECT OF
30 THE REGULATION WOULD BE TO REQUIRE ADDITIONAL EXPENDITURES BY A
31 COUNTY OR MUNICIPAL CORPORATION ABOVE ANY AMOUNT REQUIRED ON
32 JANUARY 1, 1997.

33 (D) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO:

34 (1) A LAW REQUESTED BY THE GOVERNING BODY OF A COUNTY OR
35 MUNICIPAL CORPORATION;

36 (2) A LAW THAT ESTABLISHES A CRIMINAL OFFENSE OR AMENDS THE
37 PROVISIONS OF AN EXISTING CRIMINAL OFFENSE;

1 (3) A LAW PASSED BY THE GENERAL ASSEMBLY, OR A REGULATION
2 ADOPTED BY A UNIT OF THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT, TO
3 COMPLY WITH A FEDERAL MANDATE; OR

4 (4) A LAW THAT HAS RECEIVED FOR PASSAGE A THREE-FIFTHS VOTE
5 OF EACH HOUSE OF THE GENERAL ASSEMBLY AND ANY REGULATION ADOPTED BY
6 A DEPARTMENT IN THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT TO
7 IMPLEMENT THAT LAW.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this amendment to the
9 Constitution of Maryland proposed by this Act shall be construed only prospectively and
10 may not be applied or interpreted to have any effect on or application to any State law
11 enacted or regulation adopted by a unit of the Executive Branch of the State government
12 before the Governor declares in accordance with Article XIV of the Constitution that this
13 amendment has been adopted by the people of Maryland as part of the Constitution of
14 Maryland.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly
16 determines that the amendment to the Constitution of Maryland proposed by this Act
17 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
18 Constitution concerning local approval of constitutional amendments do not apply.

19 SECTION 4. AND BE IT FURTHER ENACTED, That the foregoing section
20 proposed as an amendment to the Constitution of Maryland shall be submitted to the
21 legal and qualified voters of this State at the next general election to be held in
22 November, 1996 for their adoption or rejection in pursuance of directions contained in
23 Article XIV of the Constitution of this State. At that general election, the vote on this
24 proposed amendment to the Constitution shall be by ballot, and upon each ballot there
25 shall be printed the words "For the Constitutional Amendments" and "Against the
26 Constitutional Amendments," as now provided by law. Immediately after the election, all
27 returns shall be made to the Governor of the vote for and against the proposed
28 amendment, as directed by Article XIV of the Constitution, and further proceedings had
29 in accordance with Article XIV.