

CONSTITUTIONAL AMENDMENT

P3

6lr2886

CF HB 925

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**By: Senator Craig**

Introduced and read first time: February 21, 1996

Assigned to: Rules

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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:

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

25 (II) FOR A NONHOME RULE COUNTY, THE BOARD OF COUNTY  
26 COMMISSIONERS;

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

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1 (IV) FOR A CODE COUNTY, THE BOARD OF COUNTY  
2 COMMISSIONERS; AND

3 (V) FOR A MUNICIPAL CORPORATION, THE BODY PROVIDED  
4 UNDER THE MUNICIPAL CHARTER.

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

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

12 (2) THE GENERAL ASSEMBLY ENACTS ENABLING LEGISLATION  
13 AUTHORIZING THE AFFECTED COUNTY OR MUNICIPAL CORPORATION TO PROVIDE  
14 A LOCAL REVENUE SOURCE FOR THE PURPOSES OF THE LAW OR REGULATION, BUT  
15 ONLY TO THE EXTENT AND AMOUNT THAT THE ENABLING LEGISLATION PROVIDES,  
16 OR WOULD PROVIDE, THE NECESSARY REVENUE.

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

18 (1) ANY LAW ENACTED BY THE GENERAL ASSEMBLY ON OR AFTER  
19 JANUARY 1, 1997, OR ANY LAW AMENDED ON OR AFTER JANUARY 1, 1997, IF THE  
20 EFFECT OF THE AMENDMENT WOULD BE TO REQUIRE ADDITIONAL EXPENDITURES  
21 BY A COUNTY OR MUNICIPAL CORPORATION ABOVE ANY AMOUNT REQUIRED ON  
22 JANUARY 1, 1997; OR

23 (2) ANY REGULATION ADOPTED BY A UNIT OF THE EXECUTIVE  
24 BRANCH OF STATE GOVERNMENT ON OR AFTER JANUARY 1, 1997, IF THE EFFECT OF  
25 THE REGULATION WOULD BE TO REQUIRE ADDITIONAL EXPENDITURES BY A  
26 COUNTY OR MUNICIPAL CORPORATION ABOVE ANY AMOUNT REQUIRED ON  
27 JANUARY 1, 1997.

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

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

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

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

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

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

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

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