

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 1214 (Delegate Bonsack)

Commerce and Government Matters

Charter Counties - Legislative Powers - Expansion of Authority

This bill authorizes the governing body of a charter county to legislate on any subject matter: (1) that the General Assembly authorizes another charter county to legislate on; and (2) that is not covered by the express powers granted to the county. This authority is subject to the provisions of each county's charter. The bill also provides that this authority may not be construed as part of the Express Powers Act of the Maryland Constitution.

Fiscal Summary

State Effect: Indeterminate.

Local Effect: Indeterminate, but potentially significant effect on local finances.

Small Business Effect: Potential indeterminate effect on small businesses.

Fiscal Analysis

State Effect: The effect on State finances, if any, would depend upon: (1) the legislative authority which is granted to a charter county; (2) whether other charter counties elect to legislate on the subject matter; and (3) whether other counties could legislate on the subject matter based on their charter.

Local Effect: Depending on whether a county elects to legislate on subject matter authorized in another charter county and whether the charter of the county permits such legislative power, charter counties' authority would expand under the bill. Harford County, Baltimore City, and Talbot County advise that the bill would provide more flexibility for charter counties to expand their authority. Prince George's County advises that the bill would give charter counties access to significant new sources of revenue.

For illustrative purposes, Baltimore and Montgomery counties have been granted the same taxing powers as the General Assembly with exceptions. The exceptions are in the areas of

intangible personal property, vehicles, horse racing, income, franchises, insurance, death, corporate recordations, and gross receipts. Under this bill, provided the counties' charters permit, other charter counties would have the ability to legislate on the same tax matters as Baltimore and Montgomery counties.

Information Source(s): Baltimore City; Harford, Talbot, and Prince George's counties; Department of Legislative Services

Fiscal Note History: First Reader - March 3, 1998

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