

HOUSE BILL 402
CONSTITUTIONAL AMENDMENT

Unofficial Copy
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1999 Regular Session
9r1218

By: **Delegates Billings, C. Davis, and Hubbard**
Introduced and read first time: February 8, 1999
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City and Baltimore County - Merger**

3 FOR the purpose of proposing amendments to the Constitution of Maryland to
4 dissolve the City of Baltimore as a separate political subdivision and to merge
5 the City of Baltimore into Baltimore County as a united political subdivision
6 governed under Article XI-A of the Constitution of Maryland; altering the
7 number of appellate judicial circuits and judicial circuits and the number of
8 judges assigned from a certain appellate judicial circuit; repealing certain
9 Constitutional offices relating to Baltimore City; repealing certain Articles of
10 the Constitution relating to Baltimore City; making stylistic changes; providing
11 certain provisions of limited duration for the purpose of implementing this
12 amendment; generally relating to the merger of Baltimore City and Baltimore
13 County; and submitting this amendment to the qualified voters of the State of
14 Maryland for their adoption or rejection.

15 BY proposing an amendment to the Constitution of Maryland
16 Declaration of Rights
17 Article 15

18 BY proposing an amendment to the Constitution of Maryland
19 Article I - Elective Franchise
20 Section 2, 5, 6, and 10

21 BY proposing an amendment to the Constitution of Maryland
22 Article III - Legislative Department
23 Section 35, 40A, 45, and 61(c) and (e)

24 BY proposing an amendment to the Constitution of Maryland
25 Article IV - Judiciary Department
26 Section 3, 11, 14, 19, 20(a), 25, 40, 41, 41A, 44, and 45

27 BY proposing an amendment to the Constitution of Maryland
28 Article V - Attorney-General and State's Attorneys
29 Section 2, 7, 9, 11, and 12

- 1 BY proposing a repeal of the Constitution of Maryland
2 Article XI - City of Baltimore
3 Section 1, 2, 3, 4, 5, 6, 7, 8, and 9
- 4 BY proposing an addition to the Constitution of Maryland
5 Article XI - City of Baltimore
6 Section 1
- 7 BY proposing an amendment to the Constitution of Maryland
8 Article XI-A - Local Legislation
9 Section 1, 2, 3, 4, 5, and 6
- 10 BY proposing a repeal of the Constitution of Maryland
11 Article XI-B - City of Baltimore - Land Development and Redevelopment
12 Section 1 and 2 and the article designation "Article XI-B - City of
13 Baltimore - Land Development and Redevelopment"
- 14 BY proposing a repeal of the Constitution of Maryland
15 Article XI-C - Off-Street Parking
16 Section 1, 2, and 3 and the article designation "Article XI-C - Off-Street
17 Parking"
- 18 BY proposing a repeal of the Constitution of Maryland
19 Article XI-D - Port Development
20 Section 1, 2, and 3 and the article designation "Article XI-D - Port
21 Development"
- 22 BY proposing a repeal of the Constitution of Maryland
23 Article XI-G - City of Baltimore - Residential Rehabilitation and
24 Commercial Financing Loans
25 Section 1 and 2 and the article designation "Article XI-G - City of
26 Baltimore - Residential Rehabilitation and Commercial Financing
27 Loans"
- 28 BY proposing a repeal of the Constitution of Maryland
29 Article XI-H - City of Baltimore - Residential Financing Loans
30 Section 1 and 2 and the article designation "Article XI-H - City of
31 Baltimore - Residential Financing Loans"
- 32 BY proposing a repeal of the Constitution of Maryland
33 Article XI-I - City of Baltimore - Industrial Financing Loans
34 Section 1 and 2 and the article designation "Article XI-I - Industrial
35 Financing Loans"
- 36 BY proposing an amendment to the Constitution of Maryland
37 Article XIII - New Counties

1 Section 1

2 BY proposing an amendment to the Constitution of Maryland
3 Article XIV - Amendments to the Constitution
4 Section 1 and 2

5 BY proposing an amendment to the Constitution of Maryland
6 Article XVI - The Referendum
7 Section 3(a) and 5

8 BY proposing an amendment to the Constitution of Maryland
9 Article XVII - Quadrennial Elections
10 Section 3 and 6

11 BY proposing an addition to the Constitution of Maryland
12 Article XVIII - Provisions of Limited Duration
13 Section 6

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

17 **Declaration of Rights**

18 Article 15.

19 That the levying of taxes by the poll is grievous and oppressive and ought to be
20 prohibited; that paupers ought not to be assessed for the support of the government;
21 that the General Assembly shall, by uniform rules, provide for the separate
22 assessment, classification and sub-classification of land, improvements on land and
23 personal property, as it may deem proper; and all taxes thereafter provided to be
24 levied by the State for the support of the general State Government, and by the
25 Counties [and by the City of Baltimore] for their respective purposes, shall be
26 uniform within each class or sub-class of land, improvements on land and personal
27 property which the respective taxing powers may have directed to be subjected to the
28 tax levy; yet fines, duties or taxes may properly and justly be imposed, or laid with a
29 political view for the good government and benefit of the community.

30 **Article I - Elective Franchise**

31 2.

32 The General Assembly shall provide by law for a uniform Registration of the
33 names of all the voters in this State, who possess the qualifications prescribed in this
34 Article, which Registration shall be conclusive evidence to the Judges of Election of
35 the right of every person, thus registered, to vote at any election thereafter held in
36 this State; but no person shall vote, at any election, Federal or State, hereafter to be
37 held in this State, [or at any municipal election in the City of Baltimore,] unless his

1 name appears in the list of registered voters; the names of all persons shall be added
2 to the list of qualified voters by the officers of Registration, who have the
3 qualifications prescribed in the first section of this Article, and who are not
4 disqualified under the provisions of the second and third sections thereof.

5 5.

6 It shall be the duty of the General Assembly to pass Laws to punish, with fine
7 and imprisonment, any person, who shall remove into any election district, [or
8 precinct of any ward of the City of Baltimore,] not for the purpose of acquiring a bona
9 fide residence therein, but for the purpose of voting at an approaching election, or,
10 who shall vote in any election district, or ward, in which he does not reside, (except in
11 the case provided for in this Article,) or shall, at the same election, vote in more than
12 one election district, or precinct, or shall vote, or offer to vote, in any name not his
13 own, or in place of any other person of the same name, or shall vote in any county in
14 which he does not reside.

15 6.

16 If any person shall give, or offer to give, directly or indirectly, any bribe, present
17 or reward, or any promise, or any security, for the payment or delivery of money, or
18 any other thing, to induce any voter to refrain from casting his vote, or to prevent him
19 in any way from voting, or to procure a vote for any candidate or person proposed, or
20 voted for as the elector of President, and Vice President of the United States, or
21 Representative in Congress or for any office of profit or trust, created by the
22 Constitution or Laws of this State, [or by the Ordinances, or Authority of the Mayor
23 and City Council of Baltimore,] the person giving, or offering to give and the person
24 receiving the same, and any person who gives or causes to be given, an illegal vote,
25 knowing it to be such, at any election to be hereafter held in this State, shall, on
26 conviction in a Court of Law, in addition to the penalties now or hereafter to be
27 imposed by law, be forever disqualified to hold any office of profit or trust, or to vote
28 at any election thereafter. But the General Assembly may in its discretion remove the
29 above penalty and all other penalties upon the vote seller so as to place the penalties
30 for the purchase of votes on the vote buyer alone.

31 10.

32 Any officer elected or appointed in pursuance of the provisions of this
33 Constitution, may qualify, either according to the existing provisions of law, in
34 relation to officers under the present Constitution, or before the Governor of the
35 State, or before any Clerk of any Court of Record in any part of the State; but in case
36 an officer shall qualify out of the County in which he resides, an official copy of his
37 oath shall be filed and recorded in the Clerk's office of the Circuit Court of the County
38 in which he may reside[, or in the Clerk's office of the Superior Court of the City of
39 Baltimore, if he shall reside therein]. All words or phrases, used in creating public
40 offices and positions under the Constitution and laws of this State, which denote the
41 masculine gender shall be construed to include the feminine gender, unless the
42 contrary intention is specifically expressed.

1

Article III - Legislative Department

2 35.

3 Extra compensation may not be granted or allowed by the General Assembly to
4 any public Officer, Agent, Servant or Contractor, after the service has been rendered,
5 or the contract entered into; nor may the salary or compensation of any public officer
6 be increased or diminished during his term of office except those whose full term of
7 office is fixed by law in excess of 4 years. [However, after January 1, 1956, for
8 services rendered after that date, the salary or compensation of any appointed public
9 officer of the Mayor and City Council of Baltimore may be increased or diminished at
10 any time during his term of office; except that as to officers in the Classified City
11 Service, when the salary of any appointed public officer of the Mayor and City Council
12 of Baltimore however, increased or decreased, it may not again be increased or
13 decreased, as the case may be, during the term of such public officer.]

14 40A.

15 The General Assembly shall enact no law authorizing private property to be
16 taken for public use without just compensation, to be agreed upon between the
17 parties, or awarded by a jury, being first paid or tendered to the party entitled to such
18 compensation, but [where such property is situated in Baltimore City and is desired
19 by this State or by the Mayor and City Council of Baltimore, the General Assembly
20 may provide that such property may be taken immediately upon payment therefor to
21 the owner or owners thereof by the State or by the Mayor and City Council of
22 Baltimore, or into court, such amount as the State or the Mayor and City Council of
23 Baltimore, as the case may be, shall estimate to be the fair value of said property,
24 provided such legislation also requires the payment of any further sum that may
25 subsequently be added by a jury; and further provided that the authority and
26 procedure for the immediate taking of property as it applies to the Mayor and City
27 Council of Baltimore on June 1, 1961, shall remain in force and effect to and including
28 June 1, 1963, and] where such property is situated in Baltimore County and is
29 desired by Baltimore County, Maryland, the County Council of Baltimore County,
30 Maryland, may provide for the appointment of an appraiser or appraisers by a Court
31 of Record to value such property and that upon payment of the amount of such
32 evaluation, to the party entitled to compensation, or into Court, and securing the
33 payment of any further sum that may be awarded by a jury, such property may be
34 taken; and where such property is situated in Montgomery County and in the
35 judgment of and upon a finding by the County Council of said County that there is
36 immediate need therefor for right of way for County roads or streets, the County
37 Council may provide that such property may be taken immediately upon payment
38 therefor to the owner or owners thereof, or into court, such amount as a licensed real
39 estate broker appointed by the County Council shall estimate to be the fair market
40 value of such property, provided that the Council shall secure the payment of any
41 further sum that may subsequently be awarded by a jury. In the various municipal
42 corporations within Cecil County, where in the judgment of and upon a finding by the
43 governing body of said municipal corporation that there is immediate need therefor
44 for right of way for municipal roads, streets and extension of municipal water and
45 sewage facilities, the governing body may provide that such property may be taken

1 immediately upon payment therefor to the owner or owners thereof, or into court,
2 such amount as a licensed real estate broker appointed by the particular governing
3 body shall estimate to be a fair market value of such property, provided that the
4 municipal corporation shall secure the payment of any further sum that subsequently
5 may be awarded by a jury. This Section 40A shall not apply in Montgomery County or
6 any of the various municipal corporations within Cecil County, if the property
7 actually to be taken includes a building or buildings.

8 45.

9 The General Assembly shall provide a simple and uniform system of charges in
10 the offices of Clerks of Courts and Registers of Wills, in the Counties of this State
11 [and the City of Baltimore], and for the collection thereof; provided, the amount of
12 compensation to any of the said officers in the various Counties [and in the City of
13 Baltimore] shall be such as may be prescribed by law.

14 61.

15 (c) The General Assembly of Maryland, by public local law, may establish or
16 authorize the establishment of a public body or agency to undertake in a county or
17 municipal corporation [(other than Baltimore City)] the activities authorized by this
18 section, and may provide that any or all of the powers, except the power of taxation,
19 herein authorized to be granted to such county or municipal corporation shall be
20 vested in such public body or agency or in any existing public body or agency.

21 (e) The [provisions of this section are independent of, and shall in no way
22 affect, the powers granted under Article XIB of the Constitution of Maryland, title
23 "City of Baltimore -- Land Development and Redevelopment." Also, the] power
24 provided in this section for the General Assembly to enact public local laws
25 authorizing any municipal corporation or any county to carry out urban renewal
26 projects prevails over the restrictions contained in Article 11A "Local Legislation" and
27 in Article 11E "Municipal Corporations" of this Constitution.

28

Article IV - Judiciary Department

29 3.

30 Except for the Judges of the District Court, the Judges of the several Courts
31 other than the Court of Appeals or any intermediate courts of appeal shall, subject to
32 the provisions of Section 5 of this Article of the Constitution, be elected in [Baltimore
33 City and in] each county, by the qualified voters of [the city and of] each county,
34 respectively, all of the said Judges to be elected at the general election to be held on
35 the Tuesday after the first Monday in November, as now provided for in the
36 Constitution. Each of the said Judges shall hold his office for the term of fifteen years
37 from the time of his election, and until his successor is elected and qualified, or until
38 he shall have attained the age of seventy years, whichever may first happen, and be
39 reeligible thereto until he shall have attained the age of seventy years, and not after.
40 In case of the inability of any of said Judges to discharge his duties with efficiency, by
41 reason of continued sickness, or of physical or mental infirmity, it shall be in the

1 power of the General Assembly, two-thirds of the members of each House concurring,
2 with the approval of the Governor to retire said Judge from office.

3 11.

4 The election for Judges, hereinbefore provided, and all elections for Clerks,
5 Registers of Wills, and other officers, provided in this Constitution, except State's
6 Attorneys, shall be certified, and the returns made, by the Clerks of the Circuit
7 Courts of the Counties[, and the Clerk of the Superior Court of Baltimore City,
8 respectively,] AND to the Governor, who shall issue commissions to the different
9 persons for the offices to which they shall have been, respectively, elected; and in all
10 such elections for officers other than judges of an appellate court, the person having
11 the greatest number of votes, shall be declared to be elected.

12 14.

13 The Court of Appeals shall be composed of seven judges, one from the First
14 Appellate Judicial Circuit consisting of Caroline, Cecil, Dorchester, Kent, Queen
15 Anne's, Somerset, Talbot, Wicomico, and Worcester Counties; [one] TWO from the
16 Second Appellate Judicial Circuit consisting of Baltimore and Harford Counties; one
17 from the Third Appellate Judicial Circuit, consisting of Allegany, Carroll, Frederick,
18 Garrett, Howard, and Washington Counties; one from the Fourth Appellate Judicial
19 Circuit, consisting of Prince George's County; one from the Fifth Appellate Judicial
20 Circuit, consisting of Anne Arundel, Calvert, Charles, and St. Mary's Counties; [one
21 from the Sixth Appellate Judicial Circuit, consisting of Baltimore City;] and one from
22 the [Seventh] SIXTH Appellate Judicial Circuit, consisting of Montgomery County.
23 The Judges of the Court of Appeals shall be residents of their respective Appellate
24 Judicial Circuits. The term of each Judge of the Court of Appeals shall begin on the
25 date of his qualification. One of the Judges of the Court of Appeals shall be designated
26 by the Governor as the Chief Judge. The jurisdiction of the Court of Appeals shall be
27 co-extensive with the limits of the State and such as now is or may hereafter be
28 prescribed by law. It shall hold its sessions in the City of Annapolis at such time or
29 times as it shall from time to time by rule prescribe. Its session or sessions shall
30 continue not less than ten months in each year, if the business before it shall so
31 require, and it shall be competent for the judges temporarily to transfer their sittings
32 elsewhere upon sufficient cause. The salary of each Judge of the Court of Appeals
33 shall be that now or hereafter prescribed by the General Assembly and shall not be
34 diminished during his continuance in office. Five of the judges shall constitute a
35 quorum, and five judges shall sit in each case unless the Court shall direct that an
36 additional judge or judges sit for any case. The concurrence of a majority of those
37 sitting shall be sufficient for the decision of any cause, and an equal division of those
38 sitting in a case has the effect of affirming the decision appealed from if there is no
39 application for reargument as hereinafter provided. In any case where there is an
40 equal division or a three to two division of the Court a reargument before the full
41 Court of seven judges shall be granted to the losing party upon application as a
42 matter of right.

1 19.

2 The State shall be divided into [eight] SEVEN Judicial Circuits, in manner
3 following, viz: The Counties of Worcester, Wicomico, Somerset, and Dorchester, shall
4 constitute the First Circuit; the Counties of Caroline, Talbot, Queen Anne's, Kent and
5 Cecil, the Second; the Counties of Baltimore and Harford, the Third; the Counties of
6 Allegany, Garrett, and Washington, the Fourth; the Counties of Carroll, Howard and
7 Anne Arundel, the Fifth; the Counties of Montgomery and Frederick, the Sixth; AND
8 the Counties of Prince George's, Charles, Calvert, and St. Mary's, the Seventh[]; and
9 Baltimore City, the Eighth].

10 20.

11 (a) There shall be a Circuit Court for each County [and for Baltimore City].
12 The Circuit Courts shall have and exercise, in the respective counties,[and Baltimore
13 City,] all the power, authority and jurisdiction, original and appellate, which the
14 Circuit Courts of the counties exercised on the effective date of these amendments,
15 and the greater or lesser jurisdiction hereafter prescribed by law.

16 25.

17 There shall be a Clerk of the Circuit Court for each county [and Baltimore
18 City], who shall be elected by a plurality of the qualified voters of said County [or
19 City,] and shall hold his office for four years from the time of his election, and until
20 his successor is elected and qualified, and be re-eligible, subject to be removed for
21 wilful neglect of duty or other misdemeanor in office, on conviction in a Court of Law.
22 In case of a vacancy in the office of Clerk of a Circuit Court, the Judges of that Court
23 may fill the vacancy until the general election for Delegates to the General Assembly,
24 to be held next thereafter, when a successor shall be elected for the term of four years.

25 40.

26 The qualified voters of the [City of Baltimore, and of the] several Counties,
27 except Montgomery County and Harford County, shall elect three Judges of the
28 Orphans' Courts of [City and Counties, respectively] EACH RESPECTIVE COUNTY,
29 who shall be citizens of the State and residents, for the twelve months preceding, in
30 the [City or] County for which they may be elected. They shall have all the powers
31 now vested in the Orphans' Courts of the State, subject to such changes as the
32 Legislature may prescribe. Each of the Judges shall be paid such compensation as
33 may be regulated by Law, to be paid by the [City or Counties, respectively]
34 RESPECTIVE COUNTY. In case of a vacancy in the office of Judge of the Orphans'
35 Court, the Governor shall appoint, subject to confirmation or rejection by the Senate,
36 some suitable person to fill the vacancy for the residue of the term.

37 41.

38 There shall be a Register of Wills in each county of the State, [and the City of
39 Baltimore,] to be elected by the legal and qualified voters of [said counties and city,
40 respectively] EACH RESPECTIVE COUNTY, who shall hold his office for four years
41 from the time of his election and until his successor is elected and qualified; he shall

1 be re-eligible, and subject at all times to removal for willful neglect of duty, or
2 misdemeanor in office in the same manner that the Clerks of the Courts are
3 removable. In the event of any vacancy in the office of the Register of Wills, said
4 vacancy shall be filled by the Judges of the Orphans' Court, in which such vacancy
5 occurs, until the next general election for Delegates to the General Assembly when a
6 Register shall be elected to serve for four years thereafter.

7 41A.

8 The District Court shall have the original jurisdiction prescribed by law.
9 Jurisdiction of the District Court shall be uniform throughout the State; except that
10 in Montgomery County and other counties [and the City of Baltimore], the Court
11 may have such jurisdiction over juvenile causes as is provided by law.

12 44.

13 There shall be elected in each county [and in Baltimore City] one person,
14 resident in said county [or City], above the age of twenty-five years, and for at least
15 five years preceding his election a citizen of the State, to the office of Sheriff. He shall
16 hold office for four years, until his successor is duly elected and qualified, give such
17 bond, exercise such powers and perform such duties as now are or may hereafter be
18 fixed by law.

19 In case of vacancy by death, resignation, refusal to serve, or neglect to qualify or
20 give bond, or by disqualification or removal from the County [or City], the Governor
21 shall appoint a person to be Sheriff for the remainder of the official term.

22 The Sheriff in each county [and in Baltimore City] shall receive such salary or
23 compensation and such expenses necessary to the conduct of his office as may be fixed
24 by law. All fees collected by the Sheriff shall be accounted for and paid to the Treasury
25 of the [several counties and of Baltimore City, respectively] RESPECTIVE COUNTY.

26 45.

27 Notaries Public may be appointed for each county, [and the city of Baltimore,]
28 in the manner, for the purpose, and with the powers now fixed, or which may
29 hereafter be prescribed by Law.

30 **Article V - Attorney-General and State's Attorneys**

31 2.

32 All elections for Attorney-General shall be certified to, and returns made
33 thereof by the Clerks of the Circuit Courts of the several counties, and [the Clerk of
34 the Superior Court of Baltimore City,] to the Governor of the State, whose duty it
35 shall be to decide on the election and qualification of the person returned; and in case
36 of a tie between two or more persons, to designate which of said persons shall qualify
37 as Attorney General, and to administer the oath of office to the person elected.

1 7.

2 There shall be an Attorney for the State in each county [and the City of
3 Baltimore], to be styled "The State's Attorney", who shall be elected by the voters
4 thereof, respectively, and shall hold his office for four years from the first Monday in
5 January next ensuing his election, and until his successor shall be elected and
6 qualified; and shall be re-eligible thereto, and be subject to removal therefrom, for
7 incompetency, willful neglect of duty, or misdemeanor in office, on conviction in a
8 Court of Law, or by a vote of two-thirds of the Senate, on the recommendation of the
9 Attorney-General.

10 9.

11 The State's Attorney shall perform such duties and receive such salary as shall
12 be prescribed by the General Assembly. If any State's Attorney shall receive any other
13 fee or reward than such as is or may be allowed by law, he shall, on conviction thereof,
14 be removed from office[; provided, that the State's Attorney for Baltimore City shall
15 have the power to appoint a Deputy and such other Assistants as the Supreme Bench
16 of Baltimore City may authorize or approve and until otherwise provided by the
17 General Assembly, the said State's Attorney, Deputy and Assistants shall receive the
18 following annual salaries: State's Attorney, seven thousand five hundred dollars;
19 Deputy State's Attorney, five thousand dollars; Assistant State's Attorneys, four
20 thousand dollars each; said salaries, or such salaries as the General Assembly may
21 subsequently provide and such expenses for conducting the office of the State's
22 Attorney as the Supreme Bench of Baltimore City may authorize or approve shall be
23 paid by the Mayor and City Council of Baltimore to the extent that the total of them
24 exceeds the fees of his office, or as the General Assembly shall otherwise provide, and
25 the Mayor and City Council of Baltimore shall not be liable for appearance fees to the
26 State's Attorney].

27 11.

28 In case of a vacancy in the office of State's Attorney, or of his removal from the
29 county [or city] in which he shall have been elected, or on his conviction as herein
30 specified, the Judge or Judges resident in the county or, if there be no resident Judge,
31 the Judge or Judges having jurisdiction in the Circuit Court of the county in which
32 the vacancy occurs, [or by the Supreme Bench of Baltimore City for a vacancy
33 occurring in Baltimore City,] shall appoint a person to fill the vacancy for the residue
34 of the term.

35 12.

36 The State's Attorney in each county[, and the City of Baltimore,] shall have
37 authority to collect, and give receipt, in the name of the State, for such sums of money
38 as may be collected by him, and forthwith make return of and pay over the same to
39 the proper accounting officer. And the State's Attorney of each county, [and the City of
40 Baltimore,] before he shall enter on the discharge of his duties, and from time to time
41 thereafter, shall give such corporate surety bond as may hereafter be prescribed by
42 Act of the General Assembly.

Article XI - City of Baltimore

1

2 [1.

3 The Inhabitants of the City of Baltimore, qualified by Law to vote in said city for
4 members of the House of Delegates, shall on the fourth Wednesday of October,
5 eighteen hundred and sixty-seven, and on the same day in every fourth year
6 thereafter, elect a person to be Mayor of the City of Baltimore, who shall have such
7 qualifications, receive such compensation, discharge such duties, and have such
8 powers as are now, or may hereafter be prescribed by Law; and the term of whose
9 office shall commence on the first Monday of November succeeding his election, and
10 shall continue for four years, and until his successor shall have qualified; and he shall
11 be ineligible for the term next succeeding that for which he was elected.]

12 [2.

13 The City Council of Baltimore shall consist of Two Branches, one of which shall
14 be called the First Branch, and the other the Second Branch; and each shall consist of
15 such number of members, having such qualification, receiving such compensation,
16 performing such duties, possessing such powers, holding such terms of office, and
17 elected in such manner, as are now, or may hereafter be prescribed by Law.]

18 [3.

19 An election for members of the First and Second Branch of the City Council of
20 Baltimore shall be held in the City of Baltimore on the fourth Wednesday of October,
21 eighteen hundred and sixty-seven; and for members of the First Branch on the same
22 day in every year thereafter; and for members of the Second Branch on the same day
23 in every second year thereafter; and the qualification for electors of the members of
24 the City Council shall be the same as those prescribed for the electors of Mayor.]

25 [4.

26 The regular sessions of the City Council of Baltimore, (which shall be annual,)
27 shall commence on the third Monday of January of each year, and shall not continue
28 more than ninety days, exclusive of Sundays; but the Mayor may convene the City
29 Council in extra session whenever, and as often as it may appear to him that the
30 public good may require; but no called, or extra session shall last longer than twenty
31 days, exclusive of Sundays.]

32 [5.

33 No person, elected and qualified as Mayor, or as a member of the City Council,
34 shall, during the term for which he was elected, hold any other office of profit or trust,
35 created, or to be created, by the Mayor and City Council of Baltimore, or by any Law
36 relating to the Corporation of Baltimore, or hold any employment, or position, the
37 compensation of which shall be paid, directly or indirectly, out of the City Treasury;
38 nor shall any such person be interested, directly or indirectly, in any contract, to
39 which the City is a party; nor shall it be lawful for any person, holding any office,

1 under the City, to be interested, while holding such office, in any contract, to which
2 the City is a party.]

3 [6.

4 The Mayor shall, on a conviction in a Court of Law; of wilful neglect of duty, or
5 misbehavior in office, be removed from office by the Governor of the State, and a
6 successor shall thereafter be elected, as in case of vacancy.]

7 [7.

8 From and after the adoption of this Constitution, no debt except as hereinafter
9 provided in this section, shall be created by the Mayor and City Council of Baltimore;
10 nor shall the credit of the Mayor and City Council of Baltimore be given, or loaned to,
11 or in aid of any individual, association, or corporation; nor shall the Mayor and City
12 Council of Baltimore have the power to involve the City of Baltimore in the
13 construction of works of internal improvement, nor in granting any aid thereto, which
14 shall involve the faith and credit of the City, nor make any appropriation therefor,
15 unless the debt or credit is authorized by an ordinance of the Mayor and City Council
16 of Baltimore, submitted to the legal voters of the City of Baltimore, at such time and
17 place as may be fixed by the ordinance, and approved by a majority of the votes cast
18 at that time and place. An ordinance for the authorization of debt or credit as
19 aforesaid may not be submitted to the legal voters of Baltimore City unless the
20 proposed creation of debt or extension of credit is either (1) presented to and approved
21 by a majority of the members of the General Assembly representing Baltimore City no
22 later than the 30th day of the regular session of the General Assembly immediately
23 preceding its submission to the voters, or (2) authorized by an act of the General
24 Assembly. The ordinance shall provide for the discharge of any such debt or credit
25 within the period of 40 years from the time of contracting the same. The Mayor and
26 City Council may, temporarily, borrow any amount of money to meet any deficiency in
27 the City treasury, and may borrow any amount at any time to provide for any
28 emergency arising from the necessity of maintaining the police, or preserving the
29 health, safety and sanitary condition of the City, and may make due and proper
30 arrangements and agreements for the renewal and extension, in whole or in part, of
31 any and all debts and obligations created according to law before the adoption of this
32 Constitution.

33 The General Assembly may, from time to time, fix a limit upon the aggregate
34 amount of bonds and other evidences of indebtedness of the City outstanding at any
35 one time to the same extent as it fixes such a limit upon the indebtedness of the
36 chartered counties.]

37 [8.

38 All Laws and Ordinances now in force, applicable to the City of Baltimore, not
39 inconsistent with this Article, shall be, and they are hereby continued until changed
40 in due course of Law.]

1 [9.

2 The General Assembly may make such changes in this Article, except in Section
3 seventh thereof, as it may deem best; and this Article shall not be so construed, or
4 taken as to make the political Corporation of Baltimore independent, of, or free from
5 the control, which the General Assembly of Maryland has over all such Corporations
6 in this State.]

7 1.

8 EFFECTIVE JANUARY 1, 2003, THE CITY OF BALTIMORE SHALL NO LONGER
9 EXIST AS A SEPARATE POLITICAL SUBDIVISION OF THE STATE. THE AREA WITHIN
10 THE BOUNDARIES OF THE CITY OF BALTIMORE AS OF JULY 1, 2002, SHALL MERGE
11 INTO AND BECOME PART OF BALTIMORE COUNTY AND SHALL BE GOVERNED AS PART
12 OF THE COUNTY UNDER ARTICLE XI-A OF THIS CONSTITUTION.

13 **Article XI-A - Local Legislation**

14 1.

15 On [demand of the Mayor of Baltimore and City Council of the City of
16 Baltimore, or on] petition bearing the signatures of not less than 20% of the
17 registered voters of [said City or] any County (Provided, however, that in any case
18 10,000 signatures shall be sufficient to complete a petition), the Board of Election
19 Supervisors of [said City or] THE RESPECTIVE County shall provide at the next
20 general or congressional election, occurring after [such demand or] the filing of such
21 petition, for the election of a charter board of [eleven registered voters of said City or]
22 five registered voters in any such Counties. Nominations for members for said charter
23 board may be made not less than forty days prior to said election by [the Mayor of
24 Baltimore and City Council of the City of Baltimore or] the County Commissioners of
25 such County, or not less than twenty days prior to said election by petition bearing the
26 signatures written in their own handwriting (and not by their mark) of not less than
27 5% of the registered voters of the [said City of Baltimore or said] County; provided,
28 that in any case Two thousand signatures of registered voters shall be sufficient to
29 complete any such nominating petition, and if [not more than eleven registered
30 voters of the City of Baltimore or] not more than five registered voters in any such
31 County are so nominated their names shall not be printed on the ballot, but said
32 [eleven registered voters in the City of Baltimore or] five REGISTERED VOTERS in
33 such County shall constitute said charter board from and after the date of said
34 election. At said election the ballot shall contain the names of said nominees in
35 alphabetical order without any indication of the source of their nomination, and shall
36 also be so arranged as to permit the voter to vote for or against the creation of said
37 charter board, but the vote cast against said creation shall not be held to bar the voter
38 from expressing his choice among the nominees for said board, and if the majority of
39 the votes cast for and against the creation of said charter board shall be against said
40 creation the election of the members of said charter board shall be void; but if such
41 majority shall be in favor of the creation of said charter board, then and in that event
42 the [eleven nominees of the City of Baltimore or] five nominees in the County
43 receiving the largest number of votes shall constitute the charter board, and said

1 charter board, or a majority thereof, shall prepare within 18 months from the date of
2 said election a charter or form of government for [said city or such] THE county and
3 present the same to the [Mayor of Baltimore or] President of the Board of County
4 Commissioners of such county, who shall publish the same in at least two newspapers
5 of general circulation published in the [City of Baltimore or] County within thirty
6 days after it shall be reported to him. Such charter shall be submitted to the voters of
7 [said City or] THE County at the next general or Congressional election after the
8 report of said charter to [said Mayor of Baltimore or] THE President of the Board of
9 County Commissioners; and if a majority of the votes cast for and against the
10 adoption of said charter shall be in favor of such adoption, the said charter from and
11 after the thirtieth day from the date of such election shall become the law of [said
12 City or] THE County, subject only to the Constitution and Public General Laws of this
13 State, and any public local laws inconsistent with the provisions of said charter and
14 any former charter of the [City of Baltimore or] County shall be thereby repealed.

15 2.

16 The General Assembly shall by public general law provide a grant of express
17 powers for such County or Counties as may thereafter form a charter under the
18 provisions of this Article. Such express powers granted to the Counties [and the
19 powers heretofore granted to the City of Baltimore, as set forth in Article 4, Section 6,
20 Public Local Laws of Maryland,] shall not be enlarged or extended by any charter
21 formed under the provisions of this Article, but such powers may be extended,
22 modified, amended or repealed by the General Assembly.

23 3.

24 Every charter so formed shall provide for an elective legislative body in which
25 shall be vested the law-making power of [said City or] THE County. Such legislative
26 body [in the City of Baltimore shall be known as the City Council of the City of
27 Baltimore, and in any county] shall be known as the County Council of the County.
28 The chief executive officer, if any such charter shall provide for the election of such
29 executive officer, or the presiding officer of said legislative body, if such charter shall
30 not provide for the election of a chief executive officer, shall be known [in the City of
31 Baltimore as Mayor of Baltimore, and in any County] as the President or Chairman
32 of the County Council of the County, and all references in the Constitution and laws
33 of this State to [the Mayor of Baltimore and City Council of the City of Baltimore or
34 to] the County Commissioners of the Counties, shall be construed to refer to [the
35 Mayor of Baltimore and City Council of the City of Baltimore and to] the President or
36 Chairman and County Council herein provided for whenever such construction would
37 be reasonable. From and after the adoption of a charter by [the City of Baltimore, or]
38 any County of this State, as hereinbefore provided, the [Mayor of Baltimore and City
39 Council of the City of Baltimore or the] County Council of said County, subject to the
40 Constitution and Public General Laws of this State, shall have full power to enact
41 local laws of [said City or] THE County including the power to repeal or amend local
42 laws of [said City or] THE County enacted by the General Assembly, upon all matters
43 covered by the express powers granted as above provided, and, as expressly
44 authorized by statute, to provide for the filling of a vacancy in the County Council by
45 special election; provided that nothing herein contained shall be construed to

1 authorize or empower the County Council of any County in this State to enact laws or
2 regulations for any incorporated town, village, or municipality in said County, on any
3 matter covered by the powers granted to said town, village, or municipality by the Act
4 incorporating it, or any subsequent Act or Acts amendatory thereto. Provided,
5 however, that the charters for the various Counties shall specify the number of days,
6 not to exceed forty-five, which may but need not be consecutive, that the County
7 Council of the Counties may sit in each year for the purpose of enacting legislation for
8 such Counties, and all legislation shall be enacted at the times so designated for that
9 purpose in the charter, and the title or a summary of all laws and ordinances proposed
10 shall be published once a week for two successive weeks prior to enactment followed
11 by publication once after enactment in at least one newspaper of general circulation
12 in the county, so that the taxpayers and citizens may have notice thereof. The validity
13 of emergency legislation shall not be affected if enacted prior to the completion of
14 advertising thereof. [These provisions concerning publication shall not apply to
15 Baltimore City.] All such local laws enacted by the [Mayor of Baltimore and City
16 Council of the City of Baltimore or the] Council of the Counties as hereinbefore
17 provided, shall be subject to the same rules of interpretation as those now applicable
18 to the Public Local Laws of this State, except that in case of any conflict between said
19 local law and any Public General Law now or hereafter enacted the Public General
20 Law shall control.

21 4.

22 From and after the adoption of a charter under the provisions of this Article by
23 [the City of Baltimore or] any County of this State, no public local law shall be
24 enacted by the General Assembly for [said City or] THE County on any subject
25 covered by the express powers granted as above provided. Any law so drawn as to
26 apply to two or more of the geographical subdivisions of this State shall not be deemed
27 a Local Law, within the meaning of this Act. The term "geographical sub-division"
28 herein used shall be taken to mean [the City of Baltimore or] any of the Counties of
29 this State.

30 5.

31 Amendments to any charter adopted by [the City of Baltimore or by] any
32 County of this State under the provisions of this Article may be proposed by a
33 resolution of the [Mayor of Baltimore and the City Council of the City of Baltimore, or
34 the] Council of the County, or by a petition signed by not less than 20% of the
35 registered voters of the [City or] County, provided, however, that in any case 10,000
36 signatures shall be sufficient to complete a petition. A petition shall be filed with the
37 [Mayor of Baltimore or the] President of the County Council. An amendment so
38 proposed shall be submitted to the voters of the [City or] County at the next general
39 or congressional election occurring after the passage of the resolution or the filing of
40 the petition. If at the election the majority of the votes cast for and against the
41 amendment shall be in favor thereof, the amendment shall be adopted and become a
42 part of the charter of the [City or] County from and after the thirtieth day after said
43 election. The amendments shall be published by the [Mayor of Baltimore or]
44 President of the County Council once a week for five successive weeks prior to the
45 election in at least one newspaper published in [said City or] THE County.

1 6.

2 The power heretofore conferred upon the General Assembly to prescribe the
3 number, compensation, powers and duties of the County Commissioners in each
4 County[, and the power to make changes in Sections 1 to 6 inclusive, Article XI of this
5 Constitution, when expressly granted as hereinbefore provided,] are hereby
6 transferred to the voters of each County [and the voters of City of Baltimore,
7 respectively], provided that said powers so transferred shall be exercised only by the
8 adoption or amendment of a charter as hereinbefore provided; and provided further
9 that this Article shall not be construed to authorize the exercise of any powers in
10 excess of those conferred by the Legislature upon said Counties [or City] as this
11 Article sets forth.

12 **[Article XI-B City of Baltimore - Land Development and Redevelopment]**

13 [1.

14 The General Assembly of Maryland, by public local law, may authorize and
15 empower the Mayor and City Council of Baltimore:

16 (a) To acquire, within the boundary lines of Baltimore City, land and property
17 of every kind, and any right, interest, franchise, easement or privilege therein, by
18 purchase, lease, gift, condemnation or any other legal means, for development or
19 redevelopment, including, but not limited to, the comprehensive renovation or
20 rehabilitation thereof; and

21 (b) To sell, lease, convey, transfer or otherwise dispose of any of said land or
22 property, regardless of whether or not it has been developed, redeveloped, altered or
23 improved and irrespective of the manner or means in or by which it may have been
24 acquired, to any private, public or quasi public corporation, partnership, association,
25 person or other legal entity.

26 No land or property taken by the Mayor and City Council of Baltimore for any of
27 the aforementioned purposes or in connection with the exercise of any of the powers
28 which may be granted to the Mayor and City Council of Baltimore pursuant to this
29 Article by exercising the power of eminent domain, shall be taken without just
30 compensation, as agreed upon between the parties, or awarded by a jury, being first
31 paid or tendered to the party entitled to such compensation.

32 All land or property needed, or taken by the exercise of the power of eminent
33 domain, by the Mayor and City Council of Baltimore for any of the aforementioned
34 purposes or in connection with the exercise of any of the powers which may be granted
35 to the Mayor and City Council of Baltimore pursuant to this Article is hereby declared
36 to be needed or taken for a public use.]

37 [2.

38 The General Assembly of Maryland may grant to the Mayor and City Council of
39 Baltimore any and all additional power and authority necessary or proper to carry
40 into full force and effect any and all of the specific powers which the General

1 Assembly is authorized to grant to the Mayor and City Council of Baltimore pursuant
2 to this Article and to fully accomplish any and all of the purposes and objects
3 contemplated by the provisions of this Article, provided such additional power or
4 authority is not inconsistent with the terms and provisions of this Article or with any
5 other provision or provisions of the Constitution of Maryland. The General Assembly
6 may place such other and further restrictions or limitations on the exercise of any of
7 the powers which it may grant to the Mayor and City Council of Baltimore under the
8 provisions of this Article as it may deem proper and expedient.]

9 **[Article XI-C - Off-Street Parking]**

10 [1.

11 The General Assembly of Maryland, by public local law, may authorize the
12 Mayor and City Council of Baltimore:

13 (a) Within the City of Baltimore to acquire land and property of every kind,
14 and any right, interest, franchise, easement or privilege therein, by purchase, lease,
15 gift, condemnation or any other legal means, for storing, parking and servicing
16 self-propelled vehicles, provided, that no petroleum products shall be sold or offered
17 for sale at any entrance to or exit from, any land so acquired or at any entrance to, or
18 exit from, any structure erected thereon, when any entrance to, or exit from, any such
19 land or structure faces on a street or highway which is more than 25 feet wide from
20 curb to curb; and

21 (b) To sell, lease, convey, transfer or otherwise dispose of any of said land or
22 property, regardless of whether or not it has been developed, redeveloped, altered, or
23 improved and irrespective of the manner or means in or by which it may have been
24 acquired, to any private, public or quasi public corporation, partnership, association,
25 person or other legal entity.

26 No land or property taken by the Mayor and City Council of Baltimore for any of
27 the aforementioned purposes or in connection with the exercise of any of the powers
28 which may be granted to the Mayor and City Council of Baltimore pursuant to this
29 Article by exercising the power of eminent domain, shall be taken without just
30 compensation, as agreed upon between the parties, or awarded by a jury, being first
31 paid or tendered to the party entitled to such compensation.

32 All land or property needed, or taken by the exercise of the power of eminent
33 domain, by the Mayor and City Council of Baltimore for any of the aforementioned
34 purposes or in connection with the exercise of any of the powers which may be granted
35 to the Mayor and City Council of Baltimore pursuant to this Article is hereby declared
36 to be needed or taken for a public use.]

37 [2.

38 The General Assembly of Maryland may grant to the Mayor and City Council of
39 Baltimore any and all additional power and authority necessary or proper to carry
40 into full force and effect any and all of the specific powers which the General

1 Assembly is authorized to grant to the Mayor and City Council of Baltimore pursuant
2 to this Article and to fully accomplish any and all of the purposes and objects
3 contemplated by the provisions of this Article, provided such additional power or
4 authority is not inconsistent with the terms and provisions of this Article or with any
5 other provision or provisions of the Constitution of Maryland. The General Assembly
6 may place such other and further restrictions or limitations on the exercise of any of
7 the powers which it may grant to the Mayor and City Council of Baltimore under the
8 provisions of this Article as it may deem proper and expedient.]

9 [3.

10 In addition to the powers granted and exercised under Sections 1 and 2, the
11 Mayor and City Council of Baltimore may, by ordinance, borrow money to finance the
12 establishment, construction, erection, alteration, expansion, enlarging, improving,
13 equipping, repairing, maintaining, operating, controlling, and regulating of off-street
14 parking facilities owned or to be owned by the Mayor and City Council of Baltimore,
15 and evidence such borrowing by the issuance of revenue bonds, notes or other
16 obligations to be secured by a pledge of the revenues derived from such facilities, and
17 may further pledge revenues collected from parking taxes, parking fees or charges,
18 parking fines or any other revenue derived from the parking of motor vehicles in the
19 City of Baltimore to or for the payment of such revenue bonds, notes or other
20 obligations; and for such purposes the Commissioners of Finance are empowered to
21 maintain a fund consisting of the revenue pledged herein. The bonds, notes or other
22 obligations issued hereunder and the pledge of revenues, taxes, fees, charges or fines
23 provided for herein shall not constitute a general obligation of nor a pledge of the faith
24 and credit or taxing power of the Mayor and City Council of Baltimore and shall not
25 constitute a debt of the Mayor and City Council of Baltimore within the meaning of
26 Section 7 of Article XI of the Constitution of Maryland. The ordinance may prescribe
27 the form and terms of the bonds, notes or other obligations, the time and manner of
28 public or private sale thereof, and the method and terms of payment therefor, and
29 may authorize the Commissioners of Finance by resolution to determine any matters
30 hereinabove recited and to do any and all things necessary or appropriate in
31 connection with the issuance and sale thereof.]

32 **[Article XI-D - Port Development]**

33 [1.

34 The General Assembly of Maryland, by public local law, may authorize the
35 Mayor and City Council of Baltimore:

36 (a) To acquire land and property of every kind, and any right, interest,
37 franchise, easement or privilege therein, in adjoining or in the vicinity of the Patapsco
38 River or its tributaries, by purchase, lease, gift, condemnation or any other legal
39 means, for or in connection with extending, developing or improving the harbor or
40 port of Baltimore and its facilities and the highways and approaches thereto; and
41 providing, further, that the Mayor and City Council of Baltimore shall not acquire any
42 such land or property, or any such right, interest, franchise, easement or privilege
43 therein, for any of said purposes, in any of the counties of this State without the prior

1 consent and approval by resolution duly passed after a public hearing, by the
2 governing body of the county in which such land or property, or such right, interest,
3 franchise, easement or privilege therein, is situate; and provided, further, that Anne
4 Arundel County shall retain jurisdiction and power to tax any land so acquired by the
5 Mayor and City Council of Baltimore under the provisions of this Act.

6 (b) To sell, lease, convey, transfer or otherwise dispose of any of said land or
7 property, regardless of whether or not it is undeveloped or has been developed,
8 redeveloped, altered, or improved and irrespective of the manner or means in or by
9 which it may have been acquired, to any private, public or quasi public corporation,
10 partnership, association, person or other legal entity.

11 No land or property taken by the Mayor and City Council of Baltimore for any of
12 the aforementioned purposes or in connection with the exercise of any of the powers
13 which may be granted to the Mayor and City Council of Baltimore pursuant to this
14 Article by exercising the power of eminent domain, shall be taken without just
15 compensation, as agreed upon between the parties, or awarded by a jury, being first
16 paid or tendered to the party entitled to such compensation.

17 All land or property needed, or taken by the exercise of the power of eminent
18 domain, by the Mayor and City Council of Baltimore for any of the aforementioned
19 purposes or in connection with the exercise of any of the powers which may be granted
20 to the Mayor and City Council of Baltimore pursuant to this Article is hereby declared
21 to be needed or taken for a public use.]

22 [2.

23 The General Assembly of Maryland may grant to the Mayor and City Council of
24 Baltimore any and all additional power and authority necessary or proper to carry
25 into full force and effect any and all of the specified powers which the General
26 Assembly is authorized to grant to the Mayor and City Council of Baltimore pursuant
27 to this Article and to fully accomplish any and all of the purposes and objects
28 contemplated by the provisions of this Article, provided such additional power or
29 authority is not inconsistent with the terms and provisions of this Article or with any
30 other provision or provisions of the Constitution of Maryland. The General Assembly
31 may place such other and further restrictions or limitations on the exercise of any of
32 the powers which it may grant to the Mayor and City Council of Baltimore under the
33 provisions of this Article as it may deem proper and expedient.]

34 [3.

35 Provided, however, that no public local law enacted under the provisions and
36 authority of this Article shall be enacted or construed to authorize the Mayor and City
37 Council of Baltimore to exercise or apply any of the powers or authority in this Article
38 enumerated within the territorial limits of Howard County.]

**[Article XI-G - City of Baltimore - Residential Rehabilitation and
Commercial Financing Loans]**

3 [1.

4 The General Assembly of Maryland, by public local law, may authorize the
5 Mayor and City Council of Baltimore:

6 (a) To make or contract to make financial loans to any person or other legal
7 entity to be used for or in connection with the rehabilitation, renovation,
8 redevelopment or improvement of buildings or structures located within the
9 boundaries of Baltimore City, which buildings or structures are to be used or occupied
10 for residential purposes.

11 (b) To guarantee or insure financial loans made by third parties to any person
12 or other legal entity to be used for or in connection with the rehabilitation, renovation,
13 redevelopment or improvement of buildings or structures located within the
14 boundaries of Baltimore City, which buildings or structures are to be used or occupied
15 for residential purposes.

16 (c) To make or contract to make financial loans to any person or other legal
17 entity to be used for or in connection with the purchase or acquisition of leasehold or
18 fee simple interests in buildings or structures, and for construction, reconstruction,
19 erection, development, rehabilitation, renovation, redevelopment or improvement of
20 buildings or structures, located within the boundaries of Baltimore City, which
21 buildings or structures are to be used or occupied for commercial purposes.

22 (d) To guarantee or insure financial loans made by third parties to any person
23 or other legal entity to be used for or in connection with the purchase or acquisition of
24 leasehold or fee simple interests in buildings or structures, and for construction,
25 reconstruction, erection, development, rehabilitation, renovation, redevelopment or
26 improvement of buildings or structures, located within the boundaries of Baltimore
27 City, which buildings or structures are to be used or occupied for commercial
28 purposes.

29 (e) Any and all financial loans made by the Mayor and City Council of
30 Baltimore; any and all guarantees or insurance commitments made by the Mayor and
31 City Council of Baltimore in connection with any of said loans; and any and all money
32 used or expended by the Mayor and City Council of Baltimore in connection with said
33 loans, guarantees, or insurance commitments, pursuant to the power and authority
34 hereinabove vested in the municipality, and any and all acts performed by the Mayor
35 and City Council of Baltimore in connection with any powers which may be granted to
36 the Mayor and City Council of Baltimore pursuant to this Article, are all hereby
37 declared to be needed, contracted for, expended or exercised for a public use.

38 (f) In the event of any conflict between the provisions of this Article and those
39 of Article XI, Section 7, of the Constitution of Maryland, or any other provisions of
40 said Constitution, then the provisions of this Article shall control.]

1 [2.

2 The General Assembly of Maryland may grant to the Mayor and City Council of
3 Baltimore any and all additional power and authority necessary or proper to carry
4 into full force and effect any and all of the specific powers which the General
5 Assembly is authorized to grant to the Mayor and City Council of Baltimore pursuant
6 to this Article, and to fully accomplish any and all of the purposes and objects
7 contemplated by the provisions of this Article, provided such additional power or
8 authority is not inconsistent with the terms and provisions of this Article or with any
9 other provision or provisions of the Constitution of Maryland, except as provided in
10 this Article. The General Assembly may place such other and further restrictions or
11 limitations on the exercise of any of the powers which it may grant to the Mayor and
12 City Council of Baltimore under the provisions of this Article as it may deem proper
13 and expedient.]

14 **[Article XI-H - City of Baltimore - Residential Financing Loans]**

15 [1.

16 The General Assembly of Maryland, by public local law, may authorize the
17 Mayor and City Council of Baltimore:

18 (a) To make or contract to make financial loans to any person or other legal
19 entity to be used for or in connection with the purchase, acquisition, construction,
20 erection or development of buildings or structures, including any land necessary
21 therefor, within the boundaries of Baltimore City, which buildings or structures are to
22 be used or occupied for residential purposes.

23 (b) To guarantee or insure financial loans made by third parties to any person
24 or other legal entity which are to be used for or in connection with the purchase,
25 acquisition, construction, erection or development of buildings or structures,
26 including any land necessary therefor, within the boundaries of Baltimore City, which
27 buildings or structures are to be used or occupied for residential purposes.

28 (c) Any and all financial loans made by the Mayor and City Council of
29 Baltimore; any and all guarantees or insurance commitments made by the Mayor and
30 City Council of Baltimore in connection with any of the loans; and any and all money
31 used or expended by the Mayor and City Council of Baltimore in connection with the
32 loans, guarantees, or insurance commitments, pursuant to the power and authority
33 hereinabove vested in the municipality, and any and all acts performed by the Mayor
34 and City Council of Baltimore in connection with any powers which may be granted to
35 the Mayor and City Council of Baltimore pursuant to this Article, are all declared to
36 be needed, contracted for, expended or exercised for a public use.

37 (d) In the event of any conflict between the provisions of this Article and those
38 of Article XI, Section 7, of the Constitution of Maryland, or any other provisions of the
39 Constitution, then the provisions of this Article shall control.]

1 [2.

2 The General Assembly of Maryland may grant to the Mayor and City Council of
3 Baltimore any and all additional power and authority necessary or proper to carry
4 into full force and effect any and all of the specific powers which the General
5 Assembly of Maryland is authorized to grant to the Mayor and City Council of
6 Baltimore pursuant to this Article, and to fully accomplish any and all of the purposes
7 and objects contemplated by the provisions of this Article, provided such additional
8 power or authority is not inconsistent with the terms and provisions of this Article or
9 with any other provision or provisions of the Constitution of Maryland, except as
10 provided in this Article. The General Assembly may place such other and further
11 restrictions or limitations on the exercise of any of the powers which it may grant to
12 the Mayor and City Council of Baltimore under the provisions of this Article as it may
13 deem proper and expedient.]

14 **[Article XI-I - City of Baltimore - Industrial Financing Loans]**

15 [1.

16 The General Assembly of Maryland, by public local law, may authorize the
17 Mayor and City Council of Baltimore:

18 (a) To make or contract to make financial loans to any person or other legal
19 entity to be used for or in connection with the purchase, acquisition, construction,
20 reconstruction, erection, development, redevelopment, rehabilitation, renovation,
21 modernization or improvement of buildings or structures, including any land
22 necessary therefor, within the boundaries of Baltimore City, which buildings or
23 structures are to be used or occupied for industrial purposes.

24 (b) To guarantee or insure financial loans made by third parties to any person
25 or other legal entity which are to be used for or in connection with the purchase,
26 acquisition, construction, reconstruction, erection, development, redevelopment,
27 rehabilitation, renovation, modernization, or improvement of buildings or structures,
28 including any land necessary therefor, within the boundaries of Baltimore City, which
29 buildings or structures are to be used or occupied for industrial purposes.

30 (c) Any and all financial loans made by the Mayor and City Council of
31 Baltimore; any and all guarantees or insurance commitments made by the Mayor and
32 City Council of Baltimore in connection with any of the loans; and any and all money
33 used or expended by the Mayor and City Council of Baltimore in connection with the
34 loans, guarantees, or insurance commitments, pursuant to the power and authority
35 hereinabove vested in the municipality, and any and all acts performed by the Mayor
36 and City Council of Baltimore in connection with any powers which may be granted to
37 the Mayor and City Council of Baltimore pursuant to this Article, are all declared to
38 be needed, contracted for, expended or exercised for a public use.

39 (d) In the event of any conflict between the provisions of this Article and those
40 of Article XI, Section 7, of the Constitution of Maryland, or any other provisions of the
41 Constitution, then the provisions of this Article shall control.]

1 [2.

2 The General Assembly of Maryland may grant to the Mayor and City Council of
3 Baltimore any and all additional power and authority necessary or proper to carry
4 into full force and effect any and all of the specific powers which the General
5 Assembly of Maryland is authorized to grant to the Mayor and City Council of
6 Baltimore pursuant to this Article, and to fully accomplish any and all of the purposes
7 and objects contemplated by the provisions of this Article, provided such additional
8 power or authority is not inconsistent with the terms and provisions of this Article or
9 with any other provision or provisions of the Constitution of Maryland, except as
10 provided in this Article. The General Assembly may place such other and further
11 restrictions or limitations on the exercise of any of the powers which it may grant to
12 the Mayor and City Council of Baltimore under the provisions of this Article as it may
13 deem proper and expedient.]

14

Article XIII - New Counties

15 1.

16 The General Assembly may provide, by Law, for organizing new Counties,
17 locating and removing county seats, and changing county lines; but no new county
18 shall be organized without the consent of the majority of the legal voters residing
19 within the limits proposed to be formed into said new county; and whenever a new
20 county shall be proposed to be formed out of portions of two or more counties, the
21 consent of a majority of the legal voters of such part of each of said counties,
22 respectively, shall be required; nor shall the lines of any county [nor of Baltimore
23 City] be changed without the consent of a majority of the legal voters residing within
24 the district, which under said proposed change, would form a part of a county [or of
25 Baltimore City] different from that to which it belonged prior to said change; and no
26 new county shall contain less than four hundred square miles, nor less than ten
27 thousand inhabitants; nor shall any change be made in the limits of any county,
28 whereby the population of said county would be reduced to less than ten thousand
29 inhabitants, or its territory reduced to less than four hundred square miles. No
30 county lines heretofore validly established shall be changed except in accordance with
31 this section.

32

Article XIV - Amendments to the Constitution

33 1.

34 The General Assembly may propose Amendments to this Constitution; provided
35 that each Amendment shall be embraced in a separate bill, embodying the Article or
36 Section, as the same will stand when amended and passed by three-fifths of all the
37 members elected to each of the two Houses, by yeas and nays, to be entered on the
38 Journals with the proposed Amendment. The requirement in this section that an
39 amendment proposed by the General Assembly shall be embraced in a separate bill
40 shall not be construed or applied to prevent the General Assembly from (1) proposing
41 in one bill a series of amendments to the Constitution of Maryland for the general
42 purpose of removing or correcting constitutional provisions which are obsolete,

1 inaccurate, invalid, unconstitutional, or duplicative; or (2) embodying in a single
2 Constitutional amendment one or more Articles of the Constitution so long as that
3 Constitutional amendment embraces only a single subject. The bill or bills proposing
4 amendment or amendments shall be publicized, either by publishing, by order of the
5 Governor, in at least two newspapers, in each County, where so many may be
6 published, and where not more than one may be published, then in that newspaper,
7 [and in three newspapers published in the City of Baltimore,] once a week for four
8 weeks, or as otherwise ordered by the Governor in a manner provided by law,
9 immediately preceding the next ensuing general election, at which the proposed
10 amendment or amendments shall be submitted, in a form to be prescribed by the
11 General Assembly, to the qualified voters of the State for adoption or rejection. The
12 votes cast for and against said proposed amendment or amendments, severally, shall
13 be returned to the Governor, in the manner prescribed in other cases, and if it shall
14 appear to the Governor that a majority of the votes cast at said election on said
15 amendment or amendments, severally, were cast in favor thereof, the Governor shall,
16 by his proclamation, declare the said amendment or amendments having received
17 said majority of votes, to have been adopted by the people of Maryland as part of the
18 Constitution thereof, and thenceforth said amendment or amendments shall be part
19 of the said Constitution. If the General Assembly determines that a proposed
20 Constitutional amendment affects only one county [or the City of Baltimore], the
21 proposed amendment shall be part of the Constitution if it receives a majority of the
22 votes cast in the State and in the affected County [or City of Baltimore, as the case
23 may be]. When two or more amendments shall be submitted to the voters of this
24 State at the same election, they shall be so submitted as that each amendment shall
25 be voted on separately.

26 2.

27 It shall be the duty of the General Assembly to provide by Law for taking, at the
28 general election to be held in the year nineteen hundred and seventy, and every
29 twenty years thereafter, the sense of the People in regard to calling a Convention for
30 altering this Constitution; and if a majority of voters at such election or elections shall
31 vote for a Convention, the General Assembly, at its next session, shall provide by Law
32 for the assembling of such convention, and for the election of Delegates thereto. Each
33 County [, and Legislative District of the City of Baltimore,] shall have in such
34 Convention a number of Delegates equal to its representation in both Houses at the
35 time at which the Convention is called. But any Constitution, or change, or
36 amendment of the existing Constitution, which may be adopted by such Convention,
37 shall be submitted to the voters of this State, and shall have no effect unless the same
38 shall have been adopted by a majority of the voters voting thereon.

39

Article XVI - The Referendum

40 3.

41 (a) The referendum petition against an Act or part of an Act passed by the
42 General Assembly, shall be sufficient if signed by three percent of the qualified voters
43 of the State of Maryland, calculated upon the whole number of votes cast for Governor
44 at the last preceding Gubernatorial election, of whom not more than half are

1 residents of [Baltimore City, or of] any one County. However, any Public Local Law
2 for any one County [or the City of Baltimore,] shall be referred by the Secretary of
3 State only to the people of the County [or City of Baltimore,] upon a referendum
4 petition of ten percent of the qualified voters of the County [or City of Baltimore, as
5 the case may be], calculated upon the whole number of votes cast respectively for
6 Governor at the last preceding Gubernatorial election.

7 5.

8 (a) The General Assembly shall provide for furnishing the voters of the State
9 the text of all measures to be voted upon by the people; provided, that until otherwise
10 provided by law the same shall be published in the manner prescribed by Article XIV
11 of the Constitution for the publication of proposed Constitutional Amendments.

12 (b) All laws referred under the provisions of this Article shall be submitted
13 separately on the ballots to the voters of the people, but if containing more than two
14 hundred words, the full text shall not be printed on the official ballots, but the
15 Secretary of State shall prepare and submit a ballot title of each such measure in such
16 form as to present the purpose of said measure concisely and intelligently. The ballot
17 title may be distinct from the legislative title, but in any case the legislative title shall
18 be sufficient. Upon each of the ballots, following the ballot title or text, as the case
19 may be, of each such measure, there shall be printed the words "for the referred law"
20 and "Against the referred law," as the case may be. The votes cast for and against any
21 such referred law shall be returned to the Governor in the manner prescribed with
22 respect to proposed amendments to the Constitution under Article XIV of this
23 Constitution, and the Governor shall proclaim the result of the election, and, if it shall
24 appear that the majority of the votes cast on any such measure were cast in favor
25 thereof, the Governor shall by his proclamation declare the same having received a
26 majority of the votes to have been adopted by the people of Maryland as a part of the
27 laws of the State, to take effect thirty days after such election, and in like manner and
28 with like effect the Governor shall proclaim the result of the local election as to any
29 Public Local Law which shall have been submitted to the voters of any County [or of
30 the City of Baltimore].

31

Article XVII - Quadrennial Elections

32 3.

33 All State and county officers elected by qualified voters (except judges of the
34 Circuit Courts, [judges of the Supreme Bench of Baltimore City,] judges of the Court
35 of Appeals and judges of any intermediate courts of appeal) shall hold office for terms
36 of four years, and until their successors shall qualify.

37 6.

38 The terms of the Members of the Board of Supervisors of Elections of [Baltimore
39 City and of] the several counties shall commence on the first Monday of June next
40 ensuing their appointment.

1

Article XVIII - Provisions of Limited Duration

2 6.

3 IF APPROVED BY THE VOTERS IN THE GENERAL ELECTION HELD NOVEMBER,
4 2000, THE CHANGES TO THIS CONSTITUTION PROPOSED BY CHAPTER _____ OF THE
5 ACTS OF THE GENERAL ASSEMBLY OF 1999 (H.B. _____) (9LR1218) SHALL TAKE EFFECT
6 JANUARY 1, 2003. TO IMPLEMENT THE AMENDMENTS, THE GENERAL ASSEMBLY OF
7 MARYLAND, THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE
8 COUNTY, AND THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL TAKE ANY
9 ACTIONS NECESSARY TO IMPLEMENT THE MERGER OF THE CITY OF BALTIMORE
10 INTO BALTIMORE COUNTY BETWEEN RATIFICATION BY THE VOTERS AND JANUARY
11 1, 2003, INCLUDING, BUT NOT LIMITED TO, ALLOCATION OF EXISTING DEBT OF THE
12 CITY OF BALTIMORE, TRANSFER OF PROPERTY, PROTECTION OF EMPLOYEE PENSION
13 RIGHTS, MERGER, WHERE APPROPRIATE, OF BALTIMORE CITY EMPLOYEES INTO THE
14 BALTIMORE COUNTY GOVERNMENT, MERGER OF THE SCHOOL SYSTEMS, AND
15 REALIGNMENT OF BALTIMORE COUNTY COUNCILMANIC DISTRICTS. TO THE EXTENT
16 NECESSARY TO IMPLEMENT THE AMENDMENTS TO THIS CONSTITUTION, THIS
17 SECTION OVERRIDES ANY CONFLICTING PROVISION IN THE BALTIMORE COUNTY
18 CHARTER.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
20 determines that the amendment to the Constitution of Maryland proposed by this Act
21 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
22 Constitution concerning local approval of constitutional amendments do not apply.

23 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
24 proposed as an amendment to the Constitution of Maryland shall be submitted to the
25 legal and qualified voters of this State at the next general election to be held in
26 November, 2000 for their adoption or rejection in pursuance of directions contained in
27 Article XIV of the Constitution of this State. At that general election, the vote on this
28 proposed amendment to the Constitution shall be by ballot, and upon each ballot
29 there shall be printed the words "For the Constitutional Amendments" and "Against
30 the Constitutional Amendments," as now provided by law. Immediately after the
31 election, all returns shall be made to the Governor of the vote for and against the
32 proposed amendment, as directed by Article XIV of the Constitution, and further
33 proceedings had in accordance with Article XIV.