

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 627

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert “requiring certain officials of a municipal corporation to send certain documents to the Department of Legislative Services within a certain time period; altering the verification requirements of a municipal corporation when responding to a certain annual inquiry;”.

On page 1, in line 11, after “17,” insert “17A(e),”; and after line 13, insert:

“BY repealing and reenacting, without amendments,

Article 23A - Corporations - Municipal

Section 13(f), 16(c), and 19(e) and (l)

Annotated Code of Maryland

(1998 Replacement Volume and 2000 Supplement)”

BY repealing and reenacting, without amendments,

Article - Courts and Judicial Proceedings

Section 10-201.1

Annotated Code of Maryland

(1998 Replacement Volume and 2000 Supplement)”.

AMENDMENT NO. 2

On page 1, strike beginning with “subsection” in line 23 down through “of” in line 24.

On page 3, after line 4, insert:

“(C) THE MAYOR OR OTHER CHIEF EXECUTIVE OFFICER, BY WHATEVER NAME KNOWN, OF EACH MUNICIPAL CORPORATION SHALL SEND TO THE”

(Over)

DEPARTMENT OF LEGISLATIVE SERVICES:

(1) A CHARTER AMENDMENT RESOLUTION WITHIN 10 DAYS AFTER THE RESOLUTION BECOMES EFFECTIVE UNDER § 13(F) OR § 16(C) OF THIS ARTICLE;
OR

(2) AN ANNEXATION RESOLUTION WITHIN 10 DAYS AFTER THE RESOLUTION BECOMES EFFECTIVE UNDER § 19(E) OR (L) OF THIS ARTICLE.

13.

(f) The amendment or amendments so proposed by the legislative body of the municipal corporation shall become and be considered a part of the municipal charter, according to the terms of the amendment or amendments, in all respects to be effective and observed as such, upon the fiftieth day after being so ordained or passed, unless on or before the fortieth day after being so ordained or passed there shall be presented to the legislative body of the municipal corporation, or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, a petition meeting the requirements of this section.

16.

(c) If a majority of those who vote on any question so submitted to the voters of the municipal corporation shall cast their votes in favor of the proposed charter amendment or amendments, the mayor or other chief executive officer of the municipal corporation shall so proclaim publicly within ten days after receiving a certification of the votes from the officials conducting the referendum; and on the thirtieth day following the public proclamation the proposed charter amendment or amendments shall become a part of the charter of the municipal corporation, according to its terms, in all respects to be effective and observed as such. If less than a majority of those who vote on any such question shall cast their votes in favor of the proposed charter amendment or amendments, the mayor or other chief executive officer likewise shall so proclaim, adding to his proclamation the statement that the proposed charter amendment or amendments contained in said question are null and void and of no effect whatsoever.”;

and after line 39, insert:

“17A.

(e) At the end of each calendar year the Department of Legislative Services shall address

an inquiry to each municipal corporation inquiring whether or not during that calendar year or its latest fiscal year it has enacted, amended or repealed any portion of its municipal charter. The municipal corporation shall promptly answer the inquiry and shall verify, BY A SIGNED AND NOTARIZED STATEMENT, that copies of all such enactments, amendments, or repeals have already been sent to the Department.”.

AMENDMENT NO. 3

On page 4, after line 1, insert:

“(e) Following the public hearing, the legislative body may proceed to enact the resolution, in accordance with the usual requirements and practices applicable to its legislative enactments. The resolution shall not become effective until at least forty-five (45) days following its final enactment.

(l) If only one petition for a referendum is filed and if a majority of the persons voting on the question in that referendum shall vote in favor of the proposal for change, the change shall become effective as proposed on the fourteenth day following the referendum. If two petitions for referendum are filed, the votes cast for the two referenda shall be tabulated separately, so as to show individually the tabulation of votes cast in the municipal corporation and in the area to be annexed. If in both tabulations, each being reckoned separately, a majority of the persons voting on the question shall vote in favor of the proposal for change, the change shall become effective as proposed on the fourteenth day following the referendum. In the event there are two referenda, unless there is such a favorable majority in both tabulations, reckoned separately, the proposal for change shall be void and of no further effect whatsoever.”;

in line 4, strike “INFORMATION ABOUT” and substitute “ANNEXATION RESOLUTION WITH”; in line 5, strike “thereof”; in line 10, strike “INFORMATION ABOUT” and substitute “ANNEXATION RESOLUTION WITH THE NEW”; on page 4 in lines 17 and 22, and on page 5 in line 6, in each instance, strike the brackets; and on page 4 in lines 17 and 22, and on page 5 in line 6, in each instance, strike “§ 9A(B)”.

On page 5, in line 5, strike “INFORMATION ABOUT” and substitute “THE CHARTER AMENDMENT RESOLUTION REFLECTING”; in the same line, strike “thereon”; and after line 9,

(Over)

insert:

“Article - Courts and Judicial Proceedings

10-201.1.

(a) The Public Local Laws of Maryland - Compilation of Municipal Charters that is prepared and published by the Department of Legislative Services is adopted and made evidence of the portion of the Public Local Laws of the State of Maryland that contains the charters of all the municipal corporations in the State. It shall be considered as evidence of the law in all courts of the State and by all public offices and officers of the State and its political subdivisions.

(b) A replacement edition of the Public Local Laws of Maryland - Compilation of Municipal Charters that is prepared and published by the Department of Legislative Services is adopted and made evidence of the portion of the Public Local Laws of the State of Maryland that contains the charters of all the municipal corporations in the State at the time of publication. It shall be considered as evidence of the law in all courts of the State and by all public offices and officers of the State and its political subdivisions.

(c) Any supplemental page to the Public Local Laws of Maryland - Compilation of Municipal Charters that is prepared and published by the Department of Legislative Services is adopted and made evidence of the portion of the Public Local Laws of the State of Maryland that contains the charters of all the municipal corporations in the State which are supplementary or in addition to the laws in the compilation. It shall be considered as evidence of the law in all courts of the State and by all public offices and officers of the State and its political subdivisions.”.