

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1152

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “will” in line 6 down through “District” in line 7 and substitute “that the Mayor and City Council of Baltimore City had the authority in 2002 to renew and extend the existence of the Charles Village Community Benefits District through June 30, 2003; altering the date on which the Mayor and City Council of Baltimore City shall make a certain review; ratifying and confirming certain acts of the Mayor and City Council of Baltimore relating to the continued and continuous existence of community benefits districts and authorities; providing for the application of this Act”; and after line 8, insert:

“BY repealing and reenacting, with amendments,

The Charter of Baltimore City

Article II - General Powers

Section (63)(h)(1)(i)

(1996 Edition and 2000 Supplement, as amended)

(As enacted by Chapter 732 of the Acts of the General Assembly of 1994, as amended by Chapter 655 of the Acts of the General Assembly of 1997, as amended by Chapter 89 of the Acts of the General Assembly of 2000)”.

AMENDMENT NO. 2

On page 1, strike beginning with “business” in line 13 down through “Community” in line 14 and substitute “property owners, residents, and business owners within the District’s boundaries”; in line 15, after “1994” insert “, by adding to the Baltimore City Charter Article II - General Powers, Section 63(g),”; after line 19 insert:

“WHEREAS, The Mayor and City Council of Baltimore did establish the Charles Village Community Benefits District Authority by Ordinance No. 414 (Council Bill No. 891), effective July 1, 1994; and”;

(Over)

and in line 20, strike “required” and substitute “amended Chapter 732 of the Acts of the General Assembly of 1994 to require”.

On page 2, after line 2, insert:

“WHEREAS, Pursuant to the power contained in Baltimore City Charter Article II - General Powers, Section 63(g), the Mayor and City Council did renew and continue the Charles Village Community Benefits District Management Authority for 4 additional years by Resolution No. 98-10 (Council Bill 97-589), effective July 1, 1998; and”;

strike beginning with “WHEREAS,” in line 6 down through “therefore,” in line 9 and substitute:

“WHEREAS, In passing Chapter 89 of the Acts of 2000, the General Assembly intended the Charles Village Community Benefits District to continue in existence until June 30, 2002 unless renewed and continued for 4 additional years by the Mayor and City Council but the General Assembly did not intend to interrupt the 4 year review cycle that had existed since 1994; and

WHEREAS, Pursuant to the power still contained in Baltimore City Charter Article II - General Powers, Section 63(g), the Mayor and City Council did renew and continue the Charles Village Community Benefits District Management Authority effective July 1, 2002 by Resolution No. 02-28 (Council Bill 02-0760); but, because of the conflict between Section 63(g) and Chapter 89’s revision to Section 63(h)(1)(i), the Mayor and City Council renewed and continued the Charles Village Community Benefits District for only 1 year; and

WHEREAS, The Attorney General’s office advised in a letter of February 27, 2003, that at no time has there been a lapse or hiatus in the authority conferred by State law on the Mayor and City Council to continue the existence of community benefits districts, including the Charles Village Community Benefits District; and

WHEREAS, The Mayor and City Council have lawfully exercised the authority conferred by State law to continue the existence of community benefits districts, including the Charles Village Community Benefits District; and

WHEREAS, The General Assembly wishes to retroactively clarify the authority conferred on the Mayor and City Council to continue community benefits districts, including the Charles Village Community Benefits District, and to ratify and confirm the acts of the Mayor and City Council in continuing the existence of such districts, including the Charles Village Community Benefits

District; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

The Charter of Baltimore City

Article II - General Powers

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

(63) (h) (1) The Mayor and City Council shall review and determine the desirability of continuing the existence of each community benefits district established under this section every 4 years:

(i) beginning with the first meeting of the Mayor and City Council in December [2002] 2001 for the Charles Village Community Benefits District;”;

strike beginning with “1.” in line 10 down through “MARYLAND” in line 11 and substitute “2. AND BE IT FURTHER ENACTED”; and strike beginning with “SECTION” in line 15 down through “2003.” in line 16 and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That all acts of the Mayor and City Council of Baltimore relating to the continued and continuous existence of community benefits districts and authorities, including the Charles Village Community Benefits District, are hereby ratified and confirmed.

SECTION 4. AND BE IT FURTHER ENACTED, This Act shall be construed to apply retroactively and shall be applied to and interpreted to affect the authority conferred on the Mayor

(Over)

and City Council to continue community benefits districts, including the Charles Village Community Benefits District on or after December 1, 2001.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2003.”.