

HOUSE BILL 1076

L6

3lr2200

By: **Delegates Eckardt, Beidle, Jacobs, and McDermott**

Introduced and read first time: February 8, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2013

CHAPTER _____

1 AN ACT concerning

2 **Counties and Municipalities – Required Legislation or Regulations –**
3 **Adoption by Reference**

4 FOR the purpose of authorizing a county or municipality to adopt certain State laws or
5 regulations by reference under certain circumstances; requiring certain counties
6 or municipalities to specify certain matters under certain circumstances;
7 providing that this Act does not affect any requirement that a county or
8 municipality form and maintain a local program, plan, or standard required
9 under any State law or regulation and does not grant more authority than is
10 granted by a State law or regulation that authorizes local options; and generally
11 relating to the adoption by reference of certain State laws or regulations by
12 counties and municipalities.

13 ~~BY adding to~~
14 ~~Article 24 – Political Subdivisions – Miscellaneous Provisions~~
15 ~~Section 1–113~~
16 ~~Annotated Code of Maryland~~
17 ~~(2011 Replacement Volume and 2012 Supplement)~~

18 BY renumbering
19 Article – Local Government
20 Section 1–1302 through 1–1308, respectively
21 to be Section 1–1303 through 1–1309, respectively
22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of
2013)

BY adding to

Article – Local Government

Section 1–1302

Annotated Code of Maryland

(As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of
2013)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1–1302 through 1–1308, respectively, of Article – Local Government of the Annotated Code of Maryland be renumbered to be Section(s) 1–1303 through 1–1309, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 read as follows:

~~**Article 24 – Political Subdivisions – Miscellaneous Provisions**~~

~~**1–113.**~~

Article – Local Government

1–1302.

(A) ~~NOTWITHSTANDING ANY OTHER LAW~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A STATE LAW OR REGULATION REQUIRES A COUNTY OR MUNICIPALITY TO ADOPT LEGISLATION OR A REGULATION AT LEAST AS STRICT OR EFFECTIVE AS THE APPLICABLE STATE LAW OR REGULATION, THE COUNTY OR MUNICIPALITY MAY ADOPT THE STATE LAW OR REGULATION BY REFERENCE.

(B) IF A COUNTY OR MUNICIPALITY ADOPTS A STATE LAW OR REGULATION BY REFERENCE, THE COUNTY OR MUNICIPALITY SHALL SPECIFY:

(1) ~~WHETHER~~ WHETHER IT ALSO ADOPTS BY REFERENCE ANY AMENDMENTS TO THE STATE LAW OR REGULATION EFFECTIVE AFTER THE LOCAL ADOPTION OF THE STATE LAW OR REGULATION BY REFERENCE; AND

(2) ~~ANY~~ ANY EXCEPTIONS TO THE STATE LAW OR REGULATION IF THE STATE LAW OR REGULATION AUTHORIZES LOCAL OPTIONS.

(C) THE AUTHORIZATION UNDER SUBSECTION (A) OF THIS SECTION:

1 **(1) DOES NOT AFFECT ANY REQUIREMENT THAT A COUNTY OR**
2 **MUNICIPALITY FORM AND MAINTAIN A LOCAL PROGRAM, PLAN, OR STANDARD,**
3 **INCLUDING IMPLEMENTATION AND ENFORCEMENT PROCESSES, REQUIRED**
4 **UNDER ANY STATE LAW OR ANY REGULATION ADOPTED UNDER THE AUTHORITY**
5 **OF THAT LAW; AND**

6 **(2) IF A STATE LAW OR REGULATION ADOPTED UNDER THE**
7 **AUTHORITY OF THAT LAW AUTHORIZES LOCAL OPTIONS, DOES NOT GRANT**
8 **MORE AUTHORITY THAN IS GRANTED BY THAT LAW OR REGULATION.**

9 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.