

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 526

(Senators Colburn and Pipkin)

Education, Health, and Environmental Affairs

Environmental Matters

Counties and Municipalities - Required Legislation or Regulations - Adoption by Reference

This bill authorizes a county or municipality to adopt a State law or regulation by reference 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. If a county or municipality adopts a State law or regulation by reference, the county or municipality must specify (1) 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; and (2) any exceptions to the State law or regulation if the State law or regulation authorizes local options. However, the authorization provided by the bill (1) does not affect any requirement that a county or municipality form and maintain a local program, plan, or standard, including implementation and enforcement processes, required under any State law or regulation and (2) if a State law or regulation authorizes local options, does not grant more authority than is granted by that law or regulation.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill will streamline the process for counties and municipalities when adopting local laws or regulations; but it is not expected to significantly affect county or municipal finances.

Small Business Effect: None.

Analysis

Current Law: Maryland counties operate under three forms of government: commission, charter home rule, and code home rule. To date, only seven counties continue to operate under the commission, or nonhome rule, form of government, while 10 counties operate under charter home rule, and 6 counties operate under code home rule. However, beginning December 2014, Frederick County will operate under the charter home rule form of government. Maryland has 156 municipal corporations, commonly referred to as municipalities, with home rule powers under Article XI E of the Maryland Constitution.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard, Montgomery, and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2013
mc/hlb Revised - Enrolled Bill - May 7, 2013

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