

## Chapter 494

(House Bill 1076)

AN ACT concerning

### Counties and Municipalities – Required Legislation or Regulations – Adoption by Reference

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

~~BY adding to~~

~~Article 24 – Political Subdivisions – Miscellaneous Provisions  
Section 1-113  
Annotated Code of Maryland  
(2011 Replacement Volume and 2012 Supplement)~~

BY renumbering

Article – Local Government  
Section 1-1302 through 1-1308, respectively  
to be Section 1-1303 through 1-1309, respectively  
Annotated Code of Maryland  
(As enacted by Chapter 119 (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 119 (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) 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 ANY REGULATION ADOPTED UNDER THE AUTHORITY OF THAT LAW; AND

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

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

Approved by the Governor, May 16, 2013.