

SENATE BILL 174

L1

(0lr0409)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Environmental Matters —

Introduced by **Senator Glassman**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Charter~~ **Counties – Local Laws – Digital Copies for Legislative Delegations**

3 FOR the purpose of ~~authorizing a charter or code county to make a digital copy of a~~
4 ~~certain compilation of laws available on the Internet as an alternative to a~~
5 ~~requirement to provide certain copies to certain entities; altering a certain~~
6 ~~requirement the number of copies of a certain compilation that a charter or code~~
7 ~~county must provide a copy of a certain compilation of laws to the Department~~
8 ~~of Legislative Services~~ authorizing certain counties to provide a certain notice
9 regarding a digital copy of the county's compilation of local laws to each member
10 of the county's legislative delegation as an alternative to furnishing each member
11 a printed copy of the compilation under certain circumstances; clarifying that
12 copies of compilations of local laws and enactments of local laws furnished by
13 certain counties to certain units of State government under certain circumstances
14 shall be printed copies; to authorize the copy to be in either a digital or printed
15 form; authorizing a charter county under certain circumstances to make a

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.

Italics indicate opposite chamber/conference committee amendments.



~~digital copy of certain compilations or codes of local laws available on the Internet as an alternative to a requirement to deposit copies with certain State agencies; making stylistic changes; and generally relating to copies of compilations and codes enactments of local laws of counties of charter counties.~~

BY repealing and reenacting, with amendments,

Article 25 – County Commissioners

Section 32A

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article 25A – Chartered Counties of Maryland

Section 7

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article 25B – Home Rule for Code Counties

Section 12

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

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

Article 25 – County Commissioners

32A.

Whenever the board of county commissioners or county council of any county in this State publishes or issues in printed, mimeographed or similar duplicated form a code or compilation containing all or a portion of the public local laws of the county, the board or council shall deposit **PRINTED** copies free of charge with the following State agencies: State Archives, one copy; State Law Library, one copy; State Department of Legislative Services, five copies.

Article 25A – Chartered Counties of Maryland

7.

(a) (1) At the end of each calendar or fiscal year, each charter county shall furnish in a convenient and legible compilation a complete set of all laws enacted during that year under the “Express Powers Act” in § 5 of this article, whether to enact, amend, or repeal a local law.

1 (2) The laws in the compilation shall be in numerical sequence,
2 beginning with No. 1, and in a separate series for each year.

3 (b) (1) Copies of this compilation shall be [made]:

4 (I) **MADE** available for inspection at the office of the county
5 council, county executive, or county manager, during normal business hours; and

6 (II) [copies shall be kept] **KEPT** on permanent record in the
7 same office.

8 (2) [Copies also shall be furnished] **EACH CHARTER COUNTY SHALL:**

9 (I) ~~1. MAKE A DIGITAL COPY OF THE LAWS IN THE~~
10 ~~COMPILATION AVAILABLE TO THE PUBLIC ON THE INTERNET; OR~~

11 ~~(II) 2. FURNISH COPIES to the State Archives, the State Law~~
12 ~~Library, and to each member of the legislative delegation of the county; AND~~

13 ~~(II) FURNISH PRINTED COPIES OF THE COMPILATION TO~~
14 ~~THE STATE ARCHIVES AND THE STATE LAW LIBRARY; AND~~

15 (II) ONCE EACH YEAR:

16 1. NOTIFY EACH MEMBER OF THE COUNTY'S
17 LEGISLATIVE DELEGATION THAT A DIGITAL COPY OF THE COMPILATION IS
18 AVAILABLE ON THE INTERNET; OR

19 2. FURNISH A PRINTED COPY OF THE COMPILATION
20 TO EACH MEMBER OF THE COUNTY'S LEGISLATIVE DELEGATION.

21 (3) [The foregoing copies] **COPIES UNDER PARAGRAPH ~~(2)(I)~~**
22 **~~PARAGRAPHS (2)(I)2 AND (II) PARAGRAPH (2)~~** OF THIS SUBSECTION shall be
23 furnished without charge, and the county also may make other copies available at a
24 reasonable cost to any person.

25 (c) Not later than March 1 of the next succeeding year, the charter county,
26 without charge, shall furnish [4 copies] A ~~DIGITAL OR PRINTED COPY~~ 4 PRINTED
27 COPIES of the compilation to the State Department of Legislative Services.

28 (d) (1) [In addition to furnishing copies of the compilation to the State
29 Department of Legislative Services, the] **EACH** charter county shall provide to the
30 **STATE** Department **OF LEGISLATIVE SERVICES** a statement concerning any
31 referendum on any proposed local law.

1 **(2)** The statement shall include information on the results of any
 2 referendum held during the year, and it shall include information as to any
 3 referendum pending actually or potentially, but not yet held, at the end of the year.

4 (e) **(1)** At the end of each calendar year the State Department of
 5 Legislative Services shall address an inquiry to each charter county inquiring whether
 6 or not during that calendar year or its latest fiscal year it has enacted, amended or
 7 repealed any portion of its laws under the "Express Powers Act".

8 **(2)** The charter county shall promptly answer the inquiry and shall
 9 verify that PRINTED ~~{copies}~~

10 ~~**(I)** THE TEXT OF ALL ENACTMENTS, AMENDMENTS, OR~~
 11 ~~REPEALS HAVE BEEN POSTED ON THE INTERNET; OR~~

12 ~~**(II)** COPIES~~ of all such enactments, amendments, or repeals
 13 have already been sent to the Department.

14 (f) **(1)** If the charter county ~~FAILS OR REFUSES TO POST THE~~
 15 ~~COMPILATION ON THE INTERNET~~, fails or refuses to supply PRINTED copies of this
 16 compilation and of the results of any referenda thereon to the State Department of
 17 Legislative Services by March 1 of the next succeeding year, or fails or refuses to
 18 certify that there have been no such enactments, amendments, or repeals, or
 19 referenda, during the last calendar or fiscal year, the Department shall promptly
 20 certify that fact to the State Comptroller, who then may order the discontinuance of all
 21 funds, grants or State aid which the charter county is entitled to receive under State
 22 law.

23 **(2)** This section refers specifically to all funds, grants or State aid
 24 which the charter county is entitled to receive under applicable provisions of State law
 25 relating to the income tax, the tax on racing, the recordation tax, the admissions and
 26 amusement tax, and the license tax.

27 (g) **(1)** The State Department of Legislative Services shall receive the
 28 [several] compilations and statements [thus] delivered to it.

29 **(2)** The titles of the laws of the several charter counties which amend
 30 their codes of public local laws shall be arranged in a logical and convenient order and
 31 shall be delivered to the State printer for inclusion in the Session Laws of the General
 32 Assembly for its regular session in that year.

33 **(3)** The titles of the laws of the charter counties which amend their
 34 codes of public local laws shall be printed and identified as such, and they shall be
 35 indexed with or in a supplemental volume to the laws enacted by the General
 36 Assembly.

1 (h) Whenever the county council of any county in this State publishes or
 2 issues in printed, mimeographed, or similar duplicated form a code or compilation
 3 containing all or a portion of the public local laws of the county, the council shall
 4 ~~deposit~~

5 ~~(1) MAKE A DIGITAL COPY OF THE CODE OR COMPILATION ON~~
 6 ~~THE INTERNET; OR~~

7 ~~(2) DEPOSIT PRINTED~~ copies free of charge with the following State
 8 agencies: State Archives, 1 copy; State Law Library, 1 copy; State Department of
 9 Legislative Services, 5 copies.

10 **Article 25B – Home Rule for Code Counties**

11 12.

12 (a) At the end of each calendar or fiscal year, each code county shall furnish
 13 in a convenient and legible compilation a complete set of all local laws enacted,
 14 amended, or repealed by the code county during that year.

15 (b) (1) Copies of this compilation shall be [made]:

16 (I) MADE available for inspection at the office of the board of
 17 county commissioners during normal business hours; and

18 (II) [copies shall be kept] KEPT on permanent record at the
 19 office of the board of county commissioners.

20 (2) [Copies also shall be furnished] EACH CODE COUNTY SHALL:

21 (I) ~~1. MAKE A DIGITAL COPY OF THE LAWS IN THE~~
 22 ~~COMPILATION AVAILABLE TO THE PUBLIC ON THE INTERNET; OR~~

23 ~~2. FURNISH COPIES [to the State Archives, to the State~~
 24 ~~Law Library, and] to each member of the legislative delegation of the county; AND~~

25 ~~(II) FURNISH PRINTED COPIES TO THE STATE ARCHIVES~~
 26 ~~AND TO THE STATE LAW LIBRARY; AND~~

27 (II) ONCE EACH YEAR:

28 1. NOTIFY EACH MEMBER OF THE COUNTY'S
 29 LEGISLATIVE DELEGATION THAT A DIGITAL COPY OF THE COMPILATION IS
 30 AVAILABLE ON THE INTERNET; OR

1 **2. FURNISH A PRINTED COPY OF THE COMPILATION**
2 **TO EACH MEMBER OF THE COUNTY'S LEGISLATIVE DELEGATION.**

3 **(3) [The foregoing copies] COPIES UNDER PARAGRAPHS ~~(2)(1)2~~**
4 **~~AND (H) PARAGRAPH (2) OF THIS SUBSECTION~~ shall be furnished without charge,**
5 **and the county also may make other copies available at a reasonable cost to any**
6 **person.**

7 (c) Not later than March 1 of the next succeeding year, the code county,
8 without charge, shall furnish [4 copies] ~~A PRINTED COPY~~ 4 PRINTED COPIES of this
9 compilation to the State Department of Legislative Services.

10 (d) **(1) [In addition to furnishing copies of the compilation to the State**
11 **Department of Legislative Services, the] EACH code county shall provide TO the**
12 **STATE Department OF LEGISLATIVE SERVICES a statement concerning any**
13 **referendum on any proposed local law.**

14 **(2) The statement shall include information on the results of any**
15 **referendum held during the year, and it shall include information as to any**
16 **referendum pending actually or potentially, but not yet held, at the end of the year.**

17 (e) **(1) At the end of each calendar year the State Department of**
18 **Legislative Services shall address an inquiry to each code county inquiring whether or**
19 **not during that calendar year or its latest fiscal year it has enacted, amended or**
20 **repealed any portion of its public local laws.**

21 **(2) The code county shall promptly answer the inquiry and shall verify**
22 **that ~~PRINTED~~ copies of all such enactments, amendments, or repeals have already**
23 **been sent to the Department.**

24 (f) **(1) If the code county fails or refuses to supply ~~PRINTED~~ copies of this**
25 **compilation and of the results of any referenda thereon to the State Department of**
26 **Legislative Services by March 1 of the next succeeding year, or fails or refuses to**
27 **certify that there have been no such enactments, amendments, or repeals, or**
28 **referenda, during the last calendar or fiscal year, the Department shall promptly**
29 **certify that fact to the State Comptroller, who then may order the discontinuance of all**
30 **funds, grants or State aid which the code county is entitled to receive under State law.**

31 **(2) This section refers specifically to all funds, grants or State aid**
32 **which the code county is entitled to receive under applicable provisions of State law**
33 **relating to the income tax, the tax on racing, the recordation tax, the admissions and**
34 **amusement tax, and the license tax.**

35 (g) **(1) The State Department of Legislative Services shall receive the**
36 **[several] compilations and statements [thus] delivered to it.**

1 (2) The titles of the laws of the several code counties which amend
2 their codes of public local laws shall be arranged in a logical and convenient order and
3 shall be delivered to the State printer for inclusion in the Session Laws of the General
4 Assembly for its regular session in that year.

5 (3) The titles of the laws of the code counties which amend their codes
6 of public local laws shall be printed and identified as such, and they shall be indexed
7 with or in a supplemental volume to the laws enacted by the General Assembly.

8 (h) Whenever a code county in this State publishes or issues in printed,
9 mimeographed, or similar duplicated form a code or compilation containing all or a
10 portion of the public local laws of the county, the code county shall deposit **PRINTED**
11 copies free of charge with the following State agencies: State Archives, 1 copy; State
12 Law Library, 1 copy; State Department of Legislative Services, 5 copies.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.