

Article 25B - Home Rule for Code Counties
Section 13B
Annotated Code of Maryland
(1981 Replacement Volume and 1982 Supplement)

BY adding to

The Charter of Baltimore City
Article II - General Powers
Section (57)
(1981 Replacement Volume, as amended)

Preamble

WHEREAS, Decisions of the Supreme Court in Community Communications, Inc., vs. the City of Boulder and in City of Lafayette vs. Louisiana Power and Light Company have subjected municipal governments to new unanticipated and, in some respects, unclear liabilities under the federal antitrust laws; and

WHEREAS, Many local governments are potentially liable to suits under the federal antitrust laws in areas that involve valid public policies designed to protect public health and safety, the natural environment, the public fiscal situation, and other valid public areas not always consistent with free competition; and

WHEREAS, The Governor's Task Force on Local Government Antitrust Liability has conducted an examination of principal areas of local government activities potentially exposed to antitrust liability, and have discussed the rationale of various categories of local government activities potentially inconsistent with competition; and

WHEREAS, The General Assembly of Maryland after reviewing the final report of the Task Force and its findings and after public hearings, find that it is in the public interest with respect to certain areas that the power of local governments to ~~supplant~~ displace or limit competition or both be confirmed in the light of the rationale for such regulations described in the report of the Task Force and its public hearings; and

WHEREAS, The Task Force has made further recommendations subsequent to its final report and has recommended that the General Assembly address at this time certain local government activities which currently seem to be exercised by a plurality of local governments in Maryland and that further study be accomplished with respect to other activities where confirmation of local government powers to ~~limit-ex-supplant~~ displace or limit competition may be appropriate; and