

BY: Commerce and Government Matters Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL NO. 232

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Citizen's Right to Referendum Act" and substitute "Zoning - Referendum"; strike beginning with "allowing" in line 4 down through "Commissioners" in line 19 and substitute "requiring certain zoning ordinances adopted or amended by the Board of County Commissioners of Frederick County to be submitted to a referendum under certain circumstances; establishing standards and procedures for a referendum on a county zoning ordinance; authorizing a special election for a county zoning referendum; providing for the effective date of a county zoning ordinance; providing for the effective date for certain provisions of this Act; making the provisions of this Act severable; providing for the termination of this Act; and generally relating to the submission of certain zoning ordinances in Frederick County"; after line 19, insert:

"BY repealing and reenacting, with amendments,

Article 33 - Election Code

Section 8-401(a)

Annotated Code of Maryland

(1997 Replacement Volume and 2001 Supplement)";

and after line 24, insert:

"BY repealing and reenacting, with amendments,

Article - Election Law

Section 8-401(a)

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2002)".

AMENDMENT NO. 2

On page 2, before line 1, insert:

(Over)

“Article 33 - Election Code

8-401.

(a) A special primary election and a special general election may be held at a time other than the date of a regular primary election and a regular general election:

(1) To fill a vacancy in the office of Representative in Congress; [or]

(2) To fill a vacancy in the county council if the charter of that county provides for such special elections; OR

(3) FOR A FREDERICK COUNTY ZONING REFERENDUM UNDER ARTICLE 66B, § 14.06 OF THE CODE.

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

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 34 on page 3, inclusive, and substitute:

“(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ORDINANCE OR AN AMENDMENT TO AN EXISTING ORDINANCE THAT ENACTS A SUBSTANTIAL REWRITE, REPLACEMENT, OR REPEAL OF THE FREDERICK COUNTY ZONING ORDINANCE OF 1977-78 SHALL TAKE EFFECT 30 DAYS AFTER THE DATE OF ENACTMENT.

(2) (I) AN ORDINANCE OR AN AMENDMENT TO AN EXISTING ORDINANCE THAT ENACTS A SUBSTANTIAL REWRITE, REPLACEMENT, OR REPEAL OF THE FREDERICK COUNTY ZONING ORDINANCE OF 1977-78 MAY BE PETITIONED TO A COUNTY REFERENDUM WITHIN 60 DAYS OF THE DATE OF ENACTMENT.

(II) 1. BEFORE IT IS EFFECTIVE, A PETITION SUBMITTED UNDER THIS PARAGRAPH SHALL BE SIGNED BY AT LEAST 3% OF THE NUMBER OF QUALIFIED VOTERS OF FREDERICK COUNTY WHO VOTED FOR GOVERNOR IN THE

LAST PRECEDING GUBERNATORIAL ELECTION.

2. IF MORE THAN ONE-THIRD BUT LESS THAN THE FULL NUMBER OF SIGNATURES REQUIRED FOR A REFERENDUM PETITION TO BE EFFECTIVE IS FILED WITH THE SECRETARY OF STATE BEFORE 30 DAYS AFTER THE DATE OF ENACTMENT, THE TIME FOR THE ORDINANCE TO TAKE EFFECT SHALL BE EXTENDED TO 60 DAYS AFTER THE DATE OF ENACTMENT.

(III) THE SUBSTANTIAL REWRITE, REPLACEMENT, OR REPEAL OF THE ZONING ORDINANCE SHALL BE SUSPENDED AFTER A PETITION IS SUBMITTED AND UNTIL:

1. A COURT OF COMPETENT JURISDICTION DECLARES THE PETITION INVALID; OR

2. THE PETITION IS DISAPPROVED BY THE VOTERS OF FREDERICK COUNTY.

(IV) A PETITION SHALL CONFORM TO THE REQUIREMENTS UNDER ARTICLE XVI, § 4 OF THE MARYLAND CONSTITUTION.

(V) THE BOARD OF SUPERVISORS OF ELECTIONS OF THE COUNTY SHALL VERIFY THE REGISTRATION OF THE INDIVIDUALS SIGNING THE PETITION AND, IF THE REQUIRED NUMBER OF QUALIFIED VOTERS IS VERIFIED, PLACE THE SUBSTANTIAL REWRITE, REPLACEMENT, OR REPEAL OF THE ZONING ORDINANCE ON THE BALLOT IN FREDERICK COUNTY AT A SPECIAL ELECTION OR AT THE NEXT GENERAL ELECTION FOR APPROVAL OR REJECTION.

(3) THE COST OF THE REFERENDUM, IF ANY, SHALL BE PAID BY THE BOARD OF COUNTY COMMISSIONERS.

(4) THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF SUPERVISORS OF ELECTIONS SHALL PROVIDE FOR AND HOLD THE REFERENDUM.

(Over)

(5) (I) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION ARE “FOR THE REFERRED LAW”, THE ENACTMENT BECOMES EFFECTIVE ON THE DATE SPECIFIED IN THE ENACTMENT.

(II) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION ARE “AGAINST THE REFERRED LAW”, THE PROVISIONS OF THE ENACTMENT ARE OF NO EFFECT.

SECTION 3. AND BE IT FURTHER ENACTED, That the laws of Maryland read as follows:

Article - Election Law

8-401.

(a) A special primary election and a special general election may be held at a time other than the date of a regular primary election and a regular general election:

(1) To fill a vacancy in the office of Representative in Congress; [or]

(2) To fill a vacancy in the county council if the charter of that county provides for special elections; OR

(3) FOR A FREDERICK COUNTY ZONING REFERENDUM UNDER ARTICLE 66B, § 14.06 OF THE CODE.

SECTION 4. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take

effect on the taking effect of Chapter \_\_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2002. If Section 3 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 5 of this Act, this Act shall take effect June 1, 2002. It shall remain effective for a period of 1 year and 6 months and, at the end of November 30, 2003, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.