

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1374

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “referendum” insert “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”; strike beginning with “providing” in line 5 down through “referendum;” in line 7; after line 9, 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 14, 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 1, after line 16, insert:

“Article 33 - Election Code

8-401.

(Over)

(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 page 2, strike beginning with the first “AN” in line 5 down through “ELECTION” in line 10 and substitute “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”; in line 11, after “(2)” insert:

“(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 16, § 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)";

in lines 13 and 15, strike "(3)" and "(4)", respectively, and substitute "(4)" and "(5)", respectively; after line 20, insert:

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

Article - Election Law

(Over)

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.”;

in lines 21 and 27, strike “2.” and “3.”, respectively, and substitute “4.” and “6.”, respectively; after line 26, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect on the taking effect of Chapter (SB 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.”;

in line 27, after “That” insert “, subject to the provisions of Section 5 of this Act.”; in line 28, strike “5 years” and substitute “1 year and 6 months”; in lines 28 and 29, strike “May 31, 2007” and substitute “November 30, 2003”.