

HOUSE BILL 42

L6, L3
HB 1226/21 – ENT

(PRE-FILED)

2lr0353

By: **Delegate Lisanti**

Requested: July 15, 2021

Introduced and read first time: January 12, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Municipal Incorporation – County Commissioners or County Council –**
3 **Required Consideration of Referendum Request**

4 FOR the purpose of requiring the county commissioners or county council to consider a
5 certain referendum request if a valid petition to incorporate an area as a
6 municipality is presented by a certain percentage of the registered voters who are
7 residents of the area proposed to be incorporated; and generally relating to the
8 incorporation of municipalities.

9 BY repealing and reenacting, without amendments,
10 Article – Local Government
11 Section 4–202
12 Annotated Code of Maryland
13 (2013 Volume and 2021 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Local Government
16 Section 4–207
17 Annotated Code of Maryland
18 (2013 Volume and 2021 Supplement)

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

21 **Article – Local Government**

22 4–202.

23 This subtitle governs municipal incorporation.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-207.

2 **(A) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL CONSIDER**
3 **THE REFERENDUM REQUEST IF A VALID PETITION IS PRESENTED BY NOT LESS THAN**
4 **40% OF THE REGISTERED VOTERS WHO ARE RESIDENTS OF THE AREA PROPOSED TO**
5 **BE INCORPORATED.**

6 **[(a)] (B)** (1) If the county commissioners or county council approves the
7 referendum request, between 40 and 60 days after it receives the proposed municipal
8 charter, the county commissioners or county council shall specify, by resolution, the day
9 and hours for a vote on the proposed incorporation by the voters of the area to be
10 incorporated.

11 (2) The resolution shall include the exact text of the proposed municipal
12 charter as submitted by the organizing committee.

13 **[(b)] (C)** (1) If the county commissioners or county council rejects the
14 referendum request, the county commissioners or county council shall:

15 (i) provide in writing and make available to the public within a
16 reasonable time the reasons for the rejection; and

17 (ii) establish reasonable procedures by which the county
18 commissioners or county council shall reconsider a referendum request, including an
19 opportunity for a public hearing with sufficient advance public notice.

20 (2) After the hearing and reconsideration process is completed, the county
21 commissioners or county council, by resolution, shall affirm the rejection or approve the
22 referendum request.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2022.