

HOUSE BILL 1135

L2

EMERGENCY BILL

8lr3133
CF SB 659

By: **Carroll County Delegation**

Introduced and read first time: February 7, 2008

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2008

CHAPTER _____

1 AN ACT concerning

2 **Carroll County – Local Ordinance Creating a County Police**
3 **Department – Submission to Local Referendum**

4 FOR the purpose of requiring the County Commissioners of Carroll County to submit
5 an ordinance to a certain referendum under certain circumstances; requiring
6 the County Commissioners to take certain actions to provide for and hold a
7 certain referendum under certain circumstances; making the provisions of a
8 certain local law effective on a certain date under certain circumstances;
9 prohibiting the implementation of a certain local law under certain
10 circumstances; making this Act an emergency measure; providing for the
11 termination of this Act; and generally relating to a local referendum on the
12 creation of a police department for Carroll County.

13 BY repealing and reenacting, with amendments,
14 Article 25 – County Commissioners
15 Section 3(q)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2007 Supplement)

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

20 **Article 25 – County Commissioners**

21 3.

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.



1 (q) (1) To provide for the appointment of county police and to prescribe
2 their duties and fix their compensation, but said commissioners may appoint a special
3 commission or commissioner to be in charge of said county police.

4 (2) The provisions of this subsection shall not be applicable in Charles
5 and Wicomico counties.

6 (3) (I) **IF THE BOARD OF COUNTY COMMISSIONERS OF
7 CARROLL COUNTY ENACTS, BY ORDINANCE, A LOCAL LAW THAT CREATES A
8 POLICE DEPARTMENT FOR CARROLL COUNTY, THE COUNTY COMMISSIONERS
9 SHALL SUBMIT THE ORDINANCE TO A LOCAL REFERENDUM OF THE LEGALLY
10 QUALIFIED VOTERS OF CARROLL COUNTY TO BE HELD AT THE NEXT ENSUING
11 GENERAL ELECTION IN THE STATE.**

12 (II) 1. **THE BOARD OF COUNTY COMMISSIONERS OF
13 CARROLL COUNTY AND THE CARROLL COUNTY BOARD OF ELECTIONS SHALL
14 DO THOSE THINGS NECESSARY AND PROPER TO PROVIDE FOR AND HOLD THE
15 REFERENDUM REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

16 2. **IF A MAJORITY OF THE VOTES CAST ON THE
17 QUESTION BY THE LEGALLY QUALIFIED VOTERS OF CARROLL COUNTY ARE
18 "FOR THE REFERRED LAW", THE PROVISIONS OF THE LOCAL LAW CREATING A
19 POLICE DEPARTMENT FOR CARROLL COUNTY SHALL BECOME EFFECTIVE ON
20 THE 30TH DAY FOLLOWING THE OFFICIAL CANVASS OF VOTES FOR THE
21 REFERENDUM.**

22 3. **IF A MAJORITY OF THE VOTES CAST ON THE
23 QUESTION BY THE LEGALLY QUALIFIED VOTERS OF CARROLL COUNTY ARE
24 "AGAINST THE REFERRED LAW", THE PROVISIONS OF THE LOCAL LAW
25 CREATING A POLICE DEPARTMENT FOR CARROLL COUNTY ARE OF NO EFFECT
26 AND NULL AND VOID.**

27 (III) **IF THE BOARD OF COUNTY COMMISSIONERS OF
28 CARROLL COUNTY ENACTS, BY ORDINANCE, A LOCAL LAW THAT CREATES A
29 POLICE DEPARTMENT FOR CARROLL COUNTY BEFORE THE PROVISIONS OF
30 THIS PARAGRAPH TAKE EFFECT, THE ORDINANCE SHALL HAVE NO EFFECT AND
31 MAY NOT BE IMPLEMENTED.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
33 measure, is necessary for the immediate preservation of the public health or safety,
34 has been passed by a yea and nay vote supported by three-fifths of all members
35 elected to each of the two Houses of the General Assembly, and shall take effect from
36 the date it is enacted. It shall remain effective through December 31, 2009, and, at the
37 end of December 31, 2009, with no further action required by the General Assembly,
38 this Act shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.