

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

A BILL ENTITLED

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; and generally relating
11 to a local referendum on the creation of a police department for Carroll County.

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

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

19 **Article 25 – County Commissioners**

20 3.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

7 **(II) 1. THE BOARD OF COUNTY COMMISSIONERS OF**
8 **CARROLL COUNTY AND THE CARROLL COUNTY BOARD OF ELECTIONS SHALL**
9 **DO THOSE THINGS NECESSARY AND PROPER TO PROVIDE FOR AND HOLD THE**
10 **REFERENDUM REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

11 **2. IF A MAJORITY OF THE VOTES CAST ON THE**
12 **QUESTION BY THE LEGALLY QUALIFIED VOTERS OF CARROLL COUNTY ARE**
13 **“FOR THE REFERRED LAW”, THE PROVISIONS OF THE LOCAL LAW CREATING A**
14 **POLICE DEPARTMENT FOR CARROLL COUNTY SHALL BECOME EFFECTIVE ON**
15 **THE 30TH DAY FOLLOWING THE OFFICIAL CANVASS OF VOTES FOR THE**
16 **REFERENDUM.**

17 **3. IF A MAJORITY OF THE VOTES CAST ON THE**
18 **QUESTION BY THE LEGALLY QUALIFIED VOTERS OF CARROLL COUNTY ARE**
19 **“AGAINST THE REFERRED LAW”, THE PROVISIONS OF THE LOCAL LAW**
20 **CREATING A POLICE DEPARTMENT FOR CARROLL COUNTY ARE OF NO EFFECT**
21 **AND NULL AND VOID.**

22 **(III) IF THE BOARD OF COUNTY COMMISSIONERS OF**
23 **CARROLL COUNTY ENACTS, BY ORDINANCE, A LOCAL LAW THAT CREATES A**
24 **POLICE DEPARTMENT FOR CARROLL COUNTY BEFORE THE PROVISIONS OF**
25 **THIS PARAGRAPH TAKE EFFECT, THE ORDINANCE SHALL HAVE NO EFFECT AND**
26 **MAY NOT BE IMPLEMENTED.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
28 measure, is necessary for the immediate preservation of the public health or safety,
29 has been passed by a yea and nay vote supported by three-fifths of all members
30 elected to each of the two Houses of the General Assembly, and shall take effect from
31 the date it is enacted.