

CHAPTER 609

(Senate Bill 659)

AN ACT concerning

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

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

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

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

Article 25 – County Commissioners

3.

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. *It shall remain effective through December 31, 2010 and, at the end of December 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.*

Approved by the Governor, May 22, 2008.