

HOUSE BILL 1088
EMERGENCY BILL

Unofficial Copy
L6

2001 Regular Session
(11r2149)

ENROLLED BILL

-- Commerce and Government Matters/Economic and Environmental Affairs --

Introduced by **Eastern Shore Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 528

1 AN ACT concerning

2 **Upper Eastern Shore Mid-Shore Regional Council**

3 FOR the purpose of adding a new article to the Annotated Code of Maryland to be
4 designated and known as the "~~Upper Eastern Shore~~ Mid-Shore Regional
5 Council"; establishing the Council as ~~an association of local governments from a~~
6 regional planning and development agency for Caroline, ~~Cecil~~, Dorchester, ~~Kent~~,
7 ~~Queen Anne's~~, and Talbot counties to facilitate regional planning and
8 development where the counties are located; providing for the function and
9 dissolution of the Council; providing for the membership of the Council;
10 providing for the terms of the members of the Council; prohibiting a member
11 from receiving compensation; specifying that membership on the Council does
12 not constitute an office of profit; authorizing the Council to employ a council
13 executive director; providing for legal representation of the Council; providing for
14 the powers and functions of the Council; providing funding for the Council from
15 the State budget and local governments representing the Council; making this
16 Act an emergency measure; providing for the construction of this Act; and
17 generally relating to the ~~Upper Eastern Shore~~ Mid-Shore Regional Council.

1 BY adding
 2 New Article 20C - ~~Upper Eastern Shore~~ Mid-Shore Regional Council
 3 Section 1-101 through 2-301
 4 Annotated Code of Maryland
 5 (1998 Replacement Volume and 2000 Supplement)

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

8 **ARTICLE 20C - ~~UPPER EASTERN SHORE~~ MID-SHORE REGIONAL COUNCIL**

9 TITLE 1. GENERAL PROVISIONS.

10 1-101.

11 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS
 12 INDICATED.

13 (B) "AREA" MEANS THE REGIONAL PLANNING AND DEVELOPMENT AREA THAT
 14 INCLUDES ALL ~~OR OF~~ CAROLINE, ~~CECIL~~, DORCHESTER, ~~KENT~~, ~~QUEEN ANNE'S~~, AND
 15 TALBOT COUNTIES.

16 (C) "~~COMMISSIONERS~~ COMMISSIONER" MEANS A MEMBER OF THE BOARD OF
 17 COUNTY COMMISSIONERS OF CAROLINE, ~~CECIL~~, DORCHESTER, KENT, QUEEN ANNE'S
 18 COUNTIES AND ~~COUNTY, CECIL COUNTY, OR DORCHESTER COUNTY, KENT COUNTY,~~
 19 ~~OR QUEEN ANNE'S COUNTY OR~~ THE COUNTY COUNCIL OF TALBOT COUNTY.

20 (D) "COUNCIL" MEANS ~~UPPER EASTERN SHORE~~ MID-SHORE REGIONAL
 21 COUNCIL.

22 (E) "REGION" MEANS THE AREA THAT INCLUDES ALL OF CAROLINE, ~~CECIL~~,
 23 DORCHESTER, ~~KENT~~, ~~QUEEN ANNE'S~~, AND TALBOT COUNTIES.

24 1-102.

25 (A) THE ~~UPPER EASTERN SHORE~~ MID-SHORE REGIONAL COUNCIL IS A
 26 REGIONAL PLANNING AND DEVELOPMENT AGENCY FOR THE AREA.

27 (B) THE REGION CONSISTS OF ALL OF CAROLINE, ~~CECIL~~, DORCHESTER, ~~KENT~~,
 28 ~~QUEEN ANNE'S~~, AND TALBOT COUNTIES.

29 1-103.

30 (A) (I) THE COUNCIL IS A TAX-EXEMPT PUBLIC BODY CORPORATE AND
 31 POLITIC WHICH OPERATES AS A COOPERATIVE PLANNING AND DEVELOPMENT
 32 AGENCY WITHIN THE REGION TO FOSTER THE PHYSICAL, ECONOMIC, AND SOCIAL
 33 DEVELOPMENT OF THE REGION AND UTILIZES EFFECTIVELY THE ASSISTANCE
 34 PROVIDED BY THE STATE.

1 (II) THE COUNCIL INITIATES AND COORDINATES PLANS AND PROJECTS
2 FOR THE DEVELOPMENT OF HUMAN AND ECONOMIC RESOURCES OF THE ~~UPPER~~
3 ~~EASTERN SHORE~~ MID-SHORE REGION AS ~~AN A~~ UPPER-EASTERN SHORE MID-SHORE
4 PLANNING AND DEVELOPMENT AGENCY.

5 (B) (1) ON THE DISSOLUTION OF THE COUNCIL, THE COUNCIL, AFTER
6 PAYING OR PROVIDING FOR THE PAYMENT OF ALL OF THE LIABILITIES OF THE
7 COUNCIL, SHALL DISPOSE OF ALL OF THE ASSETS OF THE COUNCIL EXCLUSIVELY
8 FOR THE PURPOSES OF THE COUNCIL OR TO AN ORGANIZATION ORGANIZED AND
9 OPERATED EXCLUSIVELY FOR CHARITABLE, EDUCATIONAL, RELIGIOUS, OR
10 SCIENTIFIC PURPOSES THAT QUALIFIES AS AN EXEMPT ORGANIZATION UNDER §
11 501(C)(3) OF THE INTERNAL REVENUE CODE, AS THE COUNCIL DETERMINES.

12 (2) THE ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE
13 CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE
14 COUNCIL IS LOCATED, EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL, OR TO ~~AN~~
15 ~~ORGANIZATION THAT THE COURT DETERMINES TO BE ORGANIZED AND OPERATED~~
16 ~~EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL~~ THE INDIVIDUAL COUNTIES.

17 1-104.

18 THE COUNCIL SHALL COOPERATE WITH STATE AND LOCAL DEPARTMENTS AND
19 AGENCIES THAT HAVE RELEVANT STATUTORY FUNCTIONS AND RESPONSIBILITIES.

20 1-105.

21 (A) THE COUNCIL MAY EMPLOY A COUNCIL EXECUTIVE DIRECTOR.

22 (B) THE COUNCIL EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE
23 COUNCIL.

24 1-106.

25 (A) THE COUNCIL MAY SELECT AND RETAIN ITS OWN LEGAL COUNSEL.

26 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, ON REQUEST OF
27 THE COUNCIL, THE ATTORNEY GENERAL OF MARYLAND ~~SHALL~~ MAY SERVE AS LEGAL
28 ADVISOR TO THE COUNCIL IN ALL MATTERS PERTAINING TO THE COUNCIL'S
29 ACTIVITIES.

30 ~~1-106.~~ 1-107.

31 THE COUNCIL IS AN INDEPENDENT UNIT AND MAY NOT BE PLACED BY THE
32 GOVERNOR IN ANY PRINCIPAL DEPARTMENT.

1 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

2 SUBTITLE 1. MEMBERSHIP.

3 2-101.

4 (A) THE MEMBERSHIP OF THE COUNCIL CONSISTS OF THE FOLLOWING
5 MEMBERS FROM CAROLINE, ~~CECIL~~, DORCHESTER, ~~KENT~~, ~~QUEEN ANNE'S~~, AND
6 TALBOT COUNTIES:

7 (1) ~~48~~ 9 COUNTY ELECTED OFFICIALS COMMISSIONERS, THREE FROM
8 EACH COUNTY, APPOINTED BY THEIR RESPECTIVE COUNTY GOVERNING BODIES AS
9 VOTING MEMBERS;

10 (2) ~~SIX~~ THREE COUNTY ADMINISTRATORS, ONE FROM EACH COUNTY AS
11 NONVOTING EX OFFICIO MEMBERS;

12 (3) (I) ~~SIX~~ THREE MUNICIPAL ELECTED OFFICIALS, ONE FROM EACH
13 COUNTY, APPOINTED BY THEIR RESPECTIVE MUNICIPAL CORPORATIONS AS VOTING
14 MEMBERS; OR

15 (II) IF THE MUNICIPAL CORPORATIONS LOCATED IN A COUNTY ARE
16 UNABLE TO CHOOSE A MUNICIPAL ELECTED OFFICIAL WITHIN A REASONABLE
17 PERIOD OF TIME, THE EASTERN SHORE MUNICIPAL ASSOCIATION SHALL APPOINT AN
18 ELECTED MUNICIPAL OFFICIAL TO REPRESENT THE MUNICIPAL CORPORATION;

19 (4) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
20 WHO HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS VOTING
21 EX OFFICIO MEMBERS;

22 (5) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
23 WHO DO NOT HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS
24 NONVOTING EX OFFICIO MEMBERS; AND

25 (6) ~~SUCH~~ THE OTHER COUNTY COMMISSIONERS AS NONVOTING EX
26 OFFICIO MEMBERS.

27 (B) (1) A ~~COUNCIL~~ VOTING COMMISSIONER ~~OR ADMINISTRATOR OF A~~
28 ~~COUNTY~~ LISTED UNDER SUBSECTION (A)(1) ~~AND (2)~~ OF THIS SECTION MAY
29 DESIGNATE ANOTHER COMMISSIONER OR COUNTY ADMINISTRATOR
30 REPRESENTING THE SAME COUNTY TO VOTE BY PROXY ON BEHALF OF AN OTHER
31 ~~COUNCIL MEMBER WHO~~ THE VOTING COMMISSIONER WHEN THE VOTING
32 COMMISSIONER IS ABSENT FROM A MEETING ~~IF THE OTHER COUNCIL MEMBER~~
33 ~~REPRESENTS THE SAME COUNTY GOVERNING BODY.~~

34 (2) A ~~COUNCIL MEMBER~~ VOTING COMMISSIONER LISTED UNDER
35 SUBSECTION (A)(1) OF THIS SECTION SHALL INFORM THE COUNCIL EXECUTIVE
36 DIRECTOR, IN ADVANCE, OF WHICH OTHER COUNCIL MEMBERS ~~MAY~~ THE VOTING
37 COMMISSIONER DESIGNATES TO CAST A PROXY VOTE ON BEHALF OF THE ~~COUNCIL~~

~~1 MEMBER WHEN ABSENT UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS~~
~~2 SUBSECTION VOTING COMMISSIONER.~~

3 (C) THE BYLAWS OF THE COUNCIL MAY PROVIDE FOR ADDITIONAL PRIVATE
4 CITIZEN MEMBERSHIP ON THE COUNCIL.

5 2-102.

6 (A) THE VOTING MEMBERS AND MEMBERS OF THE GENERAL ASSEMBLY WHO
7 HOLD MEMBERSHIP BY VIRTUE OF THEIR ELECTED OR APPOINTED POSITION HOLD
8 OFFICE ONLY DURING THEIR TERM OF OFFICE.

9 (B) MEMBERSHIP ON THE COUNCIL DOES NOT CONSTITUTE HOLDING AN
10 OFFICE OF PROFIT.

11 2-103.

12 VACANCIES ON THE COUNCIL SHALL BE FILLED FOR THE DURATION OF THE
13 UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR THE ORIGINAL
14 APPOINTMENT.

15 2-104.

16 MEMBERS OF THE COUNCIL SERVE WITHOUT COMPENSATION.

17 2-105.

18 THE COUNCIL SHALL ELECT A CHAIRPERSON FROM AMONG ITS MEMBERS.

19 SUBTITLE 2. BYLAWS.

20 2-201.

21 THE COUNCIL MAY ADOPT BYLAWS, RULES AND REGULATIONS FOR THE
22 CONDUCT OF THE COUNCIL AND TO CARRY OUT THE COUNCIL'S MISSION.

23 SUBTITLE 3. FINANCING.

24 2-301.

25 (A) (1) THE COUNCIL MAY RECEIVE STATE FINANCIAL SUPPORT TO ASSIST
26 IN CARRYING OUT ITS ACTIVITIES.

27 (2) (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE COUNCIL SHALL
28 SUBMIT TO THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT ITS
29 PROPOSED WORK PROGRAMS AND OPERATING BUDGET FOR THE FOLLOWING FISCAL
30 YEAR, TOGETHER WITH SUPPORTING SCHEDULES TO SHOW HOW THE BUDGET IS
31 FINANCED, AND TO PROVIDE FOR REVIEW AND RECOMMENDATIONS.

1 (II) THE DEPARTMENT OF BUSINESS AND ECONOMIC
2 DEVELOPMENT SHALL FORWARD THE PROPOSED OPERATING BUDGET TO THE
3 DEPARTMENT OF BUDGET AND MANAGEMENT FOR CONSIDERATION.

4 (3) THE STATE BUDGET, SUBJECT TO ANNUAL REVIEW BY THE GENERAL
5 ASSEMBLY, SHALL PROVIDE AN APPROPRIATION IN THE FOLLOWING FISCAL YEAR
6 OF AT LEAST \$200,000 FOR SUPPORT OF THE COUNCIL.

7 (B) (1) THE COUNCIL AND THE COUNCIL'S ACTIVITIES MAY BE FINANCED
8 COOPERATIVELY BY THE STATE OF MARYLAND AND CAROLINE, ~~CECIL~~, DORCHESTER,
9 ~~KENT, QUEEN ANNE'S~~, AND TALBOT COUNTIES.

10 (2) THE COUNCIL MAY RECEIVE ADDITIONAL FUNDS FROM OTHER
11 PUBLIC OR PRIVATE SOURCES.

12 (3) THE GOVERNING BODIES OF CAROLINE, ~~CECIL~~, DORCHESTER, ~~KENT~~,
13 ~~QUEEN ANNE'S~~, AND TALBOT COUNTIES ANNUALLY SHALL APPROPRIATE AT LEAST
14 \$10,000 EACH FOR THE USE OF THE COUNCIL TO FOSTER COOPERATIVE PLANNING
15 AND DEVELOPMENT IN THE REGION.

16 (4) THE GOVERNING BODIES OF CAROLINE, ~~CECIL~~, DORCHESTER, ~~KENT~~,
17 ~~QUEEN ANNE'S~~, AND TALBOT COUNTIES MAY APPROPRIATE ANY OTHER MONEYS
18 THAT ARE NECESSARY AND APPROPRIATE FOR THE COUNCIL.

19 (5) OTHER POLITICAL SUBDIVISIONS OR SPECIAL TAXING DISTRICTS
20 MAY APPROPRIATE MONEY THAT IS NECESSARY AND APPROPRIATE FOR THE
21 COUNCIL.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
23 construed to confer any land use regulation or zoning authority to the ~~Upper Eastern~~
24 ~~Shore Mid-Shore Regional Council.~~

25 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act is an
26 emergency measure, is necessary for the immediate preservation of the public health
27 and safety, has been passed by a yea and nay vote supported by three-fifths of all the
28 members elected to each of the two Houses of the General Assembly, and shall take
29 effect from the date it is enacted.