

HOUSE BILL 1087
EMERGENCY BILL

Unofficial Copy
L6

2001 Regular Session
(1r2148)

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 _____

1 AN ACT concerning

2 **Tri-County Council for the Lower Eastern Shore of Maryland**

3 FOR the purpose of adding a new article to the Annotated Code of Maryland to be
4 designated and known as the "Tri-County Council for the Lower Eastern Shore
5 of Maryland"; establishing the Council as ~~an association of local governments~~
6 ~~from a regional planning and development agency for~~ Somerset, Wicomico, and
7 Worcester counties to facilitate regional planning and development in the region
8 where the counties are located; providing for the function and dissolution of the
9 Council; providing for the membership of the Council; providing for the terms of
10 the members of the Council; prohibiting a member of the Council from receiving
11 compensation; specifying that membership on the Council does not constitute an
12 office of profit; authorizing the Council to employ a council executive director;
13 providing for legal representation of the Council; providing for the powers and
14 functions of the Council; requiring the members of the Council to elect a
15 chairperson from among the members of the Council; authorizing the Council to
16 adopt bylaws, rules, and regulations; providing funding for the Council from the
17 State budget and the local governments representing the Council; defining

1 certain terms; making this Act an emergency measure; providing for the
 2 construction of this Act; and generally relating to the Tri-County Council of the
 3 Lower Eastern Shore.

4 BY adding

5 New Article 20B - Tri-County Council for the Lower Eastern Shore of Maryland
 6 Section 1-101 through ~~3-103~~ 2-301
 7 Annotated Code of Maryland
 8 (1998 Replacement Volume and 2000 Supplement)

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

11 **ARTICLE 20B - TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF**
 12 **MARYLAND**

13 TITLE 1. GENERAL PROVISIONS.

14 1-101.

15 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS
 16 INDICATED.

17 (B) "AREA" MEANS THE REGIONAL PLANNING AND DEVELOPMENT AREA THAT
 18 INCLUDES ALL OF SOMERSET, WICOMICO, AND WORCESTER COUNTIES.

19 (C) "~~COMMISSIONERS~~ COMMISSIONER" MEANS A MEMBER OF THE BOARD OF
 20 COUNTY COMMISSIONERS OF SOMERSET AND COUNTY OR WORCESTER COUNTIES.

21 (~~D~~) "~~COUNCIL MEMBER~~" MEANS COUNTY OR OF THE COUNTY COUNCIL
 22 ~~MEMBERS~~ OF WICOMICO COUNTY.

23 (~~E~~) (D) "COUNCIL" MEANS THE TRI-COUNTY COUNCIL FOR THE LOWER
 24 EASTERN SHORE OF MARYLAND.

25 (~~F~~) (E) "REGION" MEANS THE AREA THAT INCLUDES ALL OF SOMERSET,
 26 WICOMICO, AND WORCESTER COUNTIES.

27 1-102.

28 (A) THE TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF
 29 MARYLAND IS A REGIONAL PLANNING AND DEVELOPMENT AGENCY FOR THE
 30 TRI-COUNTY AREA.

31 (B) THE TRI-COUNTY REGION CONSISTS OF ALL OF SOMERSET, WICOMICO,
 32 AND WORCESTER COUNTIES.

1 1-103.

2 (A) (1) THE COUNCIL IS A TAX-EXEMPT PUBLIC BODY CORPORATE AND
3 POLITIC WHICH OPERATES AS A COOPERATIVE PLANNING AND DEVELOPMENT
4 AGENCY IN THE REGION TO FOSTER THE PHYSICAL, ECONOMIC, AND SOCIAL
5 DEVELOPMENT OF THE REGION AND UTILIZES EFFECTIVELY THE ASSISTANCE
6 PROVIDED BY THE STATE.

7 (2) THE COUNCIL INITIATES AND COORDINATES PLANS AND PROJECTS
8 FOR THE DEVELOPMENT OF HUMAN AND ECONOMIC RESOURCES OF THE LOWER
9 EASTERN SHORE OF MARYLAND REGION AS A LOWER EASTERN SHORE OF
10 MARYLAND PLANNING AND DEVELOPMENT AGENCY.

11 (B) (1) ON THE DISSOLUTION OF THE COUNCIL, THE COUNCIL, AFTER
12 PAYING OR MAKING PROVISION FOR THE PAYMENT OF ALL OF THE LIABILITIES OF
13 THE COUNCIL, SHALL DISPOSE OF ALL OF THE ASSETS OF THE COUNCIL
14 EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL IN THE MANNER, OR TO AN
15 ORGANIZATION ORGANIZED AND OPERATED EXCLUSIVELY FOR CHARITABLE,
16 EDUCATIONAL, RELIGIOUS, OR SCIENTIFIC PURPOSES THAT QUALIFIES AS AN
17 EXEMPT ORGANIZATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE, AS
18 THE COUNCIL DETERMINES.

19 (2) THE ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE
20 CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE
21 COUNCIL IS LOCATED, EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL OR TO AN
22 ~~ORGANIZATION, THAT THE COURT DETERMINES, WHICH ARE ORGANIZED AND~~
23 ~~OPERATED EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL~~ THE INDIVIDUAL
24 COUNTIES.

25 1-104.

26 ~~(A)~~ THE COUNCIL SHALL COOPERATE WITH STATE AND LOCAL DEPARTMENTS
27 AND AGENCIES THAT HAVE RELEVANT STATUTORY FUNCTIONS AND
28 RESPONSIBILITIES.

29 1-105.

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

31 (B) THE COUNCIL EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE
32 COUNCIL.

33 1-106.

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

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

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

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

4 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

5 SUBTITLE 1. MEMBERSHIP.

6 2-101.

7 (A) THE MEMBERSHIP OF THE COUNCIL CONSISTS OF:

8 (1) FIVE COUNTY COMMISSIONERS OF SOMERSET COUNTY AS VOTING
9 MEMBERS;

10 (2) FIVE COUNTY COMMISSIONERS OF WORCESTER COUNTY AS VOTING
11 MEMBERS;

12 (3) FIVE COUNTY COUNCIL MEMBERS OF WICOMICO COUNTY AS VOTING
13 MEMBERS;

14 (4) (I) THREE MUNICIPAL ELECTED OFFICIALS, ONE FROM EACH
15 COUNTY, APPOINTED BY THEIR RESPECTIVE MUNICIPAL CORPORATIONS AS VOTING
16 MEMBERS; OR

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

22 (5) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
23 WHO HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS VOTING
24 EX OFFICIO MEMBERS;

25 (6) OTHER MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE
26 REGION BUT WHO DO NOT HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN
27 THE REGION AS NONVOTING EX OFFICIO MEMBERS; AND

28 (7) ~~THE OTHER MEMBERS OF SOMERSET AND WORCESTER COUNTY~~
29 ~~COMMISSIONERS AND THE WICOMICO COUNTY COUNCIL AS EX OFFICIO NONVOTING~~
30 MEMBERS.

31 (B) (1) A COUNCIL VOTING COMMISSIONER OR ADMINISTRATOR OF A
32 COUNTY LISTED UNDER SUBSECTION (A)(1) ~~AND (2)~~ THROUGH (3) OF THIS SECTION
33 MAY DESIGNATE ANOTHER COMMISSIONER OR COUNTY ADMINISTRATOR
34 REPRESENTING THE SAME COUNTY TO VOTE BY PROXY FOR ANOTHER COUNCIL
35 MEMBER WHO ON BEHALF OF THE VOTING COMMISSIONER WHEN THE VOTING

1 ~~COMMISSIONER~~ IS ABSENT FROM A MEETING ~~IF THE OTHER COUNCIL MEMBER~~
2 ~~REPRESENTS THE SAME COUNTY GOVERNING BODY.~~

3 (2) A ~~COUNCIL MEMBER~~ VOTING COMMISSIONER LISTED UNDER
4 SUBSECTION (A)(1) THROUGH (3) OF THIS SECTION SHALL INFORM THE COUNCIL
5 DIRECTOR IN ADVANCE OF WHICH OTHER COUNCIL MEMBER ~~MAY~~ THE VOTING
6 COMMISSIONER DESIGNATES TO CAST A PROXY VOTE ON BEHALF OF THE ~~COUNCIL~~
7 ~~MEMBER WHEN PRESENT UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS~~
8 ~~SUBSECTION~~ VOTING COMMISSIONER.

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

11 2-102.

12 (A) A MEMBER WHO HOLDS MEMBERSHIP BY VIRTUE OF THE MEMBER'S
13 ELECTED POSITION HOLDS OFFICE ONLY DURING THE MEMBER'S TERM OF OFFICE.

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

16 2-103.

17 VACANCIES ON THE COUNCIL SHALL BE FILLED FOR THE DURATION OF THE
18 UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR THE ORIGINAL
19 APPOINTMENT.

20 2-104.

21 MEMBERS OF THE COUNCIL SERVE WITHOUT COMPENSATION.

22 2-105.

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

24 SUBTITLE 2. BYLAWS.

25 2-201.

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

28 SUBTITLE 3. FINANCING.

29 2-301.

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

32 (2) (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE COUNCIL SHALL
33 SUBMIT TO THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT ITS

1 PROPOSED WORK PROGRAMS AND OPERATING BUDGET FOR THE FOLLOWING FISCAL
2 YEAR, TOGETHER WITH SUPPORTING SCHEDULES TO SHOW HOW THE BUDGET IS
3 FINANCED, AND TO PROVIDE FOR REVIEW AND RECOMMENDATIONS.

4 (II) THE DEPARTMENT OF BUSINESS AND ECONOMIC
5 DEVELOPMENT SHALL FORWARD THE COUNCIL'S PLAN TO THE DEPARTMENT OF
6 BUDGET AND MANAGEMENT FOR CONSIDERATION.

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

10 (B) (1) THE COUNCIL AND THE COUNCIL'S ACTIVITIES MAY BE FINANCED
11 COOPERATIVELY BY THE STATE OF MARYLAND AND SOMERSET, WICOMICO, AND
12 WORCESTER COUNTIES.

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

15 (3) THE GOVERNING BODIES OF SOMERSET, WICOMICO, AND
16 WORCESTER COUNTIES ANNUALLY SHALL APPROPRIATE AT LEAST \$10,000 EACH FOR
17 THE USE OF THE COUNCIL TO FOSTER COOPERATIVE PLANNING AND DEVELOPMENT
18 IN THE REGION.

19 (4) 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 Tri-County
24 Council for the Lower Eastern Shore of Maryland.

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 ye 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.