

**HOUSE BILL 1087**  
**EMERGENCY BILL**

Unofficial Copy  
L6

2001 Regular Session  
11r2148  
CF 11r2720

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By: **Eastern Shore Delegation**

Introduced and read first time: February 9, 2001

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

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 Somerset, Wicomico, and Worcester counties to facilitate regional planning  
7 and development in the region where the counties are located; providing for the  
8 function and dissolution of the Council; providing for the membership of the  
9 Council; providing for the terms of the members of the Council; prohibiting a  
10 member of the Council from receiving compensation; providing for the powers  
11 and functions of the Council; requiring the members of the Council to elect a  
12 chairperson from among the members of the Council; authorizing the Council to  
13 adopt bylaws, rules, and regulations; providing funding for the Council from the  
14 State budget and the local governments representing the Council; defining  
15 certain terms; making this Act an emergency measure; and generally relating to  
16 the Tri-County Council of the Lower Eastern Shore.

17 BY adding

18 New Article 20B - Tri-County Council for the Lower Eastern Shore of Maryland  
19 Section 1-101 through 3-103  
20 Annotated Code of Maryland  
21 (1998 Replacement Volume and 2000 Supplement)

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

24 **ARTICLE 20B - TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF**  
25 **MARYLAND**

26 TITLE 1. GENERAL PROVISIONS.

27 1-101.

28 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS  
29 INDICATED.

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

3 (C) "COMMISSIONERS" MEANS THE COUNTY COMMISSIONERS OF SOMERSET  
4 AND WORCESTER COUNTIES.

5 (D) "COUNCIL MEMBER" MEANS THE COUNTY COUNCIL MEMBERS OF  
6 WICOMICO COUNTY.

7 (E) "COUNCIL" MEANS THE TRI-COUNTY COUNCIL FOR THE LOWER EASTERN  
8 SHORE OF MARYLAND.

9 (F) "REGION" MEANS THE AREA THAT INCLUDES ALL OF SOMERSET,  
10 WICOMICO, AND WORCESTER COUNTIES.

11 1-102.

12 (A) THE TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF  
13 MARYLAND IS A REGIONAL PLANNING AND DEVELOPMENT AGENCY FOR THE  
14 TRI-COUNTY AREA.

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

17 1-103.

18 (A) (1) THE COUNCIL IS A TAX-EXEMPT PUBLIC BODY CORPORATE AND  
19 POLITIC WHICH OPERATES AS A COOPERATIVE PLANNING AND DEVELOPMENT  
20 AGENCY IN THE REGION TO FOSTER THE PHYSICAL, ECONOMIC, AND SOCIAL  
21 DEVELOPMENT OF THE REGION AND UTILIZES EFFECTIVELY THE ASSISTANCE  
22 PROVIDED BY THE STATE.

23 (2) THE COUNCIL INITIATES AND COORDINATES PLANS AND PROJECTS  
24 FOR THE DEVELOPMENT OF HUMAN AND ECONOMIC RESOURCES OF THE LOWER  
25 EASTERN SHORE OF MARYLAND REGION AS A LOWER EASTERN SHORE OF  
26 MARYLAND PLANNING AND DEVELOPMENT AGENCY.

27 (B) (1) ON THE DISSOLUTION OF THE COUNCIL, THE COUNCIL, AFTER  
28 PAYING OR MAKING PROVISION FOR THE PAYMENT OF ALL OF THE LIABILITIES OF  
29 THE COUNCIL, SHALL DISPOSE OF ALL OF THE ASSETS OF THE COUNCIL  
30 EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL IN THE MANNER, OR TO AN  
31 ORGANIZATION ORGANIZED AND OPERATED EXCLUSIVELY FOR CHARITABLE,  
32 EDUCATIONAL, RELIGIOUS, OR SCIENTIFIC PURPOSES THAT QUALIFIES AS AN  
33 EXEMPT ORGANIZATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE, AS  
34 THE COUNCIL DETERMINES.

35 (2) THE ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE  
36 CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE  
37 COUNCIL IS LOCATED, EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL OR TO AN

1 ORGANIZATION, THAT THE COURT DETERMINES, WHICH ARE ORGANIZED AND  
2 OPERATED EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL.

3 1-104.

4 (A) THE COUNCIL SHALL COOPERATE WITH STATE AND LOCAL DEPARTMENTS  
5 AND AGENCIES THAT HAVE RELEVANT STATUTORY FUNCTIONS AND  
6 RESPONSIBILITIES.

7 1-105.

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

9 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE ATTORNEY  
10 GENERAL OF MARYLAND SHALL SERVE AS THE LEGAL ADVISOR TO THE COUNCIL IN  
11 ALL MATTERS PERTAINING TO THE COUNCIL'S ACTIVITIES.

12 1-106.

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

15 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

16 SUBTITLE 1. MEMBERSHIP.

17 2-101.

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

19 (1) FIVE COUNTY COMMISSIONERS OF SOMERSET COUNTY AS VOTING  
20 MEMBERS;

21 (2) FIVE COUNTY COMMISSIONERS OF WORCESTER COUNTY AS VOTING  
22 MEMBERS;

23 (3) FIVE COUNTY COUNCIL MEMBERS OF WICOMICO COUNTY AS VOTING  
24 MEMBERS;

25 (4) (I) THREE MUNICIPAL ELECTED OFFICIALS, ONE FROM EACH  
26 COUNTY, APPOINTED BY THEIR RESPECTIVE MUNICIPAL CORPORATIONS AS VOTING  
27 MEMBERS; OR

28 (II) IF THE MUNICIPAL CORPORATIONS LOCATED WITHIN A  
29 COUNTY ARE UNABLE TO CHOOSE A MUNICIPAL ELECTED OFFICIAL WITHIN A  
30 REASONABLE PERIOD OF TIME, THE EASTERN SHORE MUNICIPAL ASSOCIATION  
31 SHALL APPOINT AN ELECTED MUNICIPAL OFFICIAL TO REPRESENT THE MUNICIPAL  
32 CORPORATIONS OF THAT COUNTY;

1 (5) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION  
2 WHO HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS VOTING  
3 EX OFFICIO MEMBERS;

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

7 (7) OTHER MEMBERS OF SOMERSET AND WORCESTER COUNTY  
8 COMMISSIONERS AND THE WICOMICO COUNTY COUNCIL AS EX OFFICIO NONVOTING  
9 MEMBERS.

10 (B) (1) A COUNCIL COMMISSIONER OR ADMINISTRATOR OF A COUNTY  
11 LISTED UNDER SUBSECTION (A)(1) AND (2) OF THIS SECTION MAY VOTE BY PROXY  
12 FOR ANOTHER COUNCIL MEMBER WHO IS ABSENT FROM A MEETING IF THE OTHER  
13 COUNCIL MEMBER REPRESENTS THE SAME COUNTY GOVERNING BODY.

14 (2) A COUNCIL MEMBER LISTED UNDER SUBSECTION (A)(1) OF THIS  
15 SECTION SHALL INFORM THE COUNCIL DIRECTOR IN ADVANCE OF WHICH OTHER  
16 COUNCIL MEMBER MAY CAST A PROXY VOTE ON BEHALF OF THE COUNCIL MEMBER  
17 WHEN PRESENT UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION.

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

20 2-102.

21 A MEMBER WHO HOLDS MEMBERSHIP BY VIRTUE OF THE MEMBER'S ELECTED  
22 POSITION HOLDS OFFICE ONLY DURING THE MEMBER'S TERM OF OFFICE.

23 2-103.

24 VACANCIES ON THE COUNCIL SHALL BE FILLED FOR THE DURATION OF THE  
25 UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR THE ORIGINAL  
26 APPOINTMENT.

27 2-104.

28 MEMBERS OF THE COUNCIL SERVE WITHOUT COMPENSATION.

29 2-105.

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

31 SUBTITLE 2. BYLAWS.

32 2-201.

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

## SUBTITLE 3. FINANCING.

2 2-301.

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

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

10 (II) THE DEPARTMENT OF BUSINESS AND ECONOMIC  
11 DEVELOPMENT SHALL FORWARD THE COUNCIL'S PLAN TO THE DEPARTMENT OF  
12 BUDGET AND MANAGEMENT FOR CONSIDERATION.

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

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

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

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

25 (4) OTHER POLITICAL SUBDIVISIONS OR SPECIAL TAXING DISTRICTS  
26 MAY APPROPRIATE MONEY THAT IS NECESSARY AND APPROPRIATE FOR THE  
27 COUNCIL.

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