

HOUSE BILL 1087
EMERGENCY BILL

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L6

2001 Regular Session
11r2148
CF 11r2720

By: Eastern Shore Delegation

Introduced and read first time: February 9, 2001

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2001

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; providing for the powers and functions of the Council; requiring
13 the members of the Council to elect a chairperson from among the members of
14 the Council; authorizing the Council to adopt bylaws, rules, and regulations;
15 providing funding for the Council from the State budget and the local
16 governments representing the Council; defining certain terms; making this Act
17 an emergency measure; providing for the construction of this Act; and generally
18 relating to the Tri-County Council of the Lower Eastern Shore.

19 BY adding

20 New Article 20B - Tri-County Council for the Lower Eastern Shore of Maryland
21 Section 1-101 through ~~3-403~~ 2-301
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 2000 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

25 MARYLAND, That the Laws of Maryland read as follows:

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

TITLE 1. GENERAL PROVISIONS.

1-101.

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

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

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

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

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

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

1-102.

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

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

1-103.

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

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

(B) (1) ON THE DISSOLUTION OF THE COUNCIL, THE COUNCIL, AFTER
PAYING OR MAKING PROVISION FOR THE PAYMENT OF ALL OF THE LIABILITIES OF
THE COUNCIL, SHALL DISPOSE OF ALL OF THE ASSETS OF THE COUNCIL

1 EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL IN THE MANNER, OR TO AN
2 ORGANIZATION ORGANIZED AND OPERATED EXCLUSIVELY FOR CHARITABLE,
3 EDUCATIONAL, RELIGIOUS, OR SCIENTIFIC PURPOSES THAT QUALIFIES AS AN
4 EXEMPT ORGANIZATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE, AS
5 THE COUNCIL DETERMINES.

6 (2) THE ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE
7 CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE
8 COUNCIL IS LOCATED, EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL OR TO AN
9 ORGANIZATION, THAT THE COURT DETERMINES, WHICH ARE ORGANIZED AND
10 OPERATED EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL THE INDIVIDUAL
11 COUNTIES.

12 1-104.

13 ~~(A)~~ THE COUNCIL SHALL COOPERATE WITH STATE AND LOCAL DEPARTMENTS
14 AND AGENCIES THAT HAVE RELEVANT STATUTORY FUNCTIONS AND
15 RESPONSIBILITIES.

16 1-105.

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

18 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE ATTORNEY
19 GENERAL OF MARYLAND ~~SHALL~~ MAY SERVE AS THE LEGAL ADVISOR TO THE
20 COUNCIL IN ALL MATTERS PERTAINING TO THE COUNCIL'S ACTIVITIES.

21 1-106.

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

24 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

25 SUBTITLE 1. MEMBERSHIP.

26 2-101.

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

28 (1) FIVE COUNTY COMMISSIONERS OF SOMERSET COUNTY AS VOTING
29 MEMBERS;

30 (2) FIVE COUNTY COMMISSIONERS OF WORCESTER COUNTY AS VOTING
31 MEMBERS;

32 (3) FIVE COUNTY COUNCIL MEMBERS OF WICOMICO COUNTY AS VOTING
33 MEMBERS;

1 (4) (I) THREE MUNICIPAL ELECTED OFFICIALS, ONE FROM EACH
2 COUNTY, APPOINTED BY THEIR RESPECTIVE MUNICIPAL CORPORATIONS AS VOTING
3 MEMBERS; OR

4 (II) IF THE MUNICIPAL CORPORATIONS LOCATED WITHIN A
5 COUNTY ARE UNABLE TO CHOOSE A MUNICIPAL ELECTED OFFICIAL WITHIN A
6 REASONABLE PERIOD OF TIME, THE EASTERN SHORE MUNICIPAL ASSOCIATION
7 SHALL APPOINT AN ELECTED MUNICIPAL OFFICIAL TO REPRESENT THE MUNICIPAL
8 CORPORATIONS OF THAT COUNTY;

9 (5) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
10 WHO HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS VOTING
11 EX OFFICIO MEMBERS;

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

15 (7) OTHER MEMBERS OF SOMERSET AND WORCESTER COUNTY
16 COMMISSIONERS AND THE WICOMICO COUNTY COUNCIL AS EX OFFICIO NONVOTING
17 MEMBERS.

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

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

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

28 2-102.

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

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

33 2-103.

34 VACANCIES ON THE COUNCIL SHALL BE FILLED FOR THE DURATION OF THE
35 UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR THE ORIGINAL
36 APPOINTMENT.

1 2-104.

2 MEMBERS OF THE COUNCIL SERVE WITHOUT COMPENSATION.

3 2-105.

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

5 SUBTITLE 2. BYLAWS.

6 2-201.

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

9 SUBTITLE 3. FINANCING.

10 2-301.

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

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

18 (II) THE DEPARTMENT OF BUSINESS AND ECONOMIC
19 DEVELOPMENT SHALL FORWARD THE COUNCIL'S PLAN TO THE DEPARTMENT OF
20 BUDGET AND MANAGEMENT FOR CONSIDERATION.

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

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

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

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

1 (4) OTHER POLITICAL SUBDIVISIONS OR SPECIAL TAXING DISTRICTS
2 MAY APPROPRIATE MONEY THAT IS NECESSARY AND APPROPRIATE FOR THE
3 COUNCIL.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
5 construed to confer any land use regulation or zoning authority to the Tri-County
6 Council for the Lower Eastern Shore of Maryland.

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