

HOUSE BILL 1088
EMERGENCY BILL

Unofficial Copy
L6

2001 Regular Session
1r2149

By: **Eastern Shore Delegation**

Introduced and read first time: February 9, 2001

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Upper Eastern 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 Regional Council";
5 establishing the Council as an association of local governments from Caroline,
6 Cecil, Dorchester, Kent, Queen Anne's, and Talbot counties to facilitate regional
7 planning and development 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 from receiving compensation; providing for the powers and functions of
11 the Council; providing funding for the Council from the State budget and local
12 governments representing the Council; making this Act an emergency measure;
13 and generally relating to the Upper Eastern Shore Regional Council.

14 BY adding

15 New Article 20C - Upper Eastern Shore Regional Council
16 Section 1-101 through 2-301
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 2000 Supplement)

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

21 **ARTICLE 20C - UPPER EASTERN SHORE REGIONAL COUNCIL**

22 **TITLE 1. GENERAL PROVISIONS.**

23 1-101.

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

26 (B) "AREA" MEANS THE REGIONAL PLANNING AND DEVELOPMENT AREA THAT
27 INCLUDES ALL OR CAROLINE, CECIL, DORCHESTER, KENT, QUEEN ANNE'S, AND
28 TALBOT COUNTIES.

1 (C) "COMMISSIONERS" MEANS THE COUNTY COMMISSIONERS OF CAROLINE,
2 CECIL, DORCHESTER, KENT, QUEEN ANNE'S COUNTIES AND THE COUNTY COUNCIL
3 OF TALBOT COUNTY.

4 (D) "COUNCIL" MEANS UPPER EASTERN SHORE REGIONAL COUNCIL.

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

7 1-102.

8 (A) THE UPPER EASTERN SHORE REGIONAL COUNCIL IS A REGIONAL
9 PLANNING AND DEVELOPMENT AGENCY FOR THE AREA.

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

12 1-103.

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

18 (II) THE COUNCIL INITIATES AND COORDINATES PLANS AND PROJECTS
19 FOR THE DEVELOPMENT OF HUMAN AND ECONOMIC RESOURCES OF THE UPPER
20 EASTERN SHORE REGION AS AN UPPER EASTERN SHORE PLANNING AND
21 DEVELOPMENT AGENCY.

22 (B) (1) ON THE DISSOLUTION OF THE COUNCIL, THE COUNCIL, AFTER
23 PAYING OR PROVIDING FOR THE PAYMENT OF ALL OF THE LIABILITIES OF THE
24 COUNCIL, SHALL DISPOSE OF ALL OF THE ASSETS OF THE COUNCIL EXCLUSIVELY
25 FOR THE PURPOSES OF THE COUNCIL OR TO AN ORGANIZATION ORGANIZED AND
26 OPERATED EXCLUSIVELY FOR CHARITABLE, EDUCATIONAL, RELIGIOUS, OR
27 SCIENTIFIC PURPOSES THAT QUALIFIES AS AN EXEMPT ORGANIZATION UNDER §
28 501(C)(3) OF THE INTERNAL REVENUE CODE, AS THE COUNCIL DETERMINES.

29 (2) THE ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE
30 CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE
31 COUNCIL IS LOCATED, EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL, OR TO AN
32 ORGANIZATION THAT THE COURT DETERMINES TO BE ORGANIZED AND OPERATED
33 EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL.

34 1-104.

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

1 1-105.

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

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

6 1-106.

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

9 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

10 SUBTITLE 1. MEMBERSHIP.

11 2-101.

12 (A) THE MEMBERSHIP OF THE COUNCIL CONSISTS OF THE FOLLOWING
13 MEMBERS FROM CAROLINE, CECIL, DORCHESTER, KENT, QUEEN ANNE'S, AND
14 TALBOT COUNTIES:

15 (1) 18 COUNTY ELECTED OFFICIALS, THREE FROM EACH COUNTY,
16 APPOINTED BY THEIR RESPECTIVE COUNTY GOVERNING BODIES AS VOTING
17 MEMBERS;

18 (2) SIX COUNTY ADMINISTRATORS, ONE FROM EACH COUNTY AS
19 NONVOTING EX OFFICIO MEMBERS;

20 (3) (I) SIX MUNICIPAL ELECTED OFFICIALS, ONE FROM EACH
21 COUNTY, APPOINTED BY THEIR RESPECTIVE MUNICIPAL CORPORATIONS AS VOTING
22 MEMBERS; OR

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

27 (4) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
28 WHO HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS VOTING
29 EX OFFICIO MEMBERS;

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

33 (6) SUCH OTHER COUNTY COMMISSIONERS AS NONVOTING EX OFFICIO
34 MEMBERS.

1 (B) (1) A COUNCIL COMMISSIONER OR ADMINISTRATOR OF A COUNTY
2 LISTED UNDER SUBSECTION (A)(1) AND (2) OF THIS SECTION MAY VOTE BY PROXY ON
3 BEHALF OF AN OTHER COUNCIL MEMBER WHO IS ABSENT FROM A MEETING IF THE
4 OTHER COUNCIL MEMBER REPRESENTS THE SAME COUNTY GOVERNING BODY.

5 (2) A COUNCIL MEMBER LISTED UNDER SUBSECTION (A)(1) OF THIS
6 SECTION SHALL INFORM THE COUNCIL EXECUTIVE DIRECTOR IN ADVANCE OF
7 WHICH OTHER COUNCIL MEMBERS MAY CAST A PROXY VOTE ON BEHALF OF THE
8 COUNCIL MEMBER WHEN ABSENT UNDER THE PROVISIONS OF PARAGRAPH (1) OF
9 THIS SUBSECTION.

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

12 2-102.

13 THE VOTING MEMBERS AND MEMBERS OF THE GENERAL ASSEMBLY WHO HOLD
14 MEMBERSHIP BY VIRTUE OF THEIR ELECTED OR APPOINTED POSITION HOLD OFFICE
15 ONLY DURING THEIR TERM OF OFFICE.

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 PROPOSED OPERATING BUDGET TO THE
6 DEPARTMENT OF BUDGET AND MANAGEMENT FOR CONSIDERATION.

7 (3) THE STATE BUDGET, SUBJECT TO ANNUAL REVIEW BY THE GENERAL
8 ASSEMBLY, SHALL PROVIDE AN APPROPRIATION IN THE FOLLOWING FISCAL YEAR
9 OF AT LEAST \$200,000 FOR 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 CAROLINE, CECIL, DORCHESTER,
12 KENT, QUEEN ANNE'S, AND TALBOT COUNTIES.

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

15 (3) THE GOVERNING BODIES OF CAROLINE, CECIL, DORCHESTER, KENT,
16 QUEEN ANNE'S, AND TALBOT COUNTIES ANNUALLY SHALL APPROPRIATE AT LEAST
17 \$10,000 EACH FOR THE USE OF THE COUNCIL TO FOSTER COOPERATIVE PLANNING
18 AND DEVELOPMENT IN THE REGION.

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

22 (5) OTHER POLITICAL SUBDIVISIONS OR SPECIAL TAXING DISTRICTS
23 MAY APPROPRIATE MONEY THAT IS NECESSARY AND APPROPRIATE FOR THE
24 COUNCIL.

25 SECTION 2. 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.